

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 15 September 2021

Dear Councillor

**Notice of Meeting**

Meeting            **Planning Committee**

Date                **Thursday, 23 September 2021**

Time                **10.00 am**

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

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

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

Other Members of the Council for information

**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: 201596213#. For further information please contact Democratic Services on telephone 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk)

## Agenda

### Page No

1. Minutes

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To confirm the minutes of the meeting held on Thursday 26 August 2021 (P.11 - P.12), 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 10.30 am on Thursday, 26th August, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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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
	J Noone		D A Webster

Also in Attendance

Councillor	D Hugill	Councillor	Mrs I Sanderson
	M S Robson		S Watson

An apology for absence was received from Councillor K G Hardisty

## P.11 Minutes

### **The Decision:**

That the minutes of the meeting of the Committee held on 29 July 2021 (P.9 - P.10), previously circulated, be signed as a correct record.

## P.12 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) 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 11 Treadmills, Crosby Road, Northallerton for Wykeland Group

Permission Granted subject to a condition restricting the colour of the CCTV camera casing.

Note: Councillor Mrs I Sanderson arrived at the meeting at 10.37am.

Councillor M S Robson arrived at the meeting at 11.40am.

- (2) 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 for Beckwith Knowle Developments Ltd

Defer to obtain additional information in relation to the timetable of infrastructure delivery (including utilities), safety measures in respect of the balancing pond, highways requirements, expected job creation on employment land and bat protection measures.

(The applicant's agent, Emma Winter, spoke in support of the application.)

(Chris Creighton on behalf of Eshton Castlevale Ltd spoke objecting to the application.)

Note: Councillors M S Robson and Mrs I Sanderson left the meeting at 12.01pm.

The meeting adjourned at 12.01pm and reconvened at 1.30pm.

Councillors D Hugill and S Watson arrived at the meeting at 1.30pm

- (3) 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, East of A167 Great Smeaton for D G Hall, A H Hall, N C Hall and Richard Roberts Ltd

Permission Granted subject to reserved matters being brought back to the Planning Committee for determination; a condition securing site levels; and a condition worded as follows "Prior to the commencement of the development, hereby approved, a Construction Ecological Management Plan and a Landscape Ecological Management Plan shall be submitted."

(The applicant's agent, Becky Lomas, spoke in support of the application.)

(Andrew Marriott spoke objecting to the application.)

- (4) 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, DL6 3RD for C/o agent, Mr Christopher Hodges

Permission Granted subject to an additional condition as follows:  
Condition 12: "Prior to the construction of the external walls of the development detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form."

The reason for the condition was in the interests of the visual amenity of the area in accordance with LDF policies CP16 and DP30.

Note: Councillors D Hugill and S Watson left the meeting at 2.37pm.

- (5) 21/00898/FUL - Installation of solar panels to South west facing garage roof at The Rosary, Whinwath Lane, Kirklington for Mr C Les

Permission Granted subject to officers obtaining expert safety advice in relation to the design and height of the railings.

- (6) 20/02910/FUL - Full planning application for construction 2no. detached bungalows at Land Rear of Nova, The Green, Raskelf for Mr Jamie Pyper

Permission Refused. The Committee refused the application for the following reasons: that the proposal would constitute back land development and over development of the site; the proposed access is contrived; and there would be a detrimental impact on the public right of way. The proposal is also contrary to criterion 3 and 4 of the Interim Policy Guidance relating to the impact on the natural and built environment and impact on the open character and appearance of the surrounding countryside.

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

(The applicant's agent, Jamie Pyper, spoke in support of the application.)

(Mr Chapman spoke objecting to the application.)

Note: The meeting was adjourned at 3.09pm and reconvened at 3.16pm

- (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 Adams

Permission Granted subject to the addition of a drainage condition and a requirement of the landscaping condition to include indigenous species of trees, shrubs and hedgerow.

(Allan Mortimer spoke on behalf of Rudby Parish Council objecting to the application.)

Note: Councillor M A Barningham left the meeting at 3.44pm.

- (8) 21/01459/OUT - Outline application (with some matters reserved) for residential development to create 2no building plots at Church View Yafforth for Mrs J Walker and Mrs H Tomkins

Permission Refused. The Committee refused the application for the following reasons: that the proposed development would constitute over development; the proposed access would have a detrimental impact on the use of the Church as a place of worship and other community uses; and the application would have an adverse impact on the heritage setting of the Church and the Old Hall.

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

(Christopher Riley spoke on behalf of Yafforth Village Meeting objecting to the application.)

(Andrew Pybus spoke objecting to the application.)

- (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

Permission Refused. The Committee refused the application for the following reasons: highway safety concerns relating to the width of the lane accessing the site and the lack of footpath.

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

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

Note: Councillor A Robinson left the meeting at 4.45pm.

The meeting adjourned at 4.45pm and reconvened at 4.52pm.

- (10) 20/02742/FUL - Replacement Agricultural Building at land to East of Old Mill House, Alne Road, Tollerton for Mr Richard Bullen

Permission Granted

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

The meeting closed at 5.22 pm

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Chairman of the Committee

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# Planning Applications

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 23 September 2021. The meeting will commence at 10.00am.**

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](http://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 23 September 2021

Item No	Application Ref / Officer / Parish	Proposal / Site Description
<b>Commencing 10:00am</b>		
<b>1</b>	21/00331/HYB Kate Williams Dalton  Page No. 11	Hybrid planning application seeking a) Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping; and b) Full planning permission for creation of new main access and road spur with associated infrastructure  For: Mr R Unsworth & Mr L Ross At: Part OS Field 6717, Eldmire Lane, Dalton  Recommendation: <b>GRANTED</b>
<b>Commencing 1:30pm</b>		
<b>2</b>	20/00008/FUL Craig Allison Bagby  Page No. 51	Change of use of an existing agricultural building to a function venue  For: Mrs Sarah Goacher At: Westholme, York Road, Thirsk  Recommendation: <b>REFUSE</b>
<b>3</b>	21/00925/OUT A O'Driscoll Great Ayton  Page No. 61	Outline planning application with all matters reserved for a residential development of up to 30 dwellings  For: H.W.Mawer Charitable Trust At: OS Field 5800, Land Adjoining Skottowe Crescent, Great Ayton  Recommendation: <b>REFUSE</b>
<b>4</b>	21/01613/FUL Peter Jones Kirkby  Page No. 75	Construction of a detached dwelling with ancillary domestic buildings, including garages, barn, AD unit, stables plus equestrian area and associated landscaping  For Mr R Jones At Dromonby Bridge Farm, Busby Lane, Kirkby in Cleveland  Recommendation: <b>GRANTED</b>

Item No	Application Ref / Officer / Parish	Proposal / Site Description  <b>Commencing 10:00am</b>
<b>5</b>	21/01453/FUL Marc Pearson Linton-on-Ouse  Page No. 95	Alterations to existing farmhouse to create 2no self contained dwellings for assured shorthold tenancy letting purposes  For: Univ Dev Co University College Oxford At: 3 Linton Wood Farm, Linton Woods Lane, Linton On Ouse.  Recommendation: <b>GRANTED</b>
<b>6</b>	20/02491/OUT Marc Pearson Raskelf  Page No. 101	Outline application with some matters reserved for the construction of two detached dwellings with garages and parking incorporating garaging and parking for Holly Tree Cottage  For: Mark and Katie Stocks At: Holly Tree Cottage North End, Raskelf  Recommendation: <b>GRANTED</b>

**Parish: Dalton**

Committee date: 23 September 2021

Ward: Sowerby & Topcliffe

Officer dealing: Kate Williams

**1**

Target date: 21 October 2021

**21/00331/HYB**

**Hybrid planning application seeking a) Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping; and b) Full planning permission for creation of new main access and road spur with associated infrastructure.**

**At: Part OS Field 6717 Eldmire Lane Dalton North Yorkshire**

**For: Mr R Unsworth and Mr L Ross**

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

1.0 Site, context and proposal

- 1.1 This hybrid application seeks to facilitate the development of a logistics and manufacturing park. The application site is adjacent to Dalton Old Airfield Industrial Estate. The application site forms part of the DAL 1: Extension to Dalton Industrial Estate Employment Allocation, the allocation is for 24.57 ha. The existing Estate is a major existing employment site which is allocated as a key employment location.
- 1.2 The application site is located on a disused RAF airfield and comprises a roughly triangular shaped field (that is within the emerging Local Plan allocation) with a narrow strip of land extending to the south (that is outside the emerging Local Plan allocation). The site has boundaries with Dalton Lane, Eldmire Lane and the existing Estate. Dalton Lane is to the north and Eldmire Lane is to the west.
- 1.3 Along the boundary with Dalton Lane is a highway verge and substantial tree and hedgerow planting, the site is slightly elevated above the road level. On the opposing side of Dalton Lane are residential properties and Dalton Bridge Park with 26 static pitches for residential and holiday lets. The site also has a boundary with Eldmire Lane to the west with narrower hedgerow planting and verge. Centrally along the Eldmire Lane boundary is a residential property which is excluded from the application site. There is agricultural land and farmsteads opposite Eldmire Lane to the west along with the Maiden Bower and Cock Lodge Ancient Scheduled Monument. To the south and eastern extents of the application site is the existing industrial estate which comprises a mix of commercial buildings of various designs and sizes. The industrial estate is home to a number of heavier uses including steel tube stockholders and animal food manufacturers.

- 1.4 The closest villages are Dalton to the east which is primarily accessed via Dalton Lane. The village of Topcliffe is accessed via Eldmire Lane then the A167, which runs through Topcliffe Village to Northallerton. Asenby is beyond Topcliffe.
- 1.5 The site is strategically located for connection to the A1(M) at approximately 4miles and the A19. Both A1(M) and A19 are connected via the A168 from Dalton Lane. Flooding issues at Dalton Bridge on the A168 have been addressed through a recently constructed road and bridge improvement scheme. The Dalton Bridge Flood Alleviation Scheme was designed to provide a secure access to Dalton Industrial Estate during flood events caused by the Cod and Thacker Becks on Dalton Lane.
- 1.6 The outline application Part a) is for Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping.
- 1.7 The parameters plan shows the general position of development areas into Plots 1 and 2, with access, landscape and habitat enhancements shown. The parameters plan identifies areas of vegetation removal predominantly within the centre of the site. Plot 1 has a boundary with Eldmire Lane and Dalton Lane, and Plot 2 falls within the strip of land along Eldmire Lane.
- 1.8 The site is being marketed to incorporate designed warehouse, industrial and office space within the units. The development would comprise steel portal frame buildings, with tarmac carparks and concrete service yards. Bespoke units are proposed to be built to individual occupiers' specific requirements. As such there are no identified end users for the proposals and it is likely that reserved matters applications will come forward in a phased manner.
- 1.9 Plot 1 is accessed from Eldmire Lane. The indicative plan shows 7 large units served by a main access road within the site. It shows Plot 1 could accommodate buildings with a combined Gross Internal Area (GIA) of 48,030sqm (517,000sq ft). Within the site the units are shown to be served by car parking areas and service yards. The remainder of the site comprises landscape areas and several balancing ponds. The illustrative landscape plan shows planting along the main access road.
- 1.10 Plot 2 is accessed via an existing access at the very south of the application site This part of the site could accommodate several smaller buildings and yards with a GIA of 6,735sqm (72,500sqft).

Plot	Parameters Plan – Building Heights	Indicative Site Plan – Building Gross Internal Areas
Plot 1	Up to 18m	48,030sqm
Plot 2 A	Up to 12m	6,735sqm
Plot 2 B	Up to 10m	
Plot 2 C	Up to 8m	

1.11 The full application Part b ) is for the creation of new main access and road spur into plot 1. The Hybrid application allows the site access to be constructed prior to submission of reserved matters application. The access road is approximately 100m from the Eldmire Lane and Dalton Lane junction. Eldmire Lane is a single carriageway subject to a 60mph speed limit. It does not have footways and is unlit. It currently serves the existing industrial estate. The proposed development would be served by a new simple priority T-junction onto Elmire Lane.

1.12 The following information was submitted with this application:

- Air Quality Assessment
- Built Heritage Statement
- Design and Access Statement
- Drainage Assessment
- Ecological Assessment
- Flood Risk Assessment
- Framework Travel Plan
- Highways Technical Note
- Noise Assessment
- Phase 1 Desktop Study
- Planning Statement
- Preliminary Arboriculture Assessment
- Reptile Survey and Report
- Statement of Community Involvement
- Traffic Sign and Audit Strategy
- Transport Assessments and Technical Notes

1.13 The following drawings were submitted:

- Illustrative Landscape Master plan
- Indicative Site Plan
- Parameters Plan
- Proposed access1 layout and Vegetation Removal
- Proposed Access Junction 1 Layout
- Site Location Plan

2.0 Relevant planning and enforcement history

2.1 15/02403/FUL - Proposed demolition of existing bridge and construction of new bridge and highway over Cod Beck. Granted 17.12.2015.

2.2 16/01383/FUL - Revised application to planning permission 15/02403/FUL for the demolition of an existing bridge and construction of a new bridge over Cod Beck, site compound and associated works relating to Dalton Lane and Eldmire Lane and installation of flood protection measures. Granted 02.08.2019.

2.3 Local Plan Allocation: DAL 1: Extension to Dalton Industrial Estate Development Requirements:

- Access and highways - The main vehicle, cycling and pedestrian access will be taken from Eldmire Lane, via the existing industrial

estate. Should a secondary point of access be required this will be taken from Dalton Lane. No heavy goods vehicles will be routed through Dalton village and appropriate measures must be put in place to ensure this exclusion.

- Flood, drainage and water management - Part of the site, along the northern boundary, are within flood zone 2. Parts of the site are vulnerable to surface water flooding. A site specific flood risk assessment covering the site 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 boundary features enhanced to screen views of the site from the north, east and west.
- Habitats must be protected from adverse impacts, such as obtrusive light.
- Heritage - The site is considered to have archaeological potential and an archaeological assessment will be required.
- Other planning considerations - The site is in a mineral safeguarding area for brick and clay; safeguarding considerations will need to be adequately addressed with engagement with North Yorkshire County Council.
- Utility and Service Provision - It is recommended that early consultation is made with Northern Gas Network and Northern Power Grid and the relevant Water Authority in order to identify undertakings which may be required for the development.

### 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 DP9 - Development outside Development Limits

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

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

#### 3.3 Relevant policies of the emerging Local Plan (eLP) are:

S1: Sustainable Development Principles

S2: Strategic Development Needs  
 S3: Spatial Distribution  
 S7: The Historic Environment  
 EG1: Meeting Hambleton's Employment Need  
 EG2: Protection and Enhancement of Existing Employment Land  
 EG6: Commercial Buildings, Signs and Advertisements  
 E1: Design  
 E2: Amenity  
 E3: The Natural Environment  
 E4: Green Infrastructure  
 E5: Development Affecting Heritage Assets  
 E7: Hambleton's Landscapes  
 IC1: Infrastructure Delivery  
 IC2: Transport and Accessibility  
 RM1: Water Quality, Supply and Foul Drainage  
 RM2: Flood Risk  
 RM3: Surface Water and Drainage Management  
 RM4: Air Quality  
 RM5: Ground Contamination and Groundwater Pollution

#### 4.0 Consultations

- 4.1 Topcliffe Parish Council – Neutral. In principle Topcliffe Parish Council is supportive of the proposed development and the creation of local employment. However, they have several concerns about the negative impacts of the development, given their recent experiences of the expansion of the existing industrial estate. These are summarised as follows:
- Wish to see commitments to protect Dalton Village, and the Topcliffe Conservation Area from HGV and other vehicle movements, light noise, odour and pollution control and the Weight Restriction zone.
  - Existing traffic illegally comes through the Highway Road Weight restriction, which causes damage to property and pavements, noise, vibration and pollution. The existing traffic signage is poor.
  - Enforcement of the Highway Road Weight restriction is inadequate. The developer proposed routes of access and egress by the A168 also need to be enforced by Planning Conditions, making HGV traffic through the village an enforceable breach of Planning Condition. Concerned about 24/7 On Site Operations.
  - We are concerned about the impact of this on out of hours traffic movements, both HGVs and employees.
  - We would like to see Planning Conditions to restrict “out of hours” access and egress for all classes of vehicles, including the timing of employee shift changes to control out of hours traffic flows.
  - We wish to see enforceable Planning Conditions to protect the village from this getting worse about additional noise, odours, and light pollution.
- 4.2 Asenby Parish Council – Neutral. The comments are summarised below:
- Acknowledge the benefits of the proposed development in providing a range of job opportunities and a boost to the local economy.
  - Has serious concerns regarding the amount of extra traffic generated and how this is to be managed.

- There is an increase in HGVs ignoring weight restrictions and regularly passing through the villages, instead of using the A168 routes.
  - The existing traffic pollutes the air quality, creates excessive noise and vibrations, and can have a detrimental impact on both the public highways and private property.
  - The recent consultation failed to address these issues regarding Asenby and Topcliffe.
  - We request that a full transport assessment will be undertaken to protect Asenby and Topcliffe from the adverse effects of increasing HGV traffic passing through the villages.
  - We seek reassurance that HGV traffic will be actively encouraged to access and leave the Dalton industrial estate via the A168
  - Suggest revised signage, junction re-alignment to prevent HGVs accessing village routes, inclusion of details in the planning consents and operating licences for Dalton industrial estate preventing entry and egress by HGVs via Topcliffe village and hence on to Asenby and additional monitoring and enforcement of the prohibited routes by the relevant authorities.
- 4.3 NYCC Highways Authority – No objections. The findings and comments are discussed within the Transport section of the report.
- 4.4 Highways England – No objection.
- 4.5 NYCC Lead Local Flood Authority - The submitted planning statement indicates that the drainage infrastructure is subject to submission and approval with a reserved matters application. The submitted documents demonstrate a reasonable approach to the management of surface water at the site. The applicants have provided a significant amount of information in support of the application, which has highlighted the needs for specific conditions, specifically in relation to the management of exceedance flows, the condition of the existing off site drainage system and the to the north of Dalton Lane and the proposed future maintenance of the drainage system.
- 4.6 Historic England – No comments to make.
- 4.7 Environment Agency – No formal comments, but if a connection to the mains system for foul drainage is not feasible, they would expect to be reconsulted and given an opportunity to comment further.
- 4.8 Yorkshire Water – Recommend conditions to ensure Yorkshire Water will be able to determine suitable foul connection points, available capacity in the public sewer network, together with timescales for any potential public sewer network or water supply reinforcement works that may be required.
- 4.9 Swale and Ure Internal Drainage Board - Surface water discharging into the Boards catchment will require Board consent.
- 4.10 Designing Out Crime Officer - The current layout of the development shown in the submitted drawings do not raise any significant concerns in relation to Designing Out Crime. Should outline planning permission be granted I would ask the Authority to place a condition on it, requiring full details of how the issues raised by the Police Designing Out Crime Officer are to be addressed,

be detailed in any Reserved Matters Application. Below is a list of some aspects of the development that require further information within the reserved matters application:

- Ensure appropriate noise mitigation for units adjacent to existing dwellings
  - Avoid creation of ambiguous space
  - Provision of appropriate boundary treatments for each unit
  - Ensure car parking is appropriately located
  - Provision of appropriate secure waste and recycling
  - Provision of appropriate security lighting to all buildings
  - Provision of appropriate lighting of car park
  - Ensure landscaping proposals are appropriate
- 4.11 HDC Environmental health (Contaminated Land) – No objection, recommend conditions.
- 4.12 MOD Safeguarding – No safeguarding objections to this proposal.
- 4.13 HDC Environmental Health - The environmental health officer states that it is essential this industrial environment is controlled at this stage to prevent noise creep. This should be done through hours of use restrictions and then allowing use of units to develop at a controlled way through further planning approval. This will allow individual proposals to be assessed and likely impacts and controls determined. They have also advised that Dalton Bridge Park has applied for planning permission to increase the number of permanent residential units which will increase the noise / nuisance sensitively of the adjacent residential site. They are concerned that if the industrial site is not controlled this may be prejudicial to future opportunities to the Dalton Bridge Park. The 'agent of change principle' encapsulates the position that a person or business (i.e., the agent) introducing a new land use is responsible for managing the impact of that change. This would be an unreasonable task for the caravan site on external amenity grounds if 'hours of use' controls were not applied to the industrial site at this stage.
- 4.14 HDC Economic Development Officer - Supportive of this scheme for all the obvious reasons - allocated employment site; job creation; allowing indigenous businesses to grow; attracting new businesses, etc. We would understand the concerns raised by residents regarding traffic, noise, etc and ask that these concerns are addressed.
- 4.15 Yorkshire Wildlife Trust - Trust in relation to the planning application. These essentially sought:
- a quantified assessment of biodiversity impact using the Defra metric
  - explanation for the loss of certain hedgerows
  - requirement for landscape details, CEMP, landscape/ecological management plan
  - further information on the use of site by breeding birds
- 4.16 39 Public comments have been received. Support in principle is referenced in most responses, but concerns about the application, particularly transport issues, the potential for increased vehicle movement through Topcliffe village have been raised. The comments are summarised below:

- There is sufficient employment land within the district and therefore this development is not required
- Will create local jobs
- Will support nearby shops and businesses
- There will be an increase in noise, odour from new businesses
- There will be increased vibrations to homes as a result of increased HGV and cars travelling to the site
- There will be an adverse effect on nearby villages
- Will risk more disruptive civil/community action due to vehicles flouting the highway regulations
- Concerns additional land will be required from nearby residents to increase the width of Eldmire Lane
- Will cause light pollution into existing properties
- There will be harm to views
- Smaller buildings should be provided around Dalton Lane than shown on the indicative plans
- The amount and 24-hour operation are excessive and will affect sleep
- The development will affect the character of the conservation area
- The villages and buildings within the conservation area were not built to withstand traffic and HGVs passing them
- The area is subject to flooding
- There will be an adverse effect upon air quality
- The proposed development is not sustainable
- There will be light, noise, odour pollution
- There will be loss of vegetation and trees
- Pre-Existing highway problems will be exacerbated
- HGVs already come through villages at speed and ignore the Highway weight restrictions and speed restrictions
- Existing highway regulations are not enforced
- Road signage is already inadequate
- Will lead to an unacceptable increase in HGVs and Traffic
- Will have an impact on highway safety
- The Travel Plan does not go far enough
- Will be more difficult to cross the roads to village facilities such as school and Drs as there are no crossing points.
- A need to ensure that light vehicles servicing the new businesses and employee vehicles, are effectively routed away from the villages
- Existing signs are inadequate and require updating
- The signage amendments need to do more to protect Topcliffe and Asenby from HGV and other vehicles.
- The road signage needs to be amended to incorporate the following
- The road signage needs to be amended

4.17 Statement of Community Involvement - The proposed development and planning application was publicised by letter to ward councillors and parish councils and by a locally distributed leaflet and consultation website. The letter set out key details of the development proposed and enclosed a copy of the emerging draft Local Plan allocation map and the consultation leaflet (see below) (including the draft Illustrative Layout Plan). A leaflet was distributed to

480 households and 70 business addresses, which set out key information and direction the consultation website. The comments received relate to the potential impact of the development on the highway network, drainage and flood risk and residential amenity.

## 5.0 Analysis

### 5.1 The main issues to consider are:

- a. Principle
- b. Highway Matters
- c. Amenity
- d. Design, Layout and Appearance
- e. Landscape Character, Ecology and Bio-Diversity Enhancement
- f. Heritage
- g. Flood Risk and Drainage
- h. Land Contamination

#### Principle

- 5.2 The emerging Local Plan (eLP) was the subject of a public examination in Oct/Nov 2020 following which the Inspector has provided a Post Hearing letter recommending that two of the allocated sites be deleted from the eLP and that additional evidence should be prepared and consulted upon before making Main Modifications to it. The sites that have been identified as allocations in the eLP and not deleted are those that best deliver the Plan's strategy. The eLP is at an advanced stage, there are no significant unresolved objections to the relevant policies and the relevant policies in the emerging plan are consistent with the NPPF. The policies in the eLP cannot be given full weight until the document is adopted, which is expected in winter 2021/22.
- 5.3 Emerging Policy S2 sets out the development needs for Hambleton over the plan period of 2014 to 2036 for 77.8 ha of employment land. S3 sets out the distribution of the growth and identifies economic development will be met at locations which include the Dalton airfield in the central (A1/A19) transport corridor. Policy EG1 sets out the location and quantum of employment development and identifies the allocation DAL1: (24.57 ha) Extension to Dalton Industrial Estate allocation.
- 5.4 The proposed development is not in accordance with the adopted development plan (the Local Development Framework). The site is within the open countryside and was not included within its Allocations Development Plan Document.
- 5.5 Whilst the proposed development is for development in excess of that set out in LDF Policies CP10 and CP11 as the site is not allocated for employment development or located in a Service Centre nor is the development specifically to meet the needs of an existing business, appropriate weight may be given to the emerging Local Plan policies referenced above. The case for development is founded on the evidence base in relation to employment land need and supply, which directly support development in this location to meet economic growth objectives. In addition, the proposal conforms to the NPPF. Allocated sites can be considered suitable in principle for development

following the adoption of the emerging Local Plan. However, whilst the eLP has not been adopted, the 'DAL1' allocation was not subject to amendment or deletion following examination of the Local Plan. As set out in paragraph 3.3 of the report weight can be given to these policies as they are consistent with the NPPF.

- 5.6 The principle of this proposal would be in accordance with emerging Local Plan (eLP) policies S2, S3 and EG1. To further support the principle of the proposal the National Planning Policy Framework 2021 (NPPF) sets out that prematurity arguments against such applications are unlikely to be justified, and therefore the principle of the development is acceptable.

#### Highway Matters

- 5.7 Core Strategy Policy CP2 seeks to ensure that the location of development is located as far as possible so that it will minimise the use of the car and promotes improvements in accessibility by non-car transport. Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. It lists 5 criteria which include measures which can be used to include provision for sustainable development.
- 5.8 The purpose of emerging Local Plan policy IC2 is to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. Emerging Local Plan Policy IC3 seeks to ensure that social and physical infrastructure is provided to support development. This includes a range of different types of infrastructure and includes highway and transport infrastructure, including public transport services, walking and cycling facilities and parking provision.
- 5.9 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.10 Full approval for a new access is sought. A new 'T' junction access point from Eldmire Lane is proposed along with another access into the site from within the current industrial estate. Speed surveys have been undertaken to determine the appropriate visibility splay requirement at the new access. A suitable visibility splay can be provided on the existing highway extents or land controlled by the applicant. The Local Highway Authority advise that the proposed access point would be an appropriate means of vehicular access to the site. The second access point would be taken from an existing private road within the current industrial estate, from the southern extent of the application site, which is also considered acceptable. The LHA have no objection to such an arrangement.

- 5.11 The accesses and road layout within the site's internal road network are to be designed in accordance with Manual for Streets to encourage vehicles to travel at an appropriate speed throughout the development. The proposed speed limits are to be achieved through the adoption of appropriate design standards. The internal layout is to be approved at the reserved matters stage of the application.
- 5.12 The site is located in proximity to the strategic A1/A19 transport growth corridor. However, given the rural location there is limited pedestrian and cycle infrastructure within the vicinity of the site or links to public transport services.
- 5.13 The Local Highway Authority have advised that the provision of a suitable and illuminated route for pedestrians would require significant works and perhaps only have a very limited uptake. However, nearby residential areas likely to be accessible by cycle via road routes and the National Cycle network route 657. Secure cycle parking and facilities for cyclists should be incorporated within reserved matters applications. The Travel Plan will seek to encourage alternative modes of transport and focus on cycling. Amendments have been sought to increase accessibility for pedestrians within the site and to connect foot and cycle access to the existing business park to allow walking/cycle trips to other business or services on the site.
- 5.14 Existing bus services are also limited, however there is scope within the S106 agreement to extend the existing bus service from Northallerton into the site. The public transport scheme would be in the form of the provision of funding for the diversion of the no.70 bus service to the Site (from its current route at Topcliffe) and the introduction of a morning service from Northallerton.
- 5.15 Whilst the provision of this bus service would be beneficial from the start to encourage change in travel behaviour this is to be balanced against a reasonable amount of development having occurred to ensure that there are sufficient employees at the site. The Local Highway Authority also accepts that use of this existing service may not be most successful way to achieve more sustainable forms of transport and specifically a reduction in private car usage. If a large number of employees have work times outside the typical work start and end times that cannot reasonably be covered by the existing bus service, diversion of 70 Service would have limited benefit.
- 5.16 A Framework Travel Plan has been prepared and is submitted with this application which will direct occupier businesses in the preparation of occupier travel plans which will include a series of measures designed to encourage sustainable travel patterns and reduce the reliance on individual private car use.
- 5.17 It is therefore suggested that once occupiers and potential employee numbers and shift patterns are known, the Travel Plan procedure should further explore options for sustainable travel to the site, this will then inform the requirement within the S106 for either a public transport contribution or the provision of a private shuttle bus. Either has potential to be successful in achieving a modal shift away from private cars and an effective measure to limit trip generation by the development.

- 5.18 There will also be other forms of mitigation required to reduce reliance on the private car. It is agreed that accessibility enhancements will include the provision and operation of a Car Share Scheme. The car share scheme would help facilitate the sharing of vehicles by employees at the site and would be administered by the site's travel plan coordinators. Employees and businesses would be aware of this through the implementation of the Travel Plan.
- 5.19 Given the rural nature of the site, car use and car parking for employees will be a requirement. The Design and Access Statement and the Transport Assessment state that car parking provision alongside electric vehicle and cycle parking will meet the standards outlined in North Yorkshire County Council's (NYCC) document "NYCC Interim Parking Standards 2015" or subsequent adopted standards and those full details will be provided at the reserved matters stage. The indicative site plan does show the provision of areas of car parking, and a requirement on the application will be conditioned in relation to the provision of a scheme for electric vehicle charging points and parking facilities and the potential for a bus turning area.
- 5.20 The applicant in acknowledging that the site is reasonably accessible via all modes of transport has sought to submit a Framework Travel Plan to encourage sustainable travel and limit any impacts in terms of congestion.
- 5.21 The traffic movements generated from the site have been considered within the submitted Transport Assessment (TA). The TA identifies the local highway network and the existing traffic base flows. It identifies the impact that the proposed development would have on various junctions within the vicinity of the site. Traffic Surveys were undertaken to establish existing traffic and to determine that the network peak hours were 07:45 – 08:45 (peak am) and 16:45 – 17:45 (peak pm).
- 5.22 The Local Highway Authority has advised that the applicant has used the TRICS (Trip Rate Information Computer System) national database to establish a potential trip generation for the proposed development by comparing similar established sites. The applicant has applied the Use Class B2 rate for the whole site although it is anticipated the site will include B8 uses which is likely to result in a lower trip rate. For the peak am hour 160 two-way trips are expected with a slightly lower 156 two-way trips generated in the pm peak hour.
- 5.23 The Local Highway Authority (LHA) has reviewed the potential journey times from the population centres surrounding the site and it would suggest access via the A168 does provide the quickest route to site from most locations. The Local Highway Authority accepts the proposed development traffic distribution is a reasonable estimate of the likely traffic movement from the development. The LHA advises that the expected distribution would result in around 6% leaving the site and travel to the east in the direction of Dalton village.
- 5.24 The remaining 94% would use Dalton Lane west and 10% of this would be likely to use the A167 through Topcliffe. The Local Highway Authority advised that there would be a 3% vehicle increase in Topcliffe in the AM peak hour

and 3.7% increase in the PM peak hour. They have advised that a figure of change in total traffic flow of less than 30% is typically considered to be a low impact.

- 5.25 Using the trip generation and distribution the applicant has assessed the capacity of a number of junctions on the local road network taking into account existing traffic flows, the expected traffic growth and new development traffic for a future year of 2026. The modelling has shown the junctions assessed are expected to continue to operate well within capacity even with the additional development traffic. A review of injury accidents on the immediate road network around the site has not identified any existing clusters or pattern of accidents.
- 5.26 Whilst the trip generation, distribution, site access, highway capacity and highway safety are considered to fall within acceptable parameters there are still concerns about increased traffic movements through villages. There are concerns about existing breaches of road weight restrictions. An audit of existing road signage has indicated possible signage ambiguities which could result in vehicles failing to access/egress the A168 correctly and thereby inadvertently travel via villages with restrictions. The concerns highlight that poor advanced signage and lack of enforcement as a key reason for these breaches, and that the proposed development traffic would exacerbate the issues faced.
- 5.27 Road Weight restriction breaches are a matter for Trading Standards and the Police, and pre-existing issues cannot be attributed or resolved by the proposed development. However, measures can be proposed to ensure the proposed development does not significantly worsen the situation. The transport modelling and advice suggests that this would not be the case, but the applicant has proposed several improvements to the existing signage to highlight the weight restrictions and route HGV and goods traffic via the A168. The LHA is satisfied with the proposed signage, which is shown on the submitted drawings. The intention is for the applicant to pay a sum to NYCC and Highways England to secure and install these and as such will therefore be secured within the s106 agreement. It is envisaged that the majority of signage will need to be in place before the first occupation of a percentage of units and would also benefit other road users.
- 5.28 Additional mitigation also includes a routing plan, which would compel each business in the new development to abide by it. It would include the following:
- A requirement for compliance with existing weight restrictions on the local road network (A167 Long Street and Dalton Lane East) unless the origin/destination of trip is within the areas where the weight limit in place.
  - Map of routes to the strategic road network and key destinations, restricted routes, weight restrictions, Traffic Regulation Orders, and information in relation to recommended routes to fuel stations, rest stops, holding areas suitable for HGVs avoiding Asenby, Topcliffe and Dalton which shall be made available for all staff and regular visitors.
  - A mechanism for businesses in the development to inform regular delivery companies and sub-contractors etc of the route requirements for deliveries.
  - A Drivers Code of Conduct and procedures relating to monitoring, recording complaints and sanctions.

- 5.29 The s106 agreement will include travel plan monitoring arrangements to address traffic routing complaints that may arise.
- 5.30 The installation of roadside cameras in Topcliffe has been requested in the representation. They would correlate movements to the development site, would clearly act as a deterrent and record breaches. There are currently no such cameras on the county road network at present, and given the low level of trips through Topcliffe, current weight restrictions and other mitigation proposed related to this development it is unlikely to be considered proportionate or necessary. Automatic Number Plate Recognition (ANPR) could be installed at the site, and it would record a log of vehicles accessing/leaving the site. The applicants do not consider this is proportionate as it would only be needed to record HGV movements and as a means of recording those which go via Topcliffe which the routing plan should address.
- 5.31 The parameters for the traffic assessments and results are within the Transport Assessment Revision 5 and have been accepted by the Local Highway Authority and Highway England who both offer no objections. The impact upon highway and junction capacity is not considered to be significant with most of the development traffic being able to access the strategic road network quickly and directly. The impact from traffic on other classified roads is low as shown within the anticipated trip distribution modelling. There are existing highway weight restrictions in place to prevent larger vehicles travelling through Topcliffe, and although this regime should be considered to operate as intended the applicants have proposed additional signage over a wide-ranging area, to rationalise the existing signage and make it clearer. The applicants are agreeing to enter into a section 106 legal agreement to compel end users to sign up to route plans, and provisions for monitoring and addressing breaches of this are being included within the legal agreement.
- 5.32 The cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility therefore fulfilling the aims of the relevant the relevant LDF Policies CP2 and DP3, draft Local Plan Policy IC2, IC3, E1 and the policies set out in Chapter 9 of the NPPF to promote sustainable transport.

#### Amenity

- 5.33 Policy DP1 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Similarly, the purpose of emerging Local Plan policy E1 is to ensure that the physical environment created by new development protects and promotes a high standard of amenity both for future occupiers and users, and for surrounding uses.
- 5.34 The Design and Access statement indicates that it is the intention of the business park to be capable of operating 24 hours a day 7 days a week. This clearly provides a great deal of flexibility and attractiveness for the business park but creates a difficulty in securing a reasonable level of mitigation across the site. Some businesses may operate with a minimal impact, whilst others could have processes which would require additional measures.

- 5.35 There are limited properties within the immediate area of the development site, but for those within the vicinity they would be likely to experience a notable change in the immediate visual environment and potentially from noise, odour, vibration, and general activity. However, the site forms part of a former airfield and existing industrial estate near the strategic road network, the impact upon the existing character of the area is not considered to be significantly different and the change to the proposed land use is not harmful to the character or general amenity of the area.
- 5.36 The submitted noise survey identifies that road noise from the A168 and other industrial businesses is apparent. However, night-time residual noise levels are low. The applicants noise survey identified that the result of the industrial noise assessment indicate that a low noise impact can be achieved when considering the site context, however, some acoustic mitigation and design considerations would be required such as the acoustic screen. They recommend the inclusion of a 3m acoustic screen to be located at the northern boundary of the development and a 2.4m screen located on the western boundary between the sources of industrial noise and the existing receptors.
- 5.37 The Environmental Health officer has advised that where an application relates to multiple unknown uses and noise sources it is not always possible to assess the impact on neighbouring properties at the initial determination stage. Although the acoustic report details anticipated levels and mitigation, these controls are based on assumptions. The Environmental Health officer wished to impose a 7am to 8pm operational activity condition. As a strategic industrial location, it is considered that such a noise or operating limiting condition could reduce the ability of some industrial uses to operate which would conflict with the principle of allocating such areas.
- 5.38 Discussions with the Environmental Health officer have therefore discussed controls via conditions. A detailed Management Operation Plan condition has been attached, which applies to each phase and building. It is envisaged this would be a two-step approach with an initial assessment to highlight the proposed use, hours of operations and activities for businesses within each phase of the development. If the above identifies that the hours of use and operational requirements are likely to affect neighbouring residential amenity, then a detailed noise assessment and mitigation shall be submitted.
- 5.39 To protect local amenity and prevent noise creep noise levels identified from specific site operations the Environmental Health officer requires that levels should not exceed 5dB below the agreed residual level at the site boundary. The Environmental Health manager has stated that service will carry out their own Environmental Noise assessment to identify base line noise levels. Further conditions attached relate to extraction equipment and emissions, however some businesses may additionally be subject to other regulatory regimes. The applicant has indicated an alternative approach to controlling noise that allows for a higher level of noise to be generated on site. Discussions regarding the matter are ongoing, the Management Operating Plan condition as shown in this recommendation details the condition that is sought by the Council following the advice of our EHO.

- 5.40 Plot 1 is sited in closest proximity to Dalton Bridge caravan park and other residential properties on Dalton Lane and Eldmire Lane. It is considered that that large scale buildings in this area have the potential to affect residential amenity also from their scale and proximity. The Landscape Appraisal includes viewpoints that are representative of nearby residential receptors, in particular viewpoint 3 is taken from outside the houses/caravans on Dalton Lane (the nearest residential receptors) and is broadly representative of the view. As the proposed planting matures it will filter views of the development, but it will remain partially visible above the tree line. The parameters plan shows a landscape buffer of 22m to 27m, and similar levels of screening on Eldmire Lane near the single residential property. As the internal layout is indicative there is scope to consider the impacts at the Reserved Matter stage, but it is considered that a suitable distance from the existing residential properties could be achieved which would preserve their living conditions in terms of visual, overbearing. The effect of the buffer strip is to set the built part of the development, including any yards and car parks etc, into the site away from the boundary. This allows the introduction of tree and shrub planting that will be specified to achieve effective visual screening in a relatively short period of time.
- 5.41 The results of the assessment indicate that noise from development-led traffic would be insignificant at the existing receptors and therefore no mitigation measures would be required for this aspect. Anticipated vehicular movements have been provided and suggest additional traffic using Dalton Lane East and the A167 would not face a significant increase in vehicle movements. However, as end users are not known there is the potential for additional movements to cause disturbance during night time hours, and therefore the Management Operation Plan will help identify where such activity may occur, and potential mitigation to completely avoid routes via Topcliffe and Dalton Lane East during night time hours can also be introduced within the routing plan. There will also be scope within the Travel Plan to consider measures to reduce car travel for staff. However ultimately the A167 is a classified road which provides direct routes from outside of the district. The A167 is a wide road in places, although on Long street it narrows significantly to one way traffic with the A167 route to Northallerton.
- 5.42 Any Reserved Matter applications will provide greater detail on the resultant layout of the site. Officers consider the overarching principle of development is acceptable and that the attached conditions are a balanced approach which would help to achieve the delivery of this employment allocation, maintain the applicants desire for flexibility and provide protections for residential amenity.
- 5.43 The proposed development therefore conforms to the relevant parts of LDF Policies CP1, CP17, DP1 and DP32, draft Local Plan Policies S1, E1 and E2 and the policies set out in Chapter 12 of the NPPF on achieving well-designed places.

#### Indicative Design, Layout and Appearance

- 5.44 Local Development Framework policies CP17 and DP32 set out the requirements for development to achieve high quality design, and the

importance of this to achieving sustainable development. Policies CP17, DP32 and DP33 require 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. The purpose of emerging Local Plan Policy E1 is to set out the mechanisms for also achieving high standards of design for all development.

- 5.45 Appearance, layout and scale are all reserved matters. Therefore, only an indicative site layout has been submitted together with a 'Design and Access statement'. These allude to creating an industrial estate that gives suitable flexibility to achieve a range of units. The maximum height of buildings would range between 8m and 18m.
- 5.46 The design approach proposed is considered largely utilitarian, but it is considered that the proposed flexibility which the applicant seeks to achieve could only be secured in this form, which is appropriate for the proposed use and building forms and uses in the surrounding area. With regard to the above, the estate would benefit from a unified building form, with materials and material colours complementing each other and creating a more uniform design across the site. The existing estate has clearly developed in an ad-hoc manner, which gives a very disjointed appearance and future development can improve on this.
- 5.47 The indicative layout appears logical. Buildings suitably positioned, with car parking areas proposed off main circulation roads and sufficient servicing yards are shown, to allow HGVs to appropriately manoeuvre.
- 5.48 Sustainable development principles are also an element of good design and DP34 seeks to ensure proposals minimise energy demand, improve energy efficiency and promote energy generated from renewable resources. At the reserved matters stage for each plot development, full details will be submitted to address sustainable energy issues and include an energy use assessment that considers the feasibility of on-site renewable, low-carbon and decentralised energy generation. It is expected that each plot developed will incorporate energy efficiency measures which will provide at least 10% of the energy requirements from on-site renewable energy generation, or otherwise demonstrate similar energy savings through design measures.
- 5.49 The design and access statement sets out sustainability measures as follows:
- Energy efficiency measures which will include electric vehicle charging points;
  - Adaptable buildings.
  - Sustainable materials and use of local trade.
  - The development will comply with Part L (L2A) of the building regulations. This is regarding insulation standards, services efficiency, lighting, water and air leakage.
- 5.50 Crime is mentioned amongst other anti-social issues in the representations. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on the grounds of conflict with CP20. Site security measures will likely include fencing and CCTV and will be set out in more

detail during the reserved matters stage to ensure the development would fulfil CP20.

- 5.51 Subject to suitable conditions to ensure that the principles of the parameters plan, and a cohesive design are carried forward through to the reserved matters the development would comply with policies CP17 and DP32 and DP34 of the Local Development Framework and NPPF.

#### Landscape Character, Ecology and Bio-Diversity Enhancement

- 5.52 Policies CP16 and DP30 are relevant in consideration of landscape character and visual impacts. The above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment. Emerging Local Plan policy E7 seeks to ensure that the character and distinctiveness of the landscapes of Hambleton is protected and where possible enhanced.
- 5.53 There are no public rights of way within the application site or that may be affected by the proposal. At a national level, the site is located within National Character Area (NCA) 28: Vale of York as assessed by Natural England. The Hambleton Landscape Character Assessment and Sensitivity Study (HLCASS) was produced by in 2016. The document identifies 26 landscape character areas across the district. The site falls within Character Area 21: Topcliffe Floodplain. In summary these define the landscape character as a wide and flat area at the confluence of Code Beck and the River Swale. It identifies the area comprises arable farmland, typically with hedgerow field boundaries and relatively few tree groups. It acknowledges the presence of large scale industrial and agricultural feature and an open skyline associated with the flatness of the floodplain.
- 5.54 The visual analysis submitted identifies 6 typical views across the application site predominantly from the north, west and south of the site. The changes initially ranged from negligible to substantial change from Eldmire Lane at the southern edged of the site. Whilst this is in proximity to the existing business park, amendments were sought to remove additional access thereby retaining a larger proportion of hedgerow, which visually is beneficial.
- 5.55 The parameters plan shows buffers around the development in excess of 22m along Dalton Lane and the majority of Eldmire Lane. Overall, even with mitigation envisaged, which is based on the parameters plan, the development will be visible in most cases. The presence of built form adjacent to the site does not result in a development that would be uncharacteristic of its setting with the large existing industrial buildings visible within the vicinity of the area. The additional planting where proposed will help assimilate the development into the surrounding context given the surrounding area and dominance of the buildings on the existing business park.
- 5.56 Policy DP31 and DP32 seeks to ensure that significant harm to natural resources is avoided. Emerging policy E3 sets out how the Council will consider proposals in relation to biodiversity and geodiversity. E4 seeks to ensure that green infrastructure is protected and where possible enhanced.

- 5.57 A Phase 1 habitat survey, preliminary protected species survey, Badger and bat tree assessments were undertaken. The baseline ecology of the site records the habitats include amenity grassland outside of the application site, poor semi-improved and neutral semi-improved grassland within the centre of the site. Broadleaved and mixed plantation woodland are present within the site along the boundaries, tall ruderal vegetation is present throughout the site with dense scrub, scattered scrub and scattered trees and hedgerows. The survey also identified Himalayan Balsam, which is an invasive species.
- 5.58 The survey also identified that Badgers are present in the wider environment, but no evidence was identified. Young trees had low potential for bat roosting. Bat transect surveys and static surveys were undertaken, with the results identifying low numbers and therefore no significant foraging within the site or commuting routes were identified. No Great Crested Newts (GCN) have been identified within 1km of the site boundary, nearby waterbodies did not contain GCN, and the severance of the applications site from waterbodies meant the site was unlikely to be suitable for GCN to commute to habitats within the site, although the habitats on site were suitable for reptiles and GCN. A Skylark was noted alongside other bird species and the grassland, woodland, trees and scrub provide suitable habitats for these. The site would provide a suitable habitat for hedgehog. The survey noted cinnabar moth and other invertebrates.
- 5.59 There would be a loss of poor semi-improved and neutral semi grassland, broadleaved and mixed woodland plantation, tall ruderal vegetations, Scrub, scattered trees and hedgerows. Therefore, the development would impact upon the habitats of the fauna at the site and during construction.
- 5.60 Construction mitigation is required in respect of Badgers, Rabbits/Mammals, bats, nesting birds and hedgehog and the removal of Himalayan Balsam. A construction Environmental Management Plan will be conditioned for each phase of the development.
- 5.61 Operational mitigation is proposed in the form of the requirement for new woodland and hedgerow planting, which would link to existing retained woodland. The tree suitable for bat roosting will be retained, there would be the creation of grasslands and balancing ponds, fruit and berry trees and scrub and other features such as log piles which will additionally be supported with long term management. A sensitive lighting scheme to consider the impacts around the woodland areas is also required. Bio-diversity enhancements have also been proposed which include increasing the diversity of wildflowers, invertebrate boxes and balancing facilities. Therefore, a Landscape and Ecological Management scheme will be incorporated in the conditions for each phase.
- 5.62 The Yorkshire Wildlife Trust (YWT) has requested that the proposals should demonstrate a 'measurable' net gain in biodiversity. The applicants advises that YWT's comments are noted, the applicants do not intend to undertake a quantified assessment of biodiversity impact/gain. As the YWT note's this is not currently required by legislation or adopted policy. The applicants also advise that whilst an employment development of the scale/nature proposed

is unlikely to secure a measurable net-gain, the proposed development does incorporate opportunities for biodiversity improvements and the mitigation of impact as set out in the Ecological Assessment. The applicants advise that the vast majority of the site lies within an emerging allocation for employment use. For an employment development of the nature anticipated by the draft allocation and proposed by this application it is not possible to retain any extensive area of land undeveloped. The achievement of biodiversity gains is a matter that will require further consideration at the reserved matters stage.

- 5.63 In relation to hedgerow losses through design development, the scheme has been amended at the Plot 2 part of the site to retain the hedgerow to the Eldmire Lane frontage and utilise a secondary access via the existing industrial estate. This serves to reduce 'impact' of the development in landscape and ecological terms relative to the original proposal. Other areas of hedgerow which are indicated to be removed are necessary to facilitate the development.
- 5.64 The YWT have identified some concerns regarding breeding birds at the application site. They query that the absence of the survey means that it has not been determined how many skylark territories the site supports and could therefore be affected by the proposals. The applicants have been made aware of the request for further surveys from the Yorkshire Wildlife Trust. They advised that they do not intend to undertake further surveys of the site in relation to habitats or species ahead of determination of the application, including for breeding bird use, primarily because the nature of the development/allocation will necessarily result in the loss of the grass part of the site. New habitats suitable for birds, with reference to Skylarks will be created alongside other bird habitats and bird boxes. The mitigation proposed would be secured within the Construction Environmental Management Plan, which would be to avoid ground clearance during the bird nesting season.
- 5.65 Within the development as proposed, the have sought to maintain landscape areas to the periphery which serve a screening, amenity and biodiversity function. It is also anticipated that green areas will be created within the development site along road corridors and around the sustainable drainage ponds which will serve to enhance amenity and provide habitat within the scheme. Conditions have been attached for the submission of a landscape and ecological masterplan, which subsequent phases will need to follow.
- 5.66 National planning policy requires the planning process to contribute to and enhance the natural and local environment, through minimising impacts on habitats and providing net gains for biodiversity. Emerging policy seeks to use the metric on designated sites to account for any losses. The proposal has not been shown to achieve a net gain. The proposal however seeks to make efficient and effective use of the land, which in turn, should reduce the need for development of other less-suitable and potentially more-sensitive sites elsewhere.
- 5.67 Each aspect identified in the surveys have been addressed, and mitigation provided. The Ecological impact assessment identifies that that no significant negative residential effects are envisaged. The applicants propose avoidance measures, mitigation strategies and compensation measures. There remains

the potential within the mitigation and compensation to increase spaces of high value for biodiversity even if there is a reduction in the size of the areas of green space. These can be conditioned alongside a Construction Environmental Management Plan (CEMP) which would address the comments from consultees.

- 5.68 The strategic landscape framework will help to ensure the development is an attractive place to visit, has a sense of place, and is well-integrated into the local context, as well as improving green infrastructure and promoting biodiversity. This will ensure that the proposed development would fulfil the requirements of CP16, CP17, DP31, DP32, and emerging policies E3 and E7. The proposal fulfils current advice within the NPPF, and officers advise that overall, this can be considered acceptable.

#### Heritage

- 5.69 LDF Policies DP28, CP16 and DP29 relate to heritage matters. They reflect the advice within the NPPF and the requirements of the relevant Acts. The purpose of the emerging Local Plan policy S7 is to set out the strategy for the historic environment and the protection and enhancement of heritage assets and their settings. Similarly, the purpose of E5 is to ensure a sustainable future for the district's historic environment. Development proposals must protect and conserve the district's heritage assets and their settings, and where possible enhance them.
- 5.70 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses. Any harm should be given significant weight.
- 5.71 There are no currently recorded designated heritage assets that fall within the site boundary. The development will have potential to impact upon the setting to one designated heritage asset, this being the Scheduled Monument Maiden Bower and Cock Lodge, located approximately 400m southwest of the site as shown on the Proposals Map (see Section 5) west.
- 5.72 National policy guidance makes it clear that Scheduled Monuments are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. There are two sections of Maiden Bower and Cock Lodge: a motte and bailey castle, moated site, windmill mound and associated linear outwork within 700 metres of the western boundary of this site.
- 5.73 The significance within the setting to the scheduled monument principally relates to the interrelationship of the various elements comprising the monument, which evidence Norman and medieval settlement and agricultural activity, and to the relationship with the Swale and Cod Beck water courses. The elevated position of the monument commands extensive views across the wider landscape which will take in the site, although the site itself is distinct from the character of the retained landscape to the west of Eldmire Lane.

- 5.74 The site is viewed in the context of the wider industrial estate and the buildings constructed within it and given the distance of separation; it is considered that the development will have a limited visual impact upon the setting to the monument. In this context, development is assessed to have a minor impact upon the visual openness of the setting to the Maiden Bower and Cock Lodge scheduled monument. However, the amendments sought, and additional landscape buffers are considered capable of providing additional mitigation of views towards and over the wider estate. Therefore, whilst the minor impact remains, which will be less than substantial, this is outweighed by the public benefits of the proposal, which follows the proposed allocation of the site for employment development, will create jobs and benefiting the local economy with benefits to local communities through that economic activity.
- 5.75 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 Thirsk and Sowerby Conservation Area.
- 5.76 The components of the design would not affect the setting of Topcliffe Conservation area. The development site is not within the immediate context of Topcliffe and separated by the A168 and therefore there are limited visual links. However, the levels of noise, odours, dust, vibration which can be caused by traffic can have a substantial bearing on the character of a heritage asset. The Transport Assessment considers the effect of vehicle movements generated by the development on the local highway network. This demonstrates that the impact of the development-generated traffic on the surrounding area to be negligible in terms of queuing, delay and trip distribution through Topcliffe. Furthermore, existing weight limits are in place to prevent HGVs passing through these villages, with additional mitigation proposed of additional routing controls. The development will not result in harm to the setting of the Topcliffe Conservation Area and the heritage assets within it.
- 5.77 The proposal can be considered to fundamentally preserve the character and appearance of heritage assets. The proposals would not cause harm to any specific feature, fabric or other aspects of the heritage assets. Whilst substantial weight should be given to any harm, there are public benefits which outweigh the less than substantial harm to the identified heritage assets. The proposal is considered to fulfil the requirements of Policies C16, DP28 and DP29 and E5 and E6 and the NPPF.

#### Flood Risk and Drainage

- 5.78 CP21, DP6 and DP43 seek to protect the environment from flooding, mitigate development from the consequences of pollution, noise, or hazardous activities. It also seeks to ensure that new development is capable of being accommodated by existing or proposed services.
- 5.79 Emerging Local Plan policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. The purpose of RM2 is to ensure that inappropriate development in areas at risk of flooding

is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner.

- 5.80 Most of the site is in Flood Zone 1, with a very small area adjacent to the northern boundary of the site indicated to be in Flood Zone 2. The flood risk assessment indicates that all proposed buildings sit within flood zone 1.
- 5.81 Although North Yorkshire County Council in its capacity as Lead Local Flood Authority does not hold any records of surface water flooding at the proposed site, they advise it should be noted the area surrounding the approach to Eldmire Lane from Cod Beck has suffered from flooding in the past. Flooding in the village of Dalton and Dalton Airfield Industrial Estate occurred in November 2000. Flooding also occurred in the Dalton area in September 2012 from Cod Beck overtopping, resulting in flooding at Dalton Bridge and Dalton Village. Access into the Dalton Airfield Industrial Estate from the A167 to the west of the site is shown to lie in Flood Zone 3 and consequently this route did become impassable in the past.
- 5.82 The construction of a new bridge over Cod Beck and installation of flood protection measures granted in 2019 has addressed this issue. The work included a new bridge, realignment of the road, ground stabilisation, embankment construction, drainage, culvert installation on Thacker Beck, flood banks and highway drainage and surfacing were intended to address such issues and ensure that access along the road network leading to the A19 and beyond is permanently available during a flood event. On this basis it is anticipated that, safe access/egress will be achievable. The Lead Local Flood Authority have commented that it should be demonstrated within the detailed design that the development does not increase flood risk both on and off site and aims to improve flood risk wherever possible. The Environment Agency do not make comments in this respect.
- 5.83 The applicant proposes 2 discharge points, the main site via 450mm private sewer into Cod Beck and southern limb into the public sewer to the south of the site. The private sewer network extends beyond the application boundary. The LLFA advise that the consent of the landowner must be sought to connect to this network. The applicant intends to utilise the currently unused surface water drainage network for the main part of the site (noted above) and has conducted CCTV survey of current infrastructure, with obstructions noted and recommendations for further CCTV surveys of unreachable areas. It is intended to discharge the Main site to Cod Beck and the Southern limb into public sewer at the Yorkshire Water insisted restricted rate. As a full design has not been completed for the discharge rates final recommendations are awaited however, from advice received to-date it is anticipated that run off rates can be designed to be acceptable to the LLFA and Yorkshire Water.
- 5.84 The proposed development lies wholly within the Swale and Ure IDB district, and surface water from the proposed development is to discharge into an IDB watercourse. The LLFA and IDB advise consent to discharge into the watercourse will require their consent process. Attenuation storage requirements have been calculated on individual development parcels and the

Drainage Assessment indicates that the forms of attenuation storage are to be determined at the detailed design stage/discharge of conditions application.

- 5.85 Surface water design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced. Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against using oil interceptors, roadside gullies, reedbeds or alternative treatment systems.
- 5.86 The LLFA also advise that site design must be such that when SuDS features are exceeded due to failure caused by blockages or collapsed pipes or when the system is overwhelmed by excessive flood flows, the exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways.
- 5.87 Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during the construction of the site. Damage caused during the construction phase has the potential to prevent SuDS functioning as required, for example contamination by sediments generated during construction. As such appropriate planning must be applied to surface water management during the construction phase. Whilst most information has been submitted the reserved matters application will enable full details to be provided.
- 5.88 The illustrative foul water drainage strategy is to drain foul water to a centrally located, adoptable foul water pumping station that would pump the foul water to a gravity foul sewer within Eldmire Lane (within Industrial Estate) and thereafter to the existing wastewater treatment works or via a rising main directly to the treatment works.
- 5.89 Yorkshire Water has advised that sewer modelling is required (at developer cost) to determine the capacity within its sewer network to convey foul water to the treatment works and also to investigate whether the treatment works has sufficient capacity/capability to treat the foul water. The findings of this modelling and investigation may require reinforcement works to be undertaken by Yorkshire Water. This is a matter to be addressed by Yorkshire Water and does not require an additional planning condition.
- 5.90 Officers have been advised that the detail of the foul water drainage scheme and the specification of any reinforcements required will however depend on the nature of the foul water generated which is influenced by the form of the development proposed. The strategy is, therefore, post-outline planning, to work up this detail and engage with Yorkshire Water to agree the drainage design and any reinforcements based on further detailed design and occupier/use information as this emerges.
- 5.91 In summary, the development proposes a satisfactory drainage strategy, with additional detail and information required able to be provided via the reserved matters application or conditions. The surface water runoff generated from the proposed development and foul water from the developed site can be sustainably managed and that the proposed development may be completed in accordance with the requirements of planning policy subject to the detailed

drainage design being submitted to and approved by the local planning authority prior to the commencement of development of the relevant phase of the development.

- 5.92 The proposed development therefore conforms to the relevant parts of LDF Policies CP21 and DP43, emerging Local Plan Policies RM1, RM2 and RM3, and the policies set out in Chapter 14 of the NPPF on meeting the challenge of climate change and flooding.

#### Land Contamination

- 5.93 The LDF Policies CP21, DP42 and DP44 require that communities are kept healthy and safe from proposed developments.
- 5.94 The Preliminary Contamination Risk (Phase 1) Assessment produced by GEO-Environmental Engineering submitted in support of the above development identifies a potential contamination risk and the Environmental Health officer therefore recommends further investigation. Conditions have been attached to secure a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment and any remediation of any contamination on the site.
- 5.95 RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 5.96 Whilst the increase in HGV traffic can have an impact upon air quality, the site is not located within an Air Quality Management Area (AQMA). No concerns have been raised by statutory consultees in this respect, and the submitted air quality assessment concluded that qualitative tools have been used to show that the risk of exceeding the relevant levels is very low in the context of the rural characteristics of the area in general and the low background concentrations, and that the effects of development traffic are likely not significant at key locations. It is also considered that measures are proposed to ensure HGV routes avoid nearby villages and the resultant distribution of vehicles across the various strategic road network as identified within the transport assessment is unlikely to be significant to warrant specific measures other than those which relate to sustainable construction, the travel plan and renewable energy requirements. Therefore, the proposal would accord with the aims of RM4.

#### Economic Impacts

- 5.97 The NPPF makes clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.98 The NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including

making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.

- 5.99 As the neither occupier businesses, nor the exact scale and nature of the development, are yet known, it is not possible to be precise about the number of jobs opportunities that may be created by the development. However, the applicant has advised that working on the basis of the HCA Employment Density Guide (3rd Edition) 2015 and assuming a mix between industrial (B2) and storage/distribution uses (B8) relative to the size of buildings expected to be constructed, the number of occupier business jobs that could be accommodated on site is estimated to be in the order of 850-1,000.
- 5.100 Significant additional employment and local trade opportunities will be generated by the construction phase of the development. The development will also generate wider economic benefits through supply chains and wage expenditure in the local market.
- 5.101 Significant additional employment and local trade opportunities will be generated by the construction phase of the development. The development will also generate wider economic benefits through supply chains and wage expenditure in the local market. The creation of employment opportunities constitutes a major socio-economic benefit as it contributes to reduced unemployment, enhanced skills and training, job progression, improved health and reduced deprivation. Major employment development also assists in supporting and safeguarding public services through increased tax revenues that may be retained locally.

#### Planning Obligations

- 5.102 Section 106 obligations must be assessed against and meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. The terms for the S106 agreement include accessibility enhancements, Travel plan monitoring, provision of a routing plan. It is considered that the obligations below are:
- Necessary to make the development acceptable in planning terms.
  - Related to the development.
  - Fairly and reasonably related in scale and kind to the development.
- 5.103 In summary the draft section 106 heads of terms include:
- A requirement to enhance accessibility by public transport or private shared transport
  - A Travel Plan monitoring fee
  - A routing plan and driver code of conduct for future occupiers
  - Full payment for the costs of the proposed signage and its installation
- 5.104 The draft heads of terms set out the obligations that the developer/landowner is willing to be bound by, in order to meet the needs generated by the development. In combination with the proposed conditions the above approach is considered reasonable approach.

#### Planning Balance and Conclusion

- 5.105 The principle of the proposed development in this location is supported directly by emerging draft Local Plan Policies: S2 'Strategic Development Needs' for employment land; S3 'Spatial Distribution' part e. 'Economic Development' and EG1 'Meeting Hambleton's Employment Requirements' which identify Dalton Airfield as a strategic employment site in the central (A1/A168/A19) transport corridor that will help deliver sustainable economic growth within the district.
- 5.106 Whilst the proposed development is not allocated for employment development in the LDF or located in a Service Centre, and not a proposal for development specifically to meet the needs of an existing business at Dalton, appropriate weight may be given to the emerging Local Plan policies referenced above, which are based on the evidence base in relation to employment land need and supply, which directly support development in this location to meet economic growth objectives. In addition, the proposal conforms to the NPPF.
- 5.107 The creation of employment opportunities constitutes a major socio-economic benefit as it contributes to reduced unemployment, enhanced skills and training, job progression, improved health and reduced deprivation.
- 5.108 The proposal would be in accordance to emerging Local Plan Policies S2, S3, EG1 and realise development of a substantial part of allocation DAI 1, which are considered to outweigh any non-conformity to LDF Policies.
- 5.109 The comments from the consultees indicate that, the proposed development is acceptable in terms of its impacts and assessing these against policy requirements, the mitigation proposed would ensure that the proposal conforms with adopted and emerging policy in terms of highways issues, residential amenity, heritage assets, contaminated land and drainage. The attached conditions can mitigate the impacts, are reasonable and directly relate to the proposed development. The proposal fails to use the Defra metric to identify net gains or bio-diversity losses, but this is balanced against the need to make efficient use of land and the proposed biodiversity enhancements and increased variety of habitats and species which are being proposed can be secured by conditions.
- 5.110 The proposal represents sustainable development and will specifically support the Council's objectives through promoting Hambleton as a recognised location for business by providing a range of employment opportunities and meeting the needs of new and expanding businesses.

## 6.0 Recommendation

- 6.1 That the application be **GRANTED** subject to (A) the completion of the s106 agreement in accordance with the draft section 106 heads of terms and (B) the following condition(s):

A. Draft section 106 heads of terms

1. **Accessibility Enhancements**  
A requirement to enhance accessibility by public transport or private shared transport as follows:
  - Shared Transport shall include consideration of shuttle bus and car share scheme; and/or
  - (Public transport enhancements shall include diversion of the 70-bus service to the site and the introduction of a regular early morning service from Northallerton. This shall be subject to funding per annum for a period of 5 years to divert this service.
  - The nature for determining the type of the provision, timing, implementation, and costs shall be contained within the S106 agreement to be agreed with NYCC.
  
2. **Travel Plan Monitoring**  
A fee payable to NYCC to monitor the introduction/Implementation of the Travel Plan.
  
3. **Routing Plan**  
The applicant and any successors to the land shall agree to a routing plan for all Goods vehicles accessing the site. The routing plan shall include the following:
  - Compliance with existing weight restrictions on the local road network, at the A167, Long Street and Dalton Lane with Goods vehicles arriving and leaving via the A168 and not travelling through Asenby, Topcliffe and Dalton villages, unless the origin or destination of the trip is from within the areas where the weight limits in place for these villages cover
  - A requirement to compel all end users (occupying the premises) of the site to sign up to the above routing arrangements for Goods vehicles.
  - A Drivers Code of Conduct allowing the land owner and/or site operators to enforce the agreed routing arrangements and to provide procedures relating to monitoring, recording breaches and sanctions.
  - A mechanism to inform off-site regular deliveries of the requirements.
  - The routing plan shall also include a map of routes/ restricted routes/ weight restrictions / TRO's etc. and shall include information in relation to recommended routes to petrol stations, rest stops, holding areas suitable for HGVs avoiding Asenby, Topcliffe and Dalton which shall be made available for all staff and regular visitors.
  
4. **Signage**  
A fee to be provided to NYCC to facilitate the procurement, installation, and maintenance of the approved signage in accordance with an agreed timetable.

Agreement of a signage scheme including design/specification, programme/ timescale, safety audit etc for upgrade of highway direction and weight limit signage.

Extent of upgrade scheme limited to that shown on drawings  
AMA/20573/TSLOCATION, AMA/20573/TS001, AMA/20573/TS002,  
AMA/20573/TS003, AMA/20573/TS004 and AMA/20573/TS005, as well as  
additional sign improvements to the weight restriction signing in Asenby and

signing on the A168 northbound advising of appropriate route for goods vehicles to the industrial estate.

## B. Conditions

1. Time Limit Outline Part a)  
Application for the approval of all the reserved matters in respect of Part a) of the development hereby approved (Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping) shall be made to the Local Planning Authority not later than seven 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. ten 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. Time Limit Full Part b)  
Part b) of the development hereby permitted (creation of new main access and road spur with associated infrastructure) shall be begun within three years of the date of this permission.
  
3. Outline Reserved Matters  
No development in respect of Part a) (Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping) shall take place 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. Phasing of Part a) (Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8).  
Prior to the commencement of Part a) of the development hereby permitted a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each Reserved Matters application for a Phase shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved by this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing

with the Local Planning Authority or required by other conditions of this permission.

5. Approved Drawings

Part b) of the development hereby permitted shall be undertaken in accordance with the following approved drawings 20573/SK006.1 Rev A Proposed Site Access 1 with Visibility Splay and 20573/SK006.6 Rev -Proposed Access junction Layout.

6. Scope of Outline Permission

The Reserved Matters applications for each phase of the development shall be submitted in substantial accordance with the parameter plan Dwg No. 2019-062/109 Rev B Parameters Plan.

7. Design Framework

No development in any phase, other than works to complete the approved site access points and development approved by Part b), shall take place until a detailed design framework for site has been submitted to and approved in writing by the local planning authority. The framework shall set out the overall vision and character for the development, and for each subsequent phase, and shall include how the sustainability measure contained within section 03 Proposal/3.6 of the Design and Access statement Ref:2019-062\_Doc 001 January 2021 have been incorporated into the design.

8. Construction Management Plan

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 for each Phase. 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 and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - iii. the parking of contractors' site operatives and visitor's vehicles;
  - iv. areas for storage of plant and materials used in constructing the development clear of the highway;
  - v. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
  - vi. details of the routes to be used by HGV construction;
  - vii. protection of carriageway and footway users at all times during demolition and construction;
  - viii. protection of contractors working adjacent to the highway;
  - ix. details of site working hours;
  - x. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
  - xi. Implement the Construction Dust Mitigation measures contained within Hydrock Air Quality Assessment (DNB-HYD-ZZ-XX-Y-RP-2003\_P04) Appendix A – Construction Dust Mitigation for medium risk sites
  - xii. measures to control and monitor construction noise;
  - xiii. details of the measures to be taken for the protection of trees;
  - xiv. details of external lighting equipment;
  - xv. details of ditches to be piped during the construction phases;
  - xvi. a detailed method statement and programme for the building works;
  - xvii. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue;
  - xviii. Details of any piling to take place including duration and equipment type to be used. 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;
  - xix. 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;
  - xx. 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;
  - xxi. Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.
  - xxii. A scheme to deal with surface water run-off within each construction phase.
9. Construction Environmental Management Plan (CEMP)  
 No development shall commence, until a Construction Environmental Management Plan ("CEMP") has been submitted for the written approval of the local planning authority for each phase of the development. The CEMP must be available onsite for consultation by site operatives throughout the course of constructions works for each phase. The CEMP shall include best practice working methods for habitats and species identified in the Ecological

Impact Assessment (ref. FE50/EcIA01 Rev B) including but not limited to the following:

- i. Mitigation for badgers and other mammals
- ii. Protection measures for retained trees
- iii. Removal of Himalayan Balsam
- iv. Timing of ground clearance to avoid the bird nesting season for each phase surveys

Once approved, development of each phase shall be undertaken in accordance with approved CEMP.

10. Details of Access, Turning and Parking

No development in respect of Part a) (Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping), except for investigative works, shall take place until full details of the following have been submitted to and approved in writing by the Local Planning Authority for each respective Phase:

- i. vehicular, cycle, and pedestrian accesses to and within the site;
- ii. vehicular and cycle parking;
- iii. vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- iv. loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring, and turning areas have been constructed in accordance with the approved details.

11. New and Altered Private Access or Verge Crossing

The development of Plot 1 as indicated on the Parameters Plan must not be brought into use until the proposed access to the site from Eldmire Lane has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

(A) Access number 1, as shown on plan number 20573/SK006.1 must be formed with 15 metres radius kerbs, to give a minimum carriageway width of 7.3 metres at the access. Kerbing should be provided 3 metres beyond the radius on each side of the access and for a corresponding length opposite the access to form a minimum carriageway width of 7.3m on Eldmire Lane.

(B) That part of the access road extending 10 metres into the site must be constructed in accordance with Standard Detail number E60 and the following requirements:

- i. Any gates or barriers must be erected a minimum distance of 17 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway. T
- ii. That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.
- iii. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges. The final surfacing of any private access within 10 metres of the public highway

- must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- iv. Measures to enable vehicles to enter and leave the site in a forward gear. The development shall be implemented in accordance with the approved details.
12. **Visibility Splays**

There must be no access or egress by any vehicles (other than any temporary access approved) between the highway and the application site until the following splays are provided. Access 1 shall include a splay giving clear visibility of 160m to the south and 90m to the north measured along the channel lines of Eldmire Lane from a point measured 4.5m down the centre line of the access road.

In measuring each splay, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, the visibility splay must be maintained clear of any obstruction and retained for their intended purpose at all times.
  13. **Site Sections**

No phase of the development shall commence unless detailed cross sections showing the existing ground levels in relation to the proposed ground and finished floor levels for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. 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.
  14. **Lighting**

No external lighting shall be installed during the operational stages of any phase of the development, other than in complete accordance with a lighting strategy that has been approved in writing by the Local Planning Authority for that phase of the development. The scheme will include the approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise efficiency and minimise light pollution.
  15. **Footway within Development Site to Established Industrial Area**

The development shall include provision of an illuminated footway route from Access 1 shown on drawing no. AMA/20573/SK006.1 Rev A that connects to the footways on the existing industrial estate. The footway shall be provided in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority which shall include:

    - i. full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme;
    - ii. a programme for the delivery;
    - iii. an independent Stage 2 Road Safety Audit.

Once approved the footway shall be completed in accordance with the approved engineering details and programme and retained for the lifetime of the development.
  16. **Landscape and Ecological Management Plan**

The development of Part a) or any individual Phase subsequently approved under Condition 4 shall not commence until a Landscape and Ecological

Management Plan has been submitted to and approved by the Local Planning Authority for that Phase. The Landscape and Ecological Management plan shall include (but is not limited to):

- i. The species mixes and structure for each landscape
- ii. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.
- iii. Timing of planting and delivery.
- iv. The management requirements (establishments and long-term management).
- v. Green Infrastructure Links to any previously approved Phase.

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

17. Boundaries

The development of Part a) (Outline) or any Phase subsequently approved under condition 4 shall not be commenced until details relating to boundary walls, fences, and other means of enclosure for all parts of that Phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details shall be consistent with the Landscape and Ecological Management Plan, and shall include provision of acoustic screening if subsequently required under condition 30 (Management Operating Plan) No building shall be occupied until the boundary walls, fences, and other means of enclosure for that Phase have been constructed in accordance with approved details, which shall thereafter be retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.

18. Electric Vehicle Charging Points

Prior to the completion of the relevant unit forming part of the development, details of Electric Vehicle Charging Points associated with that Phase or unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points associated with each unit shall be installed prior to the occupation of that unit as approved and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

19. Cycle Parking

Any application for reserved matters in relation to any phase of the development shall be accompanied by a plan showing provision of cycle parking and facilities for cyclists to use. Thereafter such provision shall be made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

20. Plot Access

No individual plot shall be brought into use until the vehicle access, parking, manoeuvring, and turning areas approved above have constructed in accordance with the approved details. Once created these areas shall be

maintained clear of any obstruction and retained for their intended purpose at all times.

21. Travel Plan Delivery

The development must be carried out and operated in accordance with the approved Framework Travel Plan Ref: 200573-002. Where the measures/action are identified as part of the site construction or to be agreed, further details shall be submitted for the written approval of the Local Planning Authority and once approved implemented in accordance with the agreed details. The Travel Plan shall also include the distribution of any Routing Plan and Driver Code of Conduct as required by the section 106 agreement. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

22. Contaminated Land

No development of any Phase shall be commenced until a Phase 2 assessment of the risks posed by contamination for that Phase, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

23. Submission of Remediation Scheme

Prior to development of any Phase, a detailed remediation scheme to bring the site of that Phase to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

24. Verification of Remedial Works

Prior to first occupation or use of any Phase, the approved remediation scheme for that Phase must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

25. Standard Detailed Drainage Design for phased development

Development of each phase shall not commence until a scheme detailing surface water drainage in accordance with the Drainage Assessment prepared by Weetwood Services Limited (ref 4676/DA/Final/v1.2/2021-01- 12) has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall

be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

26. **Surface Water Drainage Maintenance**  
No part or phase of development shall take place until a scheme to ensure suitable maintenance and management of the proposed surface water drainage infrastructure has been submitted to and approved in writing by the local planning authority for that phase. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
27. **Exceedance Flow Routes**  
No part or phase of development shall take place until an appropriate Exceedance Flow Plan for the site incorporating that phase has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when drainage features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
28. **Separate Surface and Foul Water**  
The site shall be developed with separate systems of drainage for foul and surface water on and off site.
29. **Foul Water disposal**  
Prior to the commencement of any phase of the development, full details of the proposed means of disposal of foul water drainage for that phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no phase of development shall be occupied or brought into use prior to completion of the approved foul drainage works for that phase.

30. Management Operating Plan

Prior to the occupation of any building within any Phase a Management Operating Plan relating to that part(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

(A) An assessment of the potential for sources of noise and disturbance likely to affect residential amenity in the area, and shall identify the following:

- i. noise levels from plant, machinery or equipment working in isolation and together;
- ii. hours of operation for the unit, including delivery arrangements, and anticipated shift patterns;
- iii. a waste management plan setting out how waste associated with the unit(s) will be stored and removed;
- iv. any outside maintenance and cleaning activities,
- v. overnight parking requirements including refrigerated vehicle parking

(B) If the details submitted under Part A indicate that the nature of the business operation is likely to affect neighbouring residential amenity then a detailed noise assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit(s). The detailed noise assessment shall include:

- i. An assessment of noise impacts in accordance with British Standard 4142 (BS4142).
- ii. a scheme specifying the provisions to be made for the control of noise, including any acoustic screening to plot boundary if required.
- iii. it shall demonstrate that the rating level of the noise, corrected for acoustic features, measured at, or calculated to a position representing the nearest residential property does not exceed 5dB below the agreed residual level at the site boundary or further measures to mitigate the impact.

The approved scheme shall be implemented in full thereafter the use of the specified unit shall be undertaken in compliance with the approved details unless otherwise approved by the Local Planning Authority.

31. Extraction Equipment

No building or unit shall be occupied, where extraction equipment is required, until a scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for that building or unit (where such devices are to be installed) has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be always implemented and devices shall be maintained in accordance with the manufacturer's specification.

32. Emissions

All emissions to atmosphere 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 and the development shall

only operate in compliance with the approved details unless otherwise approved in writing by the Local Planning Authority.

33. Use Class Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping hereby approved shall not be used for any other purpose without the formal consent of the Local Planning Authority.

34. Materials

Prior to the development of Part a) (Outline Permission) or any Phase of the development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development of that Phase shall be submitted for the approval of the Local Planning Authority. The development of each Phase shall be constructed in accordance with the approved materials for that Phase.

35. Secured by Design

The reserved matters application(s) shall be accompanied by details that show how 'Secured by Design' principles have been incorporated into the design of each plot. The development shall be implemented in accordance with the approved details.

36. Renewable energy 10%

The development shall achieve energy efficiency measures to provide at least 10% of the energy requirements of the development from on-site renewable energy generation or otherwise demonstrate similar energy savings through design measures.

Reasons:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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 Policies noted above.
5. 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 noted above.
6. 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 noted above.

7. In the interest of good design and the visual amenity of the area in accordance with CP1, CP16, CP17, DP33.
8. In accordance with the objectives of sustainable construction and environmental management and the Local Development Framework Policies CP1, CP17, DP1 and DP32.
9. In accordance with the objectives of sustainable construction and environmental management and the Local Development Framework Policies CP1, CP17, DP1 and DP32.
10. In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion in accordance with Local Development Framework policies CP1 and CP2 and DP1.
11. In the interests of road safety to provide for a safe and adequate means of vehicular access to and from the site for the purposes of undertaking the development hereby permitted and to secure appropriate reinstatement upon completion in accordance with Local Development Framework policies CP1, CP2 and DP1.
12. In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of inter-visibility commensurate with the vehicular traffic flows and road conditions in accordance with Local Development Framework Policies CP1, CP2 and DP1.
13. To ensure that the development is appropriate in terms of amenity and meeting sustainability objectives in accordance with Local Development Framework Policies CP1 and DP1.
14. 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.
15. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway in accordance with Local Development Framework Policies CP1 and DP1.
16. In order to soften the visual appearance of the development and provide any appropriate screening and ecological enhancement in accordance with Local Development Framework Policy CP1, CP17, DP32 and DP33.
17. In the interests of visual and residential amenity in accordance with CP1, CP17, DP1, DP32 and DP33.
18. In the interest of sustainable development in accordance with Local Development Framework Policies CP18 and DP34.
19. In the interest of accessibility and sustainable development in accordance with Local Development Framework Policies CP1, CP2 and DP1.
20. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway.
21. In the interest of accessibility and sustainable development in accordance with Local Development Framework Policies CP1, CP2 and DP1.
22. 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.
23. 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.

24. 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.
25. In order to avoid flood risk and the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
26. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
27. In order to ensure adequate maintenance and to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
28. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
29. In order to avoid the pollution of watercourses and land in accordance with Local Development Framework CP21 and DP43.
30. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
31. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
32. In order to protect the amenity of neighbouring occupiers in accordance with the Local Development Framework Policies CP1 and DP1.
33. To reserve the right of control of the Local Planning Authority and to protect amenity as alternative uses may not be acceptable for the allocation in accordance with Local Plan policy CP1 and DP1.
34. In the interest of the visual amenity of the area in accordance with
35. In the interests of crime prevention and amenity in accordance with Local Development Framework Policies CP1 and DP1.
36. In accordance with the requirements of the LDF Policies DP34

**Parish: Bagby**  
Ward: Bagby & Thorntons  
**2**

Committee Date:  
Officer dealing:  
Target Date:  
Agreed)

23 September 2021  
Mr Craig Allison  
30 September 2021 (EOT)

**20/00008/FUL**

**Change of use of an existing agricultural building to a function venue**  
**At: Westholme, York Road, Thirsk**  
**For: Mrs Sarah Goacher**

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

1.0 Site, Context and Proposal

- 1.1 The site lies approximately 2km beyond the southern extremities of the town of Thirsk, east of the A19. The site has been part of a farm but this use has now ceased with only a few horses being kept in the grass fields that surround the buildings. The farmhouse sits in a centrally elevated position from the road. The application site is located outside of the nearest settlement of Bagby and is situated approximately 300 metres from the nearest residential property of 2 Poplar Close, Bagby. The site is accessed off York Road, (A19) with a single-track road leading up to the residential property of Westholme and the barn as part of this application. There is a public footpath (on a south-west to north-east alignment) to the south of the site, and bridleway (on the same alignment) to the north of the site.
- 1.2 The barn is a mid-sized barn, made out of a combination of breeze blocks and timber panels. Immediately surrounding the site are areas of farmland. The outbuildings which are outside the application site are single storey in height constructed from blockwork and covered with asbestos sheeting with pitched roofs. There is a lean-to building on the north eastern elevation with a pole like construction in need of some repairs, this building is also outside the application site.
- 1.3 The proposal involves minimal external and internal alterations in order to convert the farm building into a function venue.
- 1.4 The applicant is proposing to convert the barn into an events venue to host wedding receptions, birthday parties and functions. Functions will be held between the start of April to the end of September, to which the operating hours of the proposed function is to be between 12:00(noon) to 01:00 Friday to Sunday. Functions are proposed to commence in April, and it is estimated in the first year only six events will be held, to which this will be increased over the years to have a maximum of 26 per year. The number of guests at the venue will be a maximum of 200 people. There will be a proposed car park to the north of the barn to accommodate 70 cars with an external gathering area to the west.
- 1.5 It is also proposed to undertake alterations to the access to the site by removing two metres of hedgerow at the A19 access point which would increase the width of the opening to 8.3 metres. The farm drive would also be widened to 6.5

metres. It is also anticipated that the entrance gates will be opened for all events and marshalled at peak times for maximum capacity events which is considered when it is anticipated that 200 guests would arrive at the venue. The marshalling of events would occur within the site to ensure the free flow of vehicles leaving and entering the site.

## 2.0 Relevant planning history

### 2.1 No relevant planning history

## 3.0 Relevant planning policies

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

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy 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 DP4 - Access for all

Development Policies DP9 - Development outside Development Limits

Development Policies DP25 – Rural Employment

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

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

## 4.0 Consultations

### 4.1 Bagby and Balk Parish Council - have objected to the application due to the lack of information. The Parish Council cannot support the application without further information about the work proposed, the use of the venue, the amount of parking and the hours the venue might be open. Also concerns about possible noise and disruption for residents in the surrounding area. Additionally, Bagby and Balk Parish Council have commented that they have received multiple complaints about this application and residents are still very worried about noise especially as they have another wedding venue at the other

end of the village which is starting to let fireworks off at functions. Also really concerned about traffic entering the A19, possibly crossing lanes in the dark

4.2 Highways Authority – have recommended conditions to be attached to any planning permission in relation to details of a new and altered private access to be provided, along with details of new and altered verge crossing details.

4.3 Public comments – A site notice has been displayed and neighbours consulted. Nineteen letters of objection have been received in regard to the application with their comments summarised below:

- The building is too close to the village, and the noise this will generate three nights of the week throughout the whole of summer is not acceptable
- The length of time and regularity of the functions will make for a very uncomfortable summer
- Bagby is in an elevated position and because noise travels upwards it will be horrendous
- Strongly object to the use of fireworks these are a nuisance and cause a great deal of distress to animals
- This will create extra traffic on the A19, almost opposite the entrance to the hamlet (of Spital Hill)
- Traffic entering and leaving the site could be an issue onto the A19
- The hedgerow and trees have been removed around properties at Sandown Close and therefore the development is not screened

4.4 One letter has been submitted neither objecting nor supporting the application with their comments summarised below:

- In principle do not have any objections to the change of use but do have concerns over noise
- The tree line has been removed and therefore this will no longer soften the noise
- The frequency of events would be a concerns in regard to noise especially in the summer months, if a limit on loud music can be done and ending the event at 11pm this would be favourable
- Furthermore to have no fireworks

4.5 Following the comments received, a revised Noise Survey was undertaken and a further neighbour re-consultation took place in regard to the amended noise survey.

4.6 Environmental Health have commented on the application as follows

Uncontrolled the development would be expected to give rise to adverse effects on local residential amenity. Previous noise reports have been insufficient to adequately assess the impact of the development or to specify appropriate conditions to support permanent approval. The latest noise report is sufficiently robust and allows for the recommendation of conditions to support the grant of

a permanent permission. It is therefore considered that with suitably worded conditions the development does not affect neighbouring residential amenity.

4.7 Following, the re-consultation 23 letters of objection have been received with their comments summarised below:

- The application is based on inaccurate information with houses being just 300 metres away, and no hedging to screen the development
- Noise carries very readily over open farmland and the westerly direction would add to taking this toward homes which currently enjoy a very quiet rural setting. Frequency of events in the early hours of the morning would lead to a detrimental impact on the residents as well as livestock
- The events are to be “DIY” and unsupervised with up to 200 guests and 70 cars, when fuelled with alcohol this will lead to additional noise disturbance. Therefore how would anybody be able to control sound levels and fireworks
- The number of events could be up to 78 events and therefore no peace and quiet for residents during the warmer months
- Access off the busy A19 in and out of a small entrance would have serious road safety implications. Furthermore, people wanting to leave on foot there is no transport links to Thirsk and no public footpaths making this an unsuitable social venue

4.8 One Letter has been received neither objecting or supporting the application with their comments summarised below:

- The entrance/exit road from the this property is at a bend on a fast moving A-Road, the number of vehicles turning in and out of this venue during a function would not only cause traffic problems but create dangerous conditions
- Potential for noise disturbance to the village of Bagby

4.9 One letter of support has been received with their comments summarised below:

- Any local business opportunity to help our local economy is a good thing
- A party/wedding will not only be a place for groups to enjoy functions but will also provide income for local businesses, and create additional jobs in the area

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of converting an agricultural building to a DIY events venue, including the economic impact of the proposal; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on residential amenity and (iv) the impact of the development on highway safety.

The Principle of Development

- 5.2 Policy CP1 of the Core Strategy states development that would significantly harm the natural or built environment or that would generate an adverse traffic impact will not be permitted. Proposals would be supported if they promote and encourage sustainable development.
- 5.3 As the site is located outside of the settlement boundary of Bagby, within open countryside, Policies CP4 and DP9 are of relevance. Policies CP4 and DP9 state that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria. In all cases, development should not conflict with the environmental protection and nature conservation policies of the LDF and should provide any necessary mitigating or compensatory measures to address harmful implications. These relate to where:
- It is necessary to meet the needs of agriculture, recreation, tourism and other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy;
  - It is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance;
  - It would provide affordable housing or community facilities which meet a local need; where that need cannot be met in a settlement within the hierarchy;
  - It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing;
  - It would make provision for renewable energy generation, of a scale and design appropriate to its location;
  - It would support the social and economic regeneration of rural areas.
- 5.4 The change of use of, to hold events, is within a barn which was previously used for agricultural purposes. It is evident that the agricultural enterprise on the site has now ceased. The applicant has stated that the development complies with CP4 in that it would support the social and economic regeneration of a rural area. This is by providing an events business which will provide employment to the local area and will also help support a number of local businesses. The applicant has stated that the venue is a personalised and unique “Yorkshire” farm events location. When customers are enquiring about events with the owners terms and conditions it will state that a local list of suppliers will be available to ensure that the business is supporting the local economy. If the barn was not used for a purpose it would be redundant and the probability of the building falling into disrepair is high. It is considered that the re-use of an existing building as an events venue has potential to provide support to the economy of the rural area and subject to the adequacy of controls of any adverse impacts could be considered in accordance with Policy CP4 and DP9 of the Council’s Local Plan Policies.
- 5.5 Policy CP15 of the Core Strategy states that support will be given to the social and economic needs of rural communities by encouraging diversification of the agricultural economy. Within the policy it states that re-use or replacement of suitable rural buildings for employment generating uses, is a suitable form of development within the countryside. Furthermore, the agricultural enterprise on the site has ceased and therefore the proposed use of changing the barn to an events venue is a diversification of the agricultural economy.

- 5.6 Policy DP25 states that employment development in locations outside of the development limits will be supported if all the following apply:
- It is small in scale
  - It comprises conversion and re-use or replacement of existing rural buildings of sound construction
  - The development is not capable of location within a settlement with development limits by reason of the nature of the operation or the absence of suitable sites
  - It is supported by an appropriate business case which demonstrates that support will be provided to the local economy
  - The development would not adversely impact on the economy of the service centres.
- 5.7 In regard to the scale of the site, the proposal is to re-use an existing building on the site and no built development will occur to the site to facilitate the change of use of the building. In regard to the car parking this will be provided on an adjacent parcel of land in close proximity to the building but would not entail any development. The proposal is to hold events with a maximum of 26 events per year, with majority of these events occurring on weekends. It is therefore considered that by only holding a maximum of 26 events a year this is considered to be a small scale operation of the use of the site. The proposal will also be re-using an existing building of sound construction and no further development is required.
- 5.8 The third point states the development is not capable of location within a settlement with development limits by reason of the nature of the operation or the absence of suitable sites. It is considered that there are function rooms available within the nearby settlements such as Thirsk. However, the option with the customised barn is that it gives potential customers a “blank canvas” experience allowing clients to decide their own layout and décor to suite their vision. This is something that cannot be necessarily accommodated within existing sites. Furthermore, it is also considered that with the current pandemic the events industry was severely affected and subsequently created a backlog of weddings and events. Therefore, it could be considered that they would not be taking events away from existing sites but providing more availability in the local area. The proposed development, by reason of its nature of holding an events venue is something that is typical within the countryside depending on the type of event that a particular client wishes to have.
- 5.9 The fourth point states that a business case should be provided that demonstrates that support will be provided to the local economy. A business case has been provided in support of the application. The business is a self-styled wedding reception/function venue which will be managed by the applicants and providing their client/customer with an opportunity to tailor their function to their own requirements. The application identifies staffing as: one duty manager; one events co-ordinator; one administrator; one web/media administrator; one groundsman; and two cleaners. Therefore, the proposal would create 7 jobs. It has not been confirmed the how full-time equivalents would be created. However, as the venue is to be hired out, tailored to the customers needs, this could utilise a number of local businesses and services

such as catering/refreshments; florist; photographers; nearby B&B Accommodation; local taxi services and other services. Additionally with guests coming to the venue for an event, they potentially may stay in the surrounding area and subsequently support and visit local attractions. It is therefore considered that the proposal will be likely to support the local economy.

- 5.10 The final point is that the development should not have an adverse impact on the economy of the service centres. As noted above the type of venue is different to the existing function rooms as it gives the client the opportunity to design the event to their individual needs, this is likely to be more constrained in existing functions rooms. It is considered that the proposal would not have a significant affect the economy of the service centres. Furthermore, the proposed use of an events venue should support the service centres by supporting local businesses, with various businesses within the service centres being able to supply the events venue with various services.
- 5.11 It is therefore considered that the proposed development for the change of use of the barn to an events venue is in accordance with the overarching principles of the NPPF and the Council's Local Plan Policies subject to other material planning considerations.

The Impact on the character of the surrounding area

- 5.12 Policy CP16 of the Core Strategy states that development or other initiatives will be supported where they preserve and enhance the District's natural and man-made assets, development or activities will not be supported which have a detrimental impact upon the interests of natural or man-made asset.
- 5.13 Policy CP17 of the Core Strategy states that support will be given for proposals that are consistent with the LDF's detailed design policies and meet all the following requirements: provide an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including urban design, landscape, social activities and historic environment, incorporate public art where appropriate; optimise the potential of the site; adopt sustainable construction principles.
- 5.14 Policy DP30 of the Development Management Policy states that the openness, intrinsic character and quality of the District's Landscape will be respected and where possible enhanced.
- 5.15 The National Planning Policy Framework Planning supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 132 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is

important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."

- 5.16 The proposal does not include any external changes to the building. The proposal will include areas for parking but these will only be used at the time of events and therefore it is considered that the proposed change of use will have no significant impact on the character and appearance of the countryside and is considered to be in accordance with the Council's Local Plan Policies.

Impact on neighbouring residential amenity of the area

- 5.17 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.

- 5.18 Paragraph 185 of the NPPF states:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"

- 5.19 As part of the application, the applicant appointed a noise consultant to undertake an appropriate noise survey of the proposed development and the potential impact of both entertainment noise and that generated by guests may have on local residents within the village of Bagby.

- 5.20 Without adequate controls the development would be expected to give rise to significant adverse effects on local residential amenity. The initial noise reports submitted by the applicant were insufficiently robust to adequately assess the impact of the development or to specify appropriate conditions to support permanent approval. The latest report is sufficiently robust and allows for consideration of whether conditions could be applied to make the development acceptable under the LDF Policies CP1 and DP1.

- 5.21 With respect to entertainment noise the assessment is based on internal sound pressure levels of 90dB(A) before 11pm, and 87Db(A) between 11pm and 1am. Environmental Health have stated the following in response to the noise report provided;

"These are not unreasonable levels for such a venue. It is possible, however that live and recorded music may exceed these levels at some events and it is necessary therefore to control the likelihood of these levels being regularly exceeded. This would be possible by the

installation of a noise limiting device or by limiting the number of events. The use of noise limiting devices can be problematic with respect to enforcement and in this case would need limit levels of 87Db(A) to protect the quieter night time periods. However, the applicant has made a commitment that they wish to control the noise output use of a limiter and unless details of a sufficiently robust two step limiting device can be provided it would be recommended a condition requiring the installation of a limiter set to the night time limiter. This will also address the impact of guests leaving at the end of events finishing at 1am. The report specifically excludes comparison of levels likely to be associated with events, against existing Sunday background noise levels. The effect on amenity of events held on Sundays cannot, therefore be determined and will require control which would require further conditions limiting hours of operation of the site on Sunday's."

- 5.22 Conditions should be used if they would enable an otherwise unacceptable development acceptable. However, conditions must pass the tests as set out in the NPPF and Planning Practice Guidance. Amongst these requirements are that the conditions are enforceable. The details established through the noise assessments is that planning conditions would require significant management monitoring of a variety of controls. If management and enforcement was not in place at the time of the events harmful noise events would occur. The planning enforcement of controls without adequate records of the events and activities during those events would be impossible and the harm would already have occurred breaching the conditions, the policies of the LDF and causing harm to the amenity of the local population.
- 5.23 As the proposal is to operate on a 'do-it-yourself' basis there remains too much uncertainty regarding the noise controls that could be achieved and too much potential for activities to occur that have unpredictable impacts and cannot be conditioned. The proposed development would have the potential to cause a significant loss of amenity and is not in accordance with Policies CP1 and DP1 of the LDF.

#### Impact on highway safety

- 5.24 Policy DP3 of the Council's Development Plan states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.
- 5.25 Policy DP4 states that development proposals must ensure that safe and easy access is available to all potential users regardless of disability, age or gender. Proposals must identify all possible barriers to access by different users and demonstrate where appropriate how specific measures have been incorporated to ensure high standards of access for all.
- 5.26 It is considered that, taking a balanced view the proposal complies with the requirements of the Local Development Framework Policies CP2 and DP4. The impacts of the proposal on highway safety and the impacts on the road network would not be severe and the proposal therefore also meets the requirements of NPPF in this respect.

- 5.27 North Yorkshire County Council (Highways Authority) have been consulted on the application and have recommended conditions to be imposed on the proposed alterations to the access to ensure this is completed prior to the use commencing. As the proposed event could accommodate up to 200 people, a proposed car park is to be constructed which can accommodate up to 70 vehicles. As the event is to be limited to 26 throughout the year this will ensure that the impact on the highway network would be reduced. The access road has very good visibility leaving the site in both directions. The applicant has stated that at busy times a marshal will operate on the entrance to ensure vehicles can enter and leave the site in safe manner. It is considered that the proposed change of use would not have an impact on highway safety and is in accordance with the Council's Local Plan Policies and the overarching principles of the NPPF.

#### Conclusions and planning balance

- 5.28 The site is beyond the walking distance of any larger settlement and does not benefit from public transport that would be sufficient to avoid a high reliance on the private car and would not minimise the need for travel. There is therefore harm to the environmental strand of sustainable development. Concerns regarding highway network capacity and highway safety concerns are recognised but would not contravene the tests of the NPPF.
- 5.29 The noise impacts from the development would result in harm to the local community, in the absence of enforceable controls to prevent harmful noise impacts the proposal is found to cause harm to the environmental and social strands of sustainable development.
- 5.30 The proposal sets out that economic development will occur through the use of the site, any such economic benefit would weigh in favour of the development, however the proposal does not provide sufficient detail to identify that the value to the local economy will be significant or that alternative uses of the site that could not avoid other harmful impacts would not also achieve similar economic benefits.

#### 6.0 Recommendation

That subject to any outstanding consultations the application be **REFUSED**:

The proposal would cause harm to the amenity of the local community due to uncontrollable noise impacts from the operation of the function venue. The harm would be contrary to the Policies CP1 and DP1 of the Local Development Framework.

The proposed development is in a location that does not provide opportunity for access on foot or by cycle and is not served by public transport at the proposed times of operations such that the proposal would both fail to minimise the need for travel and would result in a reliance on the use of the private car. The proposal is therefore contrary to the Local Development Framework Policies CP1, CP2, CP4, CP15 DO3, DP25 and the NPPF.

**Parish: Great Ayton**  
Ward: Great Ayton  
**3**

Committee date: 23 September 2021  
Officer dealing: A O'Driscoll  
EOT Agreed to: 24 September 2021

**21/00925/OUT**

**Outline planning application with all matters reserved for a residential development of up to 30 dwellings**

**At: OS Field 5800, Land Adjoining, Skottowe Crescent, Great Ayton  
For H.W.Mawer Charitable Trust**

**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 edge of Great Ayton. The site is bounded to the east, south and west by hedgerow. To the east the site adjoins a 1970s residential development comprising Skottowe Crescent and Church Drive. To the south is an area of open space locally known as the Glebe Field. Public rights of way pass through the Glebe Field joining Low Green and Guisborough Road through the countryside to the north west to Roseberry View Holiday Lodges, Strawberry Fields and the A172. The Great Ayton Conservation Area boundary runs along the southern boundary between the Glebe Field and the Churchyard boundary.

1.2 To the south of the Glebe Field is All Saints Church, a Grade I Listed Building. A number of other Grade II\* and Grade II Listed Buildings are located from south east to south west including Christ Church, Marwood School, Ayton Hall and Ayton Hall Farm as well as buildings fronting Low Green. To the east and north is open countryside.

1.3 The application site was put forward in the Emerging Local Plan as part of a draft allocation (GTA1) for 30 residential dwellings. The main difference between the draft allocation and the application site is that the site has been reduced in size. The original draft allocation included 3.61ha of land, the application includes 2.1ha. The number of dwellings proposed remains at 30.

1.4 Following Local Plan Examination in Public the Inspector wrote to the Council regarding the allocation as follows:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the National Planning Policy Framework (‘the Framework’) states that great weight should be given to the asset’s conservation (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. Site GTA1 is situated to the north of the Grade I Listed Church of All Saints and the Grade II\* Listed Ayton Hall. Due to their proximity and existing use the fields form an important part of the setting to the listed church and hall. Their*

*open, rural appearance contribute positively to the landscape character of the village and to the significance of both assets. For the same reasons the site also makes a positive contribution to the setting of the Great Ayton Conservation Area. Having visited the site and considered the evidence presented, we concur with Historic England that the encroachment of built development, the subsequent loss of openness and inevitable urbanisation of the site would detract from the setting of the Grade I listed church and Grade II\* listed hall. We appreciate that the final design and layout of the development would be determined at a planning application stage. It is also noted that a gap could be left between the proposed houses and the church, with the intention to reinstate a field strip to the west of the site. However, by developing the currently open land to the north, we fail to see how the allocation could be delivered in a way that would preserve the setting of the Grade I listed Church of All Saints and Grade II\* listed Ayton Hall. Although the harm caused would be less than substantial, it would nonetheless still be material. Based on the information provided this would be not outweighed by the public benefits of 30 new dwellings in the village. The site is therefore not justified, contrary to national planning policy and should be deleted from the Plan. Consequential changes will also be required to the submission version Policies Map and to the housing trajectory. In responding to this letter, please can the Council confirm what implications the deletion of this site will have on housing supply and the spatial strategy?"*

- 1.5 This application is in outline with all matters reserved for a residential development of up to 30 dwellings. It is proposed that 50% of the dwellings be offered as affordable housing. Although scale and layout are reserved matters the application documents indicate that 8 (26.6%) of the dwellings will be single storey. Indicative plans show access to be taken from Skottowe Crescent and emergency access from Church Drive.
- 2.0 Relevant planning and enforcement history
  - 2.1 The site is greenfield and there is no relevant planning history
- 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 CP5 - The scale of new housing
    - Core Strategy Policy CP6 - Distribution of housing
    - Core Strategy Policy CP7 - Phasing of housing
    - Core Strategy Policy CP8 - Type, size and tenure of housing
    - Core Strategy Policy CP9 - Affordable housing
    - Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
    - Core Strategy Policy CP17 - Promoting high quality design
    - Core Strategy Policy CP18 - Prudent use of natural resources
    - Core Strategy Policy CP19 - Recreational facilities and amenity open space
    - Core Strategy Policy CP20 - Design and the reduction of crime

Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP6 - Utilities and infrastructure  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Affordable Housing - Supplementary Planning Guidance - June 2008  
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP33 – Landscaping  
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009  
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015  
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011

#### 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

##### 4.1 Parish Council – Great Ayton Parish Council would like to raise the following concerns:

- The site is very close to All Saints Church, the graveyard and Ayton Hall which are important heritage sites with connections to Captain James Cook
- James Cook’s mother and siblings are buried in the graveyard
- There is evidence to suggest that James Cook stayed at Ayton Hall on return from his first voyage
- These heritage sites attract visitors from all around the world
- The development can have no positive impact on the heritage assets and their setting and is likely to have a detrimental impact
- The submission from the Secretary of State came to similar conclusions
- The housing survey report has not been discussed by the Parish Council

##### 4.2 Highway Authority – No objection subject to conditions

##### 4.3 Lead Local Flood Authority – No objection subject to conditions

##### 4.4 Northumbrian Water – No objection subject to condition

- 4.5 Environmental Health Officer – No objection subject to condition restricting construction work hours
- 4.6 Environmental Health Officer Land contamination – Requests Phase 1 to be provided ideally prior to decision, however, pre commencement conditions have also been provided.
- 4.7 Historic England – Objects to the principle of residential development at this site.
- 4.8 North Yorkshire County Council Heritage Services – No objection and no further requirements
- 4.9 Yorkshire Gardens Trust – No comment
- 4.10 Natural England – Refers to standing advice
- 4.11 Public comments – 85 letters of objection were received raising the following issues:
- The Inspector has indicated the draft allocation should be deleted from the Emerging Local Plan and that no mitigation would overcome the harm identified
  - Overturning the Inspectors decision would make a mockery of the Planning Inspectorate and their role
  - Historic England object to the application
  - Impact on heritage assets
  - Will create an urban enclosure around the heritage assets
  - Increased activity would harm the setting of the listed Church and graveyard
  - The development will not enhance the setting of the Listed Buildings as claimed in the heritage statement rather it will harm the setting
  - The distance between the site and the Church is exaggerated
  - Impact on the Conservation Area
  - The Church is part of the community and therefore any development would have a negative impact on the whole village
  - Need for housing in the village is questioned
  - There are other sites more suitable for development
  - Access issues and disturbance during construction
  - Highways safety
  - Junction between Skottowe Crescent and Guisborough Road is potentially dangerous
  - On road parking near the Junction with A173/Guisborough Road
  - Turning head positioned to allow further development
  - Additional traffic impacts on the character of the Conservation Area
  - Pedestrian link into Church Drive will have a negative impact on residents
  - Existing sewerage issues could be exacerbated
  - The site floods in heavy rain
  - Using the proceeds from a harmful development to fund other charitable and conservation work is hypocritical

- Dense high hedges to screen the development would not be in keeping with the historical character of the area and would have a harmful effect
- Who would maintain the hedges
- Hedges and fencing could block the view of Roseberry Topping
- Application documents contain incorrect information
- In context of the wider settlement 15 affordable dwellings is not considered an exceptional case
- Impact on neighbouring properties
- Strain on local services
- Question whether the development is viable
- Impact on mature trees
- Impact on local wildlife including Owl and bat populations
- The Glebe Field is not for sale and is therefore irrelevant
- Core testing from Durham University indicates that Ayton Hall Farm may be the site of the original Saxon settlement
- The supplementary Heritage Statement does not change anything
- The application at Boston Spa mentioned by the applicant is not comparable as the Church at Boston Spa dates from the 19<sup>th</sup> Century whereas the Church at Great Ayton is 12<sup>th</sup> Century

## 5.0 Analysis

### 5.1 The main issues to consider are:

- i) The principle of development in this location; ii) Heritage matters; iii) Amenity; iv) Highways Safety; v) Drainage and; vi) Biodiversity

#### Principle

- 5.2 The application site lies outside of but adjacent to the Great Ayton development limits. 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.
- 5.3 The application site represents an unusual case in that the site was identified through the process of the preparation of the new Hambleton Local Plan and was included in the Publication Draft as a housing allocation. The Inspector has, as noted in Section 1 above, subsequently found that the site is unsuitable due to heritage impacts which are discussed in more detail below. The application cannot take any weight from the emerging Local Plan as the Council have been instructed that the plan would be 'unsound' if the site remained due to the harm to heritage assets. The Council have resolved (on 14 September 2021) to issue for consultation Main Modifications that show the residential allocation site removed the emerging Local Plan.
- 5.4 As part of this the Inspector requested that the Council consider the implications of the removal of the site on housing supply and the Spatial Strategy. The Council concluded that when considering the size of Great

Ayton the site did not perform a significant role in helping to maintain services in the area. There was also no significant impact on achieving district development requirements and therefore it was considered that there was no need to replace the allocation in the Stokesley area or elsewhere.

- 5.5 The applicant has indicated that the site could be supported as an exceptional case under CP4 part iii in that it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy. The applicant argues that a housing need survey for Great Ayton found a need of 33 affordable dwellings. The applicant considers that affordable housing need for Great Ayton cannot be met in other sub-areas within the district aside from Stokesley. Policy CP4, however, makes no such distinction and allows for provision within the whole hierarchy of settlements in the district. It is considered therefore that it has not been demonstrated that the proposal could gain support from Policy CP4 as an exceptional case for the provision of affordable housing.
- 5.6 Given the policy position outlined above it is clear that the principle of development cannot reasonably be established through this route, in any event the harm to heritage assets remains and the matter of harm has already been found by the local plan Inspectors to be of such significance as to require the removal of the site from the Local Plan.
- 5.7 Paragraph 78 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”.
- 5.8 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.
- 5.9 It is prudent in this case to consider the proposal against the requirements of the IPG.

- 5.10 In terms of the first criteria, as mentioned above in response to the Inspectors instructions Council Officers found that the development would not play any role in helping to maintain services in the area. In addition, criteria 3 requires that the development not have any harmful impact on the historic environment. The Inspector has already identified harm from the development of this site. With regard to the IPG therefore the development would be contrary to criteria 1 and 3.
- 5.11 Given the above it is clear that there is no policy support for the principle of development of this site.

#### Heritage

- 5.12 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.13 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 Ayton Conservation Area.
- 5.14 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.15 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.16 Paragraph 199 of the National Planning Policy Framework 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.
- 5.17 Paragraph 200 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.18 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.19 The site is currently in agricultural use and is considered part of the open countryside. The site forms part of the rural character of the area and forms an important interface between the built form of the settlement to the south and the open countryside. As outlined above there are a number of listed buildings to the south of the site including the Grade I listed All Saints Church, Grade II\* Ayton Hall, and Grade II Ayton Hall Farm. The application site is considered to form part of the rural setting of these heritage assets.
- 5.20 Historic England have indicated that the rural landscape setting of the Church of All Saints (12th century) and Ayton Hall (1690s with later additions) contributes greatly to their significance. These listed buildings are situated to the north western edge of the historic limit of the village, with a degree of separation from the village centre. This separation and the relationship between the church, Hall and village are important in understanding the development of Great Ayton and surrounding landscape. For the same reasons the rural landscape also makes a positive contribution to the setting of Great Ayton Conservation Area.
- 5.21 The existing residential development to the west of the A173 has already eroded the positive rural characteristics of this open landscape setting and impinges on the setting of the church and Hall. This earlier harm should not be used to justify any further loss of significance. The area to the northwest and west of this group of designated heritage assets has otherwise remained relatively unchanged. This means that their historical setting and context are still discernible despite the existing residential development that falls within the setting of the heritage assets.
- 5.22 The proposed residential development would be very intrusive and would to a great degree, sever the rural context of the church and Hall to the north. The new housing would envelop these highly-graded heritage assets and would erode their historic peripheral position at the village edge, which forms a key part of their significance. It is considered that such an approach would diminish the ability to appreciate the exceptional interest of these listed buildings and would substantially alter their relationship with the village and wider countryside. The proposal will, therefore, result in harm to the significance of the grade I and grade II\* listed buildings and the conservation area. This harm is considered to be less than substantial in the terminology of the National Planning Policy Framework.
- 5.23 The applicant disagrees with Historic England's approach stating that there is no policy basis in the National Planning Policy Framework to object to the principle of development. However, it is considered that Historic England has identified harm in the development of the site regardless of the nature of the development which is usually identified as an objection in principle. It is considered that this approach is acceptable. Contrary to the applicant's arguments the tests set out in the National Planning Policy Framework are for

the Local Planning Authority to apply in the determination of the application and not Historic England.

- 5.24 The applicant argues that Paragraph 195 of the National Planning Policy Framework requires the Local Planning Authority to take into account “any necessary expertise” and refer in this case to the Heritage Background Paper which was prepared by Surface as part of the Emerging Local Plan. The applicant argues that the principal advice should come from the Council’s Heritage advisor, in this case Surface.
- 5.25 In assessing the sites contribution to the significance of the heritage assets the Surface report states:
- “The site forms part of the wider landscape setting to the conservation area and group of listed buildings to the south which includes Grade II\* Listed Ayton Hall and associated buildings, Grade I Listed Church of All Saints and associated listed elements, and Grade II Christ Church. Additionally, the site is one of the wide strip fields that border the narrower historic strip fields to the west along Yarm Lane. This has been identified in the Settlement Character Study as contributing to the historic landscape character setting of the conservation area”.*
- 5.26 When assessing the impact, the Surface report found that development of the wider site would alter the significance of the heritage assets and also affect the ability to appreciate their significance. The assessment does not directly identify harm or levels of harm, although it indicates that development of the site has the potential to harm elements that contribute to the significance of the heritage assets by altering the rural setting of Grade II\* listed Ayton Hall and Grade I Listed Church of All Saints. The report goes on to identify the opportunity to reinstate the historical strip fields although it is unclear how development of the land would achieve this.
- 5.27 The report concludes that Development of the site would have a negative effect on heritage assets which could be mitigated. Suggested mitigation includes reducing the number of units (max 30), reinstate historic linear strip field alignments, sympathetic, high quality design, and boundary landscaping.
- 5.28 Although the report indicates that potential harm could be mitigated, it is considered that there is a difference between mitigation and justification. The National Planning Policy Framework requires that where harm is identified clear and convincing justification must be provided. In addition to this less than substantial harm must be weighed against the public benefits of the proposal. As outlined above the Council has already concluded that the loss of this site as an allocation will not have any impact on the achievement of district housing requirements and as such the provision of housing of itself would not be considered a sufficient benefit to offset the level of harm identified in this instance.
- 5.29 The applicant requests that a design case study featured on Historic England’s website be considered. The case study refers to an application from 2009 at Churchfields in Boston Spa under the remit of Leeds City Council. The applicant argues that this case demonstrates how design can offset an

objection from Historic England. Although full comments do not appear to be available on the public file, the Officers report indicates that Historic England objected to the development of the fields due to the impact on the setting of nearby listed church and dwellings but that they did not object to the design. The Inspectors report indicates that “In essence, their case is that while they would have wished the field to remain undeveloped, and they indeed recommended refusal on that basis, they are, nevertheless, satisfied that the form of the development proposed ‘is based on a thorough understanding of the Boston Spa conservation area’ “.

- 5.30 It is clear from the Inspectors decision that this case turned not on the heritage impact but on the site status as an allocation in the Regional Strategy at the time. The principle of development was already established through the allocation and the main issue was whether the site could be released for development despite phasing restrictions. The site was greenfield and allocated under a phased plan whereby brownfield land would be prioritised and greenfield land developed later if required. The Inspector found that the Council could not demonstrate a 5 year housing land supply and therefore the site could be released for development.
- 5.31 It should be noted that the above case presented far more complicated issues than those presented in this application. In addition, the case was dealt with under a completely different policy landscape, before the introduction of the National Planning Policy Framework. Indeed, the inspector’s report does not even mention significance in heritage. It is considered therefore that the cases are not comparable.
- 5.32 The applicant requests that, as in the case study above, the role of design and a site-specific design code could play in allaying the concerns of Historic England be taken into account. It is considered that Historic England have made their position clear that they would object to any development of this site, regardless of the design owing to the contribution of the open space to the significance of the designated assets. It is the principle of development that is opposed. Whilst design may play a role in mitigating the impact the harm is derived from the presence of development and the erosion of the open rural setting of the Listed Buildings and Conservation Area.
- 5.33 It is considered in this case that the development of the site will result in less than substantial harm to the significance of the nearby Listed Buildings and Conservation area. As outlined above Paragraph 200 of the National Planning Policy Framework requires that less than substantial harm be weighed against the public benefits of the scheme.
- 5.34 The applicant argues that the provision of 50% affordable housing is a public benefit weighing in favour of the development. At this stage, with limited weight being given to the Emerging Local Plan, the LDF affordable housing requirements are still applicable. For development of 15 units or more in Stokesley and hinterland 50% is the target requirement.
- 5.35 The applicant refers to the Great Ayton Housing Survey Report March 2021 which identifies a need for 33 affordable dwellings in the area. The applicant claims that as there are no other allocations in Great Ayton the provision of

affordable housing at this site would provide public benefit that could not be met on another site. It is considered, however, that affordable housing needs for the people of Great Ayton could be met in Stokesley and its hinterlands.

- 5.36 The applicant also requests that the provision of a design code be taken into account as a public benefit. In addition to this, other public benefits of the scheme would be the provision of 30 dwellings and resulting knock-on benefits of development. This is tempered by the Council's position that removal of the allocation from the Emerging Local Plan will have no impact on achieving district housing requirements and that when considering the size of Great Ayton there wasn't any role in helping to maintain services in the area. In conclusion it is considered that whilst the development would result in public benefits the majority of these benefits could be realised through development in other locations in the district which would not result in the scale of harm identified in this case and that the public benefits do not outweigh the harm caused by the proposals.

#### Amenity

- 5.37 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. Development must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 5.38 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.
- 5.39 An indicative plan was submitted with the application which shows how the site could accommodate 30 dwellings. Although the layout appears tight in some areas it is acknowledged that the plan is only indicative and the layout could be altered to achieve a good level of amenity for future occupants and preserve existing neighbouring amenity. It is considered that the site could be developed without significant loss of amenity to existing neighbouring occupiers and that the site could be developed in a manner that resulted in a satisfactory level of amenity for proposed occupiers of the scheme.

#### Highways Safety

- 5.40 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.
- 5.41 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.

- 5.42 Throughout the Local Plan consultation and consultation responses to this application, representations have highlighted concerns about the use of Skottowe Crescent both in terms of the junction onto the A172 and in terms of the width and existing parking on the road itself, which was considered to result in a loss of highway safety.
- 5.43 North Yorkshire County Council Highways Officers were consulted and the following comments were returned: A Transport Statement has been submitted in support of the application in relation to the highways aspects of the site. The Transport Statement has assessed the highways issues relating to the site and indicates that the proposed development will not adversely affect the local highway network. It is considered that any objections based on highways would be difficult to sustain. A number of conditions are recommended relating to provision of detailed plans of road and footway layout, construction of adoptable roads and footways, details of access, turning and parking and a construction management plan.
- 5.44 It is considered that the proposed development would not result in a significant loss of highway safety and that the development is capable of compliance with policy in these terms.

#### Drainage

- 5.45 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.46 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.
- 5.47 A Drainage Strategy was submitted in support of the application. The Lead Local Flood Authority and Northumbrian Water have been consulted. Having reviewed the Drainage Strategy the Lead Local Flood Authority confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. A number of conditions are recommended relating to detailed drainage design, run-off rates, storage requirements and maintenance, exceedance flow routes and percolation testing.
- 5.48 The drainage strategy indicates that foul drainage will be disposed of to the public sewer. Northumbrian Water were consulted and they have indicated that modelling has not been undertaken to confirm that the sewer has the capacity to accommodate the development. As such a condition is recommended requiring that a detailed scheme for the disposal of foul and surface water from the development be submitted and approved prior to the installation of drainage assets.

- 5.49 The proposals are considered to be acceptable in terms of both foul and surface water drainage and as such capable of compliance with policy in these terms.

#### Biodiversity

- 5.50 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'.
- 5.51 Policy E 3 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 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.
- 5.52 A phase 1 habitat survey was undertaken in August 2016. A subsequent update was conducted in September 2021. Habitats within the site comprise arable cropland and associated field margins and hedgerows featuring mature trees. To the south of the site is semi-improved grassland which is used to graze horses. The survey concludes that the site is of low conservation value being predominantly arable cropland with hedgerows and field margins comprising plant communities of widespread occurrence and characteristic of the habitats present in the wider area and common nationally.
- 5.53 There are three statutory designated nature conservation sites within 2km of the site. Langbaugh Ridge SSSI approximately 950m to the north, Cliffe Ridge SSSI approximately 1.7km to the north east and the North York Moors National Park approximately 1.2km to the east. The application site is also within the outermost Impact Risk Zone of the North York Moors SSSI. The report indicates that due to the lack of complimentary habitats present within the application and the nature and scale of the development works it is considered that there will be no significant adverse effect on nature conservation designated sites in the local area.
- 5.54 The hedgerows and trees within the site are of local value to breeding birds and provide shelter and foraging opportunities for wildlife in general. The report recommends the retention of all hedgerows and trees and the use of root protection fencing during construction. A sensitive lighting scheme is also recommended along with additional tree, hedgerow, meadow and shrub planting.
- 5.55 Four trees were considered to have low to moderate bat roosting potential. If any works are proposed to these trees further assessment for the presence of bats should be carried out prior to the works. Further bat surveys are also recommended to assess the site as foraging habitat.
- 5.56 Further recommendations are advised relating to protection of otters and hedgehogs during construction.

## Planning Balance

5.57 The application site is located outside of development limits. It is considered that the exceptional case for development through the provision of affordable housing has not been made as it has not been shown that the housing need could not be met in another settlement in the district. In addition, the draft allocation in the Emerging Local Plan is to be withdrawn following instructions from the Inspector. It is considered that the proposal will result in less than substantial harm to the significance of the nearby Grade I Listed Church and Grade II Listed Buildings as well as the Great Ayton Conservation Area. It is further considered that the public benefits identified by the applicant do not outweigh the harm identified and therefore the proposal is contrary to paragraphs 195, 197, 199, 200 and 202 of the National Planning Policy Framework.

## 6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following

1. The proposed development is considered to lead to 'less than substantial harm' to the significance of the adjacent listed buildings including Grade I listed All Saints Church and the Great Ayton Conservation Area. This harm is not outweighed by any public benefit. The proposal is contrary to the LDF Policies CP1, CP4, CP16, DP28 and fails the heritage tests of the NPPF.

**Parish: Kirkby**  
Ward: Stokesley  
**4**

Committee Date : 23 September 2021  
Officer dealing : Mr Peter Jones  
Target Date: 30 August 2021  
Date of extension of time (if agreed):

**21/01613/FUL**

**Construction of a detached dwelling with ancillary domestic buildings, including garages, barn, Anaerobic Digester unit, stables plus equestrian area and associated landscaping.**

**At: Dromonby Bridge Farm Busby Lane Kirkby In Cleveland**  
**For: Mr R Jones.**

1.0 Site, context and Development

1.1 The application site is located to the east of Great Busby, with an existing access off the main road (Busby Lane), which links Great Busby with Kirkby in Cleveland to the east. The site accommodated a mixture of agricultural buildings, the majority of which have now been demolished. These included buildings constructed of stone, brick and open portal framed structures.

1.2 Immediately adjacent to the site is a farmhouse (Dromonby Bridge) operating as a B&B along with agricultural buildings not in the control of the applicant. They are served by a separate access off Busby Lane. Dromonby Hall (Grade I) is located approximately 300 metres to the east of the site. The Dromonby Hall site also accommodates a grade II listed farm building.

1.3 The applicant's wider land ownership extends to the north. Planning permission has been granted for the construction of three large agricultural buildings to be used in connection with livestock. These have been recently completed and are served by a separate vehicular access located to the west, further along Busby Lane. This area is well screened from the south by the form of the landscape and extensive recent tree planting.

1.4 The site and wider area is predominantly rural in character. Whilst the site is not covered by any national or local landscape designations, the site's character is consistent with the appearance of the wider countryside which provides a sense of place, openness and tranquillity. The North York Moors National Park is located some distance to the south, with views of the hills along the western fringe of the Park visible from the site. The existing buildings on the site are not readily visible from nearby public views, most notably Busby Lane to the south.

1.5 The North Yorkshire and York Landscape Characterisation Project report (2011) was prepared to provide a consistent and integrated County-wide picture of the landscape in order to help raise awareness of local distinctiveness. The application site is located within the "Vale Farmland with Dispersed Settlements" character type, which extends to the north and west across the width of the District. Key characteristics include:

Generally low lying, gently rolling, landscape which contains several small river corridors;

A distant sense of enclosure in views east and west provided by the backdrop of the North York Moors;

A medium to large-scale agricultural landscape which is delineated by a network of mature hedgerows, often containing hedgerow trees; and

A dispersed settlement pattern of farmsteads, small hamlets and villages.

- 1.6 The landscape is identified as having moderate sensitivity as a result of the combination of open views to adjacent Landscape Character Type and a sense of enclosure provided by pockets of deciduous woodland. It is also considered that there is a high landscape and cultural sensitivity overall as a result of the dispersed settlement pattern, pockets of historic parkland and predominantly rural character.
- 1.7 Located approximately 500m to the south is the "Sandstone Moors Foothills" character type, which as its name suggests, sits at the foot of the National Park. Key characteristics include a pattern of medium sized fields with woodland on the steeper slopes; and strong inter-visibility with surrounding lower landscape.
- 1.8 The village of Great Busby is formed by a small cluster of houses located around two sharp bends in Busby Lane. This main part of the settlement lies some 500 metres from the application site. There are some examples of development between, most notably a range of large agricultural buildings that are currently unused. Adjacent to these are two residential properties and a temporary traveller site (appeal allowed on a temporary basis at appeal ) a short distance to the east. However, this cluster of development is also some 400 metres from the application site.
- 1.9 The proposed development includes the demolition of the existing structures (but does not include those adjoining the application site) and the construction of a substantial detached residential property, with private equestrian facilities. The development includes:
- 1.10 The supporting documents originally included landscaping proposed for additional land located to the south of the site on the opposite side of Busby Lane. However, the applicant does not own this land and it does not form part of the application.
- 1.11 The proposed development comprises:  
Main House  
Materials including York stone, slate roofs, red brick to ancillary elements and powder coated windows  
Basement Level with games room, cinema, store, swimming pool, gym, sauna, steam room  
Ground Floor with entrance hall, cloak room, utility, kitchen, informal dining area, wc, laundry room, plant room, formal dining room, drawing room, office, living area, tv area  
First Floor with six bedrooms with en-suites and dressing rooms  
Second floor with further 2 bedrooms with en-suites and dressing rooms

Stables and associated tack rooms and menage. Materials in dark grey cladding with red brick base course and wooden doors.

Barn with kitchenette, changing rooms, tack room and office. Materials incorporating the ruins of the former barn and aluminium cladding.

Garages

Anaerobic Digester building. Materials dark grey aluminium cladding and wooden doors.

1.12 A number of supporting documents have been submitted with the application including:

- Planning Supporting Statement
- Heritage Statement
- Landscape and Visual Impact Assessment
- Ecological Assessment
- Geophysical Assessment
- Design Review Panel Report
- Drainage Assessment

1.13 The applicant's submission sets out some of the overarching aims of the proposals. The Proposal Should respond to the front and rear elevational treatments, in terms of detailing, massing and proportions, as seen on local buildings, appear grand, ordered and well proportioned on the public facade while the private elevation on the rear can be less ordered, more playful and respond to the agricultural typology. The Proposal Should remove visual detractors, namely the uncharacteristic dry stone wall parallel to Busby Lane, enhance existing character along Busby Lane, use existing site access and respond to similar perpendicular access roads as seen along Busby Lane.

1.14 In arriving at the current proposal, the applicant has also taken into consideration the commentary of the Design Panel contracted by the Council at the time of the earlier refusal. The Panel's comments are summarised below:

- On the current evidence given it is hard to see where the concept has come from and how it is a strong response to anything locally.
- The local vernacular needs further analysis.
- An analysis of farmsteads would also be useful to ascertain key site strategies and site placements.
- The design team has demonstrated great understanding of the landscape context although more justification is needed as to how this has, if at all, informed the current proposed built form.
- The proposals perhaps could illustrate wire line images of the development to show its impact on the landscape from key viewing points - This would help determine the impact of the scheme on the surrounding landscape.
- The proposal does demonstrate elements of high quality design - but it is a departure from traditional and historic local design and form.
- It is difficult to see how the design relate to and respect local identity and character.

- A deeper exploration of the local defining characteristics of built forms could assist in demonstrating how local typologies and materiality have informed the proposals.
- Extensive analysis of local farmstead and agricultural complexes should be done to inform the layout and building arrangements.
- The Panel note this building could perhaps improve the immediate setting, however this will need more evidence to be determined.

## 2.0 Relevant planning and enforcement history

- 2.1 16/02333/FUL - Construction of 3 farm buildings comprising a cattle shed, machinery shed and silage/manure shed. Approved.
- 2.2 17/00751/FUL - Demolition of buildings and construction of new dwelling house and ancillary equestrian facilities. Refused
- 2.3 17/01883/FUL - New security wall and gate to existing field access. Refused
- 2.4 18/01052/MRC - Variation of planning permission 16/02333/FUL - construction of three farm buildings comprising a cattle shed, machinery shed and silage/manure shed. Approved.
- 2.5 19/01142/FUL - Construction of a farm building for the storage of hay. Approved.
- 2.6 19/01589/FUL - Construction of an agricultural building to house livestock and construction of 3no feed silos. Approved

## 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 CP2 - Access

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

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP9 - Development outside Development Limits

Development Policies DP28 - Conservation

Development Policies DP29 - Archaeology

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

Development Policies DP33 - Landscaping

Development Policies DP34 - Sustainable energy

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.

The following policies of the draft plan are considered relevant:

Policy HG4 Housing Exception Schemes

Policy E1 Design

Policy E3 The Natural Environment

Policy E4 Green Infrastructure

Policy E5 Development affecting Heritage Assets

Policy E7 Hambleton's Landscapes

Policy RM3 Surface Water and Drainage Management

Policy RM7 Renewable and Low Carbon Energy

### 4.0 Consultations

4.1 Kirkby-in-Cleveland Parish Council - Kirkby Parish Council has no objection to planning application 21/01613/FUL. The Parish Council leave it to the expertise of the planning department to ascertain whether this application fulfils the criteria of an exceptional dwelling house under NPPF Para 79.

4.2 Great Busby Parish Meeting - Although this proposal is in Kirkby in Cleveland parish, it lies close to the boundary with Great Busby and will have an impact on our community.

Great Busby Parish Meeting supports the proposal as the applicant owns land and runs a substantial livestock business in Busby and it is likely to be good for their long-term management for him to live near-by. The design is a considerable improvement on previous proposals, with the new buildings placed in line with the existing Dromonby Bridge farmhouse and the stables now in the courtyard style traditional in the area. The biodiversity proposals look good and the proposed planting and removal of the wall that has been built alongside Busby Lane would improve the approach to Busby from Kirkby. Detailed plans for the main house do not seem to be available on the public access system but we would comment that it will be important that external lighting is kept to a minimum in this open countryside location.

4.3 Highway Authority – No response received at the time of writing.

4.4 Environmental Health - The proposed is for the construction of a detached dwelling development with ancillary domestic buildings, including garages, barn, AD unit, stables plus equestrian area and associated landscaping. The Environmental Health Team have reviewed the supporting information. In the interest of nearby occupants, the Environmental Health Team would recommend the following conditions:

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.

4.5 Environment Agency  
Flood Risk

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref Flood Risk Assessment for Proposed Residential Development at Dromonby Bridge Farm, Stokesley, North Yorkshire, November 2016) and the following mitigation measures it details:

4.6 Natural England - No objections.

4.7 Public Comments - One public representation was received which looked at the legality of the access. This is a private civil matter.

5.0 Analysis

5.1 The main issues to consider are: (i) the principle of development in this location in terms of Development Plan policies; (ii) whether the design of the development is of exceptional quality and therefore can draw support from paragraph 80 of the National Planning Policy Framework; (iii) the impact on residential amenity; (iv) highway safety; and (v) heritage impacts.

Principle

5.2 The site falls outside of Development Limits (Great Busby does not have any Development Limits) as identified in the Local Development Framework (LDF). Therefore, development is only considered acceptable under LDF policies in exceptional circumstances, set out in Policy CP4. None of the exceptions identified under Policy CP4 are considered to apply. These include where development: is necessary to meet the needs of farming, forestry, recreation, tourism, and other enterprises with an essential requirement to locate in the countryside; is necessary to secure a significant improvement to the environment of the conservation feature; would provide affordable housing; would re-use existing buildings and support a sustainable rural economy; would make provision for renewable energy generation; or it would support the social and economic regeneration of rural areas.

5.3 Whilst the submission makes reference to compliance with this policy through the proposed equestrian facilities potentially bringing employment in terms of management and maintenance, the equestrian element of the application is clearly described as being ancillary to the dwelling and is therefore not a rural

business. Accordingly this facet of the scheme cannot be afforded significant weight in terms of its support for the principle of development.

- 5.4 The proposed development is considered to fail to accord with the principles set out in the Development Plan and as such is considered to be a Departure from the Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) updated in July 2021. The most pertinent element of the Framework is Paragraph 79 which 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.”

- 5.5 Paragraph 80 of the Framework then goes on to state:

“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential building; or

e) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

- 5.6 In this case the applicant is seeking support for the proposals under part (e) of paragraph 80. It should be noted that policy HG4 of the emerging Local Plan includes support for new homes in the countryside where it's design is on exceptional quality as set out in national planning policy.

- 5.7 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in rural areas.

- 5.8 However, the IPG specifically relates to small scale housing development within and immediately adjacent to villages, with the supporting text explaining that the IPG will support small scale development adjacent to the main built form of a settlement. As the site is located approximately 500 metres from the main built-up part of the village, it is considered that the proposed development finds no support through the IPG.
- 5.9 Paragraph 80 of the NPPF offers support for development buildings of outstanding design in the countryside as an exception to normal policy and states that local planning authorities should support development that is:
- Is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- Would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 5.10 The application is presented in the belief that it complies with the requirements of paragraph 80. The argument for compliance with paragraph 80 is inextricably linked to the proposed design and the impact on the character and appearance of the area.
- 5.11 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."
- 5.12 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.
- 5.13 The National Planning Policy Framework supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.14 The Development Plan also contains policies CP16 (Protecting and enhancing natural and man-made assets) and DP30 (Protecting the character and appearance of the countryside), which require the openness, intrinsic character and quality of the District's landscape to be respected and where possible enhanced.
- 5.15 The above requirements all need to be considered alongside the requirements of paragraph 80. Whilst the requirements of paragraph 80 are demanding, they have to be achievable.
- 5.16 In assessing the requirements of paragraph 80, it is useful to consider the development against each of the criteria. This assessment has been informed

with advice from the Design Panel, which was contracted by the Applicant to assist in the assessment and development of the design.

- 5.17 The architect considers that their approach to architecture, including initial analysis, design strategy, design development, through to the final proposal is truly outstanding in itself and will help to raise the standards of architecture generally, in rural areas by demonstrating the benefits of a robust design process informed by detailed examination of the site and surroundings.
- 5.18 It is accepted that the approach undertaken by the architect was a robust one and as such is likely to result in high quality designs. However, the planning decision must concentrate on the merits of the proposal over the process by which it arose.
- 5.19 Many of the above qualities are recognised, particularly following discussion with the architect. However, the NPPF's requirement that the design should help to raise standards of design more generally in rural areas must depend upon the design being visible and legible to the public. This does not mean that the development should be accessible to the public but that the learning gained from the development in terms of the design, materials used and technology employed should be available to a wider audience. In this case the Architect's team are well positioned in the industry with connections to higher education colleges, to provide this wider understanding of the development. A condition is recommended to require submission of a dissemination plan which will help to facilitate this.
- 5.20 The NPPF highlights the need to promote or reinforce local distinctiveness. The applicant has presented the case that the approach taken to the design has removed the subjectivity out of the process and made it a more objective exercise, to reflect the policy requirements. The final appearance is a result of this robust methodology which the Architect considers to be outstanding. The robustness of the chosen methodology is not disputed and unlike the previous refused scheme the final design has responded to the analysis undertaken incorporating locally distinctive materials and detailing within a contemporary scheme.
- 5.21 The architect considers that the proposal is a contemporary sustainable dwelling that takes on the language of farmsteads and their integration with the open countryside. They add that the choice of materials is sensitive to local distinctiveness, including herringbone local stone, and slate tiles with reference to traditionally higher status buildings. The overall design has been somewhat simplified from the refused scheme and better reflects the local vernacular as a result.
- 5.22 It is recognised that there are farmsteads scattered within the surrounding area, these generally comprise a single main dwelling and associated farm buildings. The submitted analysis document recognises this in referring to "a number of standalone dwellings and farm buildings set within the landscape, accessed from Busby Lane". The arrangement of buildings now proposed is considered comparable to these local examples.

- 5.23 The proposal is now considered to be outstanding in terms of the way in which it responds to traditional farmsteads found in the locality,
- 5.24 The architect also considers that the combination of energy generation technologies has been used in an innovative way, designed specifically to take advantage of waste generated from the wider site (reference to the livestock buildings recently constructed). The architect has specifically highlighted the use of anaerobic digestion (AD), which they advise is innovative for a single dwelling. It is understood that AD has not really been feasible at a domestic scale due to a shortage of suitable biomass waste that would normally be available to a household and the requirement of larger scale systems to maintain the temperatures required for efficient biogas production.
- 5.25 The AD plant would be used alongside other renewable technologies. However, the heart of the system is the AD plant, which would be fed by a combination of rape seed, oats, barley and triticale (hybrid between wheat and rye) grown at the farm and slurry from the livestock. The identified AD equipment would generate biogas to fuel a combined heat and power unit and capture heat for hot water and underfloor heating, with excess electricity fed into the grid. It is not disputed that this would be a new approach for a dwelling, although only possible due to the adjacent livestock enterprise.
- 5.26 The application includes a proposal for an anaerobic digester on the site. The scheme proposes to use a Micro H2AD to heat & power the house utilising the waste & slurry produced onsite by the proposed stables as well as your existing cattle farm. This will apply the Circular Economy Business model to a home, farm & equestrian business. There is an intention to build on the AD contractors affiliation with academia through their long term relationship with the University of Nottingham to perform studies to gather data and information to increase opportunities for further future development of projects such as the Dromonby Bridge Farm Project. It is further intended to Develop the scheme to represent a viable future case study to help promote the use of the Micro H2AD technology for similar rural dwellings & farms across the country.
- 5.27 Lindhurst Engineering are working with the developer and have developed H2AD, an innovative small scale technology for the rapid and safe disposal of organic effluent whilst producing biogas. A hybrid of Microbial Fuel cell (MFC) and conventional Anaerobic Digestion (A2), H2AD is based on a patented bioreactor architecture and electrode system.
- 5.28 This system allows for a small scale development to be constructed unlike the industrial scale Biodigesters that we have seen in other locations. The amount of feedstock needed to make the system viable is also massively reduced and allows for a system that can operate only from waste from the site without the need to bring in feedstock from other sites.
- 5.29 The proposed scheme represents an exemplar that could lead the way for a potentially huge market and need within the UK to recycle animal and agricultural waste and convert into sustainable energy generated and used onsite.

- 5.30 The project architect is Richard Hawkes. His practice has previously obtained planning permission for dwellings in countryside locations on the basis that they meet the requirements of paragraph 55 (now para 80) (and a similar policy included in the former Planning Policy Statement 7). However, not all the consents highlighted were entirely reliant on design merits; some included replacement dwellings for example. However, there is no doubt that the architect designs and delivers high quality developments.
- 5.31 Having reviewed the supporting documentation it is evident that the approach to the design is reflective of the high standards of Richard Hawkes' practice. This is in respect of the site analysis, linking its opportunities and constraints, design development and the proposal itself. As mentioned previously, this process has been informed through the design panel review process.
- 5.32 The detailed and thorough approach taken to the design has rarely been seen in Hambleton and should be commended.
- 5.33 The site is not subject to any natural or local landscape designations. The standard policy requirement is to respect or where possible enhance the openness, intrinsic character and quality of the District's landscape. Paragraph 80 of the Framework adds the extra requirement of 'significantly' enhance the dwelling's immediate setting.
- 5.34 The existing buildings on site are in a state of disrepair and do not appear to be capable of being brought back into their original use or conversion to an alternative use. However, they are not readily visible from the wider area and therefore do not cause any harm to the character and appearance of the area and are relatively indicative of the agricultural character of this part of the District. Indeed, their current state would suggest that they would soon be absorbed back into the landscape. As such, little weight can be given to their removal. The proposal now seeks to incorporate the remains of the ruined stone building into the scheme.
- 5.35 Further, the site of the proposed dwelling and equestrian facilities is of no particular value in itself, being unremarkable compared to the surrounding landscape. Indeed, the wider site incorporates farmland typical of the wider area, which is interspersed with farmsteads.
- 5.36 Immediate views of the dwelling would be limited, with the closest being from the entrance into the site off Busby Lane. There would be some more medium distance views from a permissive footpath (not a public right of way) located to the north east, following a tributary of the River Leven. These would afford views of the site against the backdrop of the Cleveland Hills. There would also be some long distance elevated views from the National Park located approximately 2km to the south.
- 5.37 The application site also covers the wider land ownership of the applicant and it is proposed to deliver a comprehensive package of landscaping works. This includes areas of enhancement to the wider network of hedgerows through the introduction of native species, an informal access route bordered by woodland planting, a more formal garden layout to the rear of the dwelling, including gardens and a wider parkland landscape to the north.

- 5.38 The rationale behind the landscaping is to filter long distance views from the National Park, interconnect the woodlands with the new native planting and enhance the landscape character. Again, the scheme proposed has been informed by a detailed analysis of the local context, with the architectural solution being landscape led. Most notably this has included a detailed Landscape and Visual Impact Assessment and analysis of the features that are typical of the immediate and wider context. This includes heritage assets, settlement pattern, landscape pattern and features, geology and soil characteristics, local distinctiveness, sensitive viewpoints and biodiversity habitat. It is evident that this analysis was undertaken to inform the design.
- 5.39 The supporting Landscape and Visual Impact Assessment identifies the visual receptors (e.g. dwellings, public rights of way) and assesses the impact of the development against these. It identifies no detrimental impacts. All impacts are considered to be negligible, of moderate benefit or of major benefit. The benefits are mainly identified as being the introduction of new hedgerow and woodland planting. Where views (from the permissive footpath) of the dwelling would be prominent, the report considers that the new woodland planting proposed would filter views of the dwelling over time; and whilst views of the dwelling would remain, its high standard of design should offer an interesting and attractive addition to the views. It is agreed that it would add interest from these limited viewpoints.
- 5.40 Perhaps the most significant changes introduced to the landscape (other than the buildings) would be the creation of a parkland setting to the north of the dwelling and an informal access route, which would replace the informal agricultural access.
- 5.41 Whilst described as a parkland setting, it is noted that the landscape would remain relatively informal, making use of the existing mature oak trees. The landscape character type is identified as having parkland features. Therefore, the landscape is capable of accommodating this feature. The water features introduced are also informal in appearance and tie in with the wider drainage strategy. They are mainly limited to the more formal gardens located close to the house, with connections to the nearby beck. The attenuation pond proposed works with the fall in levels, sitting between the more formal garden and wider parkland.
- 5.42 The recent stone walls are constructed of a material that is not in keeping with the more considered choice of materials proposed for the development. This undermines the wider package of improvements set out in the proposal, which include biodiversity benefits and enhancements to the wider landscape framework. The section of wall along the immediate road frontage behind the current hedgerow (which was replaced following unauthorised removal) will be removed as it is considered harmful in the overall design of the development. Overall, it is considered that the proposed development would significantly enhance its immediate setting.
- 5.43 The NPPF requires that development be sensitive to the defining characteristics of the local area. This requirement is consistent with the local policy requirement to deliver local distinctiveness. In order to accord with this,

it is important to fully assess the site's context. This has been achieved, with a thorough analysis of the site and surroundings, along with a review of policy and guidance. This has helped to draw out and identify the local characteristics.

- 5.44 It is accepted that the idea of a farmstead concept reflects the wider landscape character. It is considered that the current proposals manage to take this simple design concept and deliver it with a contemporary twist which lifts the proposals beyond what would otherwise be expected of a farmstead development. It is considered that the arrangement of buildings and spaces reads clearly as a farmstead type arrangement.
- 5.45 Existing farmsteads form a part of the landscape, often featuring a principle farmhouse with associated farm buildings. These are scattered along the road between Great Busby and Kirkby in Cleveland served by private driveways. The proposed layout of buildings and spaces set out in the application is now considered to be reflective of this traditional arrangement. The choice and application of materials has been informed by those traditionally used in the locality but again are utilised in a contemporary manner but one which reflects the grain, texture and colours of materials found in the vicinity.
- 5.46 It is considered that the analysis, design concept and use of materials lead to the view that the development would be sensitive to the defining characteristics of the area. It is considered that the proposal would read clearly as a typical courtyard arrangement commonly found in the vicinity.

#### Design Review Panel

- 5.47 The Design Review Panel have been involved throughout the development of the current application and have had relatively significant input to the final scheme. There conclusion is that overall, the proposals are in accordance with the requirements of the tests set out in the NPPF. It should be noted that the submission refers to Para 79 e of the NPPF rather than Para 80 owing to the reports having been written prior to the new NPPF coming out in July. The latest version of the NPPF removes a reference to the development needing to be innovative.
- 5.48 A summary of the final Design Panel report is set out below:

Paragraph 79(e) of the National Planning Policy Framework (NPPF), states: "Planning policies and decisions should avoid the development of isolated homes in the countryside unless... the design is of exceptional quality in that it:

is truly outstanding or innovative, reflecting the highest standards in architecture (Criteria 1) and would help to raise standards of design more generally in rural areas (Criteria 2) and would significantly enhance its medietate setting (Criteria 3) and be sensitive to the defining characteristics of the local area (Criteria 4)

The panel are in agreement that the scheme (as presented in January 2021) meets all tests of Para 79(e) (Criteria 1, 2, 3 & 4).

### Landscape Comments

It is felt the landscape proposals demonstrate the proposals are sensitive to the defining characteristics of the area and enhance the immediate setting.

It is said that the design demonstrates a legible narrative for the progression from interior rooms to outdoor spaces.

There is concern that the concept of grazing in the field leading down to Busby Lane may be lost in the current proposal.

It is felt that the connecting AD yard is an area that would benefit from further development.

### Building Comments

It is felt the position and scale of the property is appropriate.

The concept of a formal frontage upon arrival and more relaxed rear continues to be supported.

It is felt there is a clear hierarchy of materials.

The insertion of the modern element within the ruins of the original stone structure ruins is supported

The additional information on the detached formal facade of the proposal was welcomed.

It is felt the use of brickwork at the gable ends and at low level on the AD building is not needed and should follow the style of the stables.

In regards to the main house it is felt that the proposal addresses the key points raised in the panel's previous feedback.

It is felt the low energy fabric, combined with the bespoke sustainable renewable energy system is innovative and reflective of the highest standards of architecture.

It is thought that there maybe opportunity for the applicant to provide commitments regarding the future dissemination of learning outcomes for this specific project.

### Impact on Residential Amenity

- 5.49 Policy DP1 requires development proposals to adequately protect amenity. The nearest property is the farm house located to the south of the site. This is screened to some extent by existing boundary planting. The dwelling has an area of hardstanding to its rear, which is closest to the site. The main part of the proposed dwelling is located away from the boundary. The nearest part of the development will be part of the stables buildings, which are single storey. Considering the separation distance that has been achieved and the private nature of the proposed use, it is considered that the scheme would not be detrimental to neighbouring residential amenity.

### Highway Safety

5.50 At the time of writing the response of the Highway Authority is awaited. However, the proposals make use of the existing access point onto the road network, rather than the formation of a new access as set out in the previous refusal. Given the scale of the proposed use and the visibility splay at the entrance it is considered that the proposed development will have no significant impact on road safety.

#### Heritage

5.51 Within relatively close proximity to the site is Dromonby Hall (Grade I) which is located to the east of the site. The Dromonby Hall site also accommodates a grade II listed farm building.

5.52 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

5.53 Paragraph 195 of the Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.54 Paragraph 199 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.

5.55 Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of: a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional; b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

5.56 In this instance, due to the separation between the proposed development and the identified heritage assets, it would not necessarily be viewed in the same context. Importantly there is a linear woodland belt along the eastern boundary of the application site, which avoids Dromonby Hall being viewed in the same context. Therefore, Dromonby Hall and its setting are not readily apparent from Busby Lane or the site. Views that are available are of a farmstead with a mix of traditional and modern farm buildings that are typical of the landscape. Whilst Grade I, it does not appear in the landscape as being a building that was located or designed to be seen as a high status building. The siting of the development, which would replace existing buildings and

adjoin the neighbouring farm buildings, will not impose itself onto the setting of the Dromonby Hall site and as established in the analysis, farmsteads (which the scheme has taken inspiration from) are a typical feature of the landscape.

5.57 Therefore the proposed development will not result in harm to heritage assets, including their setting.

#### Planning Balance

5.58 It is considered that there are no technical impediments to development in terms of drainage, highways or impact on residential amenity. The issues revolve around whether or not the criteria set out in Paragraph 80 of the National Planning Policy Framework have been met.

5.59 Paragraph 80 part e of the National Planning Policy Framework supports development of this type where:

- the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; **and**
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

5.60 The landscape proposals demonstrate the proposals are sensitive to the defining characteristics of the area & would significantly enhance their immediate setting. Officers consider that whilst the development adds a number of new elements into the environment in this case, the quality and form of the proposals and their responsiveness to the local environment, do result in a development that significantly enhances its immediate setting

5.61 It is considered that both the design process, architectural execution and use of technology results in a development of exceptional quality which is truly outstanding and reflective of the highest standards in architecture. Owing in part to the stature and connectivity of the architect, the proposals are considered capable of raising the standards of design more generally in rural areas.

5.62 Following review of the submission and assessment of the final scheme as submitted, officers consider that the requirements of the NPPF are now met and as such an exceptional case for development in this location has been successfully made. On this basis the proposed development is recommended for approval.

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 following drawings:

- 4.2.1 Proposed Site plan
- 4.2.2 Proposed Site plan
- 4.2.3 Proposed Site plan
- 4.1.1 Proposed landscape masterplan
- 4.1.2 Proposed parkland landscape
- 4.1.3 Proposed formal gardens
- 4.1.4 Proposed Courtyards and riparian woodlands
- 4.1.5 Proposed SUDS
- 4.1.6 Proposed biodiversity enhancement
- 4.2.5 Proposed Basement plan
- 4.2.6 Proposed Ground Floor Plan
- 4.2.7 Proposed First Floor Plan
- 4.2.8 Proposed Second Floor Plan
- 4.2.9 Proposed Roof Plan
- 4.2.10 Proposed North Elevation
- 4.2.11 Proposed East Elevation
- 4.2.12 Proposed South Elevation
- 4.2.13 Proposed West Elevation
- 4.2.14 Proposed Garage
- 4.2.15 Proposed house and garage materiality
- 4.2.16 Proposed house and garage materiality
- 4.3.2 Proposed equestrian facilities ground floor plan
- 4.3.3 Proposed equestrian facilities first floor plan
- 4.3.4 Proposed equestrian facilities roof plan
- 4.3.6 Proposed barn floor plans
- 4.3.7 Proposed Barn North Elevation
- 4.3.8 Proposed Barn East Elevation
- 4.3.9 Proposed Barn South Elevation
- 4.3.10 Proposed Barn West Elevation
- 4.3.14 Proposed stables plan
- 4.3.15 Proposed Stables North Elevation
- 4.3.16 Proposed Stables East Elevation
- 4.3.17 Proposed Stables South Elevation
- 4.3.18 Proposed Stables West Elevation
- 4.3.20 Proposed AD Building Plan
- 4.3.21 Proposed AD Building Elevations
- 4.4.1 Proposed visibility Splays
- 4.4.3 Proposed bike and bin store

received by Hambleton District Council on 22 June 2021 unless otherwise approved in writing by the Local Planning Authority.

3. 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.

4. Prior to the commencement of development other than initial site clearance, full levels shall be provided to and approved by the Local Planning Authority. Levels shall include existing and proposed land levels along with the proposed finished floor, eaves and ridge levels of all buildings proposed on the site. The development shall then be implemented in accordance with the approved levels.

5. Prior to the construction of any building, above ground level, full details including samples of all external building materials shall be provided to and approved by the Local Planning Authority. This shall include a built wall sample for any masonry structure showing the proposed bonding, coursing and jointing. The development shall then be implemented in accordance with the approved details.

6. The recommendations set out in the Flood Risk Assessment dated November 2016 shall be implemented in full prior to the occupation of the development hereby approved.

7. Prior to development above ground level an Ecological Enhancement Plan shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented and maintained in accordance with the approved details.

8. Prior to occupancy of the development hereby approved an Information Dissemination plan shall be submitted to and approved by the Local Planning Authority. The Plan shall set out how learning from the development shall be disseminated in order to meet the requirements of paragraph 80 of the NPPF. The agreed plan shall then be implemented in accordance with a timetable, which will form part of the plan.

9. Prior to the occupation of the stables hereby approved a manure management plan shall be submitted to and approved by the Local Planning Authority. The development shall then be managed in accordance with the approved details.

10. The stables and menage hereby approved shall be for the sole use of the occupiers of the residential development hereby approved and shall not be used for livery or other third party equestrian purposes.

11. The construction of the development hereby approved shall accord with the energy methodology plan, section 4.5 set out in the Planning Statement dated June 2021.

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) .
3. In order to protect the amenity of the area and to comply with Policy DP1.
4. In order to protect the amenity and landscape character of the area and to comply with DP1 and DP32.
5. In order to protect the character and amenity of the area and to comply with policy DP28, DP30 and DP32.
6. In order to ensure that the site is appropriately drained and complies with policy DP43.
7. In order to ensure that the positive ecological impacts of the development are achieved.
8. In order to ensure that the requirements of NPPF para 80 are fully achieved.
9. For the avoidance of doubt and to protect neighbouring residential amenity and comply with policy DP1.
10. In order to protect the amenity and character of the area and to comply with policy DP1 and DP30.
11. In order to comply with the requirements of NPPF para 80.

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**Parish: Linton-on-Ouse**  
Ward: Easingwold  
5

Committee Date : 23rd September 2021  
Officer dealing: Mr Marc Pearson  
Target Date: 29<sup>th</sup> July 2021  
Date of extension of time (if agreed):

**21/01453/FUL**

**Alterations to existing farmhouse to create 2no self contained dwellings for assured shorthold tenancy letting purposes**

**At: 3 Linton Wood Farm, Linton Wood Lane, Linton-On-Ouse**  
**For: Univ Dev Co University College Oxford**

**This application is referred to the Planning Committee due to it being a departure from the Development Plan.**

1.0 Site, context and proposal

1.1 The application site is in an isolated location on the east side of Linton Woods Lane approximately 2km to the north-east of centre of Linton On Ouse. The site is occupied by an L-shaped two storey farmhouse constructed in red brick with a pitched pantile roof. The farmhouse and its complex of associated building are no longer in agricultural use and the farmhouse not currently occupied. The farmhouse is orientated east/west, with the principal element facing east towards the lane. To the rear is a two storey wing (with lower eaves and ridge heights) that has in independent internal stair case with separate ground and first floor rooms from the principal element. This rear element is orientated north/south. Access is achieved from Linton Woods Lane via a short driveway that leads to a hardstanding area to the south of the farmhouse that also includes a derelict modern garage. Existing garden areas are situated to the west, east and south of the farmhouse and are defined by a variety of low brick walls, hedge and timber post and rail fencing.

1.2 Immediately to the north and attached to the farmhouse are a variety of historic ancillary farm buildings also constructed in brick with pitched pantile or concrete sheet covered roofs and a detached modern portal framed structure that form part of the wider farm complex. Beyond the farm complex c. 80m to the north are two storey properties known as The Cottages. Immediately to the south and east are a number of mature trees that provide a degree of screening to the application site. The remaining context is defined by isolated farm complexes that sit within the agricultural land with that forms part of the rural context to the village.

1.3 This proposal involves the sub-division of the farmhouse to form two separate dwellings. Given the existing staircase the internal alterations relate to minor layout alterations whilst a number of external alterations are required to enable separate entrances to be formalised together with the provision of some new openings within existing rooms. These alterations are located within the side gable of the farm house and the subsidiary wing located to the rear. The outdoor amenity space will be sub-divided between the two properties and external parking areas will be provided for each dwelling in the existing hardstanding area to the south. The existing garage is to be demolished.

## 2.0 Relevant Planning History

2.1 No relevant planning history.

## 3.0 Relevant Planning Policies

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP8 - Development Limits

Development Policies DP9 - Development outside Development Limits

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

Development Policies DP32 - General design

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.

## 4.0 Consultations

4.1 Linton Ouse Parish Council – No response received (expired 16.07.2021)

4.2 NYCC Highways – No objections.

4.3 Yorkshire Water – No comments received (expired 16.07.2021)

4.4 Environmental Health – No objections.

4.5 Site Notice & Neighbour Notification - No comments received - expired 20.07.2021 and 16.07.2021.

4.6 RAF Linton On Ouse – No response received – expired 10.09.2021

## 5.0 Analysis

5.1 The issues to consider are:

i) the principle of an additional dwelling in this location,

ii) design of the alterations and the impact on the open countryside,

iii) amenity and

iv) highway safety.

i) The Principle

- 5.2 The site is outside of the designated development boundaries and as such constitutes development in the open countryside. As a result, LDF policy DP9 notes that development will only be supported subject to the exceptional circumstances outlined in LDF policy CP4. None of the exceptional circumstances therein are being claimed in this instance. The Council adopted the Interim Policy Guidance relating to small scale rural housing development in 2015 but this is not considered relevant in this instance due location of the site c. 2km from the Linton on Ouse.
- 5.3 As a result, the most up to date policy guidance is the National Planning Policy Framework (NPPF) which is in general more supportive of rural housing. Relevant in this case is para 80d) of the NPPF2021 which states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: d).the development would involve the subdivision of an existing residential building; or".
- 5.4 The overarching aim of the NPPF is the presumption in favour of sustainable development, with para 11d) noting that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 5.5 Given the NPPF post-dates the relevant local policy and the lack of policy within the LDF on the matter of sub-division of residential buildings in the countryside, the conclusion is drawn that the NPPF takes precedence in the decision-making process.
- 5.6 As noted in the paragraph 1.3 above the proposals only require minor internal and external alterations to allow for the sub-division. Overall, the proposal is supported in principle by the NPPF.
- ii) Design and impact on the open countryside
- 5.7 The proposed external alterations to the existing dwelling are limited to the provision of new entrance doors and a number of new openings in order to facilitate its subdivision. These alterations are considered to be appropriate in terms of their design and impact on the character of the farmhouse.
- 5.8 Due to the surrounding trees to the south and the existing buildings to the north and the minor nature of the proposed external alterations, and the arrangement of the proposed garden areas it will not have a harmful impact on the character and appearance of the surrounding landscape and countryside. On this basis the proposal is considered to satisfy the requirements of LDF Policies CP17, DP30 and DP32.

iii) Amenity

- 5.9 The introduction of an additional dwelling onto the site carries with it a risk of having a detrimental impact on amenity of future occupants of both of the units proposed. However, given the L-shaped arrangement, none of the proposed alterations or new openings raise any overlooking concerns. Similarly, the proposal will not raise any overshadowing and loss of light provision for either unit. The existing outdoor amenity space will be suitably divided based on the size of each unit, with sufficient space to both of the proposed units.
- 5.10 It is noted that the attached former farm buildings in the ownership of the applicant have a lawful agricultural use and could be used for such purposes including the housing of livestock. Given the potential conflict of such a use, noting the increased and unrelated occupation of the dwellings, the applicant has agreed to enter into a unilateral undertaking to cease the use of buildings for housing livestock. This approach would restrict the agricultural livestock use but would not prevent the use for the storage of machinery or agricultural products. On this basis officers consider the unilateral undertaking will adequately protect the amenity of the residents. Therefore, the proposal suitably protects amenity and therefore complies with the requirements of LDF policies CP1 and DP1.

iv) Highway Safety

- 5.11 The additional dwelling will be served by the established access point on Linton Woods Lane. NYCC Highways were consulted on this proposal and raised no objection. Furthermore, it should also be noted that sufficient space for parking and turning space adjacent to the south is proposed. On this basis the proposal is considered to satisfy LDF policies CP2 and DP3 and is deemed to be acceptable from a highway perspective.

Planning Balance

- 5.12 Whilst the proposal is not supported in principle by LDF Policy, it is in line with the most up to date policy guidance in the NPPF and is therefore considered acceptable in principle. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of design, amenity and is otherwise in accordance with local and national policy requirements. The proposal would result in an additional dwelling which is a social gain with some modest economic benefit and without environmental harm.

6.0 Recommendation:

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the cessation of the use of the adjacent agricultural buildings for livestock 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 drawing(s) Y-RH-BSP-7155-18-103 C and 104 A received by Hambleton District Council on 20.08.2021 unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. 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.

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, DP1, DP30 and DP32.

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 and DP32.

4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Local Development Framework Policies CP1, DP1, CP17 and DP32.

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**Parish: Raskelf**  
Ward: Raskelf & White Horse  
**6**

Committee Date: 23 September 2021  
Officer dealing: Mr. M. Pearson  
Target Date: 1 March 2021  
Date of extension of  
time (if agreed):

**20/02491/OUT**

**Outline application with some matters reserved for the construction of two detached dwellings with garages and parking incorporating garaging and parking for Holly Tree Cottage**

**At: Holly Tree Cottage North End, Raskelf**  
**For: Mark and Katie Stocks**

**This application is referred to Planning Consultative Panel as the application is a departure from the Development Plan**

1.0 Site, context and proposal

- 1.1 The application site is located in the rear garden of Holly Tree Cottage which is located on the north side of the main street in Raskelf. The property is two stories in height and is constructed in brick (painted white) with a pitched slate roof. The garden contains around thirty trees of varied species and maturity. Some of the trees around the perimeter are greater in scale whilst some within the central area are more modest fruit trees. The rear garden is defined by fencing and hedges. Vehicle access is achieved to the east of the property via a private driveway that leads to a large detached garage.
- 1.2 The surrounding context comprises predominantly of variety of detached and semi-detached two storey properties that are also constructed in red brick with pitched pantile or slate covered roofs. To the west and south-west are a number of properties that have recently been granted planning permission and are under construction. Generally, properties within the village are set behind small front gardens defined by a variety of low walls or hedges. To the north-west of the application site is a public right of way that travels north out of the village into the surrounding agricultural land that forms part of the rural setting to the village. This footpath enables some views south back towards the village envelope.
- 1.3 The application is for outline consent for the erection of the two dwellings with associated garaging. The matters subject to the application include layout, scale and access. The appearance and landscaping are matters reserved for future consideration should the application be approved. The site layout indicates that the existing garage to Holly Tree Cottage is to be demolished to allow for vehicle access off the drive, two dwellings are sited in the rear garden. As part of the proposals a new L-shaped garage block is proposed which would serve as a replacement for the existing property and the provide garaging for the new dwellings. An access route to the paddock to the north is shown. In order to accommodate the proposed development 13 trees are proposed to be removed within the central area of the garden.

1.4 During the course of the application the proposals were amended following concerns identified by officers regarding the proximity of development to a foul sewer that crosses the site and the retained trees. Furthermore, the visibility splay requested by NYCC Highways Authority has been added to the layout drawing.

2.0 Relevant planning history

2.1 78/1374/FUL – Extensions to existing dwellinghouse. Approved.

2.2 91/1180/OUT- Outline Application for construction of a bungalow. Refused.

3.0 Relevant planning policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. 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 Policy DP1 - Protecting amenity

Development Policy DP3 - Site accessibility

Development Policy DP4 - Access for all

Development Policy DP8 - Development Limits

Development Policy DP9 - Development outside Development Limits

Development Policy DP10 - Form and character of settlements

Development Policy DP28 - Conservation

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

Development Policy DP32 - General design

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

Development Policy DP33 - Landscaping

Development Policy DP43 - Flooding and floodplains

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

National Planning Policy Framework

Size, Type and Tenure of New Homes SPD - adopted September 2015

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.

#### 4.0 Consultations

- 4.1 Raskelf Parish Council – No response received (expired 25.1.2021).
- 4.2 NYCC Highways Authority – No objection subject to conditions regarding visibility splay, parking and turning and a construction management plan.
- 4.3 Yorkshire Water – No objection subject to the imposition of conditions for separate foul and surface water disposal. Also, comments regarding the protection of the existing fould sewer that crosses the site.
- 4.4 MOD – No safeguarding concerns on the basis of two storey dwellings. At approximately 8m above ground level in height this would be acceptable at this location.
- 4.5 Contaminated land – No objection based on the submitted PALC form.
- 4.6 Neighbour consultation and public comments following initial consultation and 2<sup>nd</sup> re-consultation (expired 24.7.2021):

4 objections have been received from neighbouring properties as summarised below:

- Development not in accordance with LDF policies CP4 and DP9 - the exceptional circumstances have not been justified.
- LDF Targets for housing completions in the Easingwold area already over-subscribed.
- Impact on the character of the village through loss of long rear paddocks.
- Impact on privacy and amenity of recently built and occupied property (Caldecott) located to the south of the application site. Concern about separation distance and views in bedrooms.
- Impact on the character area of the through loss of trees.
- The sewer line noted on the drawing is approximate and should be confirmed in order to protect other adjacent properties that also connect to the system. Concern that the updated drawings do not reflect the actual alignment.
- Concern about contractor parking on the main street as evidenced during the recent development of Pear Tree Cottage.
- Concern that surface water from the new development should not enter the existing network which is already overloaded and floods at the entrance to the Holly Tree Cottage.

## 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 and natural environment; (v) residential amenity; (vi) highway safety and (vii) flood risk and drainage.

### 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 Raskelf within the sub-category of "Service 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. Raskelf is considered to be a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Raskelf 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.

### Housing Size, Type and Tenure

- 5.4 With regard to the scale of the development, the proposal for two dwellings is considered to be appropriate to satisfy the requirements of the IPG. The application submission is for layout, access and scale but also notes that the proposal would provide two 3-bedroom dwellings. This would provide smaller properties as identified through the Size, Type and Tenure of New Homes SPD, the SHMA and LDF Policy DP13. The housing mix would be conditioned should the outline application be approved and therefore would satisfy Criterion 2 of the IPG. With regard to the emerging Local Plan, subject

to the imposition of a condition on the housing mix, the proposal can satisfy the need for smaller homes and comply with the requirements of Policy HG2.

#### Character of the Village, Impact on Countryside and impact on natural environment

- 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 The application site is surrounded by existing development on three sides to the northeast, south through to and southwest and therefore it is considered to be well related to the existing built form. The site layout illustrates that the proposed development would not extend across all of the rear paddock and would not extend any further beyond the extent of existing built form within the immediate vicinity. It is noted that a similar application (19/02357/FUL) to the south of the application was recently approved based on this approach.
- 5.7 It is noted that in views south towards the application from the public footpath that views towards the application site are possible. However, in these views the proposed development would be read with retained trees in the foreground and against a backdrop of existing development and tree coverage within the village.
- 5.8 With regard to criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. The NPPF 2021 in new text at paragraph 131 refers to the value of trees including: taking opportunities to incorporate trees in developments, to secure long term retention of trees and “that existing trees are retained wherever possible”. Careful consideration therefore needs to be given to the acceptability of removals of trees to make way for new development. The applicant has provided arboricultural information to clarify the number of trees to removed and their quality. This confirms the site has thirty trees, four of which are considered to Category A, whilst the rest of the trees are considered to the Category B and C with one tree a Category U. The proposal involves the removal of 13 trees within the central area and all Category A trees are to be retained. Five of the trees are Category B, seven are Category C and one is Category U. These trees are generally low in scale/prominence fruit or ornamental trees that are not prominent in views from the street at North End. The proposed layout has taken into account the potential root protection areas of the trees proposed to be retained. The approach to retain the trees around the perimeter of the site that can be seen in glimpsed views from North End is welcomed. This is a matter that can be controlled via a suitably worded condition and landscape proposals through a reserved matters submission.
- 5.9 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 and E1.
- 5.10 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 in paragraph 5.7 above the development of the site would retain part of the long paddock to the rear of the Hollies and this would enable the character of the setting to be retained.

Given the location of the application site the development for two dwellings would not lead to the 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.

#### Residential Amenity

- 5.11 The proposed site layout indicates that the primary elevations would be orientated east/west. Whilst the appearance is not a matter subject to this application and thus no elevations have been provided it is considered that that the site layout indicates that the primary elevations (front and rear) would face roughly north/south and thus any secondary elevations would face the adjacent garden areas. Given the separation distances from the properties to the east (including Holly Tree Cottage) the proposal is not considered to raise any overlooking concerns in this regard. With regard to the public comment from the occupiers of Caldecott it is noted that the side gable of unit 2 would be c. 17 m away and as noted above the site layout indicates the primary elevations would not be orientated towards Caldecott. Furthermore, the approved plans for the development of Caldecott (reference 18/02555/FUL) indicate the ground floor elevation facing the application to comprises of a door to the utility room, the principal entrance door and a w/c whilst the first floor window is a landing area at the top of the stairs. None of these openings are located within habitable rooms and thus raise no overlooking concerns. Whilst the specific design of the elevations is not a matter subject to the application, any issues relating to amenity can be addressed in the reserved matters submission should this outline application be approved. On the basis of the above, it is considered that the proposals do not raise any amenity concerns and are in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

#### Highway Safety

- 5.12 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. It is noted that NYCC Highways Authority recommended conditions regarding a requirement for the visibility splay. The site layout drawing was subsequently amended to include the reduced visibility splay and the agent has confirmed that any works to the adjacent hedge (to the south) would be in the ownership of the applicant. On this basis the proposal is considered to satisfy Criterion 5 of the IPG, through the imposition of suitably worded conditions relating to highway safety. 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 and CI 2.

#### Flood Risk and Drainage

- 5.13 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site layout drawing notes a foul sewer crossing the site and following concerns from officers the site layout drawing has been updated to reflect the line of the sewer based on further assessment and the buildings have been shifted further away from the line of sewer and the indicative plan

shows the required 3m easement. It is noted that a concerned neighbour has provided evidence of the sewer alignment on their land adjacent to the application site (photographs of trenches that expose the line of the sewer) and is concerned the sewer is not shown in the correct position on the current drawings. Yorkshire Water do not oppose the proposals. The developer will need to satisfy the requirements of the Building Regulations in order to develop the site. Should the location of the sewer not be plotted correctly this will be require a sewer diversion in accordance with the Building Regulations and this raise no planning concerns. The agent has confirmed that surface water will be disposed via soakaway. The proposal does not considered to raise any flood risk or drainage concerns, subject to the imposition of conditions recommended by Yorkshire Water. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

#### Other Matters

- 5.14 An observation has been submitted that notes the Easingwold area has reached its housing target. Housing targets are not a ceiling to development and windfall housing site, such as this, are not limited by the LDF policies. Furthermore, it is important to note each application must be judged on its own planning merits.

#### Planning Balance

- 5.15 The site is considered to be in a sustainable location and would satisfy the requirements of the Interim Policy Guidance. It is considered that the proposed development complies with the relevant Local Development Framework policy in terms of the principle of development, access, design, amenity, highways and drainage and is otherwise in accordance with local and national policy requirements.

#### 6.0 Recommendation

- 6.1 Subject to any outstanding consultations that the application 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) appearance (b) landscaping.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the proposed site layout drawing Revision A received by Hambleton District Council on 17.5.2021 and the section drawing received 9.7.2021 unless otherwise approved in writing by the Local Planning Authority.

4. No part of the development must be brought into use until the existing hedge on both sides of the access is cut back for a distance of 1 metre from the back edge of the existing public footway to provide pedestrian visibility splays. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

5. 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 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.

6. 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' 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.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

8. 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 surface water sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

9. 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.

10. 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.

11. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

12. Soils shall not be imported onto the development site unless they have been subject to sampling and chemical analysis that demonstrates they are suitable for placement on the site. A soil sampling and analysis scheme, including the number of samples to be taken and parameters tested, shall be submitted to and approved in writing by the local planning authority. Before importation commences the results of the sampling and analysis shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved soil sampling and analysis scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

13. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs has been submitted to and approved in writing 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 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.

14. No retained 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.

15. The development shall not be commenced until the protective fencing around the existing trees and hedgerows has been erected in accordance with details approved by the Local Planning Authority. Erection of protective fencing is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

16. This decision grants permission for no more than 2 three-bedroom dwellings.

Reasons:-

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

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.

4. In the interests of highway safety.

5. 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.

6. In the interests of highway safety.

7. In the interest of satisfactory and sustainable drainage.

8. To ensure that no surface water discharges take place until proper provision has been made for its disposal.

9. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.

10. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the root protection area of adjacent trees, stand-off distances from the adjacent Yorkshire Water sewer, the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policies CP1, DP1, CP17 and DP32.

11. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks.

12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and to suitably address these risks.

13. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with the Development Plan Policy(ies) CP17, DP32 and DP33.

14. 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.

15. To ensure that existing trees within the site, which are of amenity value, are adequately protected during the period of construction in accordance with Local Development Framework Policies CP16, DP31 and DP32.

16. To ensure the development accords with the requirements of Local Development Framework Policy DP13.

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