

Agenda

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 2 June 2021

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 10 June 2021**

Time **10.00 am**

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

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

To: Councillors Councillors
 P Bardon (Chairman) J Noone (Vice-Chairman)
 M A Barningham B Phillips
 D B Elders A Robinson
 Mrs B S Fortune M G Taylor
 B Griffiths A Wake
 K G Hardisty D A Webster

Other Members of the Council for information

Press and public are welcome to attend meetings of Planning Committee. Due to current social distancing restrictions, measures have been implemented which limit the number of attendees able to be physically present in the meeting at any one time. Temporary arrangements are in place for members of the press and public to register their attendance no later than 24 hours in advance of the meeting taking place. Spaces are allocated on a first come first served basis. If you arrive at the Civic Centre to attend the meeting and have not registered in advance a space cannot be guaranteed if there are no vacant seats available. Members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 693 747 178# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Please note that there will be no Member Training

Agenda

Page No

1. Minutes

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To confirm the minutes of the meeting held on 27 May 2021 (P.3 - P.4), 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, 27th May, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor J Noone (in the Chair)

Councillor	D B Elders	Councillor	B Phillips
	Mrs B S Fortune		A Robinson
	B Griffiths		M G Taylor
	K G Hardisty		A Wake

Also in Attendance

Councillor N A Knapton

Apologies for absence were received from Councillors P Bardon, M A Barningham and D A Webster

P.3 Minutes

The Decision:

That the minutes of the meetings of the Committee held on 14 January and 18 May 2021 (P.5 - P.6 and P.1 – P.2), previously circulated, be signed as a correct record.

P.4 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) 20/01963/FUL – Creation of a new detached dwelling at Land North of Appledore, Kirkby Lane Kirkby In Cleveland for Mr and Mrs Andrews

Permission Granted

(The applicant's agent, Steve Hesmondhalgh, spoke in support of the application).

(Mary Frew spoke on behalf of Kirkby-in-Cleveland Parish Council objecting to the application.)

(Peter Hoey spoke objecting to the application.)

The meeting adjourned at 2.24pm and reconvened at 2.32pm

- (2) 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 for Berkeley DeVeer (Easingwold) Ltd and Project Terrier LLP

Permission Granted subject to; the deletion of Condition 26, the amendment of the reason for Condition 27; the amendment of Condition 12 to ensure garages are kept for parking at all times; a requirement for the s106 agreement to include provisions relating to the management of the school car park to ensure it is only used for school staff; and, any further conditions as required to be imposed by officers 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.

(The applicant's agents, Alastair Cliffe and Tom Smith, spoke in support of the application.)

(Frank Johnston-Banks spoke on behalf of Easingwold Town Council in support of the application subject to issues being resolved.)

(Mr Peter Fish spoke objecting to the application.)

Note: Councillor N A Knapton left the meeting at 3.53pm

The meeting adjourned at 3.53pm and reconvened at 4.00pm

- (3) 21/00081/FUL - Retrospective application for an access road off Bagby Lane to provide access to the Airfield at Land to the North of the Airfield for Mr Martin Scott

Permission Granted subject to a condition requiring a child proof fence to be installed along the mutual boundary with the play area within 6 weeks of the date of permission; Condition 2 to be amended to include the colour of the entry gates; Condition 5 to be amended to include wildflower planting.

(The applicant's agent, Jane Beckett, spoke in support of the application).

The meeting closed at 4.45 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 10 June 2021. The meeting will commence at 10am.

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 10 June 2021

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	Morning session: 10:00am	
1	21/00591/FUL Craig Allison Tollerton Page No: 9	Retention and adaption of agricultural building For: Mr & Mrs Coning At: Sowerton Farm, Sykes Lane, Tollerton RECOMMENDATION: APPROVE
2	21/00220/REM A O'Driscoll Aiskew Page No: 17	Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) following outline application 15/01240/OUT for Outline application for housing development. For: Taylor Wimpey At: Wilbert Farm, Sandhill Lane, Aiskew RECOMMENDATION: APPROVE
3	21/00219/MRC A O'Driscoll Aiskew Page No: 31	Application for the variation of condition 2 (approved plans) on previously approved application 20/00497/FUL For: Taylor Wimpey At: Land North East Of Ashgrove, 89 Bedale Road, Aiskew RECOMMENDATION: APPROVE
	Afternoon Session 1:30pm	
4	21/00098/OUT Naomi Waddington Bagby Page No: 42	Application for outline planning permission with some matters reserved (considering access, layout and scale) for the construction of 5no dwellings, garaging and associated infrastructure. (Amended plans received 22 April 2021 and Heritage Statement received 4 May 2021) For: Messrs Keel At: Land West Of Church Hall, Bagby RECOMMENDATION: APPROVE

Item No	Application Ref / Officer / Parish	Proposal / Site Description
5	20/00330/FUL A O'Driscoll Crakehall Page No: 57	Full planning application for the construction of 18no residential dwellings For: Newett Homes At: Land To The North Of Crakehall Water Mill RECOMMENDATION: APPROVE
6	21/00779/FUL Nathan Puckering Great and Little Broughton Page No: 77	Change of use of land for holiday accommodation and the siting of 2 holiday lodges with associated drive area at land to the rear and associated alterations to access For: Mr & Mrs Colin & Donna Donaldson At: 151 High Street, Great Broughton RECOMMENDATION: APPROVE
7	21/00784/OUT John Van Eker Scruton Page No: 85	Application for outline planning permission with all matters reserved for the construction of a single storey dwelling For: Mr William Raine At: Land at Fleetham Lane to Common Lane, Scruton RECOMMENDATION: APPROVE
8	21/01219/APN Nathan Puckering Well Page No: 91	Application to determine if prior approval is required for the proposed construction of a steel portal framed agricultural building for the housing of livestock For: Mr Sam Webster At: Mowbray Hill Farm, Well RECOMMENDATION: Prior Approval Not Required

Parish: Tollerton
Ward: Easingwold
1

Committee Date : 10 June 2021
Officer dealing : Mr Craig Allison
Target Date: 14 June 2021 (EOT Agreed)

21/00591/FUL

Retention and adaption of agricultural building
At: Sowerton Farm, Sykes Lane, Tollerton, North Yorkshire
For: Mr & Mrs Coning

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

1.0 Site, context and proposal

1.1 The site is located to the south of Sykes Lane between Tollerton and the A19 road some 800 metres to the east of Tollerton. The application site is surrounded by open fields with a redundant worm farm and building to the North West.

1.2 Planning permission was granted for the building in question in 2016 under planning reference 16/00141/FUL for "An extension to building for agricultural storage and livestock purposes." The approved scheme amounted to a building of 30 metres by 37 metres in floor space and 5.5 metres to the eaves with the ridge height 8 metres in height to match the adjoining building which is in situ to the north. The planning permission immediately abutted the building on site at its southern gable elevation.

1.3 Subsequently it was evident that the building which was permitted had been constructed at a greater height. The height of the building had been constructed at 8 metres to the eaves and 12 metres to the ridge. The applicant sought retrospective planning permission to retain the building at this height, however this was refused on 29 June 2020, under planning reference 19/00705/FUL.

1.4 The applicant has now submitted a revised scheme for the building and this application seeks planning permission for these changes to the building. The floor space of the building is proposed to remain as originally approved, however the the roof pitch to the whole of the building is proposed to be reduced and the eaves is proposed to remain as it currently sits today. This would reduce the ridge height from 12.7 metres to 10.7 metres with the pitch of the roof reduced by 10 degrees.

2.0 Relevant planning history

2.1 06/02549/FUL – Construction of an agricultural building and associated hard standing – Refused 22 August 2007 for the following reason:

"The proposed agricultural contractors building does not comply with the requirements of Policy EM9 of the Hambleton District Wide Local Plan by virtue of the unjustified location outside any Development Limits or

Safeguarded Employment Areas which is not sustainable and would have an impact on the character and appearance of the countryside.”

- 2.2 07/02068/FUL – Revised application for the construction of an agricultural building and associated hard standing – Approved 28 August 2007
- 2.3 08/01174/FUL – Construction of an agricultural storage building – Approved 23 June 2008
- 2.4 08/01177/FUL – Construction of an agricultural storage building – Approved 23 June 2008
- 2.5 09/01907/FUL – Construction of an agricultural building – Approved 18 September 2009
- 2.6 16/00140/FUL – Proposed extension to existing agricultural livestock building – Approved 21 March 2016
- 2.7 16/00141/FUL – Proposed extension to building for agricultural storage and livestock purposes – Approved 22 March 2016
- 2.8 16/00231/OUT – Application for outline planning permission with all matters reserved for the construction of farm workers dwelling house – Approved 22 April 2016
- 2.9 17/01422/FUL – Construction of 1no farm workers dwelling – Approved 21 August 2017
- 2.10 19/00790/FUL – Change of use of land agriculture to storage (B8) and retention of three aggregate bays and cement silo (retrospective) – Refused 31 May 2019 for the following reasons:

“The change of use of the land to a storage yard for B8 use is located within an area designated as open countryside, and the proposed change of use fails to comply with any of the criteria stated within Policy CP4 of the Core Strategy. It is therefore considered to be contrary to the Council’s Local Plan Policies

The operating of a cement business (B8 use) on agricultural land is considered to be an inappropriate form of development. This type of development is more considered to be appropriate within existing industrial estates not within the open countryside. It is therefore considered to be contrary to Policy DP25 and CP15 of the Council’s Local Plan Policies

The erection of a cement silo is highly visible within the character of the area and is considered to be an incongruous form of development within the open countryside and is therefore considered to be contrary to Policy CP16 and DP30 of the Council’s Local Plan Policies”

- 2.11 19/00705/FUL – Retention of a partially completed agricultural building and construction of an extension to agricultural building – Refused on the 29 June 2020 for the following reasons:

“The agricultural building for which approval is sought is highly visible within the open landscape of the area. The building is a stark form of development within an area which has predominately flat topography and introduces an incongruous, large form out of scale with adjoining buildings or landscape features in the open countryside. It is therefore considered that the development is contrary to Policies CP4, CP16, CP17, DP30 and DP32 of the Council’s Local Plan Policies and the NPPF.”

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 CP4 - Settlement hierarchy
- Core Strategy Policy CP15 – Rural Regeneration
- 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 DP9 - Development outside Development Limits
- Development Policies DP25 – Rural Employment
- 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

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 Tollerton Parish Council – Object to the application stating that the application should be refused as per the reasons for the previous retrospective application submitted last year

4.2 Ministry of Defence – Raise no safeguarding objections to the proposal

4.3 North Yorkshire County Council (Highways Authority) – Raise no objections to the proposal

- 4.4 Kyle & Upper Drainage Board – Have recommended conditions to be imposed if the development increases surface water discharge
- 4.5 Environmental Health – Raise no objections to the application
- 4.6 No comments were received from Yorkshire Water
- 4.7 Public comments – A site notice has been displayed and neighbours consulted. 12 written objections have been received of which the comments are summarised below:
- The applicant has a building more than 50% higher than the original application
 - The logistics of altering the building by removing steel frames, cladding mean that the applicant might as well just build it to the previous agreed height.
 - The height of the eaves of the building has not changed
 - The huge shed is considered to be a blot on the landscape
 - Clarity is required on the wheel wash facility, hardstanding on the access to the site and significant additional planting to the site boundaries
- 4.8 Public Comments – One letter of support has also been received of which the comments are summarised below:
- There are other farm buildings of similar height and scale all within the same flat topography and like all new structure will be considered incongruous, but over time with landscaping it will blend into the countryside
- 5.0 Analysis
- 5.1 The main issues to consider are: (i) the principle of an agricultural building for the storage of grain; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on the amenity of the area.
- 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 As the site is located outside of the settlement boundary of Tollerton, within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating

or compensatory measures to address harmful implications. These relate to where:

- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
- It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
- It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
- It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;
- It would make provision for renewable energy generation, of a scale and design appropriate to its location;
- It would support the social and economic regeneration of rural areas.

5.4 The proposed agricultural building is located on an existing agricultural unit. The building is required for the storage of crop specifically in regard to grain and sugar beet which would be stored within the building. It is therefore considered that the principle of an agricultural building in this location is in accordance with Policy CP4 and DP9 and is acceptable subject to other material planning considerations.

The impact on the character of the surrounding area

- 5.5 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.
- 5.6 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 One of Hambleton's strategic planning objectives set out in the Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.8 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.
- 5.9 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 66 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

“Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.”

- 5.10 The applicant has stated that the reason that the building has been constructed at this height is because of the evolving farm operation and a need to accommodate crop storage within the structure and enable a safe tipping height within the covered area clear of the working yard. In this regard, grain and sugar beet will be brought to site by tractor and trailer and also articulate HGV with associated tipping trailer. Such vehicles already access the site as part of the farming operation. The tipping height of the latter is 9 metres with a trailer boy extending up to 11 metres; hence the greater eaves height to the building; this then provides the appropriate internal roof void clearance above maximum raised tipping height for vehicles reversing into the building.
- 5.11 The proposed reduced height of the building to 10.7 metre would be an increase in height from the approved building by 2.7 metres. This is still higher than that which was originally granted planning permission, however it is considered that lowering the current height and reducing the degree pitch of the roof by 10 degrees would significantly reduce the bulk of the building and would ensure that the development is more akin to the existing buildings on the site and more appropriate in scale. It is considered that reducing the bulk and size of the current building would minimise the impact of the building on the character and appearance of the open countryside to an acceptable level. The proposal is considered to be in accordance with the Council’s Local Plan Policies.

Impact on amenity of the area

- 5.12 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.
- 5.13 The site is situated in an isolated location within the open countryside and it is therefore considered that the proposed alteration to the agricultural building from a working farmstead would not cause any additional impact on neighbouring residential amenity and the proposal is therefore considered to be in accordance with Policy DP1 of the Local Plan.

Planning balance

- 5.14 It is considered that there is a need a need for an agricultural building for the storage of grain due to the size of the business operation, having regard to the agricultural needs of the building and operation. The size of the building as it stands is considered to have a detrimental impact on the character and appearance of the area. However, the proposal for a reduced roof pitch is considered to reduce the bulk and size of the building so that it is more akin with the existing buildings on the site and is of an appropriate scale. Although the eaves height would remain the same it is considered that this is required to allow the building to be functional for its intended use. Therefore it is considered that the revised proposal is in accordance with the Council's Local Plan Policies and the overarching principles of the National Planning Policy Framework.

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 Context Plan (Drawing Number: BS4175-10 Rev C); Proposed Amended Building (Drawing Number: BS4175-15) and Location Plan received by Hambleton District Council on the 9 March 2021; unless otherwise approved in writing by the Local Planning Authority.
2. Within three months of the date of this decision a scheme showing the type, positioning and height of supplementary planting to the boundaries of the site and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The approved planting shall be implemented in accordance with the submitted details.

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 order to assimilate the building into its environment in accordance with Policies CP16, CP17 and DP30.

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Parish: **Aiskew**

Ward: Bedale

2

Committee date: 10 June 2021

Officer dealing: A O'Driscoll

Target date: 28 April 2021

21/00220/REM

Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) following outline application 15/01240/OUT for Outline application for housing development.

At: Wilbert Farm, Sandhill Lane, Aiskew

For: Taylor Wimpey UK Ltd

This application is referred to Planning Committee as the application is a major development.

1.0 Site context and proposal

- 1.1 The site lies on the eastern side of Sandhill Lane, at the northern edge of Aiskew. The site was last used for agricultural purposes as an intensive poultry farm but is now in a poor state of repair. The site also includes two dwellings towards the southern part of the site, which are currently unoccupied. The site extends to approximately 3.74 hectares in area.
- 1.2 Access to the site is currently from Sandhill Lane via the mini roundabout on the main A684 through Aiskew. A public right of way lies along the south western boundary of the application site providing footpath access from Sandhill Lane to Bedale Road (A684).
- 1.3 A reserved matters application was previously approved under application 18/02748/REM. Since the approval this site and the adjacent site off Bedale Road have been acquired by Taylor Wimpey who intend to develop the two sites as a whole.
- 1.4 This is a reserved matters application (to allow for amendments to the layout for the joining of the two sites and change in developer) considering all matters following outline approval under application number 15/01240/OUT. The outline approval was for 105 dwellings with 25% affordable dwellings provided on site. Reserved Matters application 18/02748/REM gained approval for 116 dwellings with 14.6% (17 units) affordable dwellings. This application proposes 111 dwellings with 14.4% (16 units) affordable dwellings provided on site. The outline permission did not stipulate the number of dwellings and as such there is no absolute restriction on the number of units proposed in the Reserved Matters application.
- 1.5 As identified in Section 2.0 below, the majority of the site is allocated for housing development within the Local Development Framework for around 105 dwellings.
- 1.6 During the life of the application amendments were made including the relocation of the play area to a central location, reconfiguration of the layout at the southern boundary and alterations to the layout to remove awkward spaces within plots.

- 2.0 Relevant planning and enforcement history
- 2.1 01/00224/FUL - Layout of land and construction of 22 dwellings and domestic garages and construction of 2 buildings to comprise office accommodation - Refused.
- 2.2 15/01240/OUT - Outline application for up to 105 dwellings with all matters reserved – Granted
- 2.3 18/02748/REM - Application for approval of all reserved matters (access, appearance, landscaping, layout and scale) pursuant to condition 2 of outline approval 15/01240/OUT for the construction of 116 dwellings - Granted

3.0 Relevant policies

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 – Access
 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 CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP17 - Promoting high quality design
 Core Strategy Policy CP18 - Prudent use of natural resources
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Core Strategy Policy CP20 - Design and the reduction of crime
 Development Policies DP1 - Protecting amenity
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP6 - Utilities and infrastructure
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Affordable Housing - Supplementary Planning Guidance - June 2008
 Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
 Development Policies DP33 – Landscaping
 Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
 Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
 Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011
 Allocations Document Policy BH5 - Wilberts Farm, Sandhill Lane, Aiskew adopted 21 December 2010

BH5 - Wilberts farm, Sandhill Lane, Aiskew (3.0ha)

This site is allocated for housing development in Phase 3 (2021-2026), subject to:

- i. development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 105 dwellings (of which a target of 40% should be affordable);
- ii. types and tenure of housing developed meeting the latest evidence on local needs;
- iii. suitable access being gained from Sand Hill Lane;
- iv. provision of landscaping to limit the visual impact on the approach to Aiskew from the north east;
- v. the adjacent remainder of the farm buildings to be cleared and the area landscaped or returned to agricultural use;
- vi. contributions from the developer towards providing footpath and cycleway links to the A684 and the Wensleydale Railway footpath and cycleway route including improvements to Bedale Bridge, public open space and, if required, additional drainage and sewerage infrastructure; and
- vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

National Planning Policy Framework

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 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 Parish Council – The Parish Council queried the repositioning of the playground. They also wished to confirm that they are unwilling to adopt any further playgrounds as they feel that the existing five adequately serves the community.
- 4.2 Highway Authority – No objection subject to conditions
- 4.3 Yorkshire Water – No objection
- 4.4 North Yorkshire Police Designing Out Crime Officer - The overall design & layout of the proposed development is to be commended as it contains many Designing Out Crime principles and reduces the opportunity for crime & Disorder, however, further improvements could be made.
- 4.5 Environmental Health Officer Contaminated Land – No objection
- 4.6 Yorkshire Wildlife Trust – Additional information requested
- 4.7 Ramblers – No objection
- 4.8 Natural England – No Comment

- 4.9 North Yorkshire County Council Heritage - no objection to the current proposal providing the agreed Written Scheme of Investigation is implemented in line with the outline planning condition.
- 4.10 MOD Safeguarding RAF Leeming - No safeguarding objections to this proposal
- 4.11 SABIC – The proposal will not affect the high pressure ethylene pipeline apparatus
- 4.12 Public comments – 12 letters of representation were received raising the following issues:
- Location of play area and concerns over anti social behaviour
 - Scale of dwellings behind properties on Bedale Road
 - Issue of flooding of properties on Bedale Road
 - Impact of proposed footpath on privacy of properties on Bedale Road
 - This development should have a proper mini roundabout
 - Capacity of the local Infrastructure
 - Traffic calming measures required
 - Concern over the number of new houses in Aiskew
 - Increased traffic
 - No facilities for young people leading to anti social behaviour
 - Would like confirmation that access will not be taken from Sandhill Lane
 - The properties should have high level heat insulation and electrical powering to address climate emergency concerns and reduce carbon emissions
 - Need for community facilities such as a community hall and GP

One additional letter of representation welcomed the removal of vehicular access from Sandhill Lane and the addition of drainage and pump station to address flooding.

5.0 Analysis

- 5.1 The principle of the development of this site has been set through the BH5 allocation and the approval of outline planning permission 15/01240/OUT.
- 5.2 The main issues to consider are: i) The variance from the outline approval; ii) Affordable housing; iii) Housing mix; iv) Design and impact on the character of the area; v) Amenity; vi) Drainage; vii) Highways safety; viii) Open Space; ix) Landscaping; x) Biodiversity

Variance from the outline approval

- 5.3 The outline application gave permission for up to 105 dwellings. The current application (as amended) seeks approval for 111 dwellings. As scale was not considered at outline stage, (nor was the total number of units limited) the increase in number of units can be considered at this stage. Case law indicates that unless the outline permission conditionally controls the number of units, there is no absolute limit to the number of units from the outline permission. In addition, a reserved matters application (18/02748/REM) has already been approved for 116 dwellings.

Affordable housing

- 5.4 Policy BH5 states that the site is allocated for housing subject to “development being at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 105 dwellings”. The Policy also states a target of 40% provision of affordable housing, subject to viability testing. Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%. On a development of 111 dwellings this would equate to 33.3 dwellings.
- 5.5 At outline stage the applicant proposed the provision of 25% affordable housing, amended from their original proposal of 20%. An independent viability assessment was carried out and it was found that the site could reasonably support a 28% provision. This was agreed with the applicant and the outline was subsequently approved on this basis.
- 5.6 During consideration of the reserved matters application 18/02748/REM the affordable housing offer was reviewed in light of more detailed viability testing. An independent evaluation was also undertaken. The main issue related to the increased abnormal costs associated with the remediation of the land contaminated by previous use.
- 5.7 An independent assessment was undertaken and it was found that the development could realistically achieve between 17 and 21 affordable units (this would equate to 14-17% based on the original proposal of 120 units). As a final offer the applicant at the time proposed 116 units of which 17 (14.6%) were to be affordable. This was accepted and the application was approved on this basis.
- 5.8 This application proposes 111 dwellings with 16 (14.4%) affordable dwellings provided on site. Given the extensive viability testing previously carried out and the abnormal costs associated with developing the site the proposed affordable housing offer is considered acceptable.

Housing Mix

- 5.9 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. In addition to this 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.
- 5.10 Fig 2. below shows the proposal against the housing mix targets outlined in the Size, Type and tenure SPD. The SHMA indicates that the need for two and three bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone).
- 5.11 Fig 1. Below shows the approved mix under 18/02748/REM. The proposed mix has a greater number of 3 bed dwellings and fewer 4 bed dwellings than that already approved. The SPD target shows that approximately 60% of the development

should be made up of 2 and 3 bedroom dwellings. The proposed scheme provides 63% 2 and 3 bedroom dwellings.

- 5.12 Whilst the SHMA indicates that higher numbers (80+ %) of 2 and 3 bedroom dwellings are needed the proposal must also be considered against the previously approved mix and viability implications. Overall, it is considered that the proposed development has an acceptable mix of house types and sizes.

Fig 1		18/02748/REM	
Type	Target %	Proposal	No. of Units
One Bedroom	10%	0	0
Two Bedroom	35%	31.8%	37
Three Bedroom	25%	26.7%	31
Four Bedroom	10-15%	41.3%	48
Total			116
Two Bedroom Bungalow (also included in two bedroom numbers above)	10%	7.7%	9

Fig 2		21/00220/REM	
Type	Target %	Proposal %	No. of Units
One Bedroom	10%	0	0
Two Bedroom	35%	13.51%	15
Three Bedroom	25%	49.54%	55
Four Bedroom	10-15%	36.93%	41
Total			111
Two Bedroom Bungalow (also included in two bedroom numbers above)	10	8%	9

Design and impact on the

character of the area

- 5.13 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.14 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.15 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.16 Policy E1 of the Emerging Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.

- 5.17 A Design Statement was submitted with the application which details the design rationale for the proposal. The statement identifies that the site is generally relatively flat with some areas of slight undulation. There are no designated public rights of way which pass directly through the site however there is an existing PROW along the south west boundary. Consideration was also given to the need for pedestrian and cycle connectivity between Bedale Road and Sandhill Lane.
- 5.18 The statement provides an overview of the wider area noting the scale, density and layouts of nearby developments. Dwellings on Sandhill Lane are identified as linear in form and set back from the road. A continuation of this style can be seen behind the tree belt at the northern boundary of the site, albeit facing into the site rather than out towards Sandhill Lane. This set back serves to limit the impact of the development when approaching from the North East of Sandhill Lane in accordance with BH5.
- 5.19 The arrangement of built form follows the approved reserved matters layout. Dwellings have been arranged to allow for views out to open space to the north east and have been orientated to provide active street frontages as well as overlooking of Public Open Space.
- 5.20 The design of individual dwellings is mainly drawn from Taylor Wimpey's standard housing range. A 2.5 storey design has been omitted from the scheme based on previous advice that buildings of this scale are generally only found in settlement cores such as Market Place in Bedale.
- 5.21 Overall, it is considered that the design of the development is acceptable and will not have an unacceptable impact on the character of the area.

Amenity

- 5.22 LDF 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.
- 5.23 Emerging Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure:
- a. adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
 - b. the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
 - c. there are no adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character);
 - d. that adverse impacts from the following sources will be made acceptable:
 - i. air pollution;
 - ii. contamination;

- iii. dust;
 - iv. obtrusive light;
 - v. odour;
 - vi. overheating; and
 - vii. water pollution;
- e. adequate and convenient provision is made for the storage and collection of waste and recycling;
- f. that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.

Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.

- 5.24 Where dwellings directly face each other separation distances vary between 17.5m and 25m. Separation distances across the site are considered to be sufficient to maintain the internal privacy of future occupants. All plots are served by a private amenity space which are generally of a good size across the site. As all dwellings are either detached or semi detached rear access is available to all dwellings. Internally all of the dwellings meet or exceed the Nationally Described Space Standards.
- 5.25 At the boundary with the Bedale Road properties the following separation distances are noted:
- Plots 100/101 - 20.22m to 77 bedale Road
 - Plot 99 - 26.49m to 79a Bedale Road
 - Plot 98 - 32.58m to 87 Bedale Road
- Plots 99-101 are shown as bungalow house types.
- 5.26 It is considered that the development will result in a good level of amenity for future occupants and preserve the amenity of neighbouring dwellings.

Drainage

- 5.27 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.28 Emerging Local Plan Policy RM 3 relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 5.29 Condition 7 of the outline permission states that *“Development shall not commence until foul water and surface water drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority”*. A Flood Risk and Drainage Strategy has been submitted in support of the proposal. A single drainage strategy is proposed to serve the application site and the adjacent site fronting Bedale Road.

- 5.30 Foul water will drain to the existing combined sewer. Surface Water will drain to the existing watercourse, located on the eastern extent of the development site. The surface water flow rate will be restricted to a greenfield runoff rate for both sites of 9.74 litres/second. An attenuation tank and dry basin are proposed to cater for 1 in 30 and 1 in 100 year events.
- 5.31 Yorkshire Water have been consulted and have no objections to the scheme. The Lead Local Flood Authority were also consulted and formal comments are awaited. Barring some minor queries and clarifications, however, no material issues have been identified.

Highways safety

- 5.32 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.33 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.34 North Yorkshire County Council Highways Officers were consulted and returned the following comments:
- 5.35 *“The layout is similar to the approved layout prepared by Barratts the previous developer interested in the site. At the time the planning authority approved a scheme for a similar number of dwelling. Therefore the highway authority is comfortable that the development can proceed if approved. The highway authority notes the change to the access for the site. The site is to access onto the Bedale Road by routing vehicles through the approved Taylor Wimpey site on Bedale Road (A6055). It has been demonstrated the new junction has sufficient spare capacity for all traffic to exit from both phases of the development”.*
- 5.36 *“It is noted that grass verges have been shown on the landscaping plans. These will not be adopted by the highway authority and should be managed by a management company or removed.”*
- 5.37 *“A footway should be provided on Sandhill lane which connects to the existing footway network on the northern side of the road. A system of lighting shall be provided. This is to tie up with the link being offered by the developer from the proposed site. The highway authority also wishes to see the introduction of a zebra crossing on the Bedale Road and seeks a contribution to provide this facility to enable residents to cross Bedale Road. The highway authority would look to the developer to prepare working drawings of such a facility.”*

- 5.38 The Highways Officer has also recommended a number of conditions relating to detailed design, pedestrian visibility splays, off site highways works, details of access turning and parking, travel plan delivery and construction management plan.

Open Space

- 5.39 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings. Similarly, Appendix E of the Emerging Local Plan indicates that a play area is required on site.
- 5.40 A Locally Equipped Area for Play (LEAP) was originally proposed on the southern boundary of the site. The applicant indicated that this location was chosen to make the LEAP more accessible to the whole development (including the site fronting Bedale Road). Following local objection, however, that applicant relocated the LEAP to a position closer to that agreed under 18/02748/REM.

Landscaping

- 5.41 Policy DP33 of the LDF states that Landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and: i. creates a visually pleasant, sustainable and biodiversity-rich environment; ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged; iii. protects and enhances key landscape features; iv. creates new features and areas of open space that reflect local landscape character; v. contributes to character, appearance and sense of place; vi. promotes a public realm which is rich in identity, attractive and safe.
- 5.42 An arboricultural assessment and landscaping scheme have been submitted in support of the application. The planting plan shows that 21 large native trees and 30 small street trees are to be planted. Trees to be removed include dead Elms to the western boundary, a croup of Cherry, Sycamore, Maple and Elder to the western boundary which are U category (minimal value/potential) and an Ash tree on the eastern boundary showing signs of die back.
- 5.43 Other planting within the site includes native hedge mixes, shrubs, grass and wildflower mixes.

Biodiversity

- 5.44 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation. Support will be given to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.45 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal

will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.

5.46 Condition 10 of the outline permission states that *“Prior to the development commencing, an Ecological Management Plan detailing measures to protect existing habitats and deliver biodiversity gain shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details”*.

5.47 Yorkshire Wildlife trust were consulted and further information was requested. The principle of development, however, was considered under the Outline application and therefore the Council cannot insist that the information requested be provided. It is considered that the condition cited above is sufficient to ensure that the development is acceptable in terms of biodiversity.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings detailed below unless otherwise approved in writing by the Local Planning Authority:

Planning Layout - 00 REV E received 12.05.2021

House Type - NA20 Ashenford Floorplans - NA20/7/PL1 E received 27.01.2021

House Type - NA20 Ashenford Elevations - NA20/7/PL2 E received 27.01.2021

House Type - NA32 Byford Floorplans - NA32/7/PL1 F received 27.01.2021

House Type - NA32 Byford Elevations - NA32/7/PL2 A received 27.01.2021

House Type - NA42 Huxford Floorplans - NA42/7/PL1 A received 27.01.2021

House Type - NA42 Huxford Elevations - NA42/7/PL2 F received 27.01.2021

House Type - ND40 Coltham Floorplans - ND40/7/PL1 F received 27.01.2021

House Type - ND40 Coltham Elevations - ND40/7/PL 2 E received 27.01.2021

House Type - NT31 Kingdale Floorplans - NT31/7/PL1 F received 27.01.2021

House Type - NT31 Kingdale Elevations - NT31/7/PL2 D received 27.01.2021

House Type - ND42 Kingham Floorplans- ND42/7/PL1 G received 27.01.2021

House Type - ND42 Kingham Elevations - ND42/7/PL2 H received 27.01.2021

House Type - PD30 Amersham Floorplans - PD30/7/PL1 E received 27.01.2021

House Type - PD30 Amersham Elevations - PD30/7/PL2 received 27.01.2021

House Type - B762 Stokesley Floor Plans - ZO21/6/PL1 received 27.01.2021

House Type - B762 Stokesley Elevations - ZO21/6/PL2 received 27.01.2021

Notwithstanding the details of affordable housing as set out in the approved drawings, the percentage of affordable housing shall be no less than set out in the accompanying S106 agreement, subject to the stated overage clause therein, which may result in an additional off-site payment toward affordable housing provision.

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 shall take place on any phase of the road construction works until full detailed engineering drawings of all aspects of road 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. The development shall be carried out in compliance with the approved engineering drawings.

4. 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. 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.
5. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - To provide a footway on Sandhill Lane to connect with the existing footway network. prior to occupation of 50th dwelling on phase 2 of the site.
 - 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 any 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 the scheme have been submitted to and approved in writing by the Local Planning Authority.

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 works on site.

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

6. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: o vehicular, cycle, and pedestrian accesses; o vehicular and cycle parking; o vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and; o loading and unloading arrangements. No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas 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.

7. No part of the development shall 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 shall be maintained clear of any obstruction and retained for their intended purposes at all times.
8. No dwelling shall 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 shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. The development shall 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 shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as any part of the development is occupied.
10. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction and Environmental Management Plan (November 2020) Revision B received by Hambleton District Council on 28.05.2021.
11. Prior to the construction of above ground walling a detailed sustainable energy scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how sustainable energy issues have been addressed by reference to accredited assessment schemes. The sustainable energy scheme shall include an energy use assessment and consider the feasibility of incorporating Combined Heat and Power (CHP) schemes into the development. The scheme shall also show how energy efficient measures will be incorporated into the development which will provide at least 10% of their energy requirements from on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures. The development shall thereafter be carried out in accordance with the approved scheme.
12. Prior to commencement of the development, hereby approved, a scheme for the protection of the retained trees within and surrounding the site, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing. The approved scheme shall be implemented prior to commencement of the development and maintained for the duration of the demolition and constructions phases in accordance with the approved details. Submission and implementation of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

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 LDF Policies CP17 and DP32.
3. To ensure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. In the interests of highway safety.
5. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
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.
9. To establish measures to encourage more sustainable non-car modes of transport.
10. In the interest of public safety and amenity.
11. To ensure compliance with Policy DP34 in relation to Sustainable energy.
12. To ensure that existing trees within and surrounding the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

Parish: Aiskew

Committee date: 10 June 2021

Ward: Bedale

Officer dealing: A O'Driscoll

3

Target date: 28 April 2021

21/00219/MRC

Application for the variation of condition 2 (approved plans) on previously approved application 20/00497/FUL

At: Land North East of Ashgrove, 89 Bedale Road, Aiskew

For: Taylor Wimpey UK Ltd

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

1.0 Site context and proposal

1.1 The application site is located on the north side of Bedale Road and to the north east of the settlement of Aiskew. This site measures approximately 3.27ha and was last used for agriculture. There is an existing field access from Bedale Road and the site is otherwise enclosed by hedgerow and clusters of trees. The site is relatively flat with a slight incline up towards the western corner. The site is linked to both Bedale and Leeming Bar by a public footpath. There are no public rights of way within or immediately adjacent to the site.

1.2 The site is a preferred option for 85 homes in the Emerging Local Plan under Policy AIB 1: Northeast of Ashgrove, Aiskew and currently has permission under application 20/00497/FUL.

1.3 This application seeks to vary condition 2 of the above permission in order to vary the approved plans. The amendment is sought as the developer has acquired the adjacent site to the west at Wilbert Farm and wishes to develop the wider site as a whole. The amendments to the layout are to facilitate access through the site to the west and amended drainage provisions. The amended layout has resulted in a reduction in the number of dwellings proposed from 85 to 83.

2.0 Relevant planning and enforcement history

2.1 20/00497/FUL - Construction of 85no. residential dwellings with associated access, parking, landscaping and infrastructure – Granted 23.11.2020

3.0 Relevant planning policies

3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy
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
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP8 - Development Limits
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP32 - General design
Development Policies DP33 - Landscaping

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 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.

AIB1: Northeast of Ashgrove
HG 2: Delivering the Right Type of Homes
HG 3: Affordable Housing Requirements
E 1: Design
E 2: Amenity
E 3: The Natural Environment
CI 2: Transport and Accessibility
RM 3: Surface Water and Drainage Management

4.0 Consultations

- 4.1 Aiskew and Leeming Bar Parish Council – No response received at time of writing
- 4.2 Highway Authority – No objection
- 4.3 Lead Local Flood Authority – Awaiting comments
- 4.4 Yorkshire Water – No objection
- 4.5 North Yorkshire County Council Heritage – No objection as covered by original application
- 4.6 Environmental Health Officer Contaminated Land – No objection
- 4.7 North Yorkshire Police Designing out Crime Officer – No Comments
- 4.8 Public comments – Two letters of representation were received raising the following issues:
 - Loss of trees and hedgerow
 - Impact on biodiversity
 - Lack of green space in the area
 - Poorly designed layout

5.0 Analysis

- 5.1 The principle of development has been established through the earlier approval and as such the issues for consideration in this case relate to the changes to the layout and landscaping and the impact of these alterations on i) affordable housing; ii) housing mix; iii) design and impact on the character of the area; iv) amenity; v) drainage; vi) highways safety; vii) open space; viii) landscaping; ix) heritage matters and x) biodiversity.

Affordable Housing

- 5.2 LDF Policy CP9 states that a housing development of 2 or more dwellings (or sites of 0.1ha or more) outside of Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%.
- 5.3 Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%.
- 5.4 Under application 20/00497/FUL 23 of the 85 units were proposed as affordable housing. This represented a provision of 27% which was considered acceptable in order to achieve the link to the adjacent site at Wilbert Farm
- 5.5 In this case the proposed affordable housing provision remains at 23 units which still equates to 27% ($23/85 = 27.05\%$ $23/83 = 27.71\%$). Given the loss of two 4 bed units from the original scheme and the financial implications of revisions to join the two sites internally, which is a more favourable route, it is considered that the affordable housing offer is acceptable.

Housing mix

- 5.6 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The table below shows the proposal against the housing mix targets outlined in the Size, Type and tenure SPD. In addition to this 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.
- 5.7 The SHMA indicates that the need for 2 and 3 bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). Policy HG2 of the Emerging Local Plan also requires the provision of 10% 2 bedroom bungalows to reflect the needs of the ageing population in the district.
- 5.8 The mix approved under 20/00497/FUL is shown in Fig 1 below. At the time it was considered that the overall mix was acceptable as 72.8% of the dwellings

proposed were 2 and 3 bedroom striking a balance between the SPD and the SHMA . The alterations have resulted in the reduction in the total number of dwellings proposed from 85 to 83. The new mix is shown in Fig2 below.

- 5.9 Although the percentage of 2 and 3 bed units has increased this is the result of the removal of two 4 bed units from the scheme. The mix, therefore is largely unaffected by the amended proposal in real terms.

Fig 1	20/00497/FUL		
Type	Target %	Proposal %	Actual units
One Bedroom	10	0	0
Two Bedroom	35	16.4	14
Three Bedroom	25	56.4	48
Four Bedroom	10-15	27	23
Two Bedroom Bungalow	10	0	0
Total		99.8	85

Fig 2	21/00219/MRC		
Type	Target %	Proposal %	Actual Units
One Bedroom	10	0	0
Two Bedroom	35	16.8	14
Three Bedroom	25	57.8	48
Four Bedroom	10-15	25.3	21
Two Bedroom Bungalow	10	0	0
Total		99.9	83

Design

- 5.10 One of Hambleton’s strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is “To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character.”
- 5.11 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.12 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.13 Policy E1 of the Emerging Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.

- 5.14 The alterations to the layout include extension of the main access road past plot 51 at the western corner through to the edge of the site. At the eastern side of the site the layout of the dwellings has been altered to allow the repositioning of the pumping station and to facilitate the attenuation tank. This drainage area is intended to also serve the adjacent site at Wilbert Farm. The dwellings in this area are now proposed approximately 1.5m further back from Bedale Road when compared to the approved layout and just under 16m back from the eastern boundary.
- 5.15 Overall, it is considered that the alterations are minor and will not have a significant impact on the character of the area in comparison to the approved scheme.

Amenity

- 5.16 LDF 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.
- 5.17 Emerging Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.18 The amendments to the layout maintain adequate separation distances and private amenity spaces.
- 5.19 The Environmental Health Officer has reviewed the updated acoustic survey and is satisfied that the mitigation proposed is adequate to maintain amenity levels.

Drainage

- 5.20 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.21 Emerging Local Plan Policy RM 3 relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 5.22 The supporting text of the Draft Allocation AIB1 states that “parts of the site along the north-eastern boundary and to the south adjacent to Bedale Road are vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary.”
- 5.23 The Lead Local Flood Authority has indicated that overall, apart from some minor issues and clarifications, no material issues have been identified.

Highways Safety

- 5.24 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.25 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.26 North Yorkshire County Council Highways Officers were consulted. Initial comments indicated that there were no objections in principle however some amendments were sought to address concerns raised by the joining of this site to the Wilbert Farm site to the north and associated removal of vehicular access to Sandhill Lane. Minor amendments to the layouts were provided and the Highways Officer is now satisfied that the application can be approved.

Open Space

- 5.27 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings.
- 5.28 Similarly, Appendix E of the Emerging Local Plan indicates that a play area is required on site. An equipped play area was not provided on the approved scheme, however, a contribution (towards the provision and/or improvement of children's and/or young persons' sport and recreation facilities) was secured through a Section 106 agreement.
- 5.29 The agreement contains a clause that makes it enforceable against any Section 73 applications to carry out the development without complying with a condition should the Council consider that the provisions of the agreement are required to make the proposal acceptable. In this case it is considered that the contribution is required and the Section 106 agreement applies.

Landscaping

- 5.30 Policy DP33 of the LDF states that Landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and:
- i. creates a visually pleasant, sustainable and biodiversity-rich environment;
 - ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged;
 - iii. protects and enhances key landscape features;
 - iv. creates new features and areas of open space that reflect local landscape character;
 - v. contributes to character, appearance and sense of place;
 - vi. promotes a public realm which is rich in identity, attractive and safe.

- 5.31 The supporting text of draft allocation AIB 1 of the Emerging Local Plan indicates that existing features should be retained, including hedgerows and mature trees, and boundary features enhanced to screen views of the site from the east.
- 5.32 The main difference between the approved scheme and the current proposal is the removal of hedgerow on the western boundary to facilitate joining the layout to the adjacent site at Wilbert Farm. To compensate for the loss of the hedgerow additional planting has been proposed elsewhere on the site
- 5.33 The area on the eastern side, which was approved as the location for a link road between the two sites, will instead provide a footpath to the Wilbert Farm site with some additional planting.
- 5.34 Whilst the loss of the hedge is regrettable the scale of changes does not significantly alter the scheme and is considered acceptable.

Heritage

- 5.35 North Yorkshire County Council Heritage Services were consulted and responded that the archaeological requirements have already been fulfilled and no further consultation with them is required. There are no harmful impacts on heritage assets in this case.

Biodiversity

- 5.36 Policy DP31 of the LDF states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation. Support will be given to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 5.37 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.38 As part of the previous approval an ecological enhancement and mitigation plan was conditioned. This has been submitted as part of a discharge of conditions application and is considered acceptable. As there is very little difference between the approved development and the proposed in terms of habitat loss (a stretch of hedgerow on the western boundary) it is considered that no further information is required in terms of biodiversity mitigation.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Unless otherwise approved in writing by the Local Planning Authority the permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered and received:

Planning Layout - 000 REV O received 12.05.2021
House Type - NA20 Ashenford Floorplans - NA20/7/PL1 E received 11.05.2020 under application 20/00497/FUL
House Type - NA20 Ashenford Elevations - NA20/7/PL2 E received 11.05.2020 under application 20/00497/FUL
House Type - NA32 Byford Floorplans - NA32/7/PL1 F received 11.05.2020 under application 20/00497/FUL
House Type - NA32 Byford Elevations - NA32/7/PL2 A received 11.05.2020 under application 20/00497/FUL
House Type - NA42 Huxford Floorplans - NA42/7/PL1 F received 11.05.2020 under application 20/00497/FUL
House Type - NA42 Huxford Elevations - NA42/7/PL2 A received 11.05.2020 under application 20/00497/FUL
House Type - NB32 Colton Floorplans- ND40/7/PL1 D received 11.05.2020 under application 20/00497/FUL
House Type - NB32 Colton Elevations- ND40/7/PL2 F received 11.05.2020 under application 20/00497/FUL
House Type - ND40 Coltham Floorplans - NB32/7/PL1 F received 11.05.2020 under application 20/00497/FUL
House Type - ND40 Coltham Elevations - NB32/7/PL2 E received 11.05.2020 under application 20/00497/FUL
House Type - ND42 Kingham Floorplans - ND42/7/PL1 G received 11.05.2020 under application 20/00497/FUL
House Type - ND42 Kingham Elevations - ND42/7/PL2 H received 01.10.2020 under application 20/00497/FUL
House Type - PD30 Amersham Floorplans - PD30/7/PL1 E received 11.05.2020 under application 20/00497/FUL
House Type - PD30 Amersham Elevations - PD30/7/PL2 received 30.09.2020 under application 20/00497/FUL
Single Garage Central Door - MF:SG received 01.10.2020 under application 20/00497/FUL
Single Garage - HG:SG received 01.10.2020 under application 20/00497/FUL
Phase 1 - Boundary Treatment Layout - 01 REV K received 26.05.2021
Boundary Treatment Details - 20329-BTD received 05.03.2020 under application 20/00497/FUL
Planting Plan - Sitewide Layout and Schedules - Drawing No. BR_LP100 REV D received 12.05.2021
Planting Plan Sheet 1 - BR_LP001 REV D received 12.05.2021
Planting Plan Sheet 2 - BR_LP002 REV E received 12.05.2021
Planting Plan Sheet 3 - BR_LP003 REV D received 12.05.2021
Planting Plan Sheet 4 - BR_LP004 REV D received 12.05.2021
Landscaping Management Plan YD2_BR LMR001 - Rev A received 02.10.2020

Proposed Engineering Layout Sheet 1 of 2 D004 Rev 2 received
27.01.2021

Proposed Engineering Layout Sheet 2 of 2 D005 Rev 2 received
27.01.2021

Proposed Drainage Sheet 1 of 2 D208 Rev 2 received 27.01.2021

Proposed Drainage Sheet 2 of 2 D209 Rev 2 received 27.01.2021

3. Unless otherwise approved in writing the development, hereby approved, shall be constructed of the materials detailed on document named Material Sheet (MS:02) received by Hambleton District Council on 28.05.2020.
4. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/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 street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.
5. The development must not be brought into use until the existing access onto BEDALE ROAD has been permanently closed off in accordance with Highway Construction Details numbered D700 Rev 1 received by Hambleton District Council on 09.12.2020 under application number 20/00497/DCN.
6. There must be no access or egress by any vehicles between the highway and the application site at BEDALE ROAD 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. 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.
7. There must be no access or egress by any vehicles between the highway and the application site at BEDALE ROAD 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. 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 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. 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.
11. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction and Environmental Management Plan (November 2020) Revision B received by Hambleton District Council on 28.05.2021.
12. The site shall be developed with separate systems of drainage for foul and surface water.
13. Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the application site until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with drawing numbered Outfall Detail D702 Rev 1 received by Hambleton District Council on 09.12.2020 under application 20/00497/DCN.
14. 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.
15. The development, hereby approved shall be carried out in accordance with the Ecological Mitigation and Enhancement Plan received by Hambleton District Council on 11.02.2021 under application 20/00497/DCN, including in relation to future management of the site. The biodiversity enhancements outlined at 4.5 of the plan shall be implemented prior to the occupation of the development.
16. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation received by Hambleton District Council on 11.05.2021 under application 20/00497/DCN. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

17. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The reasons for the above conditions 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) DP30.
3. 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.
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.
5. 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.
6. In the interests of highway safety.
7. In the interests of highway safety.
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.
9. To establish measures to encourage more sustainable non-car modes of transport.
10. To ensure the retention of adequate and satisfactory provision of offstreet accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity.
11. In the interest of public safety and amenity.

12. In the interest of satisfactory drainage and to avoid pollution of the water environment.
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
14. To ensure that no active nests of breeding birds are present before works commence.
15. To ensure that the development provides satisfactory mitigation and enhancement of habitats and biodiversity.
16. In accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance.
17. 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.

Parish: Bagby
Ward: Bagby & Thorntons

4

Committee date: 10 June 2021
Officer dealing: Naomi Waddington
Target date: 11 March 2021
Date of extension
of time: 14 June 2021

21/00098/OUT

Application for outline planning permission with some matters reserved (considering access, layout and scale) for the construction of 5no dwellings, garaging and associated infrastructure (Amended plans received 22 April 2021 and Heritage Statement received 4 May 2021)

At: Land West Of Church Hall, Bagby, North Yorkshire

For: Messrs Keel

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

1.0 Site, context and proposal

1.1 The application site is located on the north side of Bagby Lane and comprises a field bound by hedge and gate to the south roadside boundary, a hedge to the north boundary, hedging, timber fencing and trees to the west boundary and a mix of timber and post and wire fencing with trees to the eastern boundary. To the west of the site is the residential development of St Marys Close, to the east is a dwelling and former church hall which has planning permission to convert to a dwelling, and then the cemetery to the Grade II listed Church of St Mary which is located to the north east of the site. To the north is a pond which appears to be in land associated with Split Farthing Hall. Residential dwellings are located on the opposite side of Bagby Lane including the Grade II listed Bagby Hall. There is a deep grass verge to the site frontage which accommodates a telephone box, post box, two notice boards, a bench, flowerpots and dog waste bin. Land levels rise gently from the highway and then fall towards the northern boundary.

1.2 Outline planning permission is sought for the construction of five dwellings. The matters for approval at this stage are access, layout and scale. The remaining matters, appearance and landscaping would be for a later consideration. The existing access is proposed to be utilised. The proposed layout is designed to maintain the existing views of the church from the site access. The scale includes 5 dwellings.

1.3 Improvements have been sought to ensure that the proposed housing mix complies with policy requirements resulting in the scheme being amended from the original submission for 4 houses to a revised scheme for 5 dwellings, to minimise any impacts on neighbours and to facilitate an assessment of impacts upon the Grade II listed church.

2.0 Relevant planning history

2.1 None to application site

- 2.2 St Marys Close to the west: -
97/50059/P Construction of 11 dwellings. Approved 10.03.1998 (implemented)
- 2.3 New House to west: -
97/50058/P Construction of detached dwelling. Approved 13.10.1997 (implemented)
- 2.4 Church Hall to east: -
20/00376/FUL Change of use of church hall into dwelling. Approved 28.04.20 (not implemented)
20/02539/MRC Application for variation of conditions 2, 3, 5, 6 for Application Reference Number: 20/00376/FUL by amended drawing 1106104.rev A received 11th November 2020. Approved 04.03.2021 (not implemented)
- 2.5 School House to east: -
13/01976/FUL Two storey extension and portico to existing dwelling and change of use of agricultural land to domestic. Approved 06.11.2013 (implemented)
- 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 policies are:
- 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
 - 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 DP9 - Development outside Development Limits
 - Development Policies DP10 - Form and character of settlements
 - Development Policies DP28 - Conservation
 - 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

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

Original consultation for 4 dwellings

4.1 Bagby and Balk Parish Council - No objections with comments summarised below: -

- Disappointed that the application is on the only piece of green land left in the village
- The four proposed dwellings are too close to existing houses

4.2 Highway Authority – Recommend conditions in relation to the discharge of surface water, details of the altered access and verge crossing, details of the access turning and parking, and submission of a construction phase management plan

4.3 Environmental Health (contaminated land) – No objections

4.4 Yorkshire Water - Recommend conditions requiring the site to be developed with separate systems of drainage for foul and surface water on and off site, and the submission of details of surface water disposal. Comment that it is noted that there is a public foul sewer that crosses the site and the presence of this infrastructure shall be taken into account in the design of the scheme however given its location Yorkshire Water would look for this matter to be controlled by Building Regulations.

4.5 Environmental Health - No response received

4.6 SPAB - No response received

4.7 Yorkshire Wildlife Trust - No response received

4.8 Public comments - A site notice has been displayed and neighbours consulted. Six representations of objection from three authors have been received, one representation is received neither supporting or objecting and one letter of support has been, summarised as follows: -

Objection: -

- site and scale wholly unsuitable for the village
- no benefit to the current inhabitants of the village.
- linear village requires a focal point of green space in its heart
- view of the church and churchyard across the field will be destroyed
- village has no services apart from one public house
- a shop or village hall might justify further dwellings.

- increased traffic congestion and noise and exhaust pollution
- peace of the cemetery will be disrupted
- requirement for affordable housing
- Reduce the scale to two modest sized homes
- Resist any cheap larch-lap fencing
- A six feet tall, brick wall is required to retain the privacy of those already resident.
- Is the field agreed as an expansion to cemetery?
- Loss of views from dwellings on St Marys Court
- Loss of open space
- Loss of character as quiet rural village
- Village becoming built up and congested
- church and graveyard will be hemmed in by houses
- Drainage issues with more hardstanding
- increasing the on-site run off rate will cause an increased likelihood of flooding and damage to adjoining property.
- Increased traffic on narrow roads
- congestion with parked cars
- further development has more negative impacts than benefits
- children have to be driven to school
- loss of privacy
- Proximity to graves where peace and quiet required to pay respects
- Encroachment on consecrated land
- trees and hedges will not shield a large property
- bungalows more in-keeping
- Existing field drain and adjacent lake continually wet.
- development should factor in flood events
- Plot 4 looks squeezed in
- Siting of the detached garage blocks out of keeping
- site looks to be over developed

Neither supporting or objecting: -

- Clarification required regarding drainage
- Land is higher than adjacent dwelling
- Concern regarding flooding into adjacent property

Support: -

- Very well thought out plan.
- Not too over-developed.

Revised consultation for 5 dwellings

4.9 Bagby and Balk Parish Council – No response received

4.10 Highway Authority - Comments that this does not change the original recommendation

4.11 Environmental Health (contaminated land) – No additional comments to make on this proposal.

- 4.12 Yorkshire Water - No comments are required on the revised drawing and the comments and conditions in Yorkshire Water's letter dated 5.02.21 apply
- 4.13 Environmental Health - No objections
- 4.14 SPAB - No response received
- 4.15 Yorkshire Wildlife Trust - No response received
- 4.16 Public comments - neighbours have been reconsulted. Four further representations of objection have received from one author, summarised as follows: -

Objection: -

- proposed houses are in very close proximity to the existing houses and could be avoided, considering the large open space on the other side of the development.
- increased traffic
- drainage/flooding affecting my property
- author of support does not live in Bagby
- original plans were to enhance and widen the small green area of public space by removing hedge
- amended plans show the hedge retained so no enhancement for the village
- amended plans shows gateway defining private entrance, so villagers not encouraged to enter the area
- scheme creates a private gated community
- Views are removed from existing dwellings and given to new dwellings
- Plot 1 is situated further forward than New House putting New House in shadow and will be visible from windows

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) the impact on the character of the surrounding area, including the character and appearance of the village; (iii) housing size, type and tenure; (iv) residential amenity; (v) highway safety; (vi) flood risk and drainage; (vii) Impact on heritage assets and (viii) effect on trees/hedges and biodiversity.

The principle of development

- 5.2 The site is outside of development limits as is defined within policy CP4 of the Core Strategy. Policy DP9 states that development will only be granted for development "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be 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 March 2012. Paragraph 55 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".

- 5.3 To ensure appropriate consistent interpretation of the NPPF alongside policies CP4 and DP9, on 7 April 2015 the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to residential development within villages. The IPG has brought in some changes and details how Hambleton District Council will now consider development in and around smaller settlements and has included an updated Settlement Hierarchy.
- 5.4 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."
- 5.5 In the settlement hierarchy contained within the IPG, Bagby is defined as a Secondary Village. To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village or villages nearby. Bagby is considered to be a sustainable community where the principle of development under the IPG will be supported and therefore the proposed development satisfies criterion 1.
- Impact of the proposed dwelling on the character and appearance of the village and the rural landscape
- 5.6 In order to draw support from the Council's adopted Interim Policy Guidance (IPG) proposals must be small in scale and provide a natural infill or extension to an existing settlement and also conform to other relevant Local Development Framework Policies. Paragraph 170 of the NPPF requires decisions to, amongst other considerations, to recognise the intrinsic character and beauty of the countryside. The proposal relates to 5 dwellings, the IPG defines small scale as up to 5 dwellings and therefore the proposal satisfies the first part of criteria 2. The second part of criterion 2, part of criterion 3 and criterion 4 together require the proposal to reflect the existing built form of the village, not to harm the natural and built environment, nor the open character or appearance of the surrounding countryside.
- 5.7 Within the IPG small scale development adjacent to the main built form of a settlement will be supported where it results in incremental and organic growth and provides a natural infill or extension to a settlement. The following detailed advice

within the IPG is considered to be relevant, "Proposals will be assessed for their impact on the form and character of a settlement. Consideration should be given to the built form of a settlement, its historical evolution and its logical future growth and how the proposal relates to this"..... "Small gaps between buildings should be retained where these provide important glimpses to open countryside beyond and contributes to the character and appearance of the area" "Any detrimental impact on the character, appearance and environmental quality of the surrounding area should be avoided and development should not compromise the open and rural character of the countryside."

5.8 Bagby includes a variety of house types and ages and is characterised predominantly by linear development along the main street of Bagby Lane which runs south west – north east. There are however several roads to the north west where more in-depth development has taken place, including Sandown Close, St Marys Close, Church Lane, and an unnamed lane. It is considered that the proposal would complement the built form of the settlement adjacent the principal highways off the main street and would not be at odds with the established local character. Furthermore, the site is flanked by built form to front south, west and partially to the east side and has a good relationship with existing built form. The site is a small gap between buildings however views are restricted by the hedge and by views of the church and other existing built form rather than views of open countryside. The layout is designed to ensure views of the church remain through gap in the hedge and shows an open grassland area to the east of the site to protect the views of the church. The development of the site is not considered to have a harmful impact on the character and appearance of the village and the rural landscape.

5.9 In regard to the management of the retained open space east of the private access road to protect the views of the church, the initial submission showed the removal of the front hedge and the land used as an extension to the existing village communal space to the front of the hedge. The case officer requested that the hedge be retained in the interests of the character of the street scene and biodiversity and the subsequent revised plan showed the land as grassland. Following discussions with the agent regarding how the land would be managed, the land has been removed from the red line indicating the application site, retained as agricultural land. This will retain the open character of this part of the site and retain views from the existing gateway towards the church

Housing size, type and tenure

5.10 The revised proposal includes a block plan 1 x 3 bed dormer bungalow, 1 x 2 bed house, 1 x 3 bed house and 2 x 4 bed houses. The proposal therefore provides a mixture of dwellings in terms of sizes, types and number of bedrooms, complying with the adopted Policy CP8, DP13 and the Size, Type and Tenure of New Homes Supplementary Planning Document.

Residential amenity

5.11 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.

- 5.12 The submitted layout shows plots 1-4 positioned close to the western to boundary of the site in order to retain the view of the church from the main street. Proposed plot 1 is located to the side of New House which has a blank gable with the exception of a first floor ensuite bathroom which is not classified as habitable room. Proposed plot 1 is approximately 3m to the east and 1.4m further forward than New House, however the siting of Plot 1 does not exceed the 45 degree code. Plots 2/3 are located adjacent to the side gable of 4 St Marys Close which is a blank gable. 4 St Marys Close also has a deep porch and there was some concern the siting of plots 2/3 may have enclosing, overbearing and overshadowing impacts impact upon the outlook from its lounge window. These plots have been resited slightly further south and plots 2/3 are no longer considered to have a harmful impact upon No 4 St Marys Close. Proposed plot 4 is located to the side of 6 St Marys Close which has a blank gable with the exception of a first floor ensuite bathroom which is not classified as habitable room. These proposed dwellings are considered to be an acceptable distance from the side gables of the existing adjacent dwellings. Proposed plot 5 is located at the north of the site. There is a separation distance in excess of 21m from its rear elevation and that of 11 St Marys Close. Given the above consideration the proposal is not considered to result in material harm to existing levels of privacy and residential amenity afforded to neighbours. Concerns have been raised regarding loss of view; however, a view is not a planning matter for consideration.
- 5.13 Regard must also be had to the level of residential amenity likely to be afforded for future occupants of the proposed dwellings. Back to back distances between plots 1 and 2/3 range from approximately 18.5m to 20.4m and the front to front distance between plots 2/3 and 4 is approximately 20m. Whilst these distances fall short of the usually accepted distance of 21m, the distances exceed those between existing properties on St Marys Close and are compatible with the local grain. Occupants of the proposed dwellings would be afforded an acceptable amenity level.
- 5.14 It is considered that the layout of the site and the density of development proposed and the separation distances to adjacent residential property would not lead to an erosion of residential amenity.

Highway safety

- 5.15 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. Policy DP4 requires development proposals to be safe and ensure high standards of access for all. The Highway Authority has raised no objection to the proposal in this respect and has suggested conditions. There is no evidence to suggest that the development would cause harm to highway safety.

Flood risk and drainage

- 5.16 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.17 Foul drainage would be disposed of via the mains and surface water via a soakaway. The exact details of which can be agreed by planning condition. There

is no evidence to suggest that the demands on the infrastructure of the village arising from the development (in respect of drainage or any other matter) would be so great that the infrastructure would be unable to cope with the additional development or cause harm to the amenity of the village.

Heritage assets

- 5.18 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.
- 5.19 The National Planning Policy Framework at paras 189, 190 and 192 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.20 Policy CP1 seeks to support proposals which protect and enhance the distinctiveness, character, townscape and setting of settlements, and the historic and cultural features of acknowledged importance, stating proposals which harm the built environment will not be permitted. Core Strategy Policy CP16 supports development which preserves and enhances man made assets, and states development will not be supported which has a detrimental impact on manmade assets or is contrary to the necessary control of development within nationally or locally designated areas. Policy CP17 requires high quality design respecting and enhancing the local context and historic environment. Policy DP28 requires the conservation of the historic heritage and enhancement of conservation areas, and states permission will be granted where consistent with the conservation of this feature and refused where it prejudices the restoration of the feature. Policy DP32 requires good design, development must respect the historic context of the site, take account of local character, paying due regard to traditional design and forms of construction, and avoiding the use of inappropriate details.
- 5.21 The application is submitted with a Heritage Statement. There are two Grade II listed buildings in close proximity to the application site, namely the Church of St Mary and Bagby Hall. The church is located to the north of the application site, and glimpses of the church are available from the existing roadside gateway of the application site, which make a contribution to the setting of the church. Bagby Hall is located on the opposite side of the road from the application site, is one of the oldest extant properties in the village and is screened by mature screening to the roadside boundary. The application site makes a negligible contribution to the setting of the Hall.
- 5.22 The Heritage Statement finds the archeological, historic, architectural and artistic interest of the church to be greater than the significance derived from the contribution of its setting, and comments the church was designed to be viewed front two angles, from the east prior to its redesign and from the south along the lane leading north from the main street, east of the village hall, which provides a progression of views. Glimpses from the application site are said to be probably more fortuitous than intentional to the 1862 design, and do make a contribution to the setting of the church providing a taster of the unusual architectural treatment of

the building, prior to the viewer moving closer along the intended approach route. The glimpsed views of the church from the road are considered to be a minor contributory aspect of the significance of the building. Notwithstanding this the glimpsed view of the church is retained as proposed layout is designed with the houses located to the western section of the site rather than the full width of the site.

- 5.23 With regard to Bagby Hall Heritage Statement states the only aspect of the significance of Bagby Hall which could potentially be impacted upon by the proposed development are those parts of its setting which are reliant on views to the north. The majority of the building's significance is tied into its historic and architectural interest, and the front elevation, facing the proposed development site is heavily screened with mature tree planting.
- 5.24 Overall the Heritage Statement concludes the proposed development will result in an overall neutral impact on the significance of the key nearby listed buildings, specifically the Church of St Mary and Bagby Hall. Considering the various contributory aspects of the significance of both these structures, the only elements which could be impacted upon are parts of their respective settings. The design of the proposed development has consciously preserved those elements. On assessment of the application the proposal is not considered to result in harm to the significance of a designated heritage assets.

Effect on biodiversity

- 5.25 Policy CP16 seeks to preserve natural assets, policy DP30 seeks to protect the character and appearance of the countryside, and DP31 seeks to protect natural resources including biodiversity and nature conservation. Paragraph 170 of The National Planning Policy Framework states "planning policies and decisions should contribute to and enhance the natural and local environment by... (d) minimising impacts on and providing net gains for biodiversity". Paragraph 175 of the requires developments to avoid significant harm to biodiversity.
- 5.26 The original submission showed the roadside hedge to be removed. Though overgrown and not managed, this hedge contributes the character of the street scene and biodiversity. Revised plans show the hedge retained, although there will be a slight widening of the entrance gate. The reserved matters application will consider future landscaping to improve biodiversity opportunities.

Planning Balance

- 5.27 The proposal would create five homes in a sustainable location, without causing harm to the appearance of the settlement, or to highway safety, residential amenity capacity of local infrastructure, or the significance of listed buildings. The proposal is considered to comply with the policies of the Local Development Framework and the interim Policy Guidance. The scheme is found to result in social gains through the provision of new housing, the economic impact through the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be acceptable. There are no other material considerations would preclude a grant of planning permission. Overall, the scheme is found to be acceptable.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site including measures to ensure the retained view of the church is not obstructed.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing number 3864/PD/02 C received by Hambleton District Council on 26 May 2021 showing the access, layout, scale and housing mix of the proposed development, unless otherwise approved in writing by the Local Planning Authority.
4. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
5. No above ground construction work shall be undertaken until details and samples of the materials to be used in the construction of the external surfaces of the development 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.
6. Prior to the construction or alteration of above ground external surfaces commencing, details of the materials and cross section of the window frames and glazing bars, together with details of the method of construction and opening mechanism and opening movement of all windows shall be submitted to and approved in writing by the Local Planning Authority. Following such written approval, all installed windows shall conform to that approved specification
7. This decision grants permission for no more than 5 dwellings. The size of each dwelling in the reserved matters submission shall meet the size requirements as expressed in the Nationally Described Space Standards.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. 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.
10. There must 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 highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority . The works shall be implemented in accordance with the approved details and programme.
11. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:
- i)The crossing of the highway verge and footway must be constructed as a dropped kerb crossing in accordance with Standard Detail number E50.
 - ii)Any gates or barriers must be erected a minimum distance of 5 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - iii)The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

12. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- i) vehicular and pedestrian accesses
 - ii) vehicular parking
 - iii) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development must be brought into use until the vehicle access, parking and turning areas 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.

13. 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:
- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
 - ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - iii) the parking of contractors' site vehicles;

- iv) areas for storage of plant and materials used in constructing the development clear of the highway;
- v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

14. All new areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property

15. Except where affected by access arrangements all existing boundary hedges and trees within and adjacent to the application site shall be retained, and shall not be cut down, uprooted or destroyed, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with the British Standard 3998 (Tree Work). If any retained tree or hedge is removed, uprooted or destroyed or dies, a replacement tree or hedge shall be planted at the same place, size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

16. Notwithstanding the proposals detailed in the application no development shall commence until an Arboricultural Method Statement and Tree and Hedge Protection Plan is approved in writing by the Local Planning Authority for trees and hedging within and adjacent to the application site. This must be in close accordance with: (a) BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations; and (b) NJUG Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2) - Operatives Handbook 19th November 2007. Any such scheme agreed in writing by the Local Planning Authority shall be implemented prior to any equipment, machinery or materials being brought to site for use in the development and be maintained until all the equipment, machinery or surplus materials connected with the development have been removed from the site.

The reasons are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order that the development does not exceed that set out in this outline approval, is undertaken in a form that is appropriate to the character and appearance of its surroundings in accordance with the Hambleton Development Plan Policies DP1 and CP17, and that the development meets local needs in terms of the size and type of dwellings in accordance with Hambleton Local Development Framework Policy DP13, and the Size, Type and Tenure SPD.
4. To ensure that the development is appropriate in terms of townscape and landscape impact in accordance with Local Development Framework Policies CP1, CP4, CP16, DP30 and DP32.

5. 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.
6. 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.
7. To ensure that the development meets the Nationally Described Space Standards and the
8. In the interest of satisfactory and sustainable drainage
9. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
10. In the interests of highway safety.
11. 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
12. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
13. In the interest of public safety and amenity
14. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
15. The trees and hedges are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16.
16. To protect the all existing trees and hedges on and immediately adjacent to the site that the Local Planning Authority consider provide important amenity value in the locality.

Parish: Crakehall

Ward: Bedale

5

Committee date: 10 June 2021

Officer dealing: A O'Driscoll

Target date: 19 May 2021

20/00330/FUL

Full planning application for the construction of 18no residential dwellings as per amended by drawings received by Hambleton District Council on 15th February 2020 and 28th April 2021

At: Land to the north Of Crakehall Water Mill, Hackforth Road

For: Newett Homes

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

1.0 Site context and proposal

- 1.1 The application site lies to the south of Green Gate Lane, east of Hackforth Road and to the north of Crakehall Water Mill, a Grade II listed building. The site is currently green field and bounded to the north, west and south by hedgerow and intermittent trees. The Crakehall Conservation Area starts at the southern boundary and does not, therefore, include this site. A public right of way runs adjacent to, but also not within, the site joining Crakehall Water Mill to Green Gate Lane. To the north and east of the site is open countryside.
- 1.2 The character of the immediate area is influenced by relatively modern development dating from the 1960s, 1970s and 1980s which infilled the land to the west between Hackforth Road and the edge of the historic core of Little Crakehall at Mastil lane. The majority of road-fronting development on the west side of Hackforth Road is single storey with two storey dwellings located at the northern edge of the settlement on Coronation Road.
- 1.3 Immediately adjacent, to the west is a modern development which formed part of the LDF allocations under BH7. This development is complete and occupied. The site lies outside of but immediately adjacent to the Crakehall Development limits. The site is included in the Emerging Local Plan as a draft allocation for 18 homes under policy CRK 1. The application site is slightly smaller than the allocation area as a strip of land to the south boundary of the site has changed ownership for the purposes of providing a landscaped buffer. Following comments from Historic England a modification is proposed to the text of the allocation to include an area of open space to the south and landscape buffer to mitigate the impact on adjacent designated heritage assets. The site was discussed at the Examination in Public on 04/11/2020.
- 1.4 The application is for 18 dwellings (reduced from 21) with access taken from Hackforth Road through the Cringlefields development to the west. The proposal includes a mix of 2,3 and 4 bedroom dwellings of which 5 (reduced from 6) are offered as affordable housing (28%).

- 1.5 During the life of the application and in response to the proposed modification to the draft allocation policy the layout was amended to reduce the built form to the south of the site. A single dwelling and an area of public open space is now proposed. In addition the strip of land to the south which has changed ownership has already been planted with a variety of trees and shrubs by the adjacent land owner and is fairly well established at this point.
- 2.0 Relevant planning and enforcement history
- 2.1 10/01305/FUL - Construction of 33no dwellings and associated landscaping, open space and infrastructure works – Refused
- 2.2 Adjacent development 14/02435/FUL - Construction of 16 dwellings – Granted
- 3.0 Relevant planning policies
- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP8 - Type, size and tenure of housing
 Core Strategy Policy CP9 - Affordable housing
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
 Core Strategy Policy CP19 - Recreational facilities and amenity open space
 Development Policies DP1 - Protecting amenity
 Development Policies DP2 - Securing developer contributions
 Development Policies DP3 - Site accessibility
 Development Policies DP4 - Access for all
 Development Policies DP13 - Achieving and maintaining the right mix of housing
 Development Policies DP15 - Promoting and maintaining affordable housing
 Development Policies DP28 - Conservation
 Development Policies DP30 - Protecting the character and appearance of the countryside
 Development Policies DP32 - General design
 Development Policies DP33 - Landscaping
 Development Policies DP37 - Open space, sport and recreation
 Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015

Hambleton emerging Local Plan

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. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at

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

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

HG 2: Delivering the Right Type of Homes
HG 3: Affordable Housing Requirements
E 1: Design
E 2: Amenity
E 3: The Natural Environment
CI 2: Transport and Accessibility
RM 3: Surface Water and Drainage Management

CRK 1: North of Crakehall Water Mill, Little Crakehall
Size (ha): 0.66
Allocated for: 18 homes

This green field site is located on the eastern edge of Little Crakehall. Crakehall Conservation Area lies adjacent to the site to the south, along with the listed Crakehall Water Mill and curtilage buildings.

Development requirements:

Access and highways

Vehicle, cycle and pedestrian access to be taken from Cringlefields. Works are required to extend and improve pedestrian links, including the provision of connection to the public right of way that runs past the southeastern corner of the site¹.

Flood, drainage and water management

Part of the site along the eastern boundary is vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary.

Biodiversity and landscaping

A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Existing boundary features should be retained, including hedgerows and mature trees, and enhanced to screen views of the site from the north and east. Habitats must be protected from adverse impacts, such as obtrusive light. There is a tree protected by a tree preservation order located on the northern boundary of the site. This tree must be retained; appropriate protection will be necessary during construction, the details of which will be agreed at the planning application stage.

Heritage

Development of this area could affect elements which contribute to the significance of Crakehall Conservation Area and the Crakehall Watermill Grade II listed building. A heritage statement will be expected to explain how care is taken to ensure any development does not harm the significance of the setting of these heritage assets.

Design, landscaping, open space provision and green corridors

The site is located adjacent to the North Yorkshire Green Infrastructure corridor and the development should seek to enhance connectivity to adjacent green infrastructure, particularly areas of accessible local green space. Development statement outlining the proposals will be required to be accompanied with a

planning application and show how the development will successfully integrate with the surrounding area and the neighbouring residential area. The statement will also address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking and carefully consider the existing properties.

Historic England Comments:

This site adjoins the boundary of the Crakehall Conservation Area and its development could also impact upon the significance of the Grade II Listed Crakehall Water Mill to the south. The Heritage Background Paper considers that the development of the southern portion of this site has the potential to harm elements which contribute to the significance of these assets and identifies an area at its southern end which it considers needs to be kept free of development in order to ensure that their significance is not harmed. Whilst we would broadly concur with this assessment and the need for the southern part of the site to remain free from development, because of the elevated nature of this site compared to that of the heritage assets, the extent of the undeveloped area shown on the Heritage Impact Assessment is not considered to be of sufficient size to mitigate the harm. New housing has been constructed to the north-west of the allocation site on Cringlefields and Moorfields. Development of the allocation site should not extend further south than the access road of Cringlefields in order to maintain those elements of the allocation site which make a positive contribution to the setting of the listed buildings and the conservation area. In addition, a further amendment is also necessary to reflect the other mitigation measures put forward in the Heritage Impact Assessment.

Suggested Change

Amend the Development Requirements for Site CRK1 as follows:-

- (a) Size and Allocated for: Reduce the size of the developable area and the amount of houses that can be built to reflect the extent of the area remaining after the area to the south of the access road to Cringlefields has been removed
- (b) Design, landscaping open space provision insert the following bullet-points:-
 - “An area of open space shall be provided at the southern end of this site to encompass the land lying to the east of the access road to Cringlefields and the northern boundary of the Conservation Area”
 - “A landscape buffer shall be provided along the southern side of the area of open space at the southern end of this site to reduce the impact upon the Conservation Area and Listed Building”

Proposed Modification:

Heritage

Development of this area could affect elements which contribute to the significance of Crakehall Conservation Area and the Crakehall Watermill Grade II listed building. An area of open space will be provided at the southern end of the site along with a landscape buffer to reduce the impact upon the conservation area and listed building. A heritage statement will be expected to explain how the extent of the open space and nature of the landscaping has been decided upon in order to reduce harm. The statement will also be expected to explain how care will be taken

to ensure any development does not harm the significance of the setting of these heritage assets.

Design, landscaping, open space provision and green corridors

The site is located adjacent to the North Yorkshire Green Infrastructure corridor and the development should seek to enhance connectivity to adjacent green infrastructure, particularly areas of accessible local green space. A landscape buffer to the southern end of the site will be provided to reduce the impact upon the conservation area and listed building.

Inspectors Post Hearing Comments on the Site:

Site CRK1 – North of Crakehall Water Mill, Little Crakehall

20. It was established at the hearings that providing a connection to the existing Public Right of Way would not be possible as it is under the control of a third party. The requirement in Policy CRK1 is therefore not deliverable and should be deleted.

4.0 Consultations

4.1 Parish Council –

1st Consultation: Crakehall with Langthorne Parish Council are opposed to the current proposal due to the high density which is above the allocation and out of character with the adjacent development, additional pressure on infrastructure in relation to surface water drainage, sewerage, facilities for health, social care, education and road safety.

2nd Consultation: Whilst the reduction in the number of dwellings is welcomed, the council continues to hold the view that 18 dwellings on the site is still too many and in stark contrast to the phase 1 development. Further, the concerns about infrastructure as previously stated also remain. Additionally, the council requests that consideration be given in the plans for more recreational space (particularly for children) and traffic calming measures on the estate itself. The Parish Council continues to object to the proposals in their current form.

4.2 Highway Authority – Recommends conditions

4.3 Lead Local Flood Authority – Requested further information, provided, now awaiting comments at time of writing.

4.3 Yorkshire Water – Recommend a condition requiring the development to be carried out in accordance with the Flood Risk Assessment.

4.4 Public comments – *12 letters of representation were received raising the following issues:*

- Need for these dwellings in Crakehall
- Previous application for 33 on wider site refused, this proposal will result in 37 total.
- Number of dwellings proposed is greater than the draft allocation
- Affordable units not intermixed with other units
- Allowance has not been made for the soakaway system for the surface water from Blacksmith's Bank
- Highway Safety
- Insufficient parking

- Impact on wildlife
- Overdevelopment of site
- Impact on open views
- Development should be included in the maintenance plan for existing open space
- Encroachment on open countryside
- No assessment of impact on Conservation Area or Listed Building
- Access through a private road
- Loss of agricultural land
- Impact on green infrastructure corridor
- Increased traffic and pollution
- Little employment opportunities necessitating need for cars
- Strain on local services
- Neighbour amenity
- Impact on existing development
- Development should be distributed throughout the settlement and not clustered in one area
- Layout too dense
- Loss of view from existing development
- Limited bus service
- Impact of flooding due to loss of green field land
- Impact on the countryside setting for local holiday homes and tourism

Following amendments to the layout the public were invited to comment again. nine letters of representation were received from 6 members of the public raising the following issues:

- Increased traffic/highways safety
- Highways safety during construction
- Impact on children's safety due to increased traffic
- Additional strain on local services, health education etc
- Lack of information on maintenance of public open space
- Divided public open space will cause animosity between residents
- Concerns re proximity and relationship between existing and proposed dwellings
- Impact on the rural character of the existing development
- Loss of view/outlook
- Loss of privacy
- Overdevelopment
- Impact on value of existing properties
- Impact on saleability of existing properties
- Question the need for dwellings as some on existing development took over a year to sell initially and resale is also slow
- Loss of open space around the village
- Impact on wildlife and loss of habitat
- Welcome the reduction in number of dwellings proposes, however, 18 is still too many
- Beyond built form of settlement
- Encroachment and impact on the countryside
- Impact on Conservation Area
- Loss of agricultural land
- Site is located within the green corridor

- Little employment opportunities necessitating need for cars
- No benefit to the community through contributions to infrastructure etc
- Concern re density of development
- Impact of proximity on 4 and 5 Moorfields on the existing development
- Cumulative Impact with approved holiday site nearby
- Impact on flooding
- Site should have been developed as a whole, not in stages
- Tree planting may interfere with Blacksmiths Bank Soakaway drains
- Concern regarding the capacity of existing drainage infrastructure
- Concern re street lighting – impact on conservation area and wildlife
- Impact of development on nearby holiday business
- A previous application for 33 dwellings on the wider site was refused, this application will bring the total number to 34
- Visual impact of non-garage parking
- Local school is over subscribed
- Comments up to 17.05.2021

5.0 Analysis

5.1 The main issues to consider are:

i) The principle of development and the Emerging Local Plan; ii) Affordable housing; iii) Housing mix; iv) Design and impact on the character of the area; v) Heritage; vi) Amenity; vii) Drainage; viii) Highways Safety; ix) Open Space; x) Landscaping and; xi) Biodiversity

Principle

- 5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development "in exceptional circumstances". The site falls outside the Development Limits of Crakehall. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the current Local development Framework.
- 5.3 As mentioned at 3.1 above the Emerging Local Plan has been submitted to the Inspectorate and public hearings took place in October and November 2020. As such the Emerging Local Plan is a material consideration which can be afforded limited weight.
- 5.4 The site is a preferred option in the Emerging Local Plan under Policy CRK 1: North of Crakehall Water Mill, Little Crakehall. Should the draft allocation and Emerging Local Plan be adopted the principle of development of this site would be established.
- 5.5 Paragraph 48 of the National Planning Policy Framework states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 5.6 Paragraph 49 states: However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.7 Paragraph 50 states: Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 5.8 The Council has a healthy housing land supply at just over 10 years, however, this number includes this site at 18 dwellings.
- 5.9 Given the advanced stage of the Emerging Local Plan and the feedback received during the Public hearings and post hearing letter from the Inspector it is considered that the principle of development in this location is acceptable.

Affordable Housing

- 5.10 LDF Policy CP9 states that a housing development of 2 or more dwellings (or sites of 0.1ha or more) outside of Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%.
- 5.11 Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%. On a development of 18 dwellings this would equate to 5.4 dwellings.
- 5.12 The proposal includes the provision of 5 units, including both 2 and 3 bedroom affordable dwellings (28%). Whilst this is below the target set in the LDF, as this application is based on the Emerging Local Plan it is considered that 5 dwellings is acceptable on the condition that the shortfall of 0.4 of a unit is made up through a S106 financial contribution.

Housing mix

- 5.13 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The table below shows the proposal against the housing

mix targets outlined in the Size, Type and tenure SPD. In addition to this, 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 district's 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.

- 5.14 The SHMA indicates that the need for two and three bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). Policy HG2 of the Emerging Local Plan also requires the provision of 10% two bedroom bungalows to reflect the needs of the ageing population in the district. More recently, the pressure for 1 bed units has increased. This application was development prior to the strength of this need being identified. Given the relatively small scheme it is considered unreasonable to return to the housing mix, which was considered acceptable at the time of submission.

Type	Target %	No. Proposed	Proposal %
One Bedroom	10	0	0
Two Bedroom	35	5	27.77%
Three Bedroom	25	8	44.44%
Four Bedroom	10-15	5	27.77%
Two Bedroom Bungalow (also included in two bedroom numbers above)	10	2	11.11%

- 5.15 The proposed mix provides a majority of two and three bedroom dwellings accounting for 72% of the mix. Two 2 bed bungalows are also proposed which meets the target provision. It is considered that the proposed development has an acceptable mix of house types and sizes which reflects the needs of the district.

Design and impact on the character of the area

- 5.16 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.17 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.18 The National Planning Policy Framework supports this approach and, at paragraph 130, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

- 5.19 Policy E1 of the Emerging Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.20 The Design and Access Statement submitted in support of the application includes a visual analysis of the site and surrounding area. Features and constraints which informed the design include the topography of the site which is fairly flat, proximity of existing dwellings to the west and the existing drain running through the site and open fields to the north and east. The surrounding area is residential to the west and south with a mix of property types and materials featuring brick, stone and render. Objectives for the design were set including rear gardens to back onto site boundaries to provide separation distance to adjacent development and take advantage of views over countryside to the east, inward looking development to provide natural surveillance, retention of existing trees to east and avoiding development within the drain easement.
- 5.21 The overall layout is influenced by the position of the access from Cringlefields, the open space provided for the adjacent development, the requirement to facilitate the existing drain easement and the buffer to the south to mitigate the impact on heritage assets. With 18 units proposed the layout appears somewhat cramped at first glance. This is hindered by the linear form which is dictated by the site constraints. In the wider context, however, the more modern areas of Crakehall such as Coronation Road have higher densities and even the more historical areas feature rows of terraces albeit these are generally situated around areas of open space.
- 5.22 Individual house-types include detached and semi detached two storey and single storey dwellings. It is proposed to construct thirteen of the dwellings in red brick with grey concrete roof tiles and UPVC windows with artstone headers and cills to front elevations. The remainder are to be constructed in reconstituted stone with red pantile roofs and UPVC windows with brick heads and artstone cills. The combination of brick window heads against stone walling is a feature of the local area which is noted on traditional buildings within the settlement and on the buildings associated with the adjacent Grade II listed mill. Its use therefore on the southern most dwelling, which has been designed specifically to be sympathetic to the rural and historical setting, is appropriate.
- 5.23 The neighbouring development at Cringlefields features timber windows. Given the proximity to the Conservation area timber windows would be preferable. The windows on the existing development hint at traditional style with the use of glazing bars, however they are not of full traditional design such as sliding sash. Given the location of the development outside of the Conservation Area it is considered that the use of UPVC in this case is not harmful and as such does not warrant a refusal of planning permission. Overall, the design of the individual dwellings is considered acceptable.

Heritage assets

- 5.24 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.

- 5.25 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 Crakehall Conservation Area.
- 5.26 As identified by the Heritage Background Paper with broad agreement from Historic England it is considered that development of the southern portion of the site could impact negatively on the significance and setting of the Listed Buildings at the Mill along with the Conservation Area. Historic England have recommended that the developable area and as a consequence the number of dwellings, be reduced so that the area south of the access remains as open space with a landscape buffer.
- 5.27 During the site visit of the adjacent Grade II listed Mill it was confirmed that the southern section of the site, approx. 10m in length when measured from north to south has transferred ownership to the Mill. This area has been landscaped and was well established at the time of the visit, limiting intervisibility between the site and the Mill.
- 5.28 In response to Historic England's comments and the proposed modification the layout was amended so that only a single dwelling is proposed in the area to the south of the existing public open space. The single dwelling will be located to the north of (behind) the listed house associated with the Mill. The remainder of the site to the east of this will be given over to public open space.
- 5.29 A Heritage Statement was submitted with the amended layout. Paragraph 3.05 of the heritage statement identifies the site's contribution to the significance of the designated heritage assets. The site *"provides historic value in illustrating the agrarian foundation of settlement at Crakehall, although this value has been diminished to some degree by residential development of Cringlefields and Moorfields to the west. [...] Together with the surrounding farmland, the Site contributes to the open, agricultural setting of the Crakehall Conservation Area and reflects its historic landscape setting"*.
- 5.30 At 3.06 of the Heritage Statement it is stated that *"the Site's contribution to this significance is undermined to some degree by its position on higher ground from the conservation area which reduces visibility and views towards the Site from the south"*. It goes on to state that whilst views of the Mill and Conservation Area can be obtained from the Public Right of Way the hedgerow running along the northern side of the path obscures the majority of the site. On the north east section of the footpath that connects to Green Gate Lane the site is viewed against the backdrop of existing development rather than the Conservation Area.
- 5.31 Whilst the visual experience of heritage assets is important, the historical form and relationships must also be considered. At this moment in time the existing hedgerow, because of its height creates a visual barrier between the application site and the heritage assets so that the two sites are not experienced in context of each other. At any time the owner of the hedgerow could reduce its height so that the two elements become visible from the public right of way (albeit only from the southern portion of the path as the mill is situated on lower ground and would likely still be obscured from views at the north eastern part of the path).

- 5.32 The historical value, however, is in the absence of development surrounding the heritage assets. In many circumstances the inability of the public to see a development does not fully mitigate the impact. The relationship between the Mill and the open countryside exists and is significant regardless of the ability to perceive it from the public realm; in the same way that any historical building is still significant even if it cannot be seen from the public road. At 3.10 of the heritage Statement it is acknowledged that the historical functional relationship contributes to the significance of the assets and at 4.05 that the loss of agricultural character will result in harm. It is considered that this harm is at the lower end of the scale of harm and amounts to less than substantial harm in terms of the NPPF.
- 5.33 Paragraph 196 of the NPPF states that 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.
- 5.34 In this case it is considered that the harm is at the lower end of the scale and is outweighed by the provision of 18 dwellings contributing to the Districts housing supply in line with identified need.

Amenity

- 5.35 LDF 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.
- 5.36 Emerging Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure:
- a. adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
 - b. the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
 - c. there are no adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character);
 - d. that adverse impacts from the following sources will be made acceptable:
 - i. air pollution;
 - ii. contamination;
 - iii. dust;
 - iv. obtrusive light;
 - v. odour;
 - vi. overheating; and
 - vii. water pollution;
 - e. adequate and convenient provision is made for the storage and collection of waste and recycling;

f. that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.

Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.

- 5.37 Due to the linear form of the proposed development the layout does not raise any concerns with regard to the amenity of future occupants and residents on the neighbouring site. Where two dwellings face each other a separation distance in excess of 21 meters has been provided. At the north west corner the relationship between the new and existing dwellings is rear to side with separation distances of 10.5 and 12.7 metres. Across the existing site separation distances between plots with rear/front to side relationships vary between 11 and 14 meters. The proposed relationship in this area is therefore considered acceptable in the context of the wider development.
- 5.38 Externally private amenity spaces, though some are on the small side, are generally acceptable and it is acknowledged that are considered to provide a satisfactory level of amenity. Each property has rear access with an allocated space within the rear gardens for bin storage. Internally the dwellings comply with the Nationally Described Space Standards which is enshrined in the Size, Type and Tenure SPD as well as Emerging Local Plan Policy HG2 Delivering the Right Types of Homes.

Drainage

- 5.39 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.40 Emerging Local Plan Policy RM 3 relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 5.41 The supporting text of the Draft Allocation CRK 1 states that “part of the site along the eastern boundary is vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary”.
- 5.42 A flood risk assessment was provided in support of the application. The site is located in Flood Zone 1 indicating that it is not at significant risk of flooding. It is proposed that foul water will discharge to the public foul sewer network via a currently private foul sewer in the adjacent site. Surface water will be disposed to an existing private surface water sewer to the south of the site. Yorkshire Water have indicated that there is intention to adopt this sewer in the future and that the permission of the developer as well as approval from Yorkshire Water for the use of these should be sought.
- 5.43 The Lead Local Flood Authority has requested further information relating to the justification for the proposed drainage solution, micro drainage calculations, exceedance plan, temporary flood risk measures during construction and maintenance details. These details have been submitted and the views of the LLFA are awaited at the time of writing.

Highways Safety

- 5.44 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.45 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.46 The Inspectors post hearing letter to the Council confirms that the requirement to connect the development to the existing public right of way is not possible as it is in third party ownership. This requirement is likely to be removed from the allocation requirements and is therefore no longer required.
- 5.47 During the life of the application the Highways Officer made a number of requests for additional information to ensure that the individual plot accesses are acceptable. Following the receipt of further information and layout alterations the Highways Officer has confirmed that the proposal is acceptable subject to standard conditions relating to construction details and management and timing of provision of hard surfacing.

Open Space

- 5.48 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings. Similarly Appendix E of the Emerging Local Plan indicates that a play area is required on site.
- 5.49 0.095 ha of public open space was provided as part of the neighbouring development. This land is maintained by a management company and it is understood that the residents of the neighbouring development pay a fee towards this.
- 5.50 No onsite play area is proposed. It is noted, however, that a contribution was considered acceptable on the neighbouring site towards the play area located near the Village Hall. This play area is approximately 0.3 miles from the application site and therefore it is considered that a contribution towards this play area would be acceptable in this case in lieu of on site provision. This would be provided through the S106 agreement.

Landscaping

- 5.51 Policy DP33 of the LDF states that Landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and: i. creates a visually pleasant, sustainable and biodiversity-rich

environment; ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged; iii. protects and enhances key landscape features; iv. creates new features and areas of open space that reflect local landscape character; v. contributes to character, appearance and sense of place; vi. promotes a public realm which is rich in identity, attractive and safe.

- 5.52 The supporting text of draft allocation CRK 1 indicates that the site is located adjacent to the North Yorkshire Green Infrastructure corridor which is identified in the evidence base Landscape Character Assessment as the Leeming Corridor. The common denominator between the original text of the draft allocation and the proposed modification is that the development should seek to enhance connectivity to adjacent green infrastructure particularly areas of accessible local green space. The proposed modification also indicates that a landscape buffer should be provided to the south of the site.
- 5.53 Green Infrastructure is defined in national policy as a network of multi-functional green spaces, both urban and rural, which are capable of delivering a wide range of environmental and quality of life benefits for local communities. The Crakehall village green extends to some 5 acres and is located approximately five minutes on foot from the application site (approx. 0.2 miles). An existing footpath is available connecting the application site and the village green. An equipped play area is also located in this area.
- 5.54 In terms of site specific landscaping an Arboricultural Assessment was submitted in support of the proposal. A survey of the site found that tree cover is located at the boundaries of the site with nothing of arboricultural significance in the centre of the site. 6 individual trees and 3 groups of trees or hedges were identified. One tree was identified as retention category B (good quality and value with a significant life expectancy) and 8 trees or groups as category C (low or average quality and value, and are in adequate condition to remain until new planting could be established). The category B tree has been identified as a sycamore and whilst it is worthy of retention it is not considered to be of high enough value at this point to warrant a preservation order. This sits on the eastern hedgerow next to a category C Ash tree. The Ash tree requires a crown lift to facilitate development. No other work is proposed to any of the trees identified.
- 5.55 The Arboricultural Assessment recommends root protection fencing be installed during construction. The fencing will comply with the relevant British Standards and located in the areas shown on the plan at Appendix 6 of the Assessment. It is recommended that these details be secured by condition.
- 5.56 Tree planting is proposed in nearly all gardens which will provide ecological value as well as screening and softening the development. Tree planting is also proposed along the southern boundary providing additional buffer between the development and nearby heritage assets. Species include Maple, Pear, Silver Birch, Holly, Alder and Whitebeam. Hedging within the site will consist of Holly and Beech whilst boundary hedgerows will be native mixes including Hawthorn, Hazel, Dogwood, Holly and Dogrose.

Biodiversity

- 5.57 Policy DP31 of the LDF states that ‘Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation [...] Support will be given [...] to the enhancement and increase in number of sites and habitats of nature conservation value’.
- 5.58 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.59 A Preliminary Ecological Assessment was submitted in support of the application. Natural England and Yorkshire Wildlife Trust were consulted. Natural England returned comments referring to the standing advice available on their website. Yorkshire Wildlife Trust provided initial comments which refer to measurable net gains for biodiversity and requested that the DEFRA 2.0 metric be provided.
- 5.60 The Metric was submitted and subsequently updated following the layout amendments. Biodiversity metric 2.0 uses habitat, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into measurable ‘biodiversity units’. These biodiversity units are the ‘currency’ of the metric. The metric measures both quantity and quality and therefore scarcer habitats are afforded more value within the metric calculation.
- 5.61 The metric uses 3 different units of measurement. The first is habitat units such as grassland which are measured by area. The other two, hedgerow units and river units are designed to measure more linear features for which habitat length is often a more meaningful measure of their extent than area. The metric indicates that the development will result in 1.74% net gain for habitat units and 42.82% gain for hedgerow units. There are no river features within the site. The metric demonstrates overall net gain for biodiversity.
- 5.62 The preliminary ecological assessment recommends that installation of bird boxes, however, this does not appear in the above metric. It is recommended that installation details for the bird boxes are secured by condition.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

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:

Proposed Site Layout P002 Rev N received 13.05.2021

Proposed Boundary Treatment Plan P003 Rev H received 07.04.2021

Boundary Detail 1800mm close boarded timber fence P011 received 15.12.2020
Boundary Detail 900 mm high Post and Rail Fence P012 received 15.12.2020
Single Garage Details P015 received 15.12.2020
Double Garage Details P016 received 15.12.2020
House Type A2 P020 Rev B received 15.12.2020
House Type A3 P021 Rev B received 15.12.2020
House Type N303A P023 received 15.12.2020
House Type N303B P024 received 15.12.2020
House Type N305 P025 received 15.12.2020
House Type N310 P026 received 15.12.2020
House Type N404 P027 received 15.12.2020
House Type N406 P028 Rev A received 13.05.2021
House Type N2BUN P029 Rev C received 13.05.2021
House Type N403B P030 Rev B received 21.05.2021

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. 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. The development must only be carried out in compliance with the approved engineering drawings.

5. 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.

6. No dwelling shall 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 shall be maintained clear of any obstruction and retained for their intended purpose at all times.

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

8. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Bank Holidays.

9. Development shall not begin until a scheme has been submitted to and agreed in writing by the Local Planning Authority detailing the impact this development will have on local air quality, including all steps that shall be taken to prevent the emission of dust from the site.

10. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plans titled Planting Plan Sheet 1 of 3, Drawing no 01 Rev D, Planting Plan Sheet 2 of 3 02 Rev D and Planting Specification Sheet 3 of 3 03 Rev D received by Hambleton District Council on 01.06.2021 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

11. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

12. The development shall be carried out in strict accordance with the details shown on the submitted report, "Flood Risk Assessment (Report dated 7 February 2020)", unless otherwise agreed in writing with the Local Planning Authority .

13. Prior to the occupation of the development, hereby approved, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of bird boxes to be installed within the site, their location and timing for implementation. The Plan shall thereafter be carried out in accordance with the approved details.

14. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling identified as Plot 18 (Housetype N403B) on drawing number P002 Rev N received by Hambleton District Council on 13.05.2021

without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons for the above conditions 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) .
3. 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.
4. 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.
5. 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.
6. 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.
7. In the interest of public safety and amenity
8. In the interest of neighbour amenity.
9. The scheme is required prior to commencement to ensure air quality in the immediate area is protected in the interest of the health and amenity of the occupiers of the adjacent dwellings.
10. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
12. In the interest of satisfactory and sustainable drainage.
13. To ensure net gains for biodiversity.
14. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this dwelling and its curtilage due to its proximity to the adjacent listed buildings at Crakehall Water Mill

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Parish: Great and Little Broughton

Ward: Stokesley

6

Committee Date : 10 June 2021

Officer dealing: Mr Nathan Puckering

Target Date: 19 May 2021

Date of extension of time (if agreed):

21/00779/FUL

Change of use of land for holiday accommodation and the siting of 2 holiday lodges with associated drive area at land to the rear and associated alterations to access.

At: 151 High Street Great Broughton North Yorkshire TS9 7HB

For: Mr & Mrs Colin & Donna Donaldson.

This item is brought to Committee at the request of a Member of the Council

1.0 Site, context and proposal

1.1 The site is a parcel of land located to the rear of a relatively large detached dwelling just to the east of the High Street on the southern edge of Great Broughton. At present the site forms part of the rear garden and a small paddock to the rear of the dwelling - 151 High Street. The southern and eastern edges are bounded by dense hedgerows, with the start of rolling countryside beyond the eastern boundary. To the north is a small cul-de-sac of dwellings named Cringle Moor Chase. The rear of the southern most dwelling looks onto the site, with their rear gardens sharing a common boundary with the site and the adjacent paddock.

1.2 This application is seeking permission for a change of use of the land in question to allow the siting of two holiday lodges. These holiday lodges will be timber clad static caravans with the external appearance of cabins. They will be sited side on to 151 High Street, the northern most one being 17m to the east of this dwelling and 18m south of the boundary of Cringle Moor Chase. The southernmost lodge will then sit 23m south of this. They will face inwards towards one another. Landscaping is proposed to the north of the cabins between them and Cringle Moor Chase by way of Scots Pine Trees and Silver Birch Trees, similar to what is already evident on the site. A new native hedgerow is proposed to run the length of the site around 7m to the east. The proposed lodges will share the driveway which serves the existing dwelling and runs east off the High Street. However, works to widen this access to 5m and slightly alter its route are proposed as part of this application.

1.3 This application is a resubmission of a previous scheme which was dismissed following an appeal against non-determination. It represents a reduction in the number of units by half and a re-siting of the lodges from the southern boundary of the paddock area closer to the built form of the village in an attempt to overcome the Inspector's conclusion that the previous scheme was harmful to the character and appearance of the open countryside.

2.0 Relevant planning history

2.1 20/01355/FUL - Change of use of land for holiday accommodation and the siting of 4 holiday lodges with associated parking and access road on land to the rear of the dwelling - Dismissed at appeal with the following comments:

- "although the principle of this relatively small scale tourism-based proposal is broadly acceptable, the number of lodges and its resultant scale and layout with respect to existing buildings would increase its prominence and represent a more widespread area of development."

- "the scale of the development relative to its setting, the layout proposed and resultant projection beyond Cringle Moor Chase would substantially encroach into the more open surrounding countryside. This encroachment would not respect the openness or character

of the area and would conflict with Policies CP16 and CP17 of the Core Strategy and Policies DP30 and DP32 of the DPD."

3.0 Relevant planning policies

3.1 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 CP15 - Rural Regeneration

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 DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

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

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 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.

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council - Object for reasons which can be summarised as follows:

- Amenity - The application site adjoins residential properties and for this reason alone should be refused as holiday use would be incompatible with the reasonable expectation of quiet enjoyment by those residents. It is inevitable that holiday makers will quite reasonably want to enjoy these lodges with a freedom which does not have to respect residential neighbours. It therefore conflicts with policy DP1 of the LDF.
- Principle - The proposal fails to comply with the exceptional circumstances for development outside of development limits in policy CP4. There are other tourism related facilities which fulfil the tourism demand in the area and the majority of which are away from residential areas. The proposal would not help a rural economy as most of the attractions are outside of the village.
- Impact on the Countryside - The amendments fail to address the issues that the Inspector outlined in terms of intrusion into the open countryside and the detrimental impact on the openness of the landscape.
- Highway Issues - the Transport Statement fails to set out the issue the High Street has in terms of speeding. This along with the proximity of the bend to the south and the increase in traffic as a result of the development make in unacceptable.

4.2 NYCC Highways Department - A Transport Statement has been submitted in support of the application in relation to the highway's aspects of the site. The Transport Statement has assessed the highways issues relating to the site and indicates that the proposed development will not adversely affect the local highway network. It is considered that any objections based on highways would be difficult to sustain.

As a result, no objections subject to conditions. - received 10.05.2021

- 4.3 Northumbrian Water - No comments to make - received 27.04.2021
- 4.4 Street Naming and Numbering - An application would not be required as holiday accommodation is not addressable - received 20.04.2021
- 4.5 Environmental Health – no objections to the proposal but include the following informative: If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence under the provisions of the Caravan Sites and Control of Development Act 1960. This will be granted subject to certain conditions being met. Environmental Health Technical support will write to the applicant further, providing the necessary details. – received 13.05.2021
- 4.6 Environmental Health (Contaminated Land) – no objections subject to condition requiring PALC form – received 19.05.2021
- 4.7 Yorkshire Wildlife Trust were consulted but submitted no representations – expired 11.05.2021
- 4.8 Site Notice & Neighbour Notification - 30 letters of objection and 4 letters of support.
Reasons for objections can be summarised as follows:
- Concerns about plans for future growth of the site and the knock on effect of granting permission in this regard
 - Severe detrimental impact on amenity of residents (especially those of Cringle Moor Chase to the north)
 - The amended scheme brings the units closer to the dwellings to the north
 - The design of the lodges themselves is poor and not high quality or in keeping with local character
 - The proposal still represents an unacceptable incursion into the open countryside which will be harmful to its character and openness
 - Concerns with knock on effect in terms of highway safety and traffic increase
 - Risks harm to village life
 - No local facilities which will benefit as there is nothing in the village and the visitors have to travel elsewhere
 - There is already an oversupply of tourism accommodation in the village and surrounding area and as such there is no exceptional circumstance which justifies the development outside of development limits
 - There will be a detrimental impact on wildlife+
 - The area is close to the National Park and therefore should be protected
- Reasons for support can be summarised as follows:
- The development will provide a great place to stay near walking routes
 - Encouraging to see "staycations" being encouraged during the recovery from COVID pandemic
 - It will help to attract visitors to the area and in turn create jobs and help the local economy
 - Help surrounding visitor attractions
- 5.0 Analysis
- 5.1 The main issues for considerations in this instance are i) the principle of a small scale tourism related development in this location, ii) the impact on the open countryside, iii) design, iv) amenity, v) highway safety, vi) any other issues raised in the submitted representations.

The Principle

- 5.2 The site is outside of the development limits for the settlement of Great Broughton and thus policy DP9 dictates that it must comply with one of the exceptional circumstances set out within policy CP4. The relevant exception in this instance being criterion i which states: it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.
- 5.3 It is noted that a number of the public objections relate to the principle of the development and allude to the fact that there are a number of other schemes in the surrounding area which provide tourist accommodation and thus there is no longer a requirement for this proposed development. However, the fact that there are similar schemes in the surrounding area does not automatically mean that additional proposals are unacceptable in principle.
- 5.4 One must consider the fluidity of the tourism market and, especially in the current climate, demand for holiday accommodation close to rural attractions is rising. In this case, the proposal site is in a location which offers easy access to attractions such as Roseberry Topping, the Cleveland Way and the wider North York Moors National Park, as well as being in sufficiently close proximity to attract visitors to the North Yorkshire coast.
- 5.5 Whilst these attractions may not be within the village, the proposal will still help to support the wider rural economy, which relates not only to the village but also the District as a whole and beyond. Locally, there will be a potential benefit to the existing public houses in the village in terms of the potential to increase the number of customers.
- 5.6 A material consideration is the NPPF which must be afforded considerable weight due to the fact that it provides the most up to date policy guidance on rural tourism schemes and postdates that within the Local Development Framework. The NPPF states at para 83c) that planning decisions should support sustainable rural tourism related development which respects the character of the open countryside. This evidences the fact that the most up to date policy guidance supports the principle of small scale tourism development, such as the one proposed in this scheme.
- 5.7 It should be noted that in the Inspector's assessment of the previous scheme, it was concluded at para 12 that the principle of the development was 'broadly acceptable' and as such was not a contributing factor to the refusal. There is nothing in this amended application which gives one reason to come to a different conclusion.
- 5.8 Overall, it is considered that despite the site being outside of development limits, given the suitable location of the site within the proximity of a number of tourist attractions and the proposal being suitably small scale, the principle of the development is supported by both national and local policy.

Impact on the Open Countryside

- 5.9 Policy DP30 dictates that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Furthermore, the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.10 The appeal Inspector concluded in the recent appeal decision that the previously proposed siting of the lodges was too far detached from the host property and extended too far into the open countryside and beyond the existing established building line of the eastern most dwelling within Cringle Moor Chase to the north. This resulted in harm arising to the rural and open character of the area.

- 5.11 In the case of this amended scheme, the lodges are now to be sited much closer to the host dwelling and no longer appear as completely separate entities. Furthermore, the lodges will now be well within the established building line of the eastern boundary of the village and as such can no longer be said to harmfully extend too far into the open countryside.
- 5.12 The existing mature hedgerows on the southern and eastern boundaries of the wider site will act as a natural landscape screen and successfully negate against the landscape impact of the development when viewed from afar. The re-siting of the lodges to the new proposed location will ensure that when viewed from any long range vantage points, they will be seen as part of the built form of the village, rather than isolated alien features within the open countryside. This will protect the openness of the surrounding landscape, as well as the setting of the village as a whole. It is important to note that the new hedgerow which will run the eastern length of the site will also provide an additional barrier to delineate the edge of the built form and the start of open countryside beyond.
- 5.13 A number of the public objections refer to views of the site from the residential dwellings to the north and compromising long range views of the Cleveland Hills. Whilst an individual's right to a view is not a material planning consideration, the proposed additional landscaping between the north-most unit and the dwellings to the north is considered adequate to soften the visual impact of the development when viewed from this direction. Whilst private views of the Cleveland Hills are not a consideration, it is considered that the proposed development does not impact on any important public views in this case.
- 5.14 Overall, a combination of the re-siting of the lodges and the existing and proposed landscaping are considered to successfully address the previous issues in terms of the impact on the open countryside and as such the proposal now complies with the requirements of policy DP30.

Design

- 5.15 Policies CP17 and DP32 concern the design of development and dictate that all development must be of a high quality design which considers local character and context.
- 5.16 The proposal is for the units to be stained, timber clad lodges with a tiled roof. The idea is for them to have the appearance of log cabins but with the internal facilities of a caravan.
- 5.17 Concerns relating to the design of the new access and the fact that widening it will have a detrimental impact on the street scene were raised in the public objections. However, the access is going to be similar to most of the other accesses on the High Street which serve other dwellings and therefore cannot be said to be out of character.
- 5.18 The rural wood cabin aesthetic is in keeping with the edge of countryside location and works well with the character and context of the site and as such ensures compliance with policy CP17 and DP32.

Amenity

- 5.19 Policy DP1 dictates that all development must adequately protect amenity, relating to issues such as privacy, daylight provision and noise and disturbance. A number of the public objections refer to the impact of the proposal on the amenity of the neighbouring residents to the north and the fact it could give way to loss of privacy and noise and disturbance.
- 5.20 It is noted that the newly proposed location for these units has actually taken the lodges closer to the dwellings to the north. However, the separation distance remains considerable at just over 17m from the boundary of the curtilage of the nearest dwelling to the northern-most unit. This coupled with the proposed intervening landscaping will be adequate to

prevent any detrimental impact in terms of noise and disturbance impacting the occupiers of Cringle Moor Chase. Similarly, these measures along with the fact that the nearest unit faces away from the dwellings, also ensures there will be no loss of privacy for these residents.

- 5.21 A number of the public objections also refer to security but the construction of two small holiday lodges which are effectively the same as any other holiday accommodation in the village will not in and of itself give way to any security concerns and as such this issue should be attributed minimal weight.
- 5.22 Clearly, there will be a knock on effect in terms of the privacy of the occupiers of 151 High Street but as the current occupiers are the applicants in this case and will be the ones operating the holiday lets, this is not considered a reason for refusal. To ensure this remains the case moving forward, it is considered appropriate to attach a condition tying 151 High Street to the management of the proposed units and not allowing them to become separate entities without the Local Planning Authority assessing this in the future.
- 5.23 The scale of development and the level of the resultant use and associated noise and disturbance resulting from the development is considered to be acceptable within a residential area.
- 5.24 On the whole, the proposal will not give way to a detrimental impact on amenity and is therefore compliant with the requirements of policy DP1.

Highway Safety

- 5.25 The proposal in this case also includes works to improve visibility splays at the existing access. This will include widening it to 5m for the initial 20m as one comes off the High Street and slightly altering the route of the driveway as it meets the adjacent highway. A Transport Statement was submitted upon the request of the Local Highway Authority.
- 5.26 No objections were received to the consultation of NYCC Highways Department subject to a number of conditions. A number of objections were received on the grounds of highway safety but the improved access and the lack of objection from the Local Highways Authority are considered adequate to establish compliance with policy and confirm that highway safety is not reason for refusal on this occasion.

Other Issues

- 5.27 An issue regarding the ecological impact of the development was raised in several objections. However, the site is partially a domestic garden and partially a small scale paddock-like area and as such they are not of high ecological value to the point that the construction of two small scale holiday lodges are going to cause significant harm in terms of ecological impact.
- 5.28 Secondly, a point which was raised fairly consistently within objections was concerns with the knock on effect of granting permission in this case and then future applications for the growth of the operation or the implications for use of the land within the red line boundary.
- 5.29 The Local Planning Authority can only assess the proposal as it stands and any speculation regarding future development is not a material consideration and would be subject to assessment in and of itself without prejudice.

Planning balance

- 5.30 The revised scheme, reducing the scale of development from the previously refused application is considered to be acceptable in this location in principle. The development is

considered to provide some economic benefit in the locality and is not considered harmful to the character or amenity of the area. The development is not considered harmful in terms of highway safety.

6.0 Recommendation

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

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 01F and 03B received by Hambleton District Council on 16.04.2021 and 24.03.2021 respectively unless otherwise approved in writing by the Local Planning Authority.
3. The landscaping scheme shown on drawing 01F received by Hambleton District Council on the 16.04.2021 shall be planted in full accordance with the plans within the first available planting season prior to the development coming into use. In the result of any tree/section of hedge dying or being removed, it must be replaced like-for-like.
4. The holiday lodges hereby approved shall be managed only by the occupiers of 151 High Street, Great Broughton; unless otherwise agreed in writing by the Local Planning Authority.
5. There must be no access or egress by any vehicles between the highway and the application site until splays are provided in accordance with the submitted drawing 03/B. 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. The details submitted show some alterations to the south of the boundary of 151 High Street which need to be amended so there are no adverse effects on the access to 153 High Street and to also consider pedestrian access along there. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular access; (ii) loading and unloading arrangements for when the lodges are delivered onto the site to include appropriate traffic management. No part of the development must be brought into use until the vehicle access has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created the access must be maintained clear of any obstruction and retained for the intended purpose at all times.
7. No lodge 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.
8. 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. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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, DP1, DP30 and DP32.
3. To negate against the landscape impact of the development and help address any issues of noise resulting from the development - as per policy DP1 and DP30 of the Local Development Framework.
4. In the interests of amenity, in line with policy DP1 of the Local Development Framework.
5. In the interests of highway safety.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
7. 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.
8. In the interest of public safety and amenity.

Parish: Scruton
Ward: Morton on Swale

Panel date: 10 June 2021
Officer dealing: Mr John Van Eker
Target date: 20 May 2021

7

21/00784/OUT

Application for outline planning permission with all matters reserved for the construction of a single storey dwelling

At: Land at Fleetham Lane to Common Lane, Scruton, North Yorkshire

For: Mr William Raine

This application is referred to Planning Committee as the proposal is a departure from the Development Plan

1.0 Site context and proposal

1.1 The application site lies to the east of Scruton on the southern side of Common Lane. The site is adjacent to the point at which Common Lane becomes a single-track private road and is sited to the edge of Scruton village, outside of the development boundary.

1.2 The site is currently used as an agricultural field and forms part of a wider farm holding which comprises of 330 acres used for part arable and part livestock farming.

1.3 The proposal is in outline considering access for the construction of 1no. detached single storey dwelling. A vehicle access would be taken from Common Lane.

1.4 Supporting information has been submitted alongside this application to explain that the applicant intends to retire from farming and hand over the business to another family member. The construction of the new dwelling proposed would act as a retirement dwelling for the applicant on site whilst continuing to assist on the farm on a part time basis.

2.0 Relevant planning and enforcement history.

2.1 There are no relevant cases at this location.

3.0 Relevant planning policies

3.1 The relevant policies are:

Core Policy CP1 - Sustainable development

Core Policy CP2 - Access

Core Policy CP4 - Settlement hierarchy

Core Policy CP8 – Type, size and tenure of housing

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

Core Policy CP17 – Promote high quality design

Core Policy CP21 – Safe response to natural and other forces

Development Policy DP1 - Protecting amenity

Development Policy DP3 – Site Accessibility

Development Policy DP4 - Access for all

Development Policy DP10 – Form and character of settlements

Development Policy DP30 – Protecting the character and appearance of the countryside

Development Policy DP31 – Protecting Natural Resources: Biodiversity/ Nature Conservation

Development Policy DP32 – General Design

Interim Guidance Note – adopted by Council on 7th April 2015

National Planning Policy Framework

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 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 Parish Council – Scruton parish council cannot support this application as it is outside the settlement built area. Therefore, request that this application be refused.

4.2 NYCC Highways – No objection subject to conditions.

4.3 Environmental Health – No objection

4.4 SIBAC – No objection

4.5 Street Naming – No comments at this stage

4.4 Public comments – 4 objections making the following comments:

- Development is outside of village development plan
- The highway stops short of the proposed development site
- A caravan site was proposed opposite the site and refused
- Agricultural machinery will be parking close to the site regularly
- The adjacent highway is heavily used by pedestrians
- The original village of 65 dwellings now has 200
- The development will spoil the open countryside
- There are other development sites available
- Whilst not in a floodzone, the application site has historically suffered from flooding and drainage issues

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the impact on the character and appearance of the surrounding area; (iii) the impact on the amenity of neighbouring occupiers; and (iv) highway safety.

Principle

5.2 The site is beyond the Development Limits identified in the Local Development Framework (LDF) for Scruton. Therefore, development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. In this case, the applicant has suggested that there are specific exceptional circumstances that should be considered in weighing up the merits of this application. These circumstances are the legitimate succession planning for the continuation of the successful farm business on which the application site is located. In this case this is to provide a new dwelling for the existing operator to allow their son to take over occupation of the principle dwelling on the farm. It is considered that this argument is supported by the NPPF and is a reasonable exception to planning policy for housing.

5.3 In the determination of this application it is also necessary to consider more recent national policy in the form of the NPPF. 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. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

Where there are groups of smaller settlements, development in one village may support services in a village nearby".

- 5.4 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 is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.
- 5.5 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.*
- 5.6 In the Settlement Hierarchy reproduced in the IPG Scruton is identified as an 'Secondary Village' and therefore a sustainable settlement; within the IPG small scale development adjacent to the main built form of the settlement "will be supported where it results in incremental and organic growth". To satisfy criterion 1 of the IPG the proposed development must provide support to local services including services in a village nearby. The site lies close to Scruton which has facilities including a church and a pub. Criterion 1 would be satisfied.

Character and appearance

- 5.7 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings; however that does not automatically mean that five dwellings would be appropriate in every settlement. In this case a single dwelling is proposed and as such the development is considered to comply with criterion 2 in these terms.
- 5.8 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 physical built form. This is consistent with other policies in the LDF. In making this assessment it is noted that the application is in outline, considering access only with all other matters reserved.
- 5.9 The application site comprises a squared off piece of a larger agricultural field with Common Lane running across the northern boundary of the application site, residential development to the west and open countryside to the north, east and south. The site is physically separated from the main built form of the settlement by established boundary treatments to the eastern boundaries of properties sited along Peacock's Close to the west, but the site remains relatively open to other aspects to the north, east and south. The site is set away from the historic core of the settlement.
- 5.10 It is considered that the site currently contributes positively to the setting of the village providing important undeveloped space beyond the natural end of the village. In this instance, it is considered that the site is not viewed only in the context of the existing built form of the settlement but would encroach, to some degree, harmfully into the open countryside.

- 5.11 On balance, it is considered that proposed introduction of a dwelling is considered to be inappropriate for this location outside of the settlement boundary resulting in the extension of the village out into open countryside in a manner which would result in harm to the surrounding natural landscape and to the built form of the settlement.
- 5.12 In this case the harm identified must be considered against the benefit of the provision of an agriculturally tied dwelling and whether this would outweigh the harm the development would cause to the character, appearance and form of the village contrary to criteria 2, 3 and 4 of the IPG.

Neighbour Amenity

- 5.13 Policy DP1 seeks to protect the amenity of neighbouring occupiers. In this case potential matters of concern would be privacy and overshadowing. The nearest residential property is located to the west, No. 1 Peacock's Close and Fair View. Given the size of the site it is considered that there is scope for a design to be achieved that would not result in an adverse level of harm to residential amenity and accord with Policy DP1. This would be further considered at the appropriate reserved matters stage.

Highways

- 5.14 Policy DP4 seeks to ensure that development is provided by satisfactory access. It is proposed that a new access is formed to the north east corner of the application site in this case. The Highway Authority has no in principle objection to the proposed development subject to a number of conditions. Despite the narrow nature of Common Lane, it is considered the proposed access arrangement for one additional dwelling would not have a detrimental impact upon highways operation or safety.

Planning balance

- 5.15 The proposal comprises development in a rural location outside of Development Limits justification on the basis of a dwelling to enable the succession of the farm operation. Whilst it is considered that the proposal fails to comply with the Councils Interim Policy Guidance Note - Development in Villages, this needs to be seen in the context of the justification for the dwelling. In this case, the harm caused is considered to be relatively minimal and in this instance is considered to be reasonably off-set by the need identified.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **APPROVED**, subject to the following conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the means of access to the building plot(s), (b) the siting, design and external appearance of each building, including a schedule of external materials to be used; (c) the landscaping of the site; (d) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (e) the scale (including the number) of buildings overall.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan received by Hambleton District Council.
4. 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.
5. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
6. The development shall be for no more than one dwelling.
7. Prior to the commencement of development, other than the formation of the access and initial site clearance, full existing and proposed site levels shall be provided to and agreed by the Local Planning Authority. Levels shall include existing and proposed site levels along with proposed finished floor, eaves and ridge levels. The development shall then be implemented in accordance with the approved details.
8. 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. details of the measures to be taken for the protection of trees; and 7. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue and/or concern received from members of the public.
9. Prior to the commencement of development other than the formation of the access and initial site clearance, full details of foul and surface water management and disposal shall be provided to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

The reasons for the above conditions are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
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) .
4. In order that the materials are appropriate to the locality and to comply with DP32.

5. The dwelling is in an area where the Local Planning Authority considers that new residential development should be restricted to that which is essential in the interests of agriculture or forestry in accordance with Hambleton Local Development Framework Core Strategy Policy CP4.
6. In order that the scale of development is appropriate to the site.
7. In order to protect the residential amenity of neighbouring occupiers and comply with DP1.
8. In the interest of public safety and amenity.
9. In order that appropriate water management is in place and to accord with DP1 and DP43.

Parish: Well
Ward: Tanfield
8

Committee Date : 10 June 2021
Officer dealing : Mr Nathan Puckering
Target Date: 7 June 2021
Date of extension of time (if agreed): 11 June 2021

21/01219/APN

Application to determine if prior approval is required for the proposed construction of a steel portal framed agricultural building for the housing of livestock.

At: Mowbray Hill Farm Well Bedale North Yorkshire

For: Mr S Webster.

This Prior Notification is referred to the Planning Committee due to the applicant being a relation of a Member of the Council.

1.0 Site context and proposal

- 1.1 The site is a livestock farm located approximately 0.7km south west of Well. It is served by two accesses - one from Phlashedts Lane to the east, which is a private access that serves the farmhouse, and a shorter access from the B6267 to the south which is used by the vehicles associated with the farming operation. The unit comprises the farmhouse on the eastern extent (grade II listed), some historic brick built agricultural outbuildings directly to the west of this (also grade II listed) and then an array of typical modern agricultural buildings to the north west of this.
- 1.2 There are currently four such agricultural buildings which are sited at staggered intervals along the southern boundary of the built complex. This prior notification concerns the construction of a fifth building within this line, although it will be sited perpendicular to the other four. It is will be used to house livestock.
- 1.3 The building will measure approximately 313sqm in area and will have a maximum height of 6.10m at the ridge. It will be constructed using Yorkshire boarding to walls and fibre cement sheeting for the roof.

2.0 Relevant Planning History

- 2.1 19/00420/APN - Application for prior notification for the construction of a fertilizer storage tank. - Prior Approval Not Required

3.0 Relevant Planning Policies

- 3.1 This matter is a test of the development against relevant legislation rather than the Development Plan.

4.0 Consultations

- 4.1 Not Applicable

5.0 Analysis

- 5.1 This Notification is effectively a test against the relevant legislation and a question as to whether or not the prior approval of the Local Planning Authority is necessary. This does not allow a direct test against the Local Development Framework to be carried out.
- 5.2 Paragraph A. of Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the carrying out on agricultural land comprised in an agricultural unit of 5 hectares or more in area of- (a)

Works for the erection, extension or alteration of a building; which is reasonably necessary for the purposes of agriculture within that unit.

- 5.3 In order for the development to be permitted development, there are certain criteria it must fulfil which are set out within the GPDO. It is considered that the proposal in this instance is permitted development for the following reasons:
- (a) the development will not be carried out on a separate parcel of land
 - (b) no development has been carried out on the unit under Class Q or S of the GPDO within the last 10 years
 - (c) it does not consist of the erection, extension, of alteration of a dwelling
 - (d) the building is designed for agricultural purposes, i.e. the housing of livestock on a large, established livestock farm
 - (e) the ground area covered by the building will be 313sqm, which along with the 529sqm built under prior notification 19/00420/APN is below the 1000sqm threshold permitted to be constructed under Part 6, Class A of the GPDO within 2 years of one another
 - (f) the site is not within 3km of an aerodrome
 - (g) no part of the structure will exceed 12m in height
 - (h) no part of the development will be within 25m of a metalled part of a trunk road or classified road
 - (i) the structure will not be within 400m of a 'protected building', as defined in the GPDO
 - (j) the site is not on Article 2(4) land and the building is not for storing fuel for, or waste from, a biomass boiler or an anaerobic digestion system
- 5.4 As part of the prior notification process, the GPDO requires the Local Planning Authority to determine whether the prior approval of the LPA will be required as to the siting, design, and external appearance of the building/structure.
- 5.5 The proposed building will have the appearance of a typical modern agricultural building and will utilise appropriate materials. Its siting within the confines of the built form of the existing unit means that it will not appear as an isolated building within the landscape but instead as part of the large, long-established unit. Indeed, due to dense landscaping to the south, the building will only become visible as one turns onto the access track to the south and as such it will have a negligible landscape impact. Overall, it is recommended that prior approval is not required.

Summary

- 5.6 The development in this instance is in line with the requirements of Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Furthermore, it has been determined that the prior approval of the Local Planning Authority is not required with regard to the siting, design and external appearance of the building.
- 6.0 Recommendation
- 6.1 That subject to any outstanding consultations the application be permitted

PRIOR APPROVAL NOT REQUIRED