

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 18 August 2021

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 26 August 2021**

Time **10.30 am**

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

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Note: 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: 600 756 248# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes

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To confirm the minutes of the meeting held on Thursday, 29 July 2021 (P.9 - P.10), 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 9.30 am on Thursday, 29th July, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	G W Dadd	Councillor	D Hugill
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An apology for absence was received from Councillor J Noone

P.9 Minutes

The Decision:

That the minutes of the meeting of the Committee held on Thursday, 1 July 2021 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 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) 20/02420/FUL - Proposed construction of 9 dwellings and associated infrastructure at OS Field 9021 Cross Lane, Burneston for Mulberry Homes Yorkshire

Permission Refused. The Committee refused the application for the following reasons: the overbearing impact of the development on the basis of rising ground and the height of the proposed dwellings would have a detrimental impact on the amenity of residents of adjacent bungalows; the proposed two-storey houses would not be in-keeping with adjacent bungalows and would have a detrimental impact on the character of the area; inappropriate design; and, the proposed site location would extend outside the draft allocation site boundary with the siting of four houses on unallocated land which would introduce new development visible from a wide area.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Jonathan Saddington, spoke in support of the application).

(Mr C Stebbing spoke on behalf of Burneston Parish Council objecting to the application.)

Note: Councillor G W Dadd arrived at the meeting at 10.22am.

- (2) 21/00116/FUL – Change of use of grazing land to provide 23 log cabins and 4 glamping pods, together with associated parking, spine road and private pumping station at Land North West of Hawthorns, Tame Bridge, Stokesley for Mr and Mrs Connors

Permission Granted subject to: a condition requiring the removal of the development and reinstatement of the land if the development is no longer required; a condition requiring the installation of a fence between the site and the pond; an amendment to condition 8 to read: prior to the occupation of the first lodge the foul and surface water drainage shall be implemented as set out in the Drainage Technical Note and drawing number 027D11-001 Rev 6 dated 24/02/2020; and condition 9 to be removed.

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

Note: The meeting was adjourned at 10.54am and reconvened at 11.01am.

- (3) 21/00772/FUL - Change of use of agricultural land and siting of 80 caravans including access roads, car parking, landscaping and ornamental ponds at Coppergreen Developments Ltd, Woodland Lodges Carlton Road, Carlton Miniott for Coppergreen Developments Ltd

Permission Granted subject to an amendment to condition 3 to include a management plan for the implementation of landscaping.

(The applicant, Richard Sidi, spoke in support of the application.)

(Parish Councillor Mike Nickson spoke on behalf of Carlton Miniott Parish Council objecting to the application.)

Note: Councillor G W Dadd left the meeting at 11.55am.

- (4) 21/00952/FUL - Change of use from agricultural to equestrian and construction of an equestrian barn and riding arena at Westlea, Hill Road, Kirkby In Cleveland for Mr and Mrs Walker

Permission Granted subject to a condition requiring a manure and storage management plan.

(The applicant, Andy Walker, spoke in support of the application.)

(John Passman spoke objecting to the application.)

Notes: The meeting adjourned at 12.24pm and reconvened at 1.30pm.

Councillor G W Dadd and D Hugill arrived at the meeting at 1.30pm

Prior to consideration of Items 5, 6 and 7, Councillor D B Elders informed the Committee that he had been lobbied by local residents in respect of these applications.

- (5) 21/00501/FUL - Change of use of agricultural land to mixed use to allow for camping facilities, including up to 10 sleeping pods, temporary showers/wc's, access and parking, which would operate alongside the existing agricultural use for the grazing of livestock at Thirsk Hall, Kirkgate, Thirsk for Daisy Bell

Permission Granted subject to a condition requiring details of the sleeping accommodation, including the colour, to be provided and approved by the Local Planning Authority.

(The applicant, Daisy Gerish, spoke in support of the application.)

(Jill Swinhoe spoke on behalf of a number of objectors objecting to the application.)

- (6) 21/00911/FUL - Change of use of agricultural land, building and domestic garden to mixed use to allow for the creation of a sculpture park and gallery, along with the continued use of both existing agricultural land for grazing of livestock and private garden at Thirsk Hall, Kirkgate, Thirsk for Daisy Bell

Permission Granted

(The applicant, Daisy Gerish, spoke in support of the application.)

Note: Councillor G W Dadd left the meeting at 2.47pm.

- (7) 21/00912/LBC - Listed building consent for the creation of a sculpture park and gallery at Thirsk Hall, Kirkgate, Thirsk for Daisy Bell

Permission Granted

(The applicant, Daisy Gerish, spoke in support of the application.)

- (8) 21/01457/OUT - Application for outline planning permission for the construction of two detached dwellings (access only being considered) at Land to the west of 50 and 52 Cooper Lane, Potto for Clayton C/o Saddington Taylor (Agent)

Permission Refused for the reasons set out in the officer report and recommendation.

(The applicant's agent, Jonathan Saddington, spoke in support of the application.)

(Stephen Sadler spoke on behalf of a number of local residents objecting to the application.)

The meeting closed at 3.25 pm

Chairman of the Committee

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 26 August 2021. The meeting will commence at 10.30am.

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 26 AUGUST 2021

Item No.	Application ref/Officer/Parish	Proposal/Location/Applicant/Recommendation
	Morning Session 10:30am to 12:30pm	
1	21/01679/LBC Peter Jones Northallerton Page No. 11	Proposed internal fit out works to create a first-floor fitness suite. Works to include glazed partitions and doors at first floor and enclosure of the central stair at ground floor. Inclusion of CCTV unit on the north elevation. For: Wykeland Group At: 11 Treadmills, Crosby Road, Northallerton RECOMMENDATION: APPROVE
2	20/02689/HYB Aisling O'Driscoll Northallerton Page No. 15	Hybrid Planning Application comprising: 1) Full planning permission is sought for the demolition of the existing farmhouse and buildings and construction of a commercial development comprising of 21,000sq ft (1951 sq.m) of trade counter space (B8), a 3,777sq ft (351 sq.m) drive thru (E b) and sui generis and associated infrastructure comprising of carparking, landscaping, drainage and construction of an access road (Phase A1) from the Darlington Road to cross enable Phase 1B and 2. 2) Outline Planning Permission is sought for Phases 1B and 2 for the erection of the following: A four pump petrol station with up to 5,000sq ft (465 sq.m) of retail space (Sui generis and ancillary E a). A drive thru of up to 1,800sq ft (167 sq.m) (E b) and sui generis. Office units of up to 15,000sq ft (1395 sq.m) E g. Industrial units of up to 190,000 sq ft (18,116 sq m) B2. For: Beckwith Knowle Developments Ltd At: Land South East Of Moor Close RECOMMENDATION: APPROVE

Item No.	Application ref/Officer/Parish	Proposal/Location/Applicant/Recommendation
	Afternoon Session Commencing at 13:30	
3	21/011111/OUT Aisling O'Driscoll Hornby Page No. 37	Outline application for residential development of 5 dwellings with some matters reserved (considering access from Northallerton Road) For: D G Hall, A H Hall, N C Hall & Richard Roberts Ltd At: Land South West of Smeaton East Farm East of A167 Great Smeaton RECOMMENDATION: APPROVE
4	21/01397/FUL Kate Williams Kirby Sigston Page No. 49	Change of use of agricultural land to domestic use and construction of an ancillary building with associated external facilities For: C/o agent, Mr Christopher Hodges At: Kirby Sigston Manor, Chester Lane, Kirby Sigston, Northallerton, DL6 3RD RECOMMENDATION: APPROVE
5	21/00898/FUL Nathan Puckering Kirklington-cum-Upsland Page No. 61	Installation of solar panels to South west facing garage roof For Mr C Les At: The Rosary, Whinwath Lane, Kirklington RECOMMENDATION: APPROVE
6	20/02910/FUL Naomi Waddington Raskelf Page No. 65	Full planning application for construction 2no. detached bungalows For: Mr Jamie Pyper At: Land Rear of Nova, The Green, Raskelf RECOMMENDATION: APPROVE
7	21/00078/MRC Aisling O' Driscoll Skutterskelf Page No. 79	Application for variation of condition 4 (caravan numbers - to increase the caravan numbers from 2 to 5) to application 16/00522/FUL for Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer (granted on appeal reference APP/G2713/W/16/3165207) For: Mr Adams At: Oakwood Farm, Tame Bridge, Stokesley RECOMMENDATION: APPROVE

Item No.	Application ref/Officer/Parish	Proposal/Location/Applicant/Recommendation
8	21/01459/OUT Andrew Cotton Yafforth Page No. 89	Outline application (with some matters reserved) for residential development to create 2no building plots For: Mrs J Walker & Mrs H Tomkins At: Church View Yafforth RECOMMENDATION: APPROVE
9	20/02752/FUL Marc Pearson Tollerton Page No. 99	Construction of 4no. dwellings and associated works. For: Ambleside Homes At Land and buildings South of Pond View, Tennis Court Lane, Tollerton RECOMMENDATION: APPROVE
10	20/02742/FUL Marc Pearson Tollerton Page No. 113	Replacement Agricultural Building At: Land to East of Old Mill House, Alne Road, Tollerton For: Mr Richard Bullen RECOMMENDATION: APPROVE

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Parish: Northallerton
Ward: Northallerton South
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Committee Date : 26 August 2021
Officer dealing : Mr Peter Jones
Target Date: 26 August 2021
Date of extension of time (if agreed):

21/01679/LBC

Proposed internal fit out works to create a first floor fitness suite. Works to include glazed partitions and doors at first floor and enclosure of the central stair at ground floor. Inclusion of CCTV unit on the north elevation.. at Governors House 11 Treadmills Crosby Road Northallerton for Jonathan Stubbs.

1.0 Site description and proposal

- 1.1 The site forms part of the listed, former Northallerton Prison site, subject of a number of recent applications for the redevelopment of the site.
- 1.2 This application comes towards the end of the project to convert the listed elements of the buildings and seeks a number of alterations to the internal arrangements of the Governors House in order to allow the effective occupation of the site by the tenant.
- 1.3 The application also includes a CCTV camera to be mounted on the north elevation of the Governors House.

2.0 Planning and enforcement history

- 2.1 There have been a number of Government related notifications and applications relating to the operation of the Prison site. The applications considered most relevant to the current proposals are:
- 2.2 74/0707/FUL 29.08.1974 Construction of Garden Building
- 2.3 05/00596/GOV 03.05.2005 Granted. Application for roof replacement
- 2.4 15/02538/PND 05.01.2016 Granted. Prior Notification for the demolition of the unlisted parts of former prison and boundary wall
- 2.5 17/02591/ADV 08.02.2018 Granted. Advertisement consent for a mesh banner fixed to existing boarding
- 2.6 18/01849/FUL. Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses. Approved 04 December 2018.

- 2.7 18/01850/LBC. Listed building consent for internal and external alterations to former prison buildings, as per amended plans and additional information received by Hambleton District Council on 22nd October 2018. Approved 04 December 2018.

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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP28 - Conservation

Development Policies DP32 - General design

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/homepage/60/new-local-plan-examination>. 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 and Representations

- 4.1 Northallerton Town Council – No comment received.
- 4.2 Council for British archaeology – No comment received.
- 4.3 No third party representations received.

5.0 Analysis

- 5.1 Section 66 of the Listed Building Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.2 Other relevant sections include Section 16 (2) of Listed Building Act provides that in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.3 The legislative requirements of Sections 16 and 66 are in addition to government policy contained in Section 16 of the NPPF. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.
- 5.4 LDF Policies Development Management (2008) Policy DP28 and 2020 Publication version of Local Plan Policy E5 reflect legislation and national planning guidance. In particular, Draft Policy E5 describes how all adverse impacts will be avoided as far as possible, or if unavoidable how they will be minimised as far as possible; detail how, following avoidance and minimisation, the proposal would impact on the significance and special interest of each asset. Additionally, provide clear justification for the proposal, especially if it would harm the significance of a heritage asset or its setting, so that the harm can be weighed against public benefits.
- 5.5 It is acknowledged that the Governors House is a key a component of the historic Quadrangle, within the overall Treadmills masterplan. The works carried out to the whole of the Treadmills site in principle have established the retention of the historical plan form. With respect to the Governors House application it is noted that the inclusion of glass screens would have some impact on the heritage asset. However, these alterations are removable and would retain the existing layout form. It is therefore considered that the proposed internal design of the Governors House would not significantly impact the historical characteristics or heritage of the building. The incorporation of a public use within this building increases the public awareness to local history and is essential to safeguard this heritage asset for the future.

Public Benefits

- 5.6 Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental objectives as described in the National Planning Policy Framework. National Planning Practice Guidance and Historic England also set out what is meant by the term public benefits, Historic England state that: When dealing with designated heritage assets, the public benefits of the proposal can cover a wide range of considerations the continued conservation of a heritage asset is a public benefit.
- 5.7 The balancing of justification of proposed works to a heritage asset against public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. This would include securing the optimum viable use of a heritage asset in support of its long term conservation. In this instance the public benefits include social, economic and environmental considerations.
- 5.8 On balance the delivery of this project would contribute positively to sustainability and place making and would bring significant regeneration benefits. The use of this building would allow the public to gain a deeper understanding to the historical context of the whole site not just the Governor's building.

Planning Balance

- 5.9 It considered that the balance of harm lies on the higher end of less than substantial spectrum. The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.10 The Governors House is a Grade II listed building. The NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification and goes on to state 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.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **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 HU-DB-EA-781-18-1000 + 13271-2 101 received by Hambleton District Council on 01 July 2021 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) 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 the Development Plan Policy(ies).

Parish: Northallerton
Ward: Northallerton North and
Brompton

Committee Date: 26 August 2021
Officer dealing: A O'Driscoll

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Target date: 18 March 2021

20/02689/HYB

Hybrid Planning Application comprising:

1) Full planning permission is sought for the demolition of the existing farmhouse and buildings and construction of a commercial development comprising of 21,000sq ft (1951 sq.m) of trade counter space (B8), a 3,777sq ft (351 sq.m) drive thru (E b) and sui generis and associated infrastructure comprising of carparking, landscaping, drainage and construction of an access road (Phase A1) from the Darlington Road to cross enable Phase 1B and 2.

2) Outline Planning Permission is sought for Phases 1B and 2 for the erection of the following: A four pump petrol station with up to 5,000sq ft (465 sq.m) of retail space (Sui generis and ancillary E a). A drive thru of up to 1,800sq ft (167 sq.m) (E b) and sui generis. Office units of up to 15,000sq ft (1395 sq.m) E g. Industrial units of up to 190,000 sq ft (18,116 sq m) B2.

**At Land South East of Moor Close, Darlington Road
For Beckwith Knowle Developments Ltd**

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

1.0 Site Context and Proposal

1.1 The application site is a green-field site located to the northern extremity of the settlement of Northallerton. To the west of the site is the East Coast mainline, to the South the Standard Way industrial estate, to the east the A167 Darlington Rd and to the north open countryside.

1.2 The southern part of the application site is allocated in the LDF for employment use under policy NM5E which states:

For development to take place on this site, the following will be required:

- high quality B1 uses will be required on this site and on the equivalent parts of Site NM5D, particularly at the prominent areas of the sites adjacent to the proposed roundabout junction, to form a suitable 'gateway' into Northallerton. B2, B8 and other suitable employment uses (excluding town centre uses) would also be acceptable within the site subject to location;

- access to this site will be gained directly from a roundabout at the proposed junction between the A167 Darlington Road and the proposed Link Road.

1.3 The site has not, so far, come forward for development. The allocation site has been expanded to the north and included for employment uses in the Emerging Local Plan under NOR2 which states:

Access and highways

- Vehicle, cycle and pedestrian access will be taken from the existing roundabout junction with the A167 Darlington road and North Moor Road.
- Works are required to extend and improve pedestrian and cycle links, including to the local centre located to the east, the extension of the footway and lighting along Darlington road, appropriate pedestrian crossings and street lighting, where necessary, to serve the site.

Flood, drainage and water management

- Part of the site towards the southwestern 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 features should be retained, including hedgerows and mature trees, and boundaries features enhanced to screen views of the site from the north and east. Habitats must be protected from adverse impacts, such as obtrusive light.

Other planning considerations

- The site is in a minerals safeguarding area; safeguarding considerations will need to be adequately addressed with engagement with North Yorkshire County Council.

Utility and service provision

- Early engagement will be required with the utility and service providers in order to establish available supply capacity to the site and, depending on the type of proposed development, whether reinforcement will be required:
 - Water - Yorkshire Water have identified that reinforcement of the sewerage network is likely to be required and that detailed investigation into the capacity of the water supply and waste water infrastructure is required. Therefore it is recommended that early consultation with the water authority is necessary.
 - Works adjacent to the railway - If any site excavations/ piling/ buildings are proposed to be located within 10 metres of the railway boundary a method statement will need to be submitted to Network Rail's Asset Protection Engineer for approval.

Design

- A planning and development brief for the site should demonstrate how the development will successfully integrate with the existing employment area as well as addressing the constraints and opportunities of the site. Scale, massing and density considerations will be expected to have regard to the original character of the area.

- 1.4 The application is a hybrid application for the entirety of the Emerging Local Plan allocation site with full permission sought for the provision of trade counter space, a drive through restaurant and the access road for the wider site. Outline permission is sought for a petrol station with retail space, a further drive through, office and industrial space.

2.0 Relevant Planning and Enforcement History

- 2.1 20/01681/SCR - Request for screening opinion for Environmental Impact Assessment (EIA) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (As amended) in respect of a Hybrid application for Full Planning for construction of up to 351m² trade counter B8 use, up to 557m² drive thru (A1,A3,A5) and infrastructure and an Outline application for four pump petrol station with up to 465m² sui generis and A1 use, drive through up to 167m² (A1, A3, A5) and a mix of up to 20,438m² business and light industrial (B1 B2) – EIA not require

3.0 Relevant Planning Policies

The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 – Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP10 - The scale and distribution of new employment development

Core Strategy Policy CP10A - The scale of new employment development by sub-area

Core Strategy Policy CP11 - Distribution of new employment development

Core Strategy Policy CP12 - Priorities for employment development

Core Strategy CP13 - Market towns regeneration

Core Strategy Policy CP14 - Retail and town centre development

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP4 - Access for all

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

Development Policies DP10 - Form and character of settlements

Development Policies DP16 - Specific measures to assist the economy and employment

Development Policies DP17 - Retention of employment sites

Development Policies DP19 - Specific measures to assist market town regeneration

Development Policies DP23 - Major out of centre shopping and leisure proposals

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

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

Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP34 - Sustainable energy

Hambleton emerging Local Plan

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. The following draft policies are considered relevant on this basis.

S 1: Sustainable Development Principles 35

S 2: Strategic Priorities and Requirements 37

S 3: Spatial Distribution

EG 1: Meeting Hambleton's Employment Requirement

EG 2: Protection and Enhancement of Employment Land

EG 6: Commercial Buildings, Signs and Advertisements

E 1: Design

E 2: Amenity

E 3: The Natural Environment

CI 2: Transport and Accessibility

RM 3: Surface Water and Drainage Management

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – No Response received

4.2 Highway Authority – No objection subject to conditions

4.3 Environmental Health Officer – Recommends conditions

4.4 North Yorkshire Police Designing Out Crime Officer – recommends conditions

4.5 Yorkshire Water – No objection subject to acceptable outfall rates

4.6 Lead Local Flood Authority – Awaiting final comments

4.7 North Yorkshire County Council Heritage Service – No objection

4.8 Network Rail – Recommends condition, awaiting confirmation on drainage condition content

4.9 North Yorkshire Fire and Rescue – No Observations

4.10 MOD Safeguarding, RAF Leeming – recommends conditions relating to Bird Hazard Management Plan and assurance that the drainage attenuation basin will only fill during peak events and will revert back to a dry basin after any events.

- 4.11 North Yorkshire County Council Footpaths – Public right of way within the site will need a diversion order.
- 4.12 Public comments – Five letters of representation were received, one in support one neutral and three in objection. The following points were raised:
- Impact on litter
 - Increased noise from traffic
 - Light pollution
 - Impact of chain takeaways on an independent market town
 - Proposed uses are contrary to the LDF allocation
 - Allocation policy specifically excludes town centre uses (retail/food/drink)
 - Other high value non town centre uses could be developed to make the employment uses viable
 - Proposal is contrary to DP17 which safeguards employment land
 - Impact on employment land need in Emerging Local Plan
 - Will prejudice delivery of the new local neighbourhood centre on the east side of Darlington Road
 - Neighbourhood Centre requires the retail/food/drink uses to make the neighbourhood centre viable, approval of this scheme will draw away these uses making the neighbourhood centre unviable.
 - Disruptive uses should have been placed further back in the site
 - Views towards the Dales will be lost
 - Design unsympathetic to surroundings
 - Tree belt should be provided to screen the site
 - Dedicated cycleway and pelican crossings should be provided to make the site more accessible
 - Smell from drive through restaurants
 - There is existing space available for the proposed uses and therefore this greenfield land should not be developed

5.0 Analysis

5.1 The main issues to consider are:

i) The Principle of development in this location; ii) Acceptability of proposed uses; iii) Design and impact on the character of the area; iv) Amenity; v) Drainage; vi) Highways Safety and ; vii) Biodiversity

The principle of development in this location

5.2 As outlined at 1.2 and 1.3 above the site is allocated for employment uses in both the current LDF and the Emerging Local Plan. Policy EG2 of the Emerging Local Plan identifies this site, amongst others, as a key employment location. In this case therefore the general principle of development in this location is considered acceptable.

Acceptability of proposed uses

5.3 LDF Policy DP17 state that: sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area's primary purpose for employment will not be granted, unless:

i. the supply and variety of available alternative employment land is sufficient to meet District and local requirements; or

ii. evidence can be provided that no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or

iii. there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or

iv. economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.

Where redevelopment of employment land is accepted, particular concern will be given towards ensuring the future viability of individual businesses (eg. tenants of an estate or premises) that might be displaced.

5.4 Policy EG2 states that a proposal for B class uses within a key employment location will be supported. A proposal for sui generis uses will only be supported if it is demonstrated that there is no suitable land or buildings available within a general employment location or site allocated for employment development. A proposal that involves the redevelopment or change of use of land or premises for non-employment uses will only be supported if it can be demonstrated that the proposed use is ancillary. Applicants will need to demonstrate that the proposal will have a complementary benefit to the employment area. There would be no unacceptable amenity impact, no unacceptable impact on either the operation of the site as a key employment location, or the supply of employment land, both in quantitative and qualitative terms. A proposal for a sui generis use or a use that is ancillary to the operation of the whole location should be located towards the periphery of the key employment location, nearest to public transport routes (where available), in order to reduce the potential for conflict with traffic associated with existing business uses.

5.5 Whilst the principle of development at this site is acceptable the proposal does not match the uses for which the site was allocated. The applicants claim that the site has not come forward yet, despite marketing, due to "the cost of the infrastructure required to enable the development of the site for small/medium scale employment units and the relatively low values that can be achieved in this location, making such investments unviable" (supporting statement pg 22). It is argued that the gateway location of the site lends itself to "restaurant- take away/retail/petrol station/trade counter uses which will generate high values and therefore assist in funding the infrastructure needed to open up the wider site" (supporting statement pg 22).

- 5.6 The applicant has applied the sequential test by assessing alternative locations for the development. It is considered, however, that this approach does not in itself justify the deviation from the allocation, however, it does assist in the application of Policy EG2 outlined above. The sequential test looked at a number of sites within Northallerton including the Auction Mart and carpark, the Prison site, sites at Yafforth Road/Finkills Way and the local Centre site to the east of Darlington Road. All sites assessed were considered to be either unsuitable or unavailable. Having reviewed the supporting statement it is considered that there are no other sites which could have been included in the assessment and the sequential test is therefore acceptable.
- 5.7 In addition, the applicant is arguing that an element of high value enabling development is required to assist in delivering the allocation. Even if a more suitable site for the non B class uses were found to be available it would not necessarily facilitate the allocation.
- 5.8 A viability assessment was submitted with the application which details the build costs for the site. The Assessment claims that given the cost of infrastructure including the access road and balancing pond the site would be unviable unless a higher value can be achieved on a number of units. The proposal therefore is to site higher values units, drive throughs, trade counter and petrol station at the front of the site to balance the cost of infrastructure to the wider site.
- 5.9 Comments have been received from Eshton Castlevale Ltd who have a legal agreement with the landowner to deliver a new local centre on land east of Darlington Road which has planning permission for town centre uses and will function as a new local neighbourhood centre. The comments raise a number of concerns regarding the impact of the proposal on the delivery of the neighbourhood centre.
- 5.10 It is argued that the proposal is contrary to the allocation policy which specifically precludes town centre uses and policy DP17 which safeguards employment land. The relevant wording for NM5E is as follows: "high quality B1 uses will be required on this site and on the equivalent parts of Site NM5D, particularly at the prominent areas of the sites adjacent to the proposed roundabout junction, to form a suitable 'gateway' into Northallerton. B2, B8 and other suitable employment uses (excluding town centre uses) would also be acceptable within the site subject to location;" It is considered in this case that the wording does not specifically indicate that town centre uses would be unacceptable as the commentator states, rather that the allocation is for non town centre employment uses. This does not preclude the consideration of other uses where an appropriate justification has been provided.
- 5.11 In relation to DP17 part iii indicates that permission may be granted if there would be substantial planning benefit. The example given is the removal of a nuisance. In this case, however, the site has not come forward in the last plan period and the proposal offers a reasonable solution. The provision of the infrastructure to allow the employment land to come forward is considered a planning benefit in this case.
- 5.12 The commentator also indicates that approval for drive throughs at this site would prejudice the delivery of the neighbourhood centre site by drawing the food retailers away. It is claimed that these business are required to achieve the visibility of the site. No specific evidence has been provided to back this up. Indeed the identity of

the end users has not officially been revealed by either party and therefore the Council cannot make any informed judgement on whether this proposal would prejudice the other. A decision must be made on the basis of what is before the Council and not on what may be presented in the future.

- 5.13 A similar objection has been raised on behalf of Simon Bailes, who claim that their site, which has permission for drive through units is sequentially preferable to the application site as it is better connected to the town centre. In this case the difference in accessibility is considered marginal. The commentor also questions the marketing carried out at the site and whether this was robust.

Design and impact on the character of the area

- 5.14 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."
- 5.15 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.
- 5.16 The National Planning Policy Framework supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design especially where it fails to reflect local design policies and government guidance on design⁵², taking into account any local design guidance and supplementary planning documents such as design guides and codes
- 5.17 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.
- 5.18 The site is currently green-field with industrial development to the south and the partially complete North Northallerton housing development to the east. The site currently forms part of the transition between the edge of the settlement and the open countryside. To the east of Darlington Road the North Northallerton housing development has extended the built form of the settlement to the north. This site will bring development on the western side approximately 100m beyond the road fronting extent of the housing development. Further land to the north east of this new settlement edge has approval for further housing. Given the application site's position in relation to the strategic expansion of Northallerton and its status as both a current allocation under the LDF and draft allocation in the Emerging Local Plan it is considered that development of the site will not have an undue impact on the character of the area.
- 5.19 Part of the application is in outline with access only considered. The appearance, scale, layout and landscaping of this part of the development will be considered at reserved matters stage.

- 5.20 The application also includes a section seeking full permission. This section is located at the south east corner. Detailed design drawings have been submitted for Unit 1 which is a drive-through unit and units 2 and 3 which are trade units. Unit 2 is shown as divisible into 2 separate spaces and unit 3 into 4 spaces. The design is modern in style featuring timber and Kingspan cladding, blue engineering brick and aluminium framed glazing.
- 5.21 As the site is seen as a gateway site into Northallerton it has been designed with visual permeability as a priority. The proposed stone entrance originally continued around the eastern boundary of the site. This was amended on request and it is now proposed to keep the existing hedgerow with the stone wall reduced to just the entrance.
- 5.22 The design and access statement identifies that other commercial and industrial properties in the area feature red brick and various cladding materials. This has not been carried forward into the proposed design, however, it appears that Unit 1 at least is a corporate design for a well known restaurant chain. The remaining buildings that seek full consent take their cue from Unit 1 and feature timber and industrial type cladding. Overall, the design is modern and will appear as good quality design in the context of the wider industrial area.

Amenity

- 5.23 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.
- 5.24 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.
- 5.25 The Council's Environmental Health Officer was consulted and has recommended a number of conditions to secure the amenity of nearby residents. The response details that in recent years the number of complaints regarding industrial uses in the district has increased. The Environmental Health Officer has indicated that "historic estates tend to have no hours use restrictions and many larger operators now work 24 hours. Over the years the areas surrounding these sites have experienced a general increase in noise levels which can lead to a deterioration in amenity both due to increased activities during the night and associated road traffic movements. This becomes increasingly difficult when there are many operators and many sources of noise and odour".
- 5.26 As some of the end uses are currently unknown the Environmental Health Officer has recommended a number of conditions including submission of additional information at later stages of the development which will allow more detailed assessment at the appropriate time.

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 The application site is located in Flood Zone 1. The emerging Local Plan identifies that the south western portion of the site is vulnerable to surface water flooding. Due to the size of the site a Flood Risk and Drainage strategy were submitted with the application.
- 5.30 The drainage strategy indicates that the site will be developed with separate systems for foul and surface water drainage. Ground condition testing has been carried out and it was found that the site is not suitable for soakaway systems.
- 5.31 The drainage assessment indicates that discharge to a watercourse is not viable as this would require the system to cross third party land. In the interest of sustainable drainage, Yorkshire Water has advised that the feasibility of crossing third party land be investigated further and have recommended that this be secured by condition.
- 5.32 Subject to the above condition it is proposed that surface water be discharged to the public system located in Standard Way with a maximum discharge rate of 5l/second. This will require a positive attenuation system through a detention basin, pumping station and via a rising main to the Yorkshire Water surface water sewer.
- 5.33 Similarly, foul water will discharge to the Yorkshire Water foul sewer at Standard Way. It is proposed that the drainage system will be built to adoptable standards.

Highways Safety

- 5.34 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.
- 5.35 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.
- 5.36 North Yorkshire County Council Highways Authority has been consulted and the following response was returned: Access to the site is proposed to be taken from the recently constructed roundabout on Darlington Road. The roundabout and access road are of a suitable width and construction to accommodate the larger goods vehicles that the development would be expected to generate. A check on

the capacity of the roundabout has demonstrated it would continue to operate within capacity with the new traffic generated by the proposals and therefore the vehicular access proposals are considered acceptable.

- 5.37 The internal road and site layout shown for phase 1A would allow service vehicles to the Trade Units to load and unload clear of the highway and leave the site in a forward gear. The level of parking provision proposed for phase 1A also meets the minimum requirements expected. An indicative road layout for the later phases seeking outline permission has been provided and in principle this is considered acceptable although the highway authority would expect a turning head facility to be provided that can be used by goods vehicles to form part of the road layout.
- 5.38 The impact of the new traffic expected to be generated by the proposals has been considered with a trip generation and distribution exercise undertaken by the applicant. It is accepted that a number of uses proposed for the site, such as the petrol filling station and drive through restaurants will rely to some extent on existing traffic that already passes the site. Given the site is located on a major A road, this could be a significant proportion of the traffic. There is also likely to be some redistribution of existing traffic that is already present on the wider local road network that will divert to this development. However, there will also be new trips that are likely to impact on junctions in Northallerton that can already suffer from congestion. Traffic modelling work recently undertaken has in particular highlighted issues at High Street and Friarage Street with options to improve capacity now being considered. The proposed development is likely to result in a noticeable impact at this location and therefore a contribution towards measures to improve capacity is sought. It is also important to ensure that facilities and infrastructure that can provide alternative means of transport to the site are provided. A connecting cycle path/footpath that joins to Standard Way and a contribution to provide/enhance bus services to this location are also sought as part of the proposals.
- 5.39 North Yorkshire County Council Highways raised no objection to the proposals and recommend conditions relating to detailed plans, construction requirements, closing of the farm access, off site works, travel plan delivery and a construction management plan. It is considered that the proposed development will not result in a harmful impact on road safety and the proposed development is in compliance with policy DP3 and DP4.

Biodiversity

- 5.40 Planning Practice Guidance on the natural environment indicates that section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 Year Environment Plan.

- 5.41 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'.
- 5.42 Policy E3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm is 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 E3 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.
- 5.43 A Preliminary Ecological Assessment was submitted with the application. As part of the assessment a desktop study was undertaken on the 19/11/2019 in order to obtain any relevant ecological records that may be present within a 2km radius of the site, including protected and notable species records and nature conservation designations. The proposed development will have no impact on statutorily and non-statutorily designated conservation sites. This is due to no conservation sites in the wider landscape being in or within 2km of the influencing area of the proposed development.
- 5.44 A phase 1 habitat survey was also undertaken on site. The site was found to have potential of supporting bat roosting sites and emergence surveys were recommended to establish the presence or absence of bat roosts. Emergence and re-entry surveys were carried out in August and September of 2020. The surveys found a number of bats commuting/foraging at the site. In addition, 2 instances of bats (brown long-eared and common pipistrelle) emerging from the barn to the south of the dwelling were recorded.
- 5.45 As bats have been confirmed to be roosting at the site a Bat Mitigation Licence must be applied for from Natural England, and a mitigation plan devised so development causes as little impact on local bat populations as possible.
- 5.46 Paragraph 180 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- 5.47 In this case it is considered that there are no alternative sites available to accommodate this development, however, mitigation measures can be secured to reduce the impact during construction and later use of the site. It is recommended that a Construction Environmental Management Plan (CEMP) and a Landscape and Ecological Management Plan (LEMP) including a suitable lighting scheme be provided prior to the commencement of development.
- 5.48 The Preliminary Ecological Assessment also found that the buildings, scattered trees and hedgerow habitats on site provide excellent nesting opportunities for breeding bird species. Several vacant Swallow nests were noted within the storage building and outbuilding. The scattered broadleaf trees on site offer potential nesting areas for breeding birds. The site is likely to support breeding birds, including those listed as Local Hambleton Biodiversity Action Plan farmland bird species. It was

also found that the site is unlikely to support nesting and breeding hedgehogs, however the grassland habitat offers some foraging opportunities for hedgehogs.

- 5.49 It is recommended that Biodiversity Enhancement Plan be secured by condition which includes:
- Quantities and locations of faunal boxes for bats, birds, hedgehogs and insects.
 - Native shrub/tree/grass/hedgerow planting.
 - Gaps in fencing to allow movement for hedgehogs and other small mammals

Planning Balance

- 5.50 The proposal does not strictly comply with the requirements of the LDF or Emerging Local Plan allocations. An argument has been put forward, however, which reasonably explains the justification for the town centre type units in this location. There is some merit to the argument that the neighbourhood centre could be impacted by the proposal, however, it is considered that based on the available information this would not form a robust reason for refusal at this stage. Given that the allocation has not come forward in the last plan period it is considered that the proposal to offset the cost of infrastructure through the provision of high value units is acceptable.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Part 1) of the development hereby permitted (Full planning permission is sought for the demolition of the existing farmhouse and buildings and construction of a commercial development comprising of 21,000sq ft (1951 sq.m) of trade counter space (B8), a 3,777sq ft (351 sq.m) drive thru (E b) and sui generis and associated infrastructure comprising of carparking, landscaping, drainage and construction of an access road (Phase A1) from the Darlington Road to cross enable Phase 1B and 2) shall be begun within three years of the date of this permission.
 2. Application for the approval of all the reserved matters in respect of Part 2) of the development hereby approved (Outline Planning Permission is sought for Phases 1B and 2 for the erection of the following: A four pump petrol station with up to 5,000sq ft (465 sq.m) of retail space (Sui generis and ancillary E a). A drive thru of up to 1,800sq ft (167 sq.m) (E b) and sui generis. Office units of up to 15,000sq ft (1395 sq.m) E g. Industrial units of up to 190,000 sq ft (18,116 sq m) B2) 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.
 3. No development in respect of Part 2) (Outline Planning Permission is sought for Phases 1B and 2 for the erection of the following: A four pump petrol station with up to 5,000sq ft (465 sq.m) of retail space (Sui generis and ancillary E a). A drive thru of up to 1,800sq ft (167 sq.m) (E b) and sui generis. Office units of up

to 15,000sq ft (1395 sq.m) E.g. Industrial units of up to 190,000 sq ft (18,116 sq m) B2) shall take place in any Phase without the prior written approval of the Local Planning Authority of all details of the following reserved matters for that Phase: (i) appearance; (ii) landscaping; (iii) layout; and (iv) scale. Thereafter the development of that Phase shall not be carried out otherwise than in strict accordance with the approved details.

4. Part 1) of the development hereby permitted shall not be undertaken other than in complete accordance with the drawing(s) numbered: Proposed Site Layout 15475-101 Rev A received on 20.07.2021 Proposed Unit 1&2 GA 15475-102 Rev A received on 20.07.2021 Proposed Unit 1 Elevations 15475-104 Rev A received on 20.07.2021 Proposed Site Elevations/Sections 15475-107 Rev A received on 20.07.2021 Proposed Boundaries Plan 15475-112 Rev A received on 20.07.2021 Landscape Plan 15475-VL L01 Rev D received on 20.07.2021 Landscape Masterplan 15475-VL L02 Rev D received on 20.07.2021
5. The Reserved Matters application shall be submitted in substantial accordance with the Proposed Phasing Plan 15475-111 Rev A.
6. Part 1) of the development shall not be occupied until the access road and related services have been installed to a standard adoptable by statutory undertakers to facilitate Phase 2 of the development as shown on drawing titled Proposed Phasing Plan 15475-111 Rev A and received by Hambleton District Council on 26.11.2020.
7. 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.
8. 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.
9. With 6 months of development commencing on phase 2 the existing farm access onto Darlington Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

10. 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 phases 1B and 2 on land south east of Moor Close Darlington Road 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 phases 1B and 2 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.
11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Phase 1A 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.
12. The development must be carried out and operated in accordance with the approved framework Travel Plan. Those parts of the 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.
13. 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. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 5. protection of carriageway and footway users at all times during demolition and construction;
 6. details of site working hours;
 7. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 8. details of external lighting equipment;
 9. details of ditches to be piped during the construction phases;
 10. a detailed method statement and programme for the building works; and
 11. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

14. The following schemes of off-site highway mitigation measures must be completed as indicated below: 1. Provision of 2.5m wide shared cycleway/footway from the junction of Standard Way/Darlington Road that connects with the footway/cycleway at the roundabout of the A167/North Moor Road. To be provided prior to first occupation of the site. 2. Provision of a bus stop and shelter with raised kerbs on the northbound lane of the A167 Darlington Road prior to the roundabout Darlington Road/North Moor Road. To be provided prior to first occupation 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. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.
15. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority
16. In respect of Part 1) of the development the hours of use for the restaurant, drive through / takeaway restaurant are restricted to between 07:00 - 22:00.
17. In respect of Part 1) of the development hereby approved delivery of raw ingredients / materials are restricted to between the hours of 07:00 -20:00.
18. In respect of Part 1) of the development hereby approved all emissions to air resulting from any processes, plant, or activity likely to be detected at odour sensitive receptors shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of emissions. (Siting the plant on a façade facing away from the receptor has been recommended as mitigation). The scheme shall also include details of noise levels generated and any noise attenuation structures to be incorporated.

19. In respect of Part 1) of the development hereby approved a construction management scheme shall be submitted to and approved in writing by the LPA before ground works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust, and vibration from the site impacting on existing noise sensitive premises*. This is to include details the siting of:
- materials and machinery, o staff welfare facilities o office location, staff/contractor parking,
 - construction site traffic movements including deliveries,
 - siting of any lighting provision, type, and controls o hours of hours including delivery times.
 - how dust emissions will be reduced, monitored, and managed.
 - Details of any piling to take place including duration and equipment type to be used.
 - How machinery, equipment and earth works will comply with the British Standards BS 5228- 1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1 : Noise
 - In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed, and details submitted.
Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.
*Noise sensitive premises are taken to be places where building occupants may be resting, sleeping, or studying, or spending recreational time.
20. In respect of Part 2) of the development all emissions to air resulting from any processes, plant, or activity likely to be detected at odour sensitive receptors shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted and approved in writing by the Local Planning Authority prior to the commencement of emissions.
21. In respect of Part 2) of the development HGV and / or other associated deliveries to the development area shall be restricted to between the hours of 08:00- 18:00 hrs daily.
22. In respect of Part 2) of the development no external and / or externally terminating fixed plant extract ventilation, plant or machinery shall be placed on the roofs of the units. Prior to the installation of any extract ventilation system details of the position and termination height shall submitted to and approved writing by the Local Planning Authority.
23. In respect of Part 2) of the development no HGV / Refrigerated vehicles shall be parked overnight on the highway within the development area.
24. In respect of both Part 1) and Part 2) of the development: Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the buildings shall be retained for the uses hereby approved and detailed in the description and no changes of

use shall occur without the express consent of the Local Planning Authority through an application made under Part III of the Town and Country Planning Act 1990.

25. In respect of Part 1) and Part 2) of the development details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the artificial lighting shall be installed, operated, and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the changes taking place.
26. In respect of Part 2) of the development for unit occupations where noise activities produced both internally or externally are likely to be heard by noise sensitive receptors, including other business users, further information shall be submitted to and approved in writing by the Local Planning Authority in the form of an acoustic assessment detailing the associated noise level created by activities and / or machinery (including low frequency noise where relevant), impact on sensitive receptors, proposed mitigation, and the associated reduction in noise levels. The scheme may be requested in the format of a BS4142 assessment where necessary. Any mitigation measures approved as part of the scheme shall be installed prior to the noise activities taking place and shall thereafter be retained.
27. In respect of Part 2) of the development a construction management scheme shall be submitted to and agreed in writing with the LPA before ground works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust, and vibration from the site impacting on existing noise sensitive premises*. This is to include details the siting of:
- materials and machinery,
 - staff welfare facilities
 - office location, staff/contractor parking,
 - construction site traffic movements including deliveries,
 - siting of any lighting provision, type, and controls
 - how dust emissions will be reduced, monitored, and managed.
 - Details of any piling to take place including duration and equipment type to be used.
 - How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1 : Noise
 - In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed, and details submitted.
 - Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.
- *Noise sensitive premises are taken to be places where building occupants may be resting, sleeping, or studying, or spending recreational time.

28. No development shall take place until a Bird Hazard Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Bird Hazard Management Plan shall include design measures to minimise any increase in the numbers of hazardous species (primarily large or flocking birds) as a result of the development proposed, in particular provisions to prevent gulls from breeding (using appropriate licensed means) on site should be provided. The development shall be carried out strictly in accordance with the details set out in the approved Bird Hazard Management Plan in perpetuity or until RAF Leeming is no longer operational.
29. Prior to commencement of development, hereby approved, a scheme detailing what crime prevention measures are to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall take into account the comments made by the North Yorkshire Police Designing Out Crime Officers report dated 11 January 2021 and should provide rationale and mitigation in relation to any suggestions made that are not to be incorporated. Thereafter the approved scheme shall be implemented and retained for the life of the development.
30. No development shall commence until a Construction Ecological Management Plan ("CEMP") and a Landscape and Ecological Management Plan (LEMP) have been submitted for the written approval of the local planning authority for each phase of the development. The approved plans must be available onsite for consultation by site operatives throughout the course of constructions works for each phase. Once approved development of each phase shall be undertaken in accordance with approved CEMP and LEMP
31. No development shall commence until a Biodiversity Enhancement Plan has been submitted to and approved in writing by the Local Planning Authority for each phase of the development. The plan shall include but not be limited to the following: -
- Quantities and locations of faunal boxes for bats, birds, hedgehogs and insects.
 - Native shrub/tree/grass/hedgerow planting.
 - Gaps in fencing to allow movement for hedgehogs and other small mammals
- Once approved development of each phase shall be undertaken in accordance with approved plan.

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. 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.
3. 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.

4. 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.
5. To ensure that the development accords with the justification provided to support the principle of the proposed uses.
6. In order to ensure that the employment land is made available for development.
7. 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.
8. 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.
9. In the interests of highway safety and the amenity of the area.
10. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. To establish measures to encourage more sustainable non-car modes of transport.
13. In the interest of public safety and amenity.
14. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
15. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
16. In the interest of local amenity.
17. In the interest of local amenity.
18. In the interest of local amenity.
19. In the interest of local amenity.
20. In the interest of local amenity.
21. In the interest of local amenity.
22. In the interest of local amenity.
23. In the interest of local amenity.

24. Due to amenity concerns the development area is not suitable for residential accommodation. In addition due to the viability justifications presented during the application stage any deviation from that approved would require further consideration.
25. In the interest of local amenity.
26. In the interest of local amenity.
27. In the interest of local amenity.
28. To minimise the potential of the works approved to provide a habitat desirable to hazardous large and/or flocking birds which have the potential to pose a considerable hazard to aviation safety which is exacerbated by the proximity of RAF Leeming.
29. To satisfy Paragraphs 92 and 130 of the National Planning Policy Framework February 2021.
30. In the interest of biodiversity.
31. In the interest of biodiversity.

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Parish: Hornby Committee Date: 26 August 2021
Ward: Appleton Wiske & Smeatons Officer dealing: A O'Driscoll

3 Target date: 22 June 2021

21/01111/OUT

Outline application for residential development of 5 dwellings with some matters reserved (considering access from Northallerton Road)

At Land South West Of Smeaton East Farm

For D G Hall, A H Hall, N C Hall & Richard Roberts Ltd

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

1.0 Site, Context and Proposal

- 1.1 The application site is located to the south east of Great Smeaton and is outside but adjacent to development limits. The site is currently green field and in use for agricultural purposes, at the time of the site visit grazing of sheep. There is a land level difference between the site and the A167 with the application site raised above the road by approximately 1 meter adjacent to the road and 2 meters in some areas (mostly toward the north east corner). The land also slopes down from north to south with a difference of 3 metres between the land level at the northern boundary and the level at the southern boundary. The site is bounded on the east and south by hedgerow.
- 1.2 To the north of the site is a terrace of dwellings dating from at least the 1850s which face south towards the site. To the west is a ribbon of 1960s and 1980s development with 2 historical dwellings dating from at least the 1850s. One of these was originally a Methodist chapel the other a dwelling.
- 1.3 The Great Smeaton Conservation Area boundary is located to the north west of the site at Thorpe Row but excludes The Hollies on the western side of the A167 and the red brick single storey structure that is attached to 2 Thorpe Row but appears to form part of the unit at The Cloisters.
- 1.4 The application is in outline for 5 dwellings with access only considered. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.

2.0 Relevant Planning and Enforcement History

2.1 N/A

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 CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies 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 – No Observations to make

4.2 Highway Authority – Visibility splays can be achieved by removal of part of the hedge. Expect that the footpath be provided directly adjacent to the A167 and not within the development.

Following discussion with the Highways Officer it was agreed that the footpath could be maintained privately within the site to ensure retention of the hedgerow.

4.3 Yorkshire Water – recommends conditions

4.4 Environmental Health Officer – Recommends conditions relating to construction management and lighting.

4.5 Environmental Health Officer Contaminated Land – Recommends conditions.

4.6 Public comments – 15 letters of representation were received raising the following issues:

- Transport and highways safety
- Speeding issue on A167 adjacent to the site
- Flood Risk
- Impact on ecology and biodiversity
- Impact on the historic environment
- Overshadowing of existing properties
- Application site elevated above the road
- Impact on privacy of existing dwellings
- The new houses will not be affordable to young people
- Loss of views from the village over the countryside
- There is no shop in the village as referred to in the application

- Impact on visual amenity
- Concern that excavations will upset the groundwater regime
- Impact on the approach to the village
- Impact on the Conservation Area
- Impact on the historical view from the south of the village
- Impact on local Great Crested Newt population
- Coalescence of settlements

5.0 Analysis

5.1 The main issues to consider are:

i) Principle of development in this location; ii) Impact on the form and character of the area; iii) Impact on residential amenity; iv) Highway safety; v) Drainage and; vi) Biodiversity

Principle

5.2 Paragraph 79 of the NPPF states that “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”.

5.3 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.

5.4 Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.

5.5 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:

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 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.7 Great Smeaton is detailed in the hierarchy as a Secondary Village. This is in recognition of the number of services and facilities within the village. As such Great Smeaton is considered to be a sustainable location for the purposes of the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.8 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. It is considered that the scheme accords with this criterion.

Impact on the form and character of the area and Conservation Area

- 5.9 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 and built form, including the historic environment. In making this assessment it is noted that the application is in outline form with all matters except for access reserved.
- 5.10 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 Great Smeaton Conservation Area.
- 5.11 The National Planning Policy Framework at paras 199 and 200 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Any identified harm to the significance of the Conservation Area must be given great weight in the determination of the application. Identified harm can only be off-set by the public benefits of the development.
- 5.12 The settlement of Great Smeaton has evolved in a linear form from its historic core. The linear form of the village is a significant and positive aspect in relation to its make-up and its overall character and appearance.
- 5.13 An indicative layout was submitted with the application showing one access road serving 5 properties. All but one of the properties would face the A167 indicating that whilst they will be set back with an internal road the general layout could achieve a development which would appear linear.
- 5.14 The application site forms part of an attractive approach to and departure from the settlement. On the approach uphill the dwellings, East Farm, The Old Granary and The Cloisters signal arrival punctuated by the mature Lime and Hawthorn trees. When travelling south out of the village the site gives a sense of open space with fleeting glimpses of countryside beyond. The view is somewhat obscured from pedestrians/vehicles by the existing hedgerow coupled with the land level difference.

- 5.15 The applicant has indicated that they are willing to accept a condition restricting the scale of the dwellings to single or 1.5 storeys. It is considered that subject to this condition and a suitable layout at reserved matters stage development at the site would not result in substantial harm to the form and character of the area and would have a neutral impact on the character of the Conservation Area.

Impact on residential 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. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 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 indicative plan shows how the development could be laid out with adequate separation distances exceeding 21m which would preserve existing levels of privacy. The plan also shows how 5 dwellings could be accommodated with adequate outdoor amenity space.

Highways Safety

- 5.19 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.
- 5.20 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.
- 5.21 North Yorkshire County Council Highways were consulted and have confirmed that adequate visibility splays can be achieved through removal of part of the hedgerow, measuring approximately 6.5m. The access is located in an existing gap in the hedge and the part to be removed sits in isolation within this gap. Its removal is therefore considered acceptable to facilitate the access.
- 5.22 The Highways Officers have also indicated that the footpath as shown should be relocated so that it is immediately adjacent to the Highway to allow for adoption. It is considered, however, that this would require either the wholesale removal of the hedgerow or at least a significant reduction in depth.

- 5.23 The hedgerow follows the parish boundary which is shown on the 1857 mapping (surveyed 1854) and is, as a result, likely to be considered “important” under the Hedgerow Regulations. It is considered, therefore that works to the hedgerow should be limited to those strictly necessary to facilitate the development. The applicant has confirmed that the footpath can be provided as shown on the indicative plan with maintenance provided privately.
- 5.24 The Highways Officers have also recommended a number of conditions including controlling the access road gradient at 1:15 over 6metres.

Drainage

- 5.25 Yorkshire Water has indicated that further information regarding the drainage solution is required, however, they have also agreed that this can be dealt with by condition. The current information indicates that a suitable discharge rate can be achieved through attenuation measures such as storm crates. Yorkshire Water has indicated that the connection to the south of the site cannot accommodate the development but a further connection exists to the north. As the site will need to drain to the north (uphill) a pumping solution will be required.

Biodiversity

- 5.26 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’.
- 5.27 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.
- 5.28 A Preliminary Ecological Assessment was submitted in support of the application. The desktop assessment indicates that “There are no statutory designated sites within 5km of the proposed development site.” “One non statutory designated site is located within 2km of the proposed development site. Beverley Wood Site of Importance for Nature Conservation (SINC) is situated approximately 1.7km north of the proposed development site. Beverley Wood is designated as a SINC for the presence of ancient and semi-natural woodland [...] Due to the small-scale nature of the works and distance from the proposed development it is considered highly unlikely there will be any direct or indirect adverse effects on the conservation objectives of Beverley Wood SINC”.
- 5.29 The majority of the site is made up of grazed improved grassland which is generally considered to be of low to negligible ecological value. The hedgerow on the western boundary is over 20m long and consists of one or more native UK woody species, it would qualify as a habitat of principal importance under the Natural Environment and Rural Communities Act 2006 due to the suitable habitat it provides a range of UK wildlife.

- 5.30 The site was surveyed for the presence of badgers, bats, Great Crested Newts, nesting birds, reptiles and other wildlife. The report found that “overall, the site was assessed as low ecological value. The site provides suitable nesting bird habitat in the form of one continuous hedgerow and two mature trees. The site provides some suitable roosting opportunities for bats within the mature lime tree and provides a limited area of suitable commuting and foraging habitat in the form of single boundary hedgerow. The site was assessed as low value for GCN due to the presence of low suitability terrestrial habitat forming the majority of the habitat on-site and in the surrounding area. The site was deemed to be low suitability for badgers due to the lack of suitable habitat for digging setts, with no evidence of badgers recorded on-site”.
- 5.31 The report recommends a number of mitigation, compensation and enhancement measures including planting of new hedgerows, bird and bat boxes and hedgehog holes in fencing. The applicant has also agreed to the retention of both trees at the site which are now subject to a provisional Tree Preservation Order.

Planning Balance

- 5.32 Due to the topography of the site development has the potential to appear overbearing on the existing highway. The location of the site is also considered to form part of a pleasant approach to the settlement. These issues, however, could be overcome through a suitably designed scheme. The linear character of the area could be maintained and the scale of individual dwellings reduced to appear less dominant. Overall it is considered that subject to suitable design, five dwellings could be accommodated on this site without significant harm to the area and with a neutral impact on the Great Smeaton Conservation Area.

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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the

Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development must not be brought into use until the crossing of the highway verge and/or footway must be constructed in accordance with the approved details contained in Drawing AMA/21023/SK003 and/or Standard Detail number E6-var and the following requirements.
 - Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - That part of the access extending 6 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:15.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.
5. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - Provision of a footway between the onsite footpath and the existing footway to the north (outside 'The Cloisters').

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. A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

7. 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:
 - Vehicular and pedestrian accesses.
 - Vehicular parking.
 - 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, 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.

8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - Details of any temporary construction access to the site including measures for removal following completion of construction works.
 - Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
 - The parking of contractors' site operatives and visitor's vehicles clear of the highway;
 - Areas for storage of plant and materials used in constructing the development clear of the highway.
 - Details of site working hours. - Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed. If required, the maximum foul water pump rate shall not exceed 5 (five) litres per second.
11. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority.
12. No part of the development shall be commenced until a Construction Management Plan has been submitted and agreed in writing by the Local Planning Authority that outlines the means of mitigation from the effects of construction. This should include the following:
 - Methods for the mitigation of noise and vibration from building works, including any piling works, and also from the operation of any

temporary power generation or pumping plant which may operate overnight.

- Methods for dust control and suppression (dust management plan).
- Details of wheel washing facilities including location and type.
- The areas for the storage of plant and materials.
- Location of site compound.

All site works shall then proceed only in accordance with the approved management plan.

13. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays.
14. No external lighting shall be installed until a scheme has been submitted to and approved in writing by the Local Planning Authority.
15. 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.
16. With the exception of the works required (removal of section for access and footpath and reduction in height for visibility splays) to facilitate the development as shown on drawings AMA/21023/SK001 and 2091.021 the hedgerow on the western boundary shall be retained in its entirety and at a height of a least 1 metre for the lifetime of the development. If any part of the hedge is removed or dies it shall be replaced on a like for like basis within the next planting season following removal/death.
17. The development hereby approved shall be for no more than 5 dwellings and the dwellings shall not exceed 1.5 storey's (bungalow or dormer bungalow) in height.

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. 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. 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 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.
5. In the interests of highway safety.
6. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In the interests of highway safety.
9. In the interest of public safety and amenity.
10. In the interest of satisfactory and sustainable drainage.
11. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
12. In the interests of safe operation of the site and local amenity.
13. In the interest of local amenity.
14. In the interest of local amenity.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. In the interest of visual amenity, biodiversity and historical context.
17. In the interest of visual amenity.

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Parish: Kirby Sigston

Ward: Osmotherley

4

Committee date: 26th August 2021

Officer dealing: Kate Williams

Target date: 27th August 2021

21/01397/FUL

Change of use of agricultural land to domestic use and construction of an ancillary building with associated external facilities

At: Kirby Sigston Manor, Chester Lane, Kirby Sigston, Northallerton, North Yorkshire

DL6 3RD

For: Mr C Hodges

This application is referred to planning committee as the agent is the applicant and is related to an HDC staff member.

1.0 Site context and proposed development

- 1.1 The application site is associated with the residential property at Kirby Sigston Manor. Kirby Sigston is a small hamlet which is predominantly sited in the proximity of Chester Lane from which the application site is accessed.
- 1.2 The Manor House is a Grade II Listed property. There is a gradual slope down towards the application site from the garden area at the rear of the Manor House. The Manor House, its grounds and neighbouring properties and buildings are set within an agricultural landscape, but the envelope of land within which the application site is proposed is enclosed and well screened to the west by a tree belt. There is also good tree screening along the road and within the site to the north of the proposed development site. To the west is Chester lane and various buildings are sited at a higher level than the application site. To the south of the application site is a small lake associated with the residential land at the Manor House, which is also surrounded by trees and beyond that the footpath which leads to St Lawrence's Church, which has an elevated position to the south east of the site.
- 1.3 Access to the site is gained from an existing gated access from the Manor House garden and is sited a short distance where the slope levels. The proposals comprise the extension of the residential curtilage, construction of a stone building to accommodate a gymnasium/ swimming pool, an outdoor tennis court and fencing and associated landscaping. A wildlife area will be created to the east of the site. A 6m buffer of native trees and shrubs will be planted within the north and east boundaries.

2.0 Relevant planning and enforcement history

- 2.1 98/50693/L - Application for Listed Building Consent for alterations to existing dwelling as amended by plans received by on 5th November 14th and 23rd December 1998; Granted 1999.
- 2.2 00/50777/P - Construction of a greenhouse as amended by plan and letter received by Hambleton District Council on 31st May 2000 and letter received on 2nd June 2000; Granted 14.06.2000.

- 2.3 02/01726/FUL - Construction of a boundary wall and provision of replacement access gates as amended by plan as received by Hambleton District Council on 24th October 2002; Granted 13.11.2002.
- 2.4 02/01727/LBC - Application for Listed Building Consent for the demolition of existing boundary wall, construction of a replacement boundary wall and provision of replacement access gates amended by plan received on 24th October 2002; Granted 13.11.2002.
- 2.5 5/02450/FUL - Replacement gates to existing boundary wall; Granted 20.01.2006.
- 2.6 05/02451/LBC - Application for Listed Building Consent for two replacement gates and alterations to three existing boundary walls; Granted 20.01.2006.
- 2.7 07/01015/LBC - Application for Listed Building Consent for replacement windows; Refused 25.05.2007.
- 2.8 07/01750/FUL - Construction of a detached domestic garage - Granted 06.08.2007
- 2.9 16/01760/LBC - Listed Building Consent for the creation of ancillary guest accommodation.
- 2.10 16/01759/FUL- Proposed creation of ancillary guest accommodation – Granted 14.10.2016

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 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 DP8 - Development Limits
 - Development Policies DP9 - Development outside Development Limits
 - 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
 - Development Policies DP43 - Flooding and floodplain
 - National Planning Practice Guidance 2021

- 3.2 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.
- 3.3 The most relevant policies of the emerging Hambleton Local Plan are as follows;
S1: Sustainable Development Principles
S5: Development in the Countryside
S7: The Historic Environment
E1: Design
E2: Amenity
E3: The Natural Environment
E5: Development Affecting Heritage Assets
E6: Nationally Protected Landscapes
E7: Hambleton's Landscapes
RM2: Flood Risk
RM3: Surface Water and Drainage Management

4.0 Consultations

- 4.1 Osmotherley Parish Council - Support the application
- 4.2 Local Highway Authority - There are no local highway authority objections to the proposed development.
- 4.3 Environment Agency – No objection. They withdrew their earlier objection provided that a pollution prevention method statement and contingency plan is attached to any planning permission.
- 4.4 Yorkshire Gardens Trust - They do not wish to comment on the proposals. They emphasise that this does not in any way signify either approval or disapproval of the proposals.
- 4.5 Yorkshire Water - No comments to make. The proposals comprise foul to private package treatment, and surface water to soakaway. There is no public sewer network available in the area and public water mains in the area are not affected.
- 4.6 Environmental Health - The Environmental Protection Team have no objections in principle, however in the interest of nearby occupiers the Environmental Protection Team would recommend conditions relating to construction hours, noise and dust. From a contaminated land perspective there are no objections to this scheme.
- 4.7 Natural England - Natural England has no comments to make on this application. Natural England has not assessed this application for impacts on protected species. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

- 4.8 Yorkshire Wildlife Trust - We expect to see the results of these surveys within the ecological impact assessment as part of the planning application. They support the development of a wildlife area including the planting of native trees and shrubs and recommend a landscaping scheme/planting mix should be conditioned. They agree with the proposed measures to prevent pollution measures which can be secured by condition. To advise; it would be beneficial if the development made clear through application of the Defra metric how 10% net gain for biodiversity will be achieved on site.
- 4.9 Ministry of Defence – No safeguarding objections.
- 4.10 NYCC Principal Archaeologist – No objections.
- 4.11 The application was subject to neighbour notification, press notice and site notice. These notices have now expired. No third-party comments were received.

5.0 Analysis

- 5.1 Core Strategy Policy CP1 is an overarching policy which seeks sustainable development. It states that the use and development of land will be assessed against the community's housing, economic and social requirements, protection and enhancement of the natural and built environment and minimisation of energy consumption and the need to travel. Taking into account the above policy, the main issues in respect of this application are considered to be:

(i) Principle; (ii) Impact on the character and appearance of the countryside
(iii) Impact on Heritage Assets; (iv) Flood risk and drainage; (v) Ecology;
(vi) Amenity; (vii) Planning Balance and conclusion

Principle

- 5.2 CP4 sets out the settlement hierarchy within the District. Kirby Sigston is a small hamlet where the current Development Plan states that development will only be supported when an exceptional case can be made for the proposal. It lists 6 criteria which relate to farming, environmental improvement, affordable housing, reusing existing buildings, renewable energy and social and economic regeneration. Similarly, policy DP9 reflects the above requirements.
- 5.3 Whilst there are no direct provisions within the above policies for extensions to domestic curtilage or additional residential facilities, the extension of residential curtilages are common where they are not considered harmful to the character of the countryside or the form of the settlement and as otherwise compliant with the Development Plan. The emerging Local Plan Policy S5 and E1 is more consistent with the National Planning Policy Framework 2021 (NPPF). Chapter 4 of the NPPF sets out that local planning authorities may give weight to relevant emerging policies in emerging plans.
- 5.4 The emerging policies seek to permit development in the countryside where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located. Policy E1 of the emerging Local Plan in particular references proposals which seek to extend the curtilage of properties. The

emerging policies seek to permit appropriate development where it avoids significant effects and adverse visual and other effects are avoided. Emerging Local Plan policies are considered to be consistent the NPPF, particularly the guidance within chapter 15.

Design and Impact on the character and appearance of the countryside

- 5.5 Policies CP16 and CP17 set out the need to preserve and enhance the district's natural assets and achieve a high-quality design and landscape. DP30, DP32 and DP33 set out how these objectives shall be achieved. Emerging policies E1 and E7 have similar requirements. The site lies within the landscape character area 15: Bullamoor Farmland. This is a varied topography, comprising a localised west-facing, rounded ridge in the west, directly overlooking Northallerton, and the incised river valley of Cod Beck in the east, with areas of woodland and an open and undulating landscape.
- 5.6 The proposed single storey 'L' shaped structure would be formed of stone walls, with a welsh slate roof, timber and aluminium doors and windows, and conservation style roof lights. Its external appearance, form, scale and massing reflect the scale and appearance of a subservient building to the host dwelling, which is generally considered appropriate for this rural site.
- 5.7 There is a single access to the site from the Manor House with the path from the garden provided and constructed from grasscrete. This would lead to an area of paving. The tennis court and fencing proposed, whilst not uncommon for a property of this type, by its nature is an uncharacteristic landscape feature. However, the proposed tennis court and fencing would be largely obscured by the proposed building, topography of the area and existing and proposed planting and as such are not considered to result in an unacceptable harmful impact.
- 5.8 The building, being single storey, would be of a sufficiently low profile to not be overly visible from any nearby publicly accessible land and is otherwise generally well screened by mature trees. The proposed building and tennis court would not be sited on the skyline and the additional landscape planting proposed will enhance the existing landscape features and help to soften and obscure views of the development. The site is quite closely linked to the lake, and garden area which is more domestic in character and appearance.
- 5.9 It is considered that the overall impact upon landscape character and the appearance of the area would be acceptable. The proposed development because of the suitably designed building, proximity to existing buildings, enclosed nature of the site and existing and proposed landscape features would maintain the current character and visual appearance of the area therefore fulfilling the requirements of the policies CP16, CP17, DP30, DP32, DP33 and emerging Local Plan Policies E1 and E7 and the guidance within chapter 15 of the NPPF.

Impact on Heritage Assets

- 5.10 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight must be given to the desirability of preserving the setting of listed buildings.
- 5.11 Chapter 16 of the NPPF (2021) 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. Similarly, Core Strategy Policy CP16, DP28, DP29 and emerging Local Plan policy E2. requires development within or affecting the setting of a heritage to seek to preserve or enhance the significance of the assets.
- 5.12 There are two listed buildings within the general vicinity of the proposed development. These are The Manor House, in whose grounds the proposals lie, and the Church of St Lawrence to the south-east, in brief these are set out below.
- 5.13 The Manor House is a Grade II House. Dated 1826 with 20th century additions. It has roughcast, stone dressings with a graduated stone slate roof. The Manor House lies c.105m to the south-west of the proposed development.
- 5.14 The Church of St Lawrence is Grade I, a 12th century church with 13th and 18/19th century additions/alterations. It comprises coursed ashlar under a graduated stone slate roof. St Lawrence lies c.160m to the south-east of the proposed development.
- 5.15 The proposed site is within proximity of the remains of the deserted medieval settlement earthworks of Kirby Sigston (which are just to the south of St. Lawrence's Church). There is a paddock of ridge and furrow to the west of the application site and it is presumed that this would once have been more extensive and is likely to have extended into the application area before being levelled as parkland/garden.
- 5.16 The Heritage Statement also identifies that the proposals would have a minimal impact on the setting of the listed building. However, although the Heritage Statement acknowledges that there would be a minor visual impact it considers this is overall a neutral impact due to a combination of the siting of the proposed development and being well screened by existing vegetation.
- 5.17 Officers also concur with the view in the Heritage Statement that it would have a neutral impact. It is considered that the setting of the listed building is derived from the siting of the Manor House within agricultural land, and therefore it is considered appropriate that the proposed new building has been designed to reflect a stone built ancillary building that has undergone renovation and modification. The inter-visibility of the proposed development and the Manor House is also limited as this subservient building would also be largely screened by existing vegetation, the topography and garden boundary wall. The proposed site is within an enclosed envelope of agricultural land where agricultural buildings,

activity and domestic properties and wide ranging and undefined garden curtilage associated with the lake already feature. Therefore, activity and limited development within this immediate area is already established and is not out of character and the visual impacts and design are acceptable. The siting of the building and presence of trees will obscure the tennis court and fencing. It is also considered that there would be neutral impact from these elements of the development upon the significance of heritage assets, the prominence and experience of the church would not be affected by the proposed development.

- 5.18 The Heritage Statement also advised that the proposal may potentially have an impact on any surviving, buried evidence for ridge and furrow cultivation. The NYCC archaeology section has identified this requires no further assessment. The NYCC archaeologist agrees that there is no evidence to suggest any particular archaeological potential. They advised there would be no new gain of knowledge by investigating ploughed-flat ridge and furrow. They have added the Heritage Statement to the Historic Environment Record.
- 5.19 There would be no significant archaeological impacts and the proposed structures are considered appropriate for the character and setting of the listed building and therefore considered to preserve its setting. The proposal is therefore considered to fulfil the aims of policies CP16, DP28 and DP29, emerging Local Plan Policy E5 and the policies within the NPPF chapter 16.

Flood Risk, drainage and pollution prevention

- 5.20 Policies CP21, DP43 and emerging Local Plan policies RM2 and RM3 seek to ensure surface water and drainage details related to development are satisfactory and do not lead to pollution or increase flood risk elsewhere. The development area has two small watercourses near the boundary of the site, both of which discharge towards Cod Beck. The site is predominantly located in Flood Zone 1 (low probability of flooding).
- 5.21 The Environment Agency initially raised concerns about the management of pollution from the swimming pool effluent and non-mains drainage system not being sufficiently demonstrated. The amended details show the location of the package treatment plant and the discharge point along with the outfall soakaway. The proposed package treatment plant will be a Klargestar bio disc package treatment plant which will be suitable for the proposed development. The swimming pool effluent will be managed and removed by a specialist pool contractor.
- 5.22 There are 'General binding rules' which relate to new package treatment plants and they also require Building Regulation Approval. The NPPF advises that Planning decisions should assume that these regimes will operate effectively. The applicants will provide a method statement setting out appropriate measures to minimise the risk of pollution during the construction phase secured by condition.
- 5.23 The proposed development will be built in accordance with the submitted Flood Risk Assessment. The development will be located outside of flood zone 3, which the EA considered to be acceptable.

- 5.24 The development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site via soakaway. Measures will be provided to control construction impacts and therefore the development would accord with CP21, DP43 and emerging Local Plan Policies RM2 and RM3 and the policies within chapter 14 of the NPPF as the site is suitable for the proposed use and will provide appropriate mitigation.

Ecology

- 5.25 Core Strategy Policies CP16, DP31 and emerging Local Plan policy E3 seek to prevent significant harm to bio-diversity and nature conservation. There are no internationally or nationally designated statutory sites in or partly within the application area.
- 5.26 An ecological appraisal comprising a data search and extended Phase 1 habitat survey, was however undertaken. The development will result in the loss of poor semi-improved grassland where the development is located. There are Ash trees with Ash dieback and a Scots Pine to be removed. This is not a significant impact; the species are not notable being within a vegetated area with tree coverage with additional tree planting proposed. These losses will be mitigated by the native species planting around the site.
- 5.27 The Habitats on the development site have been identified as sub-optimal for great crested newts as the field is grazed short and contains no suitable refugia for them, additional mitigation will be required as the development may make the site more optimal for them, and works should follow reasonable avoidance measures which will be conditioned. The trees to be removed will be subject to additional bat and bird survey checks, albeit they are considered to have a low potential for bat roosting. The overall approach to the surveys and mitigation is considered proportionate for the extent and type of development proposed.
- 5.28 The ecological and bio-diversity enhancement would provide additional native trees and shrubs and bio-diversity enhancement features. The ecology appraisal advises that the development will secure positive gains for bio-diversity. This has not been quantified by the Defra metric at this time as suggested by the Yorkshire Wildlife Trust. This is not required by existing or emerging policies at this time.
- 5.29 The implementation of the mitigation and compensation strategies described will ensure that potential negative effects of the development on biodiversity are reduced to neutral or positive levels and can be secured via a condition. These have been specified within the ecological report and can be conditioned. The proposal is therefore considered to accord with CP16, DP18 and E3 and the policies within the NPPF chapter 16 as the impacts, mitigation and bio-diversity enhancements are acceptable.

Amenity

- 5.30 Policy CP1 and DP1 and emerging Local Plan policy E2 expect all proposals to provide and maintain a high standard of amenity for all users and occupiers, including users of neighbouring land and buildings, in particular those in residential use.

5.31 Whilst there are neighbouring residential properties in the area, they are sited in excess of 100m from the proposed development. Neighbours would not be affected by loss of daylight, privacy or overshadowing and lighting is subject to additional conditions. Plant and equipment for the ancillary facilities are within the proposed building. The proposal is considered to fulfil the requirements of CP1, DP1 and emerging policy E2 and chapter 8 of the NPPF.

Planning Balance and Conclusion

5.32 Applications for planning permission are to be determined in accordance with the development plan, unless material considerations indicate otherwise. Whilst policies CP4 and DP9 are more restrictive, the emerging Local Plan policies and NPPF do not prevent such development and these are material considerations which support the principle of development under consideration. The emerging policies are considered to be consistent with the NPPF 2021.

5.33 Furthermore, the proposal is in accordance with those policies which consider the impact of the development upon the character and appearance of the countryside, heritage assets, which in the context of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires considerable importance and weight to be given to the desirability of preserving the setting of listed buildings, flood risk, pollution prevention, drainage, ecology, bio-diversity enhancement and amenity and the guidance within the NPPF. Therefore, the proposal is considered to represent sustainable development and is recommended for approval.

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 1, 2 and 3 Rev A, and as modified by the conditions of this consent.
3. The development hereby permitted shall not be commenced prior to the submission of a pollution prevention method scheme and contingency plan. The scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures for the following:

(A) Silt pollution:

(i) Measures preventing water from entering excavations

(ii) Measures to ensure that the storage of any soil piles will be located at a suitable distance from watercourses and that there shall be no discharge of contaminated site drainage into surface water (or any surface water drains) or groundwater

(ii) Measures to reduce the risk of water contamination due to on-site working and sources of silt such as plant and wheel washing (e.g. ensure that any plant and

wheel washing is carried out in a designated area located at an appropriate distance from the watercourse or any surface water drains).

(iii) If dewatering is required, there shall be no discharge into surface water or groundwater either direct or through soakaways of anything other than clean rain water, without a discharge permit issued by the Environment Agency under EPA 2016.

(B) Oil Storage

(i) Any proposed storage tanks for fuel oils need to comply with oil storage regulations to prevent pollution of the water environment by accidental leaks.

Once approved the development shall be implemented in accordance with the approved scheme.

4. Prior to the installation of the package treatment plant details of the estimated predicted maximum volume shall be submitted for the written approval of the Local Planning Authority. The details shall demonstrate that is capable of treating waste to a high standard. Once approved the development shall be implemented and maintained in accordance with the approved details and thereafter retained for the lifetime of the development.
5. No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
6. The contractor must ensure compliance with current legislation on noise and dust control including the Environmental Protection Act 1990 and the Control of Pollution Act 1974. Relevant Codes of Practice set out procedures for dealing with the control of noise on construction and demolition sites are contained in BS5228: 2009 Noise and Vibration Control on Construction and Open Sites.
7. The development shall commence in accordance with the recommendations for mitigation measures set out in Section 7 of the submitted of the MAB Ecological Assessment Ref: 2020- 1008 January 2021. The mitigation measures shall include the following:
 - (i) measures to prevent silt and pollutant materials getting into watercourses set out in section 7.2.2 or as amended by condition 3.
 - (ii) The reasonable avoidance measures set out in section 7.3.2;
 - (iii) Significant vegetation removal shall avoid the bird breeding season, or shall be in accordance with the recommendations within 7.4.2;
 - (iv) Prior to the felling the trees shall be inspected suitably qualified ecologist and in accordance with the details within 7.5.2.
8. A lighting scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall incorporate the recommendations made within section 7.5.2 of the of the MAB Ecological Assessment Ref: 2020- 1008 January 2021. Once approved the development shall be implemented in accordance with the approved details and thereafter retained for the life of the development.

9. The development shall commence in accordance with the recommendations for ecological enhancements and compensation set out in section 8 of the MAB Ecological Assessment Ref: 2020- 1008 January 2021. These shall be submitted to the Local Planning Authority for approval prior to the commencement of the use and shall include:

(i) a schedule of the landscape planting including the timing of planting;

(ii) the type and location of bird and bat boxes;

(iii) details of the timing and completion of pond 2 and 3 reprofiling.

Once approved the development shall be implemented in accordance with the approved details and thereafter retained for the life of the development.

10. No part of the development shall be occupied until the works for the disposal of foul and surface water drainage have been provided in accordance with the approved plans.

11. There must be no discharge of surface or foul water to any ditch or watercourse, other than in accordance with scheme which has been submitted for the written approval of the Local Planning Authority.

Reasons for conditions:

1. As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Local Development Framework policies CP16, CP17, DP32 and DP33 and for the avoidance of doubt.

3. In the interest of pollution prevention in accordance with Local Development Framework Policies CP21 and DP42.

4. In the interest of pollution prevention in accordance with Local Development Framework Policies CP21 and DP42.

5. In the interest of the amenity of the area in accordance with Local Development Framework policies CP1 and DP1.

6. In the interest of the amenity of the area in accordance with Local Development Framework policies CP1 and DP1.

7. To ensure that the development provides satisfactory mitigation during construction the interest of ecology and pollution prevention in accordance with Local Development Framework Policies CP16, CP12 and DP31 and DP42.

8. In the interests of amenity and the ecology of the area in accordance with Local Development Framework Policies CP1, CP16 and DP1 and DP31.

9. To ensure that the development provides satisfactory mitigation and enhancement of habitats and biodiversity in the interest of ecology in accordance with Local Development Framework Policies CP16 and DP31

10. To ensure satisfactory drainage of the site in accordance with Local Development Framework Policies CP21 and DP42.
11. In the interest of pollution prevention in accordance with Local Development Framework Policies CP21 and DP42.

Parish: Kirklington-cum-Upsland

Ward: Tanfield

5

Committee Date : 26 August 2021

Officer dealing : Mr Nathan Puckering

Target Date: 25 June 2021

Date of extension of time (if agreed): 2 July 2021

21/00898/FUL

Installation of solar panels to South west facing garage roof and installation of metal railing fence (max height 1.5m).

At: The Rosary Whinwath Lane Kirklington North Yorkshire

For: Mr Carl Les.

The application is brought to the Planning Committee as the applicant is a Member of the Council

1.0 Site, context and proposal

- 1.1 The site in this instance is a large detached dwelling located on the northern edge of Kirklington, within the Kirklington Conservation Area. To the front of said dwelling is a driveway with a detached garage building in situ on the left-hand side as one enters the driveway. It is specifically this building which this application relates to as permission is sought for the installation of solar panels on the rear roof elevation of this building.
- 1.2 The application also includes the installation of new railings to the front of the dwelling to a maximum height of 1.5m.
- 1.3 Amended drawings have been received showing the proposed solar panels on the south west elevation.

2.0 Relevant planning and enforcement history

- 2.1 16/00534/FUL - Construction of a domestic open fronted double garage - Permitted

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 out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP28 - Conservation

Development Policies DP32 - General design

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 - no comments received
- 4.2 Site Notice & Neighbour Notification - no comments received

5.0 Analysis

- 5.1 The main issue for consideration in this case is the impact of the installation of the solar panels and railings, on the significance of the Kirklington Conservation Area.
- 5.2 Both the NPPF and the Local Development Framework are broadly supportive of renewable energy schemes. Policy CP18 of the LDF states that "development...must seek to ensure that impact on natural resources is minimised and the potential use of renewable resources maximised. Proposals must take all potential opportunities to: i. minimise energy demand, improve energy efficiency and promote renewable energy technologies". Whilst this proposal will have only a limited benefit in this respect due to its small scale, it will still be helping to achieve the aim of this policy and as such the proposal is acceptable in principle.
- 5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 199 and 200 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Also relevant is policy DP28 which states that the protection of the Districts heritage will be assured by the allocation and protection of Conservation Areas.
- 5.4 The majority of the Kirklington Conservation Area comprises the historic core of the village. This is centred around the village green which is a large public open space in the centre that is complimented by large mature trees and other landscaping. There are historic dwellings which line this public space that range from terraced cottages to the east and south and larger detached dwelling to the north - of which the site is one. The majority of the village is contained within the conservation area and this is testament to the fact that the tranquil small traditional village feel has been retained and successfully protected.
- 5.5 Solar panels on buildings are generally inherently modern interventions which can harm the historic nature of small villages such as this but in this case the proposed siting of the units on a partially screened ancillary building is considered to be generally acceptable. Whilst the building in question is located in a fairly prominent location on the edge of the highway which runs along the northern edge of the aforementioned village green, it is somewhat screened by the adjacent landscaping which lines the front of the neighbouring Mill Beck. As a result, the overall visual impact of the solar panels will be relatively low and consequently is not considered to result in harm to the overall significance of the Kirklington Conservation Area.

- 5.6 The proposed railings, whilst not a common feature within the Conservation Area are generally considered to fit within the context and character of the Conservation Area as a whole. The proposed railings are not considered to result in a harmful impact on the significance of the Conservation Area.

Planning balance

- 5.7 On the whole, the proposal is in line with the requirements of the NPPF for development impacting heritage assets, as well as policy DP28 of the LDF. Approval is recommended on that basis.

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) and/or details received by Hambleton District Council on 01.04.2021, 30.04.2021 and 05.05.2021 unless otherwise agreed in writing by the Local Planning Authority.
 3. Prior to the installation of the railings hereby approved, full details of the railings shall be provided to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17, DP28 and DP32.
3. In order to allow the Local Planning Authority to consider the detailed design of the proposals and to ensure compliance with DP28 and DP30.

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Parish: Raskelf	Committee date:	26 August 2021
Ward: Raskelf & White Horse	Officer dealing:	Naomi Waddington
6	Target date:	9 March 2021
	Extension of Time agreed:	31 May 2021

20/02910/FUL

**Full Planning Application for construction 2no. Detached Bungalows
At Land Rear Of Nova, The Green, Raskelf
For Malton Road Limited**

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 western side of Hag Lane and comprises a field access located in between the dwellings known as Nova and Claytonville. The access leads to a field bound by residential curtilages to three sides, to the north is the rear garden to Claytonville, to the east are the rear gardens to Nova and Langdale, to the south is the garden to Hideaway Cottage. The western boundary abuts agricultural land. The site is bound by an open post and rail fence to the western field boundary, and by fences, hedges and trees to other boundaries. The dwellings to each side of the access are bungalows, that to the south is two storey. A public right of way passes through the site from the road frontage to the rear. The site lies within Flood Zone 1.
- 1.2 Full planning permission is sought for the construction of two detached bungalows, comprising 1 x 3 and 1 x 4 bedroomed dwellings. Plot 1 is located to the north of the site and has ground floor ensuite bedroom, house bathroom, open plan kitchen/diner, lounge, snug, utility and garage with three further first floor bedrooms served by rooflights. The front elevation is double fronted with central porch, the side utility/garage is set back with lower ridge. The rear elevation has a projecting gable with extensive glazing to the lounge and kitchen/diner. Plot 2 has ground floor ensuite bedroom, house bathroom, open plan kitchen/diner, lounge, snug and utility, with two first floor bedrooms, one served by rooflights and one has a rear dormer with Juliette balcony. The front elevation has an off centre porch, the rear elevation has a projecting gable with extensive glazing to the lounge and kitchen/diner. Both dwellings are to be constructed of brick under slate appearance tiles
- 1.3 Improvements have been secured including a reduction in size of both dwellings, plot 2 reduced to 3 bedrooms to meet housing mix policies, and re-siting the dwellings to achieve an improved level of amenity for plot 1. Both dwellings originally had a detached double garage/car port, these have been amended to single garages to minimise the impacts of the scheme the root protection area of trees
- 1.4 The application is submitted with a Planning Statement, a tree survey and preliminary ecological appraisal

2.0 Relevant planning and enforcement history:

2.1 None

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 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 DP30 - Protecting the character and appearance of the countryside

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

Development Policies DP32 - General design

Development Policies DP33 – Landscaping

Development Policies DP43 - Flooding and floodplains

Interim Policy Guidance Note - adopted by Council on 7th April 2015

Supplementary Planning Document Size, Type and Tenure of New Homes

National Planning Policy Framework

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. Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov2020. 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 – No response received (expired 08.02.21)

4.2 Highway Authority – Recommend conditions in relation to the construction of the access and verge, provision of approved access, turning and parking areas, submission of a “Construction Phase Management Plan - Small sites”

- 4.3 NYCC Footpaths officer - Comment the proposed development will reduce the available width of the public footpath 10.120/4/1 from approximately 5 metres to 2 metres over a short distance of approximately 15 metres. While the resulting loss of amenity to the public is not substantial the footpath will need to be diverted or the existing full width of 5 metres retained in order to prevent obstruction of the public right of way if the development goes ahead.
- 4.4 MOD Safeguarding - No safeguarding objections
- 4.5 Ramblers Association - Comments summarised as follows:-
- do not believe it will affect the users of the public footpath Raskelf 4 (10.120/4/1)
 - dispute the definitive line shown by NYCC
 - whole width of track adjacent Nova to both ends of track has been used as PROW
 - owner of field to west has fenced off the PROW at inadequate width and route
 - no objection to realigning the path or open access to Hag Lane
 - prefer a post and rail fence to plot 1 boundary. If a solid fence it should be inside the new planting
 - reduced footpath should have minimum usable width of 2m
- 4.6 Yorkshire Water - Recommend conditions requiring separate systems of drainage and submission of details of details of disposal of surface water drainage
- 4.7 Public comments - Site notice posted and expired 19.02.2021. Neighbours consulted. 14 representations received from 8 addresses, summarised as follows:-
- More disruption to Raskelf
 - 60% -100% increase in development in Hag Lane/The Green disproportionate to other areas
 - Most new houses over £400,000, none affordable
 - Council disregards quality of life and wellbeing of existing residents
 - Loss of privacy
 - Noise and disturbance from use of access
 - Effects on wildlife
 - Development may exacerbate surface water drainage problems for existing properties, spring fed drains/culvert/ditches
 - Impact on infrastructure
 - Consideration required of where construction vehicles will park
 - Public footpath used on daily basis needs to be safe and accessible
 - Any removal of the banking and shrubbery adjacent to Claytonville will cause soil erosion affecting stability of land and property and safety of PROW. Bank angle exceeds the 30 degrees shown
 - Geotechnical survey required for soil stability to prevent future legal action

- Poor location behind existing houses
- Limited visibility at access
- Tree removal compromises drainage
- Harm to village character
- Access too narrow
- Proposal would further restrict access for disabled users
- Highway safety issues for pedestrians
- Habitat survey and drainage assessment required
- Disappointing the developer is unable to propose a sustainable solution for the disposal of rainwater intending to divert all water to main sewer
- Roots of trees to be removed will have impact and adjacent land stability
- Potential noise from vehicles driving over manhole in access road and attenuation tank pump
- Relocation of telegraph pole impacts neighbours

5.0 Analysis:

- 5.1 The main issues for consideration in this case relate to
- (i) the principle of a new dwelling in this location outside Development Limits;
 - (ii) an assessment of the likely impact of the proposed dwelling on the character and appearance of the village and the rural landscape;
 - (iii) design;
 - (iv) residential amenity;
 - (v) the effect on the existing trees and biodiversity;
 - (vi) highway safety,
 - (vii) flood risk and drainage,
 - (viii) impact on public right of way

The principle of a new dwelling in this location outside Development Limits

- 5.2 The site falls outside of Development Limits of Raskelf. 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 outside of Development Limits "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). Paragraph 79 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".

- 5.3 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, Raskelf is defined as a Secondary Village and therefore is considered a sustainable location for development; satisfying criterion 1 of the IPG that proposed development must provide support to local services including services in a village or villages nearby. However, it is necessary to consider whether the site can be viewed as within Raskelf, being approximately 250m (by road) beyond Development Limits.

5.6 The village of Raskelf has two distinct parts: the main village and The Green. The proposed development is within The Green area to the south of the main village and this area is beyond Development Limits. Notwithstanding that, this area is associated with the main part of the village being approximately 250m apart at its closest point and linked via a lit footpath that enables residents to access services, including the recreation ground which is located between the two parts of the settlement. It is considered that criterion 1 of the IPG would be satisfied and the principle of development would be acceptable.

Impact of the proposed dwelling on the character and appearance of the village and the rural landscape

5.7 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 174 of the NPPF requires decisions to, amongst other considerations, to recognise the intrinsic character and beauty of the countryside. The proposal relates to two dwellings and 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

- 5.8 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."

- 5.9 Hag Lane is characterised by a variety of house types and ages. In depth development already exists by virtue of backland development immediately to the south of the site, and planning permission was granted in 2018 for 5 houses in the field further north east of the application site. Together these developments create a strong boundary to development on the north west side of Hag Lane defining the edge of the built up limits and clearly defining the countryside beyond. The proposal to develop this field is considered to reflect the existing built form and character of the village, and not have a detrimental impact upon the natural or built environment, or the open character and appearance of the surrounding countryside

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 Planning supports this approach and, at paragraph 134, states that development that is not well designed should be refused. Both proposed dwellings are designed as bungalows, with bedrooms in the roofspace, acknowledging a demand within Hambleton District for such properties. The submitted Planning Statement advises the dwellings are sited to preserve the public right of way, views in and out of the site, features contributing to the character and quality of the environment and will not result in the overdevelopment of the site
- 5.13 Amended plans show a reduction in width of both dwellings, reduction in the number of bedrooms to plot 2 to accord with Housing mix policy, and re-site the dwellings to afford an improved level of amenity. The overall size and design of the dwellings is considered acceptable. The size of the dwellings and bedroom sizes comply with the requirements of the Nationally Described Space Standards.

Residential amenity

- 5.14 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 130 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.15 The proposed dwellings are located an acceptable distance from adjacent houses and curtilage boundaries, and are not considered to result in overlooking, overshadowing or overbearing impacts that would result in material harm to existing levels of residential amenity afforded to neighbours. Adjacent dwellings may be aware of increased vehicular activity, but as the access and site is to serve two dwellings only, the associated level of activity is not considered to result in material harm to residential amenity
- 5.16 Regard must also be had to the level of residential amenity likely to be afforded for future occupants of the proposed dwellings. Amended plans show plot 1 located further back in the site afforded improved amenity levels. Given the relationship with the surrounding dwellings, occupants of the proposed dwellings are considered to be afforded an acceptable amenity level

Effect on trees and biodiversity

- 5.17 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 174 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 180 of the NPPF requires developments to avoid significant harm to biodiversity.

- 5.18 The application is submitted with a tree survey identifying two category A trees (the best quality) on adjoining land, one to the north and one to the south of the site, along with category B (good) and C (poorer) trees on the site boundaries and category C hedges, some growing on neighbouring land. The original scheme proposed extensive development including hardsurfacing and garaging within the root protection area of the category A trees, along with the removal of a category C hedge on the northern boundary, trees and hedges on the southern boundary including the category C hedge, a category C tree and 3 category B trees.
- 5.19 Revised plans show the removal of the double garages and a significant extent of hardstanding from the root protection area (RPA) of the category A trees, and the retention and maintenance of the category C hedge to the southern boundary, a new hedge to the remainder of the southern boundary, and the retention of a category C tree to the northern boundary

- 5.20 The 3 category B trees are all Ash trees likely to suffer Ash dieback in the future and therefore not worthy of retention. Hedges to other boundaries are maintained. Overall 6 trees are to be removed, replacement tree planting is proposed and the plan prepared by the arborist shows 10 replacement trees. Whilst unfortunate that some trees are required to be removed, the replacement planting will in time exceed the existing tree cover, and the proposal is not considered to result in harm to the category A trees. In the event of the application being approved a landscaping condition is recommended.
- 5.21 The submitted ecological appraisal assesses all habitats on the site and surrounding area, and finds the site to be of low ecological value. The areas that offer ecological value are restricted to the border hedgerows, which offer nesting value to birds and potentially foraging and commuting routes for bats as well as suitable hedgehog habitat. One ditch with standing water is present on site, with the sides considered to be too steep to allow egress of any great crested newts (GCN) that may enter the ditch, along with poor quality water and a lack of suitable aquatic vegetation. The grassland that dominates the site is considered to offer limited value for wildlife overall. The appraisal recommends mitigation, compensation and enhancement measures. In the event of the application being approved. These measures can be secured by condition.

Highway safety

- 5.22 Policy DP4 requires development proposals to be safe and ensure high standards of access for all. The local Highway Authority have been consulted and have not raised any objections on highway safety grounds, recommending conditions in relation to the construction of the access and verge, provision of approved access, turning and parking areas, and the submission of a construction phase management plan. The latter condition includes requiring approval of the location of the parking of contractors vehicles.

Flood risk and drainage

- 5.23 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 application form advises foul drainage would be disposed of via the existing foul sewer, and surface water via a sustainable drainage soakaway. Submitted plans show surface water attenuation crates providing 27.5m³ of storage to cater for a 1 in 100 year storm plus 30% climate change. Yorkshire Water have no objections, recommending evidence to be submitted to show other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted, and if discounted the rate of discharge into the public sewer shall not exceed a maximum of 2.5 (two point five) litres per second or the greenfield run-off rate, whichever provides the lowest rate of discharge.
- 5.24 Representations refer to spring fed drains, land drains, a beck, culverts, ditches, sump holes, and localised flooding. Any ditches will require diversion, and the scheme will result in a positive drainage system resulting in a reduction or betterment to existing flows. A drainage condition can be imposed to require appropriate designs and ongoing management.

Impact on public right of way

5.25 A public right of way passes through the site from the road frontage to the rear, close to the north eastern boundary. This public right of way is well used and contributes to the amenity of the locality. The proposal would reduce the width of the right of way and would change the experience of users along the route. Policy CP19 seeks to protect, retain and enhance existing recreational and amenity assets, and recognises the importance of developing a network of spaces existing recreational and amenity assets, advising development of recreational land and amenity open space will not be supported unless the asset is no longer required. Development plan policy DP39 seeks to establish and maintain recreational links and recognises the importance of developing a network of spaces.

5.26 The NYCC rights of way officer has commented:

The proposed development will reduce the available width of the public footpath 10.120/4/1 from approximately 5 metres to 2 metres over a short distance of approximately 15 metres. While the resulting loss of amenity to the public is not substantial the footpath will need to be diverted or the existing full width of 5 metres retained in order to prevent obstruction of the public right of way if the development goes ahead”.

The agent has indicated he is willing to apply for a diversion post-determination and has supplied a plan showing the regrading of some parts of the footpath outside of the RPA to provide a more level surface. 2m would be the minimum width of footpath, with wider sections. In the absence of an objection from the NYCC rights of way officer, and given a satisfactory width and gradient of footpath is retained, and subject to formal diversion being approved, the impact on the public right of way is considered acceptable.

Planning Balance

5.27 The proposal would create two new bungalows in a sustainable location. The agent has sought to address and overcome issues raised, and subject to conditions, it is considered the proposed dwellings could be satisfactorily accommodated without causing harm to the appearance of the settlement or to highway safety, residential amenity, biodiversity, flood risk and drainage, or the public right of way. 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 neutral. 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.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 location plan received by Hambleton District Council on 23 December 2020, drawing numbers WG791 02G and 03H received by Hambleton District Council on 27 May 2021, and drawing number WG791 05J received by Hambleton District Council on 28 July 2021 unless otherwise approved in writing by the Local Planning Authority.

3. 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, including the alignment of the public right of way, 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.

4. 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 including hard surfacing 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

5. No development shall commence until an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree and Hedge Protection Plan has been submitted to and 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.

6. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees, hedges and shrubs, has been submitted to and approved by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees, hedges or shrubs 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.

7. No existing tree shall be cut down, uprooted or destroyed, nor shall any retained tree be the subject of any form of tree surgery other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any works to a tree shall be carried out in accordance with British

Standard 3998 (Tree Work). If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site and shall the proposed system shall also include provision to manage ground water and any other piped or open watercourse or water feature within the site or directly effected by the development. The separate systems should extend to the points of discharge to be agreed and include details of maintenance arrangements for the life of the development.

9. Unless otherwise approved in writing by the Local Planning Authority, no development shall take place until details, including the point of connection into the public sewer, of the proposed means of disposal of surface water drainage, have been submitted to and approved by the local planning authority. Evidence shall be submitted to show that other (than discharge to public sewer) means of surface water disposal have been considered and why they have been discounted. The rate of discharge into the public sewer shall not exceed a maximum of 2.5 (two point five) litres per second or the greenfield run-off rate, whichever provides the lowest rate of discharge. Furthermore, no discharge of surface water from any part of the site shall commence until the approved details have been implemented to the satisfaction of the Local Planning Authority.

10. 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 existing crossing of the highway verge and footway must be improved by construction in accordance with Standard Detail number E50
- ii) Any gates or barriers 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 detail

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference WG791 05J. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times

12. 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' 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.

13. All new 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.

14. Development shall be carried out in strict accordance with the recommendations contained within Section 5 of the Preliminary Ecological Appraisal prepared by Naturally Wild dated December 2020

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 Policies CP17 and DP32.
3. To ensure that the development is appropriate in terms of landscape impact in accordance with Local Development Framework Policies CP1, CP4, CP16, DP30 and DP32.
4. 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.
5. To protect existing trees on and immediately adjacent to the site that the Local Planning Authority consider provide important amenity value in the locality.
6. In order to help assimilate the development within the rural landscape
7. The trees are of important local amenity value and protection of the trees is appropriate in accordance with Local Development Framework Core Strategy Policy CP16
8. In the interest of satisfactory and sustainable drainage

9. In the interest of effective surface water management and to prevent downstream flooding.
10. 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
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In the interest of public safety and amenity.
13. 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.
14. In the interests of biodiversity

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Parish: Skutterskelfe
Ward: Hutton Rudby

Committee date: 26 August 2021
Officer dealing: A O'Driscoll
Target date: 9 March 2021

7

21/00078/MRC

Application for variation of condition 4 (caravan numbers - to increase the caravan numbers from 2 to 5) to application 16/00522/FUL for Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer (granted on appeal reference APP/G2713/W/16/3165207)

At Oakwood Farm, Tame Bridge, Stokesley

For Mr R Adams

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 southern side of the Stokesley to Hutton Rudby Road, west of the small settlement of Tame Bridge. The wider site comprises a single family traveller plot, with an access off the main road through an established tree belt. The use of the land as a traveller site, including static and touring caravans, stables and amenity building, was approved at appeal. The remaining part of the site was approved as part of the appeal as paddock for grazing of horses/animals. Subsequent applications for a storage building, garage and kennels have also been approved.
- 1.2 This application is to vary condition 4 of the Inspectors decision which states: No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site at any time.
- 1.3 The reasoning for the condition is given as follows: A condition specifying the maximum number of caravans on the site is necessary to limit the scale of the development. Whilst I note the appellant's concerns in relation to the tourer, a condition to ensure the siting of both the caravans as shown on the approved plans is required to ensure that they are located on the hardstanding on the northern part of the site in the interests of the character and appearance of the area.

2.0 Relevant planning and enforcement history

- 2.1 16/00522/FUL - Change of use of land to a private gypsy site and new access and the siting of a caravan and tourer – Refused and Allowed at Appeal.
- 2.2 17/02320/FUL - Construction of a stable block - Refused and Allowed at Appeal.
- 2.3 17/02436/FUL - Construction of an amenity building for private gypsy site - Refused and Allowed at Appeal.

- 2.4 19/01826/FUL - Retrospective application for the construction of a general purpose storage building in association with gypsy site for general storage purposes/machinery & hay/horse feed – Granted
- 2.5 20/01095/FUL - Proposed domestic dog kennel and domestic vehicle garage - Granted

3.0 Relevant planning policies

- 3.1 The relevant policies are:

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. 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.

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 DP4 - Access for all
 Development Policies DP8 - Development Limits
 Development Policies DP9 - Development outside Development Limits
 Development Policies DP14 - Gypsies and travellers' sites
 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
 Gypsy and Traveller Accommodation Assessment 2008
 Planning for traveller sites: consultation - 13 April 2011
 National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council –
 Seamer Parish Council raised the following issues:
- Incremental growth of traveller/gypsy sites leading to urbanisation of the countryside that would otherwise be unacceptable
 - Other sites in the area have vacancies
 - Flooding issues
 - Existing sewerage system overflows onto neighbouring land
 - Landscaping issues

- Evidence of need is lacking

Rudby Parish Council made two representations raising the following issues:

Initial comments

- Site visible from public right of way
- There are 3 other private gypsy sites within 800m
- Due to subsequent approvals that site is having a greater impact on the landscape than anticipated by the Inspector
- Increased pressure on services at the site
- The cumulative development is more accommodation than is required
- Gypsy and Traveller Accommodation Assessment is not relevant to the applicant's children as they are dependant
- Gypsy status and medical needs of new residents at the site should be evidenced
- Harm to the character of the area
- Site would be much larger than nearby private sites
- Harm to local amenity
- Proposal is based on Local Plan evidence that has not been through public examination and extension based on this evidence would risk a flawed decision

Comments following publication of Pitch Deliverability Assessment

- The Deliverability Assessment indicates that due to existing development at the site there is no capacity to add pitches
- The Assessment gives weight to the Inspectors opinion that development should be restricted to the northern part of the site
- The paddock should remain undeveloped

4.2 Highway Authority – No objection

4.3 Public comments – Two letters of representation were received raising the following issues:

- Large concentration of sites in this area
- There are vacancies at other sites
- Issues with the existing sewerage system would be exacerbated
- Potential noise issues
- Request for increased/additional landscaping/screening

5.0 Analysis

5.1 The issues for consideration in this case relate to the rewording of the condition to allow for additional accommodation for the applicant's dependant children and parents in-law. As any variation of the condition will create a new standalone permission the following main issues have been identified.

i) The principle of development in this location; ii) Gypsy and Traveller Accommodation Assessment; iii) The status and needs of those to be accommodated; iv) Best interests of the child; v) Impact on the character of the area; vi) Amenity and; vii) Highways safety

The principle of development in this location

- 5.2 The original permission granted by the Inspector provides for a single private pitch. The red edge on that permission encompasses the whole site including the paddock to the south. The Inspector imposed conditions on the number and siting of caravans to be in accordance with the approved site plan. The Inspector also mentions in their report that the conditions were imposed to ensure that the development was confined to the existing hard standing in the interest of limiting the impact on the character of the area.
- 5.3 The area of land to which the current application relates is within the original red edge. As the Inspector did not specifically limit development to the northern part of the site it is considered that the application to increase the number of caravans at the site is valid and not precluded through the addition of land outside of the approved site. The intentions of the Inspector in limiting harm are noted, however, there appears to be no technical reason why additional accommodation could not be considered within the wider site subject to the proper assessment. Indeed, subsequent appeals allowed additional buildings on the western side of the site which was outside of the original hardstanding area but within the original red edge.
- 5.4 In this case therefore it is considered that the principle of development at this site is acceptable.

Gypsy and Traveller Accommodation Assessment

- 5.5 The Gypsy and Traveller Accommodation Assessment January 2021 (GTAA) identifies a need for 65 pitches for households that met the planning definition for the period 2020-2035. 47 of these are required before 2024. The GTAA also suggests that 44 out of the 47 pitches required by 2024 could be provided through the intensification or expansion of existing sites.
- 5.6 The Inspectors letter on Gypsy and Traveller Accommodation indicates that “to be considered deliverable, sites should be available now, offer a suitable location for development and be achievable with a realistic prospect that development will be delivered within five years. At this stage, it is uncertain whether the sites requiring expansion or intensification will come forward, or, that planning permission will be granted having regard to site constraints and other Local Plan policies”.
- 5.7 The GTAA goes on to state that “there is a need for 9 pitches for households that did not meet the planning definition. This is made up of 2 concealed or doubled-up households or single adults; 4 teenagers in need of a pitch of their own in the next 5 years; and 5 from new household formation. This is offset by 2 vacant pitches on public sites in Hambleton to meet the need identified from public sites”.
- 5.8 The applicant claims that the need for additional caravans arises from overcrowding of existing accommodation and a further need to accommodate his parents in-law, one of whom is, amongst other health issues, in the early stages of a long term debilitating illness and requires care. The applicant also wishes to accommodate his brother and his family within the site.

- 5.9 The applicant states that the existing static caravan has two bedrooms which houses himself, his wife and 4 children. Two of the children are over the age of ten with mixed genders sharing a bedroom. His parents in-law were previously living on a site within the district, however, the facilities were poor with electricity limited to certain hours of the day and no washing facilities.
- 5.10 A Pitch Deliverability Assessment (PDA) was published in February 2021. This report provides an assessment of 26 sites and yards within the district with the aim of providing advice on the suitability, availability and achievability of existing Gypsy and Traveller sites to meet a proportion of the identified needs outlined in the GTAA. The application site was assessed on this basis and found that the site could accommodate an additional pitch. Weight was given, however, to the comments of the Inspector on the original permission which indicated that development should be confined to the existing hard standing.
- 5.11 As mentioned above, however, there is no technical reason why additional caravans could not be sited within the paddock subject to assessment of the harm to the character of the area. Despite concerns around the Inspectors inferred desire to confine development to the north the site was still included in the results of the PDA as capable of accommodating an additional pitch.
- 5.12 The PDA also refers to the future need of the applicant's children. However, it should be noted that the GTAA appears to include the needs of teenagers coming of age in the next 5 years in the numbers relating to the need of those who do not meet the planning definition of a Gypsy or Traveller. It is suggested therefore that the needs of the applicant's eldest child may not be included in the GTAA figure of 65.

The status and needs of those to be accommodated

- 5.13 The children currently fall under their Fathers status as a gypsy being dependent minors. Evidence of the eldest child's work history has been provided as proof that he has already begun his career and will soon be able to show his status (in planning terms) as a gypsy when he comes of age in 2-3 years. Anecdotal evidence has been provided regarding the parents status and health records have been provided to evidence the applicants arguments that previous sites were unsuitable and that long term care will be required.
- 5.14 Whilst the above evidence has been provided if the application were to be granted the Inspectors other conditions would still be relevant. Condition 3 states: "The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy)". If the number of caravans were to be increased then the occupants would still need to comply with this condition.

Best Interest of the Child

- 5.15 Article 3, paragraph 1, of the Convention on the Rights of the Child gives the child the right to have his or her best interests assessed and taken into account as a primary consideration in all actions or decisions that concern him or her, both in the public and private sphere. One of the four general principles of the Convention for interpreting and implementing all the rights of the child states that it is a dynamic

concept that requires an assessment appropriate to the specific context. The concept of the child's best interests is aimed at ensuring both the full and effective enjoyment of all the rights recognized in the Convention and the holistic development of the child. It is considered that in order for a Planning Decision, to be in conformity with the Convention on the Rights of the Child, due consideration should be given to whether or not the best interests of the child have been considered in the determination of the application.

- 5.16 In this case it is considered that the planning system has some role to play in this regard. Part of the application is to provide additional accommodation for children who are currently all sharing a bedroom despite two of them being over the age of ten and of different genders. Taking into account the existing facilities at the site the Council should give some weight to benefits of providing additional accommodation for these children to have the required space and privacy appropriate to their ages.

Impact on the character of the area

- 5.17 Core Strategy policy CP16 supports developments where they preserve and enhance the district's natural and manmade assets. LDF Policy DP14 criterion (v) states that sites should avoid creating demonstrable harm to the amenity of existing communities, or to the natural, archaeological and historic environment, including wildlife sites and any trees and woodland in the area, and provide mitigating measures (for example landscaping) where necessary. LDF Policy DP30 seeks to protect the character and appearance of the countryside and states that the openness, intrinsic character and quality of the district's landscape will be respected and where possible enhanced.
- 5.18 The Inspectors report relating to the original permission indicated that the site related closely to the surrounding countryside and "in this immediate context the proposal would lead to an intrusion of residential development into the countryside which along with the associated domestic paraphernalia, parking of vehicles and residential activities would inevitably change the current rural character of the site".
- 5.19 Since the original permission and subsequent permissions for a storage building, amenity building, stables, garage and kennels the site has significantly changed. The siting of these buildings has, however, taken into account views through the site from the main road to the open countryside beyond. This application will see further intensification of use on the site and siting of caravans in a position visible from the main road. Although the development would be viewed from the south in the context of the existing structures the presence of the additional caravans will be felt when viewed from the north. It is considered therefore that the proposal would result in some harm to the character of the area and this would weigh against the proposals.

Amenity

- 5.20 The Planning Policy for Traveller sites 2015 indicates that one of the Government's aims is to ensure that Local Authorities give due regard to local amenity and environment. In this case the application site is over 150m from the nearest dwelling, Briar Cottage to the east.

- 5.21 Concerns have been raised regarding the potential for noise issues at the site. The site history indicates that no noise complaints have so far been received in relation to the occupation of this site. Given the private residential nature of the site it is not considered reasonable to assume that the provision of 3 additional caravans to house dependant children already living on the site and wider family would give rise to noise issues that would warrant a refusal of planning permission. It is not considered necessary to impose any additional conditions in this regard.
- 5.22 The site plan submitted with the application indicates that the existing area of green space on the northern portion of the site would be retained. It is considered therefore that the site would maintain an acceptable level of amenity for existing and future occupiers. The proposed development is considered to comply with the requirements of policy DP1.

Highways Safety

- 5.23 Some concerns have been raised with regard to the impact of intensification on highways safety. North Yorkshire County Council Highways Officers raised no objections to the application. It is therefore considered that the proposal would not result in a detrimental impact on highways safety.

Planning Balance

- 5.24 It is clear from the above that great effort has been made by all parties to limit the harm of this development to the landscape and open countryside. This is evidenced by the siting of ancillary buildings and landscaping of the site. It is also clear that this proposal takes that further step into the open countryside which has so far been avoided. It must be considered, however, that the harm to the character of the open countryside must be balanced against the needs of the applicant, his children and wider district. In light of the pressing need for additional pitches in the short term up to 2024 and the benefits of providing additional accommodation for the family and aging parents it is considered that the identified needs outweigh the harm in this case.
- 5.25 It is therefore recommended that condition 4 be amended from
“No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home) shall be stationed on the site at any time”.

To

“No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (either static caravan or mobile/touring home) shall be stationed on the site at any time”.

- 5.26 It is also recommended that conditions 2 and 5 be updated with new plans

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 begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: HN/15/024/001 Location Plan, HN/15/024/002 Existing Site Plan, Proposed Site Plan and Visibility Splays.
3. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
4. No more than 5 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (either static caravan or mobile/touring home) shall be stationed on the site at any time.
5. The caravans shall be sited in accordance with Proposed Site Plan and Visibility Splays.
6. No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the local planning authority. The scheme shall include indications of the type, height, species and location of all new trees and shrubs. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the site or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
7. The site shall not be occupied until a means of access has been constructed in accordance with details which shall have been submitted to and approved in writing by the local planning authority. The access shall be retained thereafter.
8. The site shall not be occupied until space has been laid out within the site in accordance with drawing no. HN/15/024/003 Proposed Site Plan and Visibility Splays for vehicular access to the site and vehicles to be parked and to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
9. Prior to the first use of the access hereby permitted, visibility splays with an 'x' distance of 2.4 metres and a 'y' distance of 215 metres to the west, and 160 metres to the east, measured from the centre of the access, shall be provided and thereafter maintained. No structure, erection, trees or shrubs exceeding 1.05 metres in height shall be placed, allowed to grow or be maintained within the visibility splays so defined.

10. No commercial activities shall take place on the land, including the storage of materials.
11. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected within the site unless otherwise approved in writing by 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) .
3. The location of the site is such that adopted policy is not otherwise supportive of permanent dwellings.
4. In order to control the scale of the development and to protect the character and appearance of the area and to comply with DP30.
5. In order to limit the impact on landscape character and comply with DP30 and DP32.
6. In order to protect the landscape character of the area and comply with DP30 and DP32.
7. In order that a proper form of access is created and to protect the safety and amenity of road users.
8. In the interests of road safety and to comply with DP1 and DP3.
9. In the interests of road safety and DP3.
10. In the interests of the amenity and character of the area and to comply with DP1 and DP30.
11. In the interests of the amenity and character of the area and to comply with DP1 and DP30.
12. In order to ensure that the scale and form of development on the site does not result in a harmful impact on the character or amenity of the area and to comply with DP1, DP30 and DP32.

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Parish: Yafforth

Committee date: 26 August 2021

Ward: Morton-on-Swale

Officer dealing: Andrew Cotton

8

Target date: 14 July 2021

21/01459/OUT

Outline application (with some matters reserved) for residential development to create 2no building plots

For Mrs J Walker & Mrs H Tomkins

At Church View, Yafforth, Northallerton

The application is brought 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 within the village of Yafforth. The site forms part of land associated with a property known as Church View and land to the east of Church View.
- 1.2 The site has an existing garage which will be demolished as part of the proposal. To the north of the site lies Old Hall Cottage which is separated from the site by the access track that leads to Old Hall Farm and other properties. To the west lies the property Church View, to the east there is a grass paddock and to the south lies All Saints Church.
- 1.3 The application is in outline form considering access only with all other matters reserved. The remaining matters, i.e. appearance, landscaping, layout and scale, would be for a later application if this application is approved.
- 1.4 The site would be divided into two development plots; Plot 1 measuring approximately 308sqm and plot 2 measuring approximately 360sqm. Access would be taken from south western edge of the site from the B6271.
- 1.5 Amended plans have been submitted which now includes some parking spaces for churchgoers and visitors to utilise.

2.0 Relevant planning and enforcement history

- 2.1 None relevant

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 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 DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP30 - Protecting the character and appearance of the Countryside
Development Policies DP13 - Housing Mix
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
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/homepage/60/new-local-plan-examination>. 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 –Object on the following grounds:

- Church parking

The proposal shows that the lay-by (which is currently used for Church associated parking) would be removed to provide an access point for the proposed development. No alternative provision for Church car parking has been considered or included. The Church is situated on a sharp, blind corner, adjacent to a busy road that runs through the centre of the village. Traffic passes through the village almost constantly and although there is a 30mph speed restriction in place, vehicles are often travelling faster than this. A large percentage of the traffic passing through are lorries and large vans or tractors. If the facility to park off the road adjacent to the Church were to be removed, it would create a serious safety issue. Yafforth is in a rural location and therefore many of the visitors to Church live outside the village and therefore arrive by car. Also, many of these visitors are elderly and need to be able to park close by. The only alternative would be to park on grass verges which would be dangerous on such a busy road, and it would lead to ruined verges. There would be an increase in cars parking along East Lane, which is residential. The congestion would cause problems for people accessing their properties and large tractors and vehicles would not have adequate room to get through safely. In addition to those either attending regular Church services and events or visiting the graves of family and friends, a designated parking area is a necessity for funeral vehicles, wedding cars, grave diggers, grass and maintenance contractors etc.

- Affect on community hub

All Saints Church is also a vital central hub for the villagers and local residents, providing a venue where the community can host village events, meetings, coffee mornings, fetes and fund raising activities. Once again, many of those attending arrive by car, and need car parking or a safe area to unload items from their vehicles. All Saints Church has had unrestricted use of this adjacent land

going back many years. A few older villagers remember this as a lane where the vicar and parishioners would secure their horses and carts whilst at church.

- Access visibility and safety issue

There is a concern how safe the proposed access would be. The access is from the B6271 which is a busy main route into Northallerton. Visibility along the road (to the North West) at the access point is poor due to large bushes along the perimeter of no. 1 Church View. These are not owned by the applicants and therefore would not be removed for purposes of this application. The site access is also very close to a blind corner to the South, with no visibility of approaching traffic. Stationary traffic waiting to turn right into the proposed site could create a hazard. No footpath exists from the former school to the Church, and the grass verge is too narrow for safe pedestrian use as the land at the side of the verge falls away into the adjoining garden.

- Land registry

We comment regarding the area of land outside the perimeters of the gardens of Church View and no. 1 Church View referred to on the application as an area of 'hard standing' where wagons parked overnight. Prior to the wagons parking on-site, this was a lane, open to anyone, commencing at the current church lay-by and ending on the private road leading to Old Hall Farm, (to the north of Church View). An old village map shows that a walkway or bridleway passes the full length of the lane. The application does not appear to acknowledge this. Furthermore, records from the Land Registry show that the Title for this land is currently on a Possessory Title, which was registered in April 2013, and is not an Absolute Title.

- Tree removal

The application states that several mature trees would be removed along the perimeter of Church View, though at this stage it is not clear whether more trees would be planted for Carbon Offset and to protect the environment. A concern was raised as Bats are regularly seen flying in this area. Also, this is a lush, green area, and removal of too many trees would spoil the pleasant outlook for surrounding properties

4.2 Street naming and numbering: No an application would be required at the detailed matters stage

4.3 Highways: No objection subject to conditions

It is understood that the control of part of the land proposed to form the site access is disputed; however as this area falls outside the public highway boundary, this issue is considered to be a civil matter and outside of the remit of the local highway authority. It is noted that this location provided the access to a haulage yard from the public highway in recent history and with some trimming back of the existing vegetation to the north to the public highway boundary, it is considered that a satisfactory visibility splay can be achieved.

4.4 Public comments – 19 objections were received to the initial round of consultation raising the following concerns:

- Concern over land ownership;
- Highways safety concern;
- Loss of parking;
- No reason for residential development in Yafforth; and
- Improper public consultation
(Officer comment: a site notice was displayed near the site for a period of no less than 21 days. An additional round of consultation was carried out for an additional 10 days.)

Following receipt of amended plans a second round of consultation was carried out for 10 days, the following additional concerns were raised in two additional responses:

- Concern over land ownership
- Highways safety concern
- Loss of parking
- How proposed parking spaces would be ensured they remain in perpetuity

5.0 Analysis

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

Principle of development

- 5.2 The site is located within the settlement of Yafforth which has no Development Limits. Policy DP9 states that development will only be granted for development beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal 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).
- 5.3 The NPPF states that "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 Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.
- 5.5 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
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 Alongside the IPG the Council issued a revised settlement hierarchy detailing the sustainability of settlements in the district. This hierarchy guides the application of the IPG.
- 5.7 Taking these factors into consideration, for the development to benefit from the IPG, Yafforth would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. Where a cluster comprises only Other Settlements, they must have a good collective level of shared service provision in order to comply with criterion 1 of the IPG.
- 5.8 The nearest main settlement is Northallerton, a Service village, is located 1.5km to the east. As such, the proposal satisfies criterion 1 of the IPG that development must provide support to local services including services in a village or villages nearby.

Heritage Matters

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Considerable importance and weight must be given to the desirability of preserving the setting of listed buildings.
- 5.10 Chapter 16 of the NPPF (2021) 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. Similarly, Core Strategy Policy CP16, DP28, DP29 and emerging Local Plan policy E2. requires development within or affecting the setting of a heritage to seek to preserve or enhance the significance of the assets.
- 5.11 There are two listed buildings located in proximity to the development site. All Saints Church is located to the south of the application site and The Old Hall to the east. Both of these buildings have potential for a loss of significance to occur through development located within their setting.
- 5.12 The Old Hall is a dwelling dated 1614, built in red brick under a pantile roof. The house is 2 storeys with 2 gabled bays. The majority of its significance is considered to come from its age and architectural form and design. The hall is a prominent building and clearly relates, functionally to the wider countryside that surrounds the site.

- 5.13 To the south of the site is the Church of All Saints, which was virtually rebuilt in 1870 by J P Pritchett with a Norman window on the west side of the tower. The building is finished in Ashlar with coursed rubble stone and graduated slate roofs. The significance of the building is considered to be derived from the cultural relationship to the community along with the age and architectural design of the building.
- 5.14 The applicant's statement provides a brief analysis of the impact of the proposed development on the setting of the listed church, stating that the proposed dwellings would be about 15m to 30m from the Church boundary. The statement goes on to say that combining this distance with intervening planting that any impact on the setting of the church is minimised and that there is no harmful impact on the significance of the Church.
- 5.15 The application does have the potential to adversely impact on the setting of the two listed buildings, in particular the Church and clearly the application site is located within the setting of both of these buildings. However, given the site context and the relationship of the site and the listed buildings to the village, it is considered that the application site sits within the context of the village and as such forms part of the wider, built up context of the listed buildings and as such the proposed development, subject to detailed design considerations, does not result in a harmful impact on the setting of the listed buildings. As such the proposals are considered compliant with the requirements of both the NPPF and Local Development Framework policy.

Character and Appearance

- 5.16 IPG criterion 2 requires development to be small scale. The guidance indicates this is normally up to five dwellings. In this case 2 dwellings are proposed and as such is considered small in scale. Additionally, the site is relatively well screened particularly with the built form of the settlement to the north, east south and west of the site. As such the proposal is not considered to have a harmful effect upon the character and appearance of the surrounding location or open countryside.
- 5.17 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 form only with all matters reserved. Only a site plan has been provided showing the application site divided into two development plots (308sqm and 360sqm) with access taken from B6271.
- 5.18 It is considered that the site is of a size capable of accommodating 2 dwellings. Comparing the dwelling plots to the wider dwelling to plot ratios nearby, they are found to be broadly consistent.
- 5.19 It is recognised that the site is distinctly separate from the wider countryside and is read in the context of the existing built form. The existing landscape is such that it allows the site to be viewed more in the context of the existing built form and not as an element in the surrounding countryside landscape. Therefore, the impact on the natural surrounding landscape would be minimal. The proposal is considered to accord with the principles of policies CP16, DP10 and DP30.

Neighbour Amenity

- 5.20 The nearest residential properties are located to the north (Old Hall Cottage) and to the east and west of the site also, with the closest property in excess of 21m to the site boundary. 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.

Highways

- 5.21 The Highway Authority has no in principle objection to the proposed development. Were the outline application approved, it has recommended a number of conditions.
- 5.22 A number of the objections received raise concern with the loss of the informal parking often utilised by parishioners of the nearby church on the land proposed to be used as an access to the site. While this is an informal arrangement the applicant has agreed to provide a small number of formal parking spaces within the site to still allow some parking by Parishioners and visitors.

Ecology

- 5.23 Policy DP31 of the Development Policies DPD 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'.
- 5.24 A Preliminary Ecological Appraisal (PEA) has been carried out and submitted in support of the proposal. The PEA identifies that the site is of generally low ecological value with no priority habitats on or adjacent to the site, and no designated wildlife sites within 2km.
- 5.25 The council recommends that in accordance with NPPF para 180, proposals should demonstrate a 'measurable' net gain in biodiversity. This is transposed to local policy and the emerging Environment Bill which is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country.
- 5.26 Given that the application is in outline for access only, it is considered appropriate conditions could be used to secure the necessary information is submitted and approved.

Other Matters

- 5.27 A concern raised through a representation received relates to the type of title the applicant holds over the land and that the planning application should be held in abeyance until the title dispute is resolved. The applicant has signed certificate A on their planning application form, which confirms they own the land either freehold or having a leasehold interest with at least 7 years left to run. Whether the title is absolute or possessory is a civil matter to be resolved outside of the planning process.

Planning balance

5.28 The proposal is considered to comply with all 6 criteria as set out in the IPG document. The proposals are considered to result in no harmful impact on the significance of the nearby listed buildings. The proposed development is considered to be acceptable and therefore is recommended for approval subject to conditions.

6.0 Recommendation

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

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) Five 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. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the scale of the proposed dwellings; (b) the layout of proposed building(s) and space(s) including parking areas; (c) design and external appearance of each building, including a schedule of external materials to be used; and (d) the landscaping of the site.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Proposed Site Plan 105-21/01B as received by Hambleton District Council on 5th July 2021 unless otherwise approved in writing by the Local Planning Authority.
4. The development must not be brought into use until the access to the site a has been set out and constructed in accordance with Standard Detail number E6 Var and the following requirements:
 - Any gates or barriers must be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.
 - Provision to prevent surface water from the site/plot discharging onto the existing highway which must be constructed and maintained thereafter to prevent such discharges.
 - 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.

5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been

submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

7. 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:

- Vehicular parking; and
- 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 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.

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:

- Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- The parking of contractors' site operatives and visitor's vehicles clear of the highway;
- Areas for storage of plant and materials used in constructing the development clear of the highway;
- Details of site working hours; and
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

9. Prior to commencement of development, a scheme for the demolition and removal of the glass house structures and restoration of the site, shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be progressed in accordance with the approved details.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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.
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 DP23.
4. 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.
5. In the interests of highway safety.
6. In the interests of highway safety.
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In the interest of public safety and amenity.
9. In order to ensure that the anticipated environmental improvements are achieved, in accordance with Core Policy CP4

Parish: Tollerton
Ward: Easingwold

Committee date: 26 August 2021
Officer dealing: Marc Pearson
Target date: 30 April 2021

9

20/02752/FUL

Construction of 4no. dwellings and associated works.

At land and buildings South of Pond View, Tennis Court Lane, Tollerton

For: Ambleside Homes

This application is referred to Planning Committee at the request of a member of the Council.

1.0 Site, context and proposal

- 1.1 The application site is located on the west side of Tennis Court Lane immediately to the south of the recently constructed Pond View housing development and Doctors Surgery. The eastern part of the site adjacent to Tennis Court Lane is occupied by a variety of mid twentieth agricultural buildings that are in a state of dis-repair but are currently used as part of the farming enterprise that operates out of Japonica House off the east side of Tennis Court Lane/Main Street. The western end of the application site comprises open ground that at time of the officer site visit was used for the storage of hay. Vehicle access is provided off Tennis Court Lane. The site has an open frontage whilst the remaining boundaries are defined by a variety of timber fencing and hedgerows. There are also number of trees along the northern site boundary.
- 1.2 The surrounding context is defined by agricultural land to the west that forms part of the rural context to Tollerton and the south is a small paddock area that also includes a number of modern agricultural buildings. To the east off Tennis Court Lane are historic outbuildings associated with the farm operation at Japonica House. Also, on the east side of Tennis Court Lane within close proximity to the application site are a number of residential properties.
- 1.3 The application site sits immediately adjacent to boundary of the defined development limits contained within the Local Development Framework and the boundary of the Tollerton Conservation Area and is therefore located within the immediate setting of the designated area. Whilst there are a number of listed buildings to the north-east and within the core of the village, given the separation distance and intervening buildings it is not considered that the application site is located within the setting of these heritage assets.
- 1.4 The application site is located off a back lane to the west of the of the village, which historically had a rural character of agricultural land defined by hedgerows. To the north of the application site this character has changed from the mid-twentieth century with a variety housing development together with the recently constructed housing and doctors surgery. Nevertheless, the southern extent of the lane still retains its rural character. Views along the lane are generally enclosed by the hedgerows, with views of the upper levels of the new housing beyond, whilst at the southern end limited views are possible across the paddock area and the

application site. Long distance views are possible from Public footpath network to the west looking east towards the village but in these views the application site is read against a backdrop of housing and trees. There are limited opportunity for views out of the designated area itself towards the western context of the village. Limited views are restricted to those from Chapel Lane to the south-east of the application site. In these views the from Main Street views are possible to the countryside beyond, whilst closer to Tennis Court Lane an oblique view north-east towards the modern buildings on the application site is possible.

- 1.5 The proposed development involves the demolition of the modern agricultural buildings and the construction of four dwellings together with a passing place along the frontage to Tennis Court Lane. As part of the proposal a concurrent application (reference no. 20/02742/FUL) has been submitted for replacement agricultural building on the south side of Alne Road (to the west of Tollerton) on land within the ownership of the farmer. The replacement barn is only required if the re-development of the site occurs. On this basis officers have sought to ensure that if this application and the concurrent replacement agricultural building application are both resolved to be approved a legal agreement would be secured to ensure that the replacement agricultural building is only erected once the development of the residential site is secured. It is acknowledged that in order for the existing site to cease use the replacement building has to be erected and also ready for use. On this basis it is suggested that once the replacement building is erected and ready for use, the use of the existing site shall cease to be used for farming within one calendar month. The agent has confirmed that the applicant and landowner agree to this in principle and therefore should the applications be approved a s.106 legal agreement would be prepared on this basis.
- 1.6 The proposed housing would be served off a single access point on Tennis Court Lane and the proposed layout has been designed to provide a larger two storey property located close to Tennis Court Lane, whilst behind are three smaller properties loosely laid out around a courtyard arrangement to provide a mix of 1 no. house, 2 no. dormer bungalows and 1 no. bungalow. The proposed dwellings would be constructed in brick with pitched pantile roofs and they have been designed with architectural clues to reflect the historic and rural setting. The proposed site layout also includes a passing place along the Tennis Court Lane Frontage.
- 1.7 During the course of the application following discussions with officers the site layout and design of the proposed dwellings was amended to provide an alternative access point and the scale, form and design of the two storey dwelling was revised. Furthermore, additional heritage and arboriculture supporting information was also submitted.

2.0 Relevant planning and enforcement history

- 2.1 No planning history associated with this site.

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 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 DP9 – Development outside development limits
- 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
 - Interim Policy Guidance Note - adopted by Council on 7th April 2015
 - Size, Type and Tenure of New Homes SPD - adopted September 2015

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

- Policy S 1 - Sustainable Development Principles
- Policy S 5 - Development in the Countryside
- Policy HG 5 - Windfall Housing Development
- Policy E 1 - Design
- Policy E 2 - Amenity
- Policy E 3 - The Natural Environment
- Policy E 5 – Development affecting heritage assets
- Policy E 7 - Hambleton's Landscapes
- Policy RM 3 - Surface Water and Drainage Management

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 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 Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. 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 Tollerton Parish Council – Objects on the following grounds noted in the two responses below (verbatim):

First response

From consultations held in the parish that informed the Parish Plan the residents have clearly stated that they do not want further expansion of the village and an increase in the number of houses. The exception was for the current development of 21 houses on the condition that this included the relocation of the doctor's surgery which is now up and running. They did not support the developments on South Back Lane currently being built.

Over the last couple of years as a Parish Council we have sought refusal of further developments only to have this not respected and overturned by the Hambleton Planning Committee which has countermanded the wishes of our community. Within the last year over 13 additional properties have been commenced along South Back Lane which, along with the northern development, has added 34 dwellings to an already stretched village. This expansion has resulted in loss of amenity to the community, which is contrary to the district's Planning framework policies and documents.

This proposed development will further erode the amenity of the village. Tennis Court Lane forms the link to access the rear of properties - former farms and small holding properties - to the fields and amenities beyond. It is partially made up, with grass growing down the middle, reflecting the use and nature of the Lane. The use may have changed over time but this lane has no through route except via another lane, that being Chapel Lane: both these lanes are less than the minimum width of a single carriageway. Currently, Tennis Court Lane is only used for vehicular access by the farmer and intermittently by four properties and those with rear access. The majority of the use is by the village population to walk to the various footpaths and other areas within the village.

The potential of an additional four dwellings causing upwards of thirty vehicle journeys on this lane and the resultant access onto either Alne Road via Forge Lane or Tennis Court Lane, or Main Street via Chapel Lane will place a huge unnecessary risk to the parishioners currently using these amenities. The existing use of the site is agricultural, with the current elderly owner residing in the village to the easterly side of the lane. These buildings house his equipment and livestock. There is a wealth of wildlife that frequents the buildings and site year round, including bats of various species, birds seasonally nesting, as well as many invertebrates.

The wildlife currently use the 'avenues' that the hedges, verges and trees along the lane provide to gain access to and from the nearby countryside. The provision of large dwellings with upwards of three bedrooms and sixteen parking spaces is currently well catered for within the current development by Daniel Gath Homes as well as the wider village and indeed Easingwold area. The destruction of yet another 'back lane' environment and loss of amenity to the community of Tollerton, as has occurred on South Back Lane, should not be permitted in Tennis Court Lane. As has been seen within the parish with the expansion of the village to date, the existing infrastructure cannot sustain further development. Increase in traffic and population is stretching the current systems.

Second response

The reduction of the 'pull in/lay-by will be detrimental to the flow of vehicles and pedestrian users

The moving of the property to the front of the site(south eastern) adjacent to the lane facilitates the access into the properties on the proposed development from behind trees and the doctors' surgery which will be considerably less visible to other users of the Lane and emerging vehicles from the development.

The moving of the property will increase the massing along the Lane and will destroy the currently experienced visual amenity the area enjoys.

- 4.2 Environmental Health – No objection.
- 4.3 Contaminated Land - No objection based on the submitted PALC.
- 4.4 NYCC Highways – No objection subject to conditions on access design, visibility splay, provision of the passing place and a construction management plan.
- 4.5 MOD – No safeguarding concerns.
- 4.6 Yorkshire Water – No response received.
- 4.7 Site Notice expired on 20.1.2021 and Neighbour Consultation period expired on 20.1.2021.

There have been 18 objections against the application as summarised below:

- Housing land supply already above 5 years
- Another example of further housing in the village
- Not an allocated site in the LDF
- No affordable housing
- Beyond the development limits and will encroach into the rural setting of the village.
- Impact on views from surrounding properties
- Concern about the loss of trees along the northern boundary
- Not of an appropriate design/appearance
- Highway safety concerns – tight junctions, narrow lane, conflict between vehicles and pedestrians
- Concern about lighting and impact on dark skies
- Impact on wildlife
- Concern about the choice of roofing materials
- Drainage and surface water concerns
- Concern about construction phase – delivery vehicle movements, contractor parking, damage to verges

9 observations in support of the application as summarised below:

- This is the last farm in the village and it would be of benefit to residents if the farming practice moved out of the village due to the noise, smells and disruption associated with the site (including vermin issues)
- The existing buildings are unsightly
- The removal of farm traffic from the lane would be of benefit
- The proposed development is well designed and in-keeping with the context.
- The proposal to provide smaller house including bungalows is beneficial.

- 4.8 The application was subject to a further consultation exercise (expired 2.7.2021) and no further observations have been received.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development; (ii) housing, size, type and tenure; (iii) the impact on the character of the village and countryside; (iv) ecology; (v) residential amenity; (vi) highway safety and (vii) drainage.

(i) Principle of Development

5.2 Policy CP4 of the Local Development Framework restricts development located in the open countryside. However, following the publication of the National Planning Policy Framework (NPPF), the Council adopted Interim Policy Guidance (IPG) to allow for limited growth in smaller settlements. The IPG allows for a limited amount of new residential development in or abutting existing villages in the countryside, provided certain criteria are met. A revised Settlement Hierarchy now includes Tollerton within the sub category of "Secondary Villages". The IPG states "Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by supporting the functions of the local community AND where it meets ALL of the following criteria:

- i. Development should support local services including villages nearby;
- ii. Development must be small scale, reflecting the existing built form of the settlement;
- iii. Development must not have a detrimental impact upon the natural, built and historic environment;
- iv. Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
- v. Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
- vi. Development must conform with all other relevant LDF policies.

5.3 The principle issue to be determined relates to criterion i), which only allows new development outside Development Limits if it supports local services and as such contribute to sustainable development. Tollerton is considered to be a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Tollerton is allocated as a Secondary Village within Policy S3 and therefore the principle of residential development would still be considered acceptable under the emerging policy.

(ii) Housing Size, Type and Tenure

5.4 With regard to the scale of the development, the proposal for four dwellings is considered to be appropriate to satisfy the requirements of the IPG. The proposal would provide the following mix: 1 x 2 bedroom bungalow, 2 x 3 bedroom 1.5 storey house and 1 x 4 bed two storey house. Where On this basis officer's consider the proposal satisfy the requirements of the Size, Type and Tenure of New Homes SPD to provide a greater number of smaller two and three bedroom units (one of which is single storey), the SHMA, LDF Policy DP13 and thus Criterion 2 of the IPG. With regard to the emerging Local Plan the proposal would provide smaller homes and thus comply with the requirements of Policy HG2.

(iii) Character of the Village, Heritage and impact on countryside

- 5.5 With regard to criterion 2 of the IPG, development must reflect the existing built form and character of the village. The aim of the IPG is to allow organic growth which reflects the historic development of the village.
- 5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework at paragraphs 193-196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Furthermore, in assessing the proposal great weight must also be given to the assets conservation. In terms of the Local Development Framework policy CP16 – Protecting and enhancing natural and man-made assets and policy DP28 – Conservation require proposals to preserve and enhance conservation areas.
- 5.7 The applicant has provided a detailed heritage assessment as part of the application submission due to the location of the site within the setting of the Tollerton Conservation Area. Officers generally concur with the assessment provided and consider that the site currently contributes to the setting of the designated area through its continued agricultural use, the boundary hedges and occasional trees together with the glimpsed views across the site to the surrounding countryside from the lane.
- 5.8 As noted in 1.4 above the setting of the designated area is varied along Tennis Court Lane, the experience of the setting from within the designated area is limited to views only from Chapel Lane and views from the public footpath network to the west of the village. The development of the application site will change the setting from its current agricultural use but it is noted that its development for housing would be reflective of the character of the northern part of the lane.
- 5.9 During the course of the application officers discussed design alterations to the frontage plot facing Tennis Court Lane. This unit has now been designed to reflect the agricultural context with a reduced massing and limited openings facing the lane and it is therefore considered to be of an appropriate scale, form, massing and appearance. The remaining proposed dwellings are lower in height and would read as subsidiary structures that have also been designed with reference to the rural context. The dwellings are proposed to be constructed in brick with pitched pantile roofs and the precise details can be controlled through a suitably worded condition. Furthermore, an arboricultural assessment has also been provided which illustrates that the boundary hedges and the trees along the northern boundary can be retained as part of the site layout. On this basis the proposed development is considered to be of an acceptable design approach that retains existing landscape features and through a considered design approach that include the re-instatement of a hedgerow along the frontage of the lane would respond appropriately to the context.
- 5.10 Officers consider that the change in character would be harmful to setting of the conservation area, with reference to section 16 of the NPPF this is considered to be “less than substantial harm” (at the lower end of the scale) and therefore the identified harm needs to be outweighed by public benefit. It is considered that the removal of poor quality buildings, the removal of inappropriate use in close proximity

to residential properties, the re-instatement of a hedgerow along the frontage of the lane, together with a well-designed and carefully considered housing scheme that provides much needed mix of smaller housing is considered to outweigh the identified harm. On the basis of the above it is considered that the proposal would satisfy criterion 2 and 3 of the IPG and would satisfy policies DP32 and DP33 of the LDF. With regard to the emerging Local Plan the proposal is considered to satisfy the relevant parts of Policies S1, HG5, E and E5.

- 5.11 Criterion 4 of the IPG notes development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. As noted above the application site is surrounded by the development to the north and east. The development of this field enclosure would retain the agricultural to the west and south of the application site and would not lead to coalescence of settlements. On this basis the proposal is considered to satisfy criterion 4 of the IPG and LDF policies DP30 and DP32. In terms of the emerging Local Plan the proposed development would satisfy Policies HG5, E1, E3 and E7.

(iv) Ecology

- 5.12 Criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. The submitted biodiversity report identifies roosting bats within part of the buildings on the site. Therefore, a license application to Natural England will be required and on this basis the issues can be dealt with via a suitably worded condition to overcome the identified protected species on site. On the basis of the above it is considered that the proposal would satisfy LDF policies CP16 and DP31 together with criterion 3 of the IPG. In terms of the emerging Local Plan the proposal would satisfy Policies HG5 E3 and E7.

(v) Residential Amenity

- 5.13 Given the separation distance, the scale of and design of the side elevations of the proposed dwellings from the properties to the north and east the proposal is not considered to raise any overlooking or shading concerns given. On the basis of the above, it is considered that the proposals do not raise any amenity concerns to the surrounding properties to the north or east and would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

(vi) Highway Safety

- 5.14 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. NYCC Highways Authority notes that the existing highway is narrow in the vicinity of the site and then widens approximately 80 metres to the north-east but a passing place is proposed on the frontage of the site which would benefit all users of the road. Given the small scale of the development, NYCC Highways consider a recommendation of refusal on highways grounds would not be appropriate. It is noted that a number of observations have been made regarding highways issues relating to the narrow lane and pedestrian/vehicle conflict together with the impact of construction traffic should the application approved. Given the advice from NYCC Highways the proposal is considered to satisfy Criterion 5 of the IPG,

through the imposition of suitably worded conditions recommended by NYCC Highways relating to highway safety and construction management plan, the application would satisfy requirements of LDF Policies DP3 and DP4. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 or CI 2.

(vii) Drainage

- 5.15 The proposal would dispose of surface water via soakaway and foul connection would be via Japonica House through to Main Street. Whilst Yorkshire Water has not provided a formal consultation response the Agent has confirmed discussions with Yorkshire Water have taken place separately regarding the connection to the sewer network via Japonica House. On the basis of the above it is considered that detailed matters can be controlled through the imposition of a condition. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

Affordable housing

- 5.16 This application relates to only four dwellings it does not trigger the affordable housing threshold of six dwellings and therefore affordable housing cannot be required in this instance.

Housing land supply

- 5.17 Observations have been received that note the application site is not an allocated site in the LDF and that there is sufficient housing land supply within the district. Whilst the site is not allocated in the LDF provision is made within the policies to allow for housing windfall development such as this proposal. Furthermore, whilst it is acknowledged that the current housing land supply is sufficient and the figures are not ceilings. On this basis it does prevent the development of windfall housing sites. It is noted that a supply of new homes in Tollerton, is strong and steady with, in the last 5 years, 12 permissions yielding 45 dwellings, 33 of which have built to date.

Planning Balance

- 5.18 The National Planning Policy Framework requires the local planning authority to carry out a direct balance between harm to heritage assets and public benefit. It has been established that the harm to the setting of the conservation area is considered to amount to less than substantial harm (at the lower end of the scale). It is clear that any harm must be given great weight and importance in the planning balance when considering whether or not the public benefits of the scheme reasonably offset that harm. The public benefit of removing an agricultural use that sits in close proximity to residential properties, the removal of buildings that are in state of disrepair, the provision of a hedgerow along the lane and well designed proposal that would provide much needed smaller houses is considered to outweigh the "less than substantial harm" and also weighs significantly in the planning balance as they would provide environmental and social gains. Furthermore, the concurrent application to continue the agricultural use on an alternative site provides an economic benefit.

- 5.19 It is considered that the proposal achieves gains in all 3 dimensions of sustainable development (environment, social and economic) and meet the requirements of the National Planning Policy Framework. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of the principle of development, access, ecology, design, amenity, drainage and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the construction of the replacement agricultural building (application reference 20/02742/FUL) and to cease the agricultural operations at the adjacent Japonica House and (b) 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 following drawings received by Hambleton District Council on 18.6.2021 unless otherwise approved in writing by the Local Planning Authority.

Block plan - 20092- VB- XX- XX- DR- A- (03)105 P01

Section - 20092- VB- XX- XX- DR- A- (03)150 P01

Plot 1 ground floor - 20092- VB- B1- 00- DR- A- (03)110 P01

Plot 1 first floor - 20092- VB- B1- 01- DR- A- (03)111 P01

Plot 1 roof plan - 20092- VB- B1- 02- DR- A- (03)120 P01

Plot 1 elevations - 20092- VB- B1- XX- DR- A- (03)130 P01

Plot 1 garage - 20092- VB- B1- XX- DR- A- (03)132 P00

Plot 2 ground floor - 20092- VB- B2- 00- DR- A- (03)110 P01

Plot 2 first floor 20092- VB- B2- 01- DR- A- (03)111 P01

Plot 2 roof plan - 20092- VB- B2- 02- DR- A- (03)120 P01

Plot 2 elevation 1 of 2 20092- VB- B2- XX- DR- A- (03)130 P01

Plot 2 elevation 2 of 2 20092- VB- B2- XX- DR- A- (03)131 P01

Plot 3 ground floor - 20092- VB- B3- 00- DR- A- (03)110 P01

Plot 3 roof plan - 20092- VB- B3- 01- DR- A- (03)120 P01

Plot 3 elevations 1 of 2 - 20092- VB- B3- XX- DR- A- (03)130 P01

Plot 3 elevation 2 of 2 - 20092- VB- B3- XX- DR- A- (03)131 P01

Plot 4 ground floor plan - 20092- VB- B4- 00- DR- A- (03)110 P01

Plot 4 first floor - 20092- VB- B4- 01- DR- A- (03)111 P01

Plot 4 roof plan 20092- VB- B4- 02- DR- A- (03)120 P01

Plot 4 elevations 1 of 2 20092- VB- B4- XX- DR- A- (03)130 P02

Plot 4 elevations 2 of 2 20092- VB- B4- XX- DR- A- (03)131 P02

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. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

5. Above ground construction shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.

6. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

7. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority.

These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

8. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further

works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

9. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

10. The development shall not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing reference "Proposed Site Plan" (03) 105 P01 and Standard Detail number E50.
- 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.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

11. There shall be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road from a point measured 2.0 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.

12. The following scheme of off-site highway mitigation measures shall be completed as indicated below:

provision of a passing place on Tennis Court Lane prior to any part of the development being brought into use

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.

A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

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

13. 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 approved drawing reference "Proposed Site Plan" (03) 105 P01. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

14. No development shall 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:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

15. As noted within the Quants Environmental Bat and Barn Owl no works to the buildings shall commence until a licence application sought from Natural England. Furthermore, details of the mitigation as set in out section 4 of the report shall be submitted to the Local Planning Authority for approval. The approved details shall be retained thereafter.

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

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 Policies CP16, CP17 and DP30.
3. To ensure that the development is appropriate to the character and appearance of its surroundings.
4. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
5. To ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
7. In the interest of satisfactory drainage and to avoid pollution of the water environment.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with the Hambleton Local Development Framework CP21.
9. In the interests of highway safety.
10. 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.
11. In the interests of highway safety.
12. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
13. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
14. In the interest of public safety and amenity.
15. In the interest of biodiversity.
16. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.

Parish: Tollerton
Ward: Easingwold

Committee date: 26th August 2021
Officer dealing: Marc Pearson
Target date: 29 January 2021
Extension of Time: 30 April 2021

10

20/02742/FUL

Replacement Agricultural Building
At Land to east of Old Mill House, Alne Road, Tollerton
For Mr Richard Bullen

This application is referred to Planning Committee at the request of a Member of the Council

1.0 Site, context and proposal

- 1.1 The application site is located on the south side of Alne Road to the west of the of village, within a larger agricultural field enclosure that is defined by hedgerows and occasional trees. The application site is situated in dip within the undulating topography with the existing field gate entrance located on low ground, whilst to the west and east the land rises. Overhead electricity lines cross the site entrance and travel along the northern boundary of the application site adjacent to the hedgerow facing Alne Road. To the south-east and north-west is a public footpath which connects Tollerton to Alne.
- 1.2 The surrounding context is defined by agricultural land that forms part of the rural context to Tollerton. To the east is the built form of the village which sits on higher ground with the nearest residential property situated c.300m to the east on the south side of Alne Road. To the west the closest residential property is the Old Mill House on the south side of Alne Road which is c.300m away. Approximately 280 to the south of the site is the River Kyle and as a result of the topography part of the application site, to the south of and not including the proposed building, is located in Flood Zone 2.
- 1.3 The new building is required due to the proposed re-development of the applicant's existing buildings for housing on Tennis Court Lane in Tollerton (reference no. 20/02752/FUL). The proposed building is to be sited immediately adjacent to the Alne Road to the west of the existing access point and the ground floor level is to be cut into the rising ground but will still be at a higher than the existing vehicle access point. The dimensions of the building are approximately 15m wide x 36m long, with a ridge height of 8m. The proposed building comprises concrete panels with a variety of timber boarding and Juniper Green profiled metal sheeting above. Part of the south elevation will be open-sided and will have gates for access to the building. The pitched roof is proposed to be covered with a grey fibre cement sheet material. The proposed building will be used for housing of c.25 cattle, storage of grain, hay and machinery. As part of the development it is proposed to provide a comprehensive landscaping around the perimeter of the proposed building as illustrated on the submitted drawings

2.0 Relevant planning and enforcement history

2.1 No planning history associated with this site.

3.0 Relevant policies

3.1 The relevant policies are:

- Core Strategy Policy CP1 - Sustainable development
- Core Strategy Policy CP2 - Access
- 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 DP3 – Site accessibility
- Development Policies DP26 - Agricultural issues
- 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

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

- Policy S 1 - Sustainable Development Principles
- Policy S 5 - Development in the Countryside
- Policy HG 5 - Windfall Housing Development
- Policy E 1 - Design
- Policy E 2 - Amenity
- Policy E 3 - The Natural Environment
- Policy E 7 - Hambleton's Landscapes
- Policy RM 3 - Surface Water and Drainage Management

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 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 Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. 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 Tollerton Parish Council – Objects on the following grounds noted in the two responses below (verbatim):

First response

The field in which the proposed buildings are intended to be constructed is situated to the north of the village some distance from the current agricultural buildings where the elderly farmer manages his cattle on a twice daily basis. Relocating the cattle would necessitate the farmer travelling in a vehicle to carry out his husbandry duties. He currently can walk to achieve this.

Whilst we as the Parish Council support the improvement of agriculture within the parish, we must express concern at moving the buildings that serve the farmer reasonably, currently in both location and function, to facilitate further housing development (subject to additional planning application). We would, however, welcome improvement local to the existing buildings and the farmer's home.

The access from the field currently is used several times a year. The proposal will necessitate this access to be used many times a day. The access is on a blind bend from the village and will cause a large increase in risk to the traffic using this busy route from Tollerton to the north.

The current buildings store a variety of farm equipment as well as providing a home for cattle. This involves fuel and chemical storage which would be relocated to the proposed site. As this proposed building is situated in a field that is prone to flooding there will be an increased risk of contamination from the storage of livestock, chemicals and fuels. This will be potentially detrimental to the wildlife both locally and further afield. There does not appear to be any consideration within the proposals of this application for dealing with any of this risk by use of specialist drainage interception etc.

There are currently no services to provide power, water and indeed drainage for this development. These will need to be brought in via extensive highways works and the consequential risks associated with these activities on the highway.

The destruction of the agricultural environment as a result of this development will be detrimental to the flora and fauna locally. The rich variety currently in the fields and hedgerows around the proposed area will be disrupted permanently.

Second response

- *The landscaping now introduced is welcome. However, this will further reduce the visual aspect and amenity currently enjoyed from the south from the public footpath that runs along the Kyle stream, used by many members of the public.*
- *The additional gate access introduced will now necessitate long agricultural vehicles accessing the area to remain on the highway whilst the gate is opened, which is an additional hazard introduced to the scheme.*

- *The site access proposed remains situated in a dangerous position and the application does not address the visibility of the access from both directions of the highway.*

4.2 Environmental Health – No objection.

4.3 Contaminated Land - No objection based on the submitted PALC.

4.4 NYCC Highways – No objection.

4.5 Environment Agency – No objection based on the building located in floodzone 1. The second consultation response noted issues relating to pollution prevention as noted below:

The applicant describes the building as a general purpose agricultural building, with several possible principal uses mentioned in the supporting statement, and so it is not clear what the buildings exact use will be. If the building is to be used for any purpose which could lead to the production of any animal slurry, or any silage liquor, or is to be used for the storage of either slurry or silage, or for the storage of agricultural fuel oil, then the proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter. The applicant is advised to review the existing on-farm slurry and manure storage and ensure compliance with the SSAFO Regulations. You must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction, and once an agreed proposal has been constructed we will ask you to send us a completed WQE3 notification form before you start using the facility.

As long as the development does not contravene the above mentioned legislation, then we have no objection to this proposal.

4.6 Kyle and Upper Ouse Internal Drainage Board – No objection subject to conditions regarding the disposal of surface water.

4.7 Site Notice expired on 13.1.2021 and Neighbour Consultation period expired on 20.1.2021.

There have been 4 objections against the application as summarised below:

- The position of the building will cause increased access onto a blind area of the road with poor visibility, making this area unsafe for both farm traffic and other road users.

- Walkers are forced to use the grass verge as part of the Right of Way between Tollerton and Aine. There is no pavement and traffic using this entrance will increase the risks for these walkers as they have to cross this entrance.
- Concern how effluent from cattle will be managed as it is next to a large floodplain.
- Impact of the development on views from the public footpath network.
- No ecological survey has been carried out of the hedgerow and field in the vicinity of this application. During the spring and summer I have observed a couple of pairs of nationally rare Corn Buntings in this vicinity, on the immediate adjacent hedge and perched on overhead wires. This is probably the scarcest farmland bird nationally but has a stronghold in this locality. Suspect the birds may nest in the hedgerow next to this site. They are a Red Databook species.
- The field to the south floods towards the River Kyle. Any animal waste or silage liquor may run off from this higher location and seep through groundwater to contaminate the river with concentrated agricultural pollution.

9 observations in support of the application as summarised below:

- Allowing this application will allow the farmer to relocate his current operation of breeding cattle from Tennis Court Lane, Tollerton. The new building would still be within easy reach for the farmer to tend his cattle and store his farm equipment.
- The buildings on the existing site are a mix of very old iron clad buildings in poor repair, sited directly next to the new Tollerton Doctors surgery. Concerned that complaints will be raised regarding the vermin (rats) that exist in those buildings and surrounding site.
- With regard to the proposed new building, it will allow the farm to exist in an area where its operation will not interfere or be a disturbance and nuisance within the village, as in its current location.
- Understood that the building will be sited well above the flood line, built low into the landscape, and screening will be planted to minimise visual impact. This is in great contrast to other, much large agricultural/industrial buildings that have recently been erected in the Tollerton area. These include a building approx. 400m west of the application site, over Water Mill bridge, situated high on the hill. It also cannot be compared to some of the more "industrial" type buildings that have been erected along Sykes Lane, Tollerton to the A19.
- Inadequate infrastructure to support the more modern way of farming. The current highway is only suitable for cars and does not support tractors or HGVs that are needed to run a farm. The current farm buildings need to be much higher to enable them to be more useable and are no longer fit for purpose.

4.8 The application was subject to further consultation exercise (expired 3.7.2021) and one objection was received. This repeated some of points noted above but a summary of additional matters raised is noted below:

- With regard to the public footpath and to avoid increased danger to walkers using the footpaths is suggested that a new public right of way footpath link is added on the applicants land behind the hedge, to minimise walkers having to go along the road in the vicinity of the barn access and approaching a dangerous blind bend along the road. The applicant could install a new stile or kissing gate in the roadside hedge, and then another stile or kissing gate in the intervening hedge to then link in with the footpath heading up the hill to Tollerton.

5.0 Analysis

5.1 The main issues to consider are:

- Principle of the proposal
- Design and appearance
- Landscape and visual impact
- Amenity
- Flood risk
- Highways

Principle

- 5.2 The application is required due to the re-development of the applicants existing buildings for housing on Tennis Court Lane in Tollerton (reference no. 20/02752/FUL). This proposal is therefore only required if the development of existing site was to go ahead. On this basis officers have sought to ensure that if this application and the concurrent housing application are approved, a legal agreement would be secured to ensure that the replacement building is only erected once the development of the residential site is secured and the agricultural use needs to cease. This is to avoid two agricultural barns being used on the land. It is acknowledged that in order for the existing site to cease use the replacement building has to be erected and also be ready for use. On this basis it is suggested that once the replacement building is erected and ready for use, the existing site shall cease use within one calendar month. The agent has confirmed that the applicant and landowner agree to this in principle and therefore should the applications be approved a s.106 legal agreement would be prepared on this basis.
- 5.3 The application site is located on part of the existing farm complex and is required subject to the re-development of the existing facilities on Tennis Court Lane. Policies contained within the Hambleton Local Development Framework promote rural enterprises to meet the needs of farming, as set out in Policy CP4. In addition, paragraph 83 of the National Planning Policy Framework supports "the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings." Development Policy DP26 is supportive of related agricultural development where it helps to sustain an existing enterprise and otherwise complies with Local Development Framework policy. The existing buildings on the site date from the mid-twentieth century and are in a state of dis-repair and located in close proximity to a number of residential properties and the Doctors Surgery. It is therefore considered that the provision of the replacement building to support the re-location on an existing farm buildings is acceptable in principle on this occasion and is in accordance with Local Development Framework policies CP4 and DP26. With

regard to the emerging Local Plan the proposed development would satisfy Policies S1, S5 and EG7.

Design

- 5.4 The design and appearance of the proposed building with a concrete panel plinth with vertical timber boarding/metal sheeting above is typical of modern rural structures and therefore it is considered appropriate within the rural setting of Tollerton. On this basis the proposal is considered to satisfy the requirements of Local Development Framework policies CP17 and DP32. In terms of the emerging Local Plan the proposed development would satisfy Policies S1, S5 and E1.

Landscape and visual impact

- 5.5 With regard to visual impact, the proposed building is to be located in a roadside location behind an existing hedgerow within a dip within the undulating topography. It is also proposed to cut the floor level into the higher ground and provide a boundary planting to the west, south and east as illustrated on the submitted drawings.
- 5.6 Longer distance views from the east on higher ground are possible from Alne Road and public footpath runs from Tennis Court Lane. In these views the proposed buildings would be visible but views would be interrupted by the intervening hedgerows and trees. In views along Alne Road the building will be visible above the existing hedgerows. In short distance views the proposed building would be visible from the field gate on Alne Road. Longer distance views from the west along Alne Road restricted by the undulating topography, the alignment of the highway and roadside hedgerows. From the public footpath to the north-west longer distance views are restricted by field hedgerows. However, once closer to the application site short distance views would be possible to the upper level of the proposed building.
- 5.7 Whilst it is noted that building has been well sited and landscaping is proposed to help assimilate the proposed building into the landscape, given the size of the structure it will still be visible within the landscape. However, it is not uncommon for agricultural buildings to be visible within the rural landscape and this characteristic is repeated across the district. On this basis the proposal is deemed to be acceptable and does not raise any concerns regarding visual impact and is in accordance with Local Development Framework policies CP16 and DP30. In terms of the emerging Local Plan the proposed development would satisfy Policies S5, E1 and E7.

Amenity

- 5.8 With regard to the potential impact on amenity Environmental Health has been consulted on the application and has raised no concerns regarding the proposal. The applicant has also suggested a manure management plan could be secured by a suitably worded condition and officers concur this would be a suitable approach on this occasion. On this basis the proposal would satisfy Local Development Framework policies CP1 and DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

Highways

- 5.9 NYCC Highways note that the existing highway has not been constructed properly but raise no concerns subject to a condition to require the access to be constructed in accordance with Standard detail E10 with gates set back from highway and a construction management plan. It is noted that the revised site layout drawing indicates the requested access details. The proposal is considered to be acceptable from a highway perspective and therefore is in accordance with Local Development Framework policies CP2 and DP3. In terms of the emerging Local Plan the proposal would satisfy Policies CI 1 or CI 2.

Floodrisk

- 5.10 Part of the application site located immediately to the south of the existing field gate is within Flood Zone 2 and surface water flooding is identified on the Environment Agency mapping at the existing field entrance gate double check. During the course of the application flooding of the fields occurred and officers observed the extent of flooding on application site and the Parish Council submitted photos of flooding along the highways. It is noted that the proposed building would sit c. 2m above the current levels of the field gate and only the access into the site would be subject to flooding. The applicant has revised the site layout to allow for the access into the site to curve away from the area known to flood in order to counter this potential issue. In addition, the agent has noted that should the highway or part of the access into the site be flooded this is at low level and proposed building can be still be accessed via a tractor.
- 5.11 The Environment Agency has been consulted on the proposal and note that because the building proposed building is considered 'Less Vulnerable' according the table 2 of the Planning Practice Guidance (Flood Risk and Coastal Change) and is located in Flood Zone 1 beyond the known extent of flooding they have no objection to the application. Furthermore, the Environment Agency have noted in a second response the requirement for pollution prevention measures. The agent has confirmed that the proposals do not involve the production of storage of slurry, nor do they increase cattle numbers or water usage. On this basis it is therefore considered to satisfy flood risk Policy DP43 of the Local Development Framework and emerging Local Plan Policies RM1 and RM2.

Drainage and surface water disposal

- 5.12 An observation has been received regarding the potential for contamination of from animal waste/silage liquor and chemical that may run off to contaminate the river. Officers consider it is appropriate in this instance to cover this detail via a suitably worded condition.
- 5.13 It is also noted that the internal drainage board have requested details for the disposal of surface water and the need for percolation tests. The agent has confirmed that the intention is to provide soakaways and there is sufficient land surrounding the site to incorporate a design solution. Whilst no percolation testing has been provided officers consider it is appropriate in this instance to cover this detail via condition.

Public rights of way

- 5.14 A number of observations relate to concerns relating to the impact on the public footpath/users and one comment relating to the provision of the footpath across the application site and provision of a stile through the hedgerow. For clarity the public footpath does not cross the application site or the site access point. The public footpath in question crosses the land in a north-west to south-east direction. From the south-east the public footpath terminates on the south side of Alne Road c. 70m to the east of the existing field gate whilst to the north-west the public footpath terminates c.65m to the west. It is therefore understood that users of the footpath need to walk along the highway or the verge between the two points and this could include walking across the existing access point. Given that the public footpath does not cross the application site or the access point the proposal is not considered to have a direct impact upon the footpath network. With regard to the potential conflict with users walking along the verge it is not considered the increase in use will cause any significant concern. Furthermore, the request for provision of a new footpath route across the application site whilst desirable is not necessary and cannot be required in this case.

Protected species

- 5.15 Public comments have been received regarding the potential impact on wildlife including Corn Buntings. No works proposed to the hedgerow itself and the application site comprises a very small part of the actively managed farmland. On this basis the proposal is not considered to raise any concerns relating to wildlife and in any event protected species are controlled through separate legislation.

Planning Balance

- 5.16 It is therefore considered the proposed re-placement agricultural building is acceptable in principle and its design is considered appropriate. In addition, it would not cause any harm to landscape character of the area, the amenity of surrounding properties or raise any flood risk concerns. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of design, visual impact, amenity, flooding, highways and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to only allow for the development of the site subject to the existing agricultural buildings on Tennis Court Lane being taken out of use as a pre-requisite of re-development for housing (application ref. 20/02752/FUL) ; and (b) 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 drawing numbers 2034 3D and 4C received by Hambleton District Council on 23.6.2021 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

4. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and be thereafter retained.

5. Above ground construction shall not be commenced until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.

6. Prior to the commencement of development details for the disposal of surface water shall be submitted to the Local Planning Authority for approval. The approved details shall remain in-situ thereafter.

7. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

8. 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:

- The existing crossing of the highway verge must be improved by construction in accordance with Standard Detail E10.
- Any gates or barriers must be erected a minimum distance of 14 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

All works must accord with the approved details.

9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

10. Prior to the commencement of development details for the disposal of washdown water shall be submitted to the Local Planning Authority for approval. The approved details shall remain in-situ thereafter.

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 Policies CP16, CP17 and DP30.
3. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
4. To ensure that the development is appropriate to the character and appearance of its surroundings.
5. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
6. To ensure appropriate drainage of the site.
7. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Development Framework Policies CP1 and DP1.
8. 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.
9. In the interest of public safety and amenity.
10. To ensure appropriate drainage of the site and to protect the surrounding watercourse.

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