

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 10 November 2021

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 18 November 2021**

Time **1.30 pm**

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

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Other Members of the Council for information

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: 935 820 17# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Please note that there will be Member Training commencing at 10.00am regarding Changes to the NPPF and Emergency Housing Policy

Agenda

Page No

1. Minutes

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To confirm the minutes of the meeting held on 21 October 2021 (P.15 - P.16), 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 10.00 am on Thursday, 21st October, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	R Kirk	Councillor	M S Robson
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An apology for absence was received from Councillor A Wake

P.15 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 23 September 2021 (P.13 - P.14), previously circulated, be signed as a correct record.

P.16 Planning Applications

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

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

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

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

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

The Decision

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

- (1) 20/02882/OUT - Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew for Blind Lane Land Limited at Store at Old Hatchery, Blind Lane, Aiskew

Defer to obtain further information on the proposed access including a traffic impact assessment.

(The applicant's agent, Mark England, spoke in support of the application).

(Jonathan Ryder spoke objecting to the application.)

- (2) 21/00668/FUL - Retrospective extension to Hangar A and proposed hardstanding adjacent to Hangar A for Mr M Scott at The Airfield, Bagby

Permission refused. The Committee imposed an additional reason for refusal as follows: The proposal is contrary to the Local Development Framework Policies CP1 and DP1 as no noise control or mitigation measures have been provided to address the potential harm to the amenity of the local population arising from the use of the building for aeronautical engineering purposes identified in the Addendum to Business Case.

(The applicant's agent, Stuart Natkus, spoke in support of the application.)

(Sandra Langthorne spoke on behalf of Bagby and Balk Parish Council objecting to the application.)

Note: Councillor M G Taylor left the meeting at 11.14am.

- (3) 21/01058/FUL - The retention of 2 temporary hangars on site for a use for aircraft storage and ancillary storage of airfield machinery and equipment for a period of 24 months for Mr M Scott at The Airfield, Bagby

Permission Refused

(The applicant's agent, Stuart Natkus , spoke in support of the application.)

(Sandra Langthorne spoke on behalf of Bagby and Balk Parish Council objecting to the application.)

- (4) 21/01243/FUL - Retrospective and proposed concrete alterations to existing runway, reinforced geotextile matting to runway and earthworks to facilitate drainage for Mr M Scott at The Airfield, Bagby

Defer to obtain further information in relation to runway materials, safety measures and the applicant's business case.

(The applicant's agent, Stuart Natkus , spoke in support of the application.)

(Sandra Langthorne spoke on behalf of Bagby and Balk Parish Council objecting to the application.)

Note: Councillor M S Robson arrived at the meeting at 11.56am.

- (5) 21/01374/FUL - Sub-division of the existing dwellinghouse to form 2no dwellings with associated parking for Cowesby Estate Ventures at Village Farm, Ellerbeck

Permission Granted subject to additional conditions relating to: resurfacing of the access road; use of existing agricultural buildings; and the retention and maintenance of an existing footbridge.

(The applicant's agent, Tom Gibbons, spoke in support of the application.)

Note: Councillor M S Robson left the meeting at 12.23pm.

The meeting was adjourned at 12.23pm and reconvened at 1.37pm.

Councillor M G Taylor arrived at the meeting at 1.37pm.

- (6) 21/01017/MRC - Variation of Application Reference Number
18/02661/MRC - Variation of Conditions attached to Planning Consent
16/01987/OUT- Outline application (considering appearance, access, layout and scale) for the demolition of buildings and the construction of 3 dwellings as amended by details received by Hambleton District Council on 25th May 2017 for Mr and Mrs Walker at Former Garage, Low Street, Hushwaite

Permission Granted subject to an additional requirement for an approved scheme to enable works to be undertaken at a neighbouring property to mitigate the impact on neighbour amenity.

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

(Rupert Doswell spoke objecting to the application.)

Note: Councillor R Kirk arrived at the meeting at 1.58pm.

- (7) 21/00582/OUT - Outline planning application (some matters reserved) for the construction of 5 No. residential dwellings with access from Lumley Lane for Mr S Greensit at Land at Friars Garth, Lumley Lane Kirkby Fleetham

Permission Granted subject to additional conditions in relation to site levels and the size and type of the proposed dwellings.

(The applicant's agent, Giles Chaplin, spoke in support of the application).

(Nicola Lloyd spoke objecting to the application.)

- (8) 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 for Beckwith Knowle Developments Ltd at Land South East of Moor Close, Darlington Road, Northallerton

Permission Granted subject to: conditions relating to delivery of infrastructure and utilities; bat protection measures; drainage and fencing surrounding the balancing pond; and a requirement for a contribution towards highway improvements and the provision of a bus service.

(The applicant, Dan Martin, spoke in support of the application.)

Disclosure of Interest

Councillor K G Hardisty disclosed a non-pecuniary interest as a former governor for a neighbouring school.

Note: Councillor M S Robson arrived at the meeting at 2.46pm.

The meeting was adjourned at 3.23pm and reconvened at 3.32pm.

- (9) 21/01544/FUL - Residential development 2 units adjoining Redworth Bungalow Main Street, Shipton for Mr C. Reynard at Land to rear Of Redworth Bungalow, Main Street, Shipton By Beningbrough

Permission Granted subject to additional conditions in relation to site levels and drainage.

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

- (10) 21/01901/FUL – Erection of two detached garages as amended on 19 August 2021 for Mr and Mrs C Atha at Cringle Moor, Thirsk Road, Stokesley

Permission Granted subject to officers, in consultation with Ward Members and Councillor Mrs B S Fortune, addressing issues relating to drainage, roofing materials and the relocation of a large timber door.

(The applicant, Charles Atha, spoke in support of the application.)

(Mr Lee spoke objecting to the application.)

- (11) 21/01617/FUL - Conversion of general purpose agricultural livestock and storage building to general industrial use (Class B2), associated parking and new vehicle access and road to the site from the B6267 for Steven Houston, MHS Countryside Management Ltd at The Long Acres, Fore Lane, Thornborough

Permission Granted. The Committee granted the application on the basis that the proposed development would not have a significant impact on the character of the area and that the development would result in sustainable growth and expansion of a business in a rural area as supported by the NPPF. In this particular case, the material planning consideration of the NPPF is judged to outweigh any conflict with the Development Plan.

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

- (12) 21/01122/MRC - Application for removal of condition 3 (occupancy use - to allow for all year round residential occupancy) of approved application 2/04/037/0123B (04/02047/FUL) for the change of use of agricultural land to enable the siting of 3 static caravans for Mr and Mrs Cowell at Dalton Bridge House Caravan Park, Field Adjacent to Dalton Bridge House, Dalton Lane, Dalton

Permission Granted. The Committee granted the application with proposed condition 3 (restricting occupation to the over 55s) removed. The Committee was not satisfied that the proposed condition was necessary to grant the application and that the caravans could meet affordable housing requirements for the wider population.

- (13) 21/01125/MRC - Application for removal of condition 9 (occupancy use - to allow for all year round residential occupancy) of approved application 2/99/037/0123A for Siting of 3 static holiday caravans and formation of an access road as amended by letter and plans received by Hambleton District Council on 22nd September 1999 for Mr and Mrs Cowell at Dalton Bridge House Caravan Park, Field Adjacent to Dalton Bridge House, Dalton Lane, Dalton

Permission Granted. The Committee granted the application with proposed condition 3 (restricting occupation to the over 55s) removed. The Committee was not satisfied that the proposed condition was necessary to grant the application and that the caravans could meet affordable housing requirements for the wider population.

- (14) 21/01126/MRC - Application for removal of condition 9 (occupancy use) of approved application 14/01388/FUL. To allow for all year round residential occupancy for Mr and Mrs Cowell at Dalton Bridge House Caravan Park, Field Adjacent to Dalton Bridge House, Dalton Lane, Dalton

Permission Granted. The Committee granted the application with proposed condition 3 (restricting occupation to the over 55s) removed. The Committee was not satisfied that the proposed condition was necessary to grant the application and that the caravans could meet affordable housing requirements for the wider population.

Note: Councillors B Phillips, M Robson and A Robinson left the meeting at 5.15pm.

The meeting was adjourned at 5.15pm and reconvened at 5.23pm.

- (15) 21/01370/FUL - Change of use of land for the siting of a modular building club house (to be used as a facility by lodge park guests, as well as for weddings and private functions), alterations to siting and appearance of siting and appearance of approved lodges, new car parking area and retrospective formation of tiered outdoor seating, outdoor beach area, cinema screen, wedding pergola, internal roads, and all other hard and soft landscaping and associated works - as amended by Hambleton District Council 04.10.2021 for Mr A Platts at Strawberry Fields

Permission Refused

(The applicant's agent, Joe Smith, spoke in support of the application.)

The meeting closed at 5.58 pm

Chairman of the Committee

Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 18 November 2021. The meeting will commence at 1.30pm.

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

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

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

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

Mick Jewitt
Deputy Chief Executive

Site Visit Criteria

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

PLANNING COMMITTEE

Thursday 18 November 2021

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	20/02882/OUT Aisling O'Driscoll Aiskew Page No. 11	Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew At: Store at Old Hatchery, Blind Lane, Aiskew For: Blind Lane Land Limited RECOMMENDATION: APPROVE
2	21/01867/FUL Nathan Puckering Borrowby Page No. 33	Change of use of land to domestic and the construction of a new two storey dwelling and double garage to replace an existing dwelling At: Oakdene, Woundales Lane, Knayton For: Mr Cramp RECOMMENDATION: REFUSE
3	20/02341/FUL Kate Williams Easingwold Page No. 41	Construction of falcon breeding facility At: Dawney House Farm Dawney Lane Easingwold For: Suhail Enterprises Limited RECOMMENDATION: APPROVE
4	20/02342/FUL Kate Williams Easingwold Page No. 53	Retrospective Application for the Change of Use of land for the siting of 2 no. mobile homes and associated parking to provide staff accommodation for the proposed Falcon Breeding Facility. At: Dawney House Farm Dawney Lane Easingwold For: Suhail Enterprises Limited RECOMMENDATION: APPROVE
5	21/01561/REM Andrew Cotton Exelby, Leeming and Londonderry Page No. 61	Application for approval of reserved matters for 1No. dwelling (layout, scale, appearance, access and landscaping) following outline approval of application 20/02373/OUT - Outline permission for construction of 2No dwellings At: The Old Forge, Exelby For: Mr & Mrs Lenton RECOMMENDATION: APPROVE

Item No	Application Ref / Officer / Parish	Proposal / Site Description
6	21/01960/FUL Marc Pearson Husthwaite Page No. 67	Construction of 5no. dwellings (including 1no. self-build) and associated infrastructure works At: OS Field 8464, Highthorne Lane, Husthwaite For: Daniel Gath Homes RECOMMENDATION: APPROVE
7	21/01643/FUL Marc Pearson Huby Page No.83	Application for construction of 1no detached dwelling and a pair of semi detached dwellinghouses with a triple garage block to the rear (within red line boundary of previously approved application 19/02169/FUL but with change of house types) At: Land To The North Of The Forge, Tollerton Road, Huby For: Hubylee Ltd RECOMMENDATION: APPROVE
8	21/00623/FUL Marc Pearson Huby Page No. 95	Application for the construction of 1No. detached house and double garage At: Land North of the Forge, Tollerton Road, Huby For: Mr S Knowles RECOMMENDATION: APPROVE
9	21/01769/FUL Kate Williams Huby Page No. 105	Construction of an agricultural livestock building. At: Newlands Farm, Corban Lane, Wigginton For: Mr Ben Rab RECOMMENDATION: APPROVE
10	21/02426/FUL Tracy Price Northallerton Page No. 109	Construction of External Air Conditioning Compound and Installation of External Condenser Unit. At: Campus @ Northallerton, Tenement House, 4 Treadmills, Crosby Road, Northallerton For: Central Northallerton Development Company Ltd RECOMMENDATION: APPROVE
11	21/02427/LBC Tracy Price Northallerton Page No. 115	Construction of External Air Conditioning Compound and Installation of External Condenser Unit. At: Campus @ Northallerton, Tenement House, 4 Treadmills, Crosby Road, Northallerton For: Central Northallerton Development Company Ltd RECOMMENDATION: APPROVE

Parish: **Aiskew**

Ward: Bedale

1

Committee date: 18 November 2021

Officer dealing: A O'Driscoll

Target date: 19 March 2021

20/02882/OUT

Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew

At: Store At Old Hatchery, Blind Lane, Aiskew

For: Blind Lane Land Limited

This application is referred to Planning Committee as the proposed development is a major development and significant local interest has been identified.

- 1.0 The application was deferred at the October Planning Committee owing to a number of concerns about the proposed development. The first part of the following report provides an up-date on the matters of concern. The remainder of the report remains as previously reported to Members in October. This also includes items originally reported on the update list along with additional comments from the Parish Council.
- 1.1 The matters of concern related by Members comprised:
- Use of Blind Lane for access
 - Adoption of Bluebell Way
 - Traffic modelling of Bluebell Way
 - Deliverability of affordable housing
- 1.2 North Yorkshire County Council Highways Officer was asked to provide comments on the use of Blind Lane either as temporary construction access or permanent access to the development. The Officer returned the following comments: *The Highway Authority has been asked for its opinion on the use of Blind Lane as a temporary access into the land between the railway and Bedale Road. Blind Lane is not an adopted road and remains the property of residents as the County Council understands. The note supplied by the developer suggest they have a right of access over Blind Lane. If this is the case then this route could be used by construction vehicles on a temporary basis. The Highway Authority would not support this route as a permanent access for vehicles travelling to the development.*
- 1.3 *Blind Lane itself is of sufficient width for vehicles to pass if the tarmac area and concrete area are used. The construction of the area is unknown and may be damaged by heavy vehicles using the route so the developer is likely to be responsible for its repair. It is noted that residents appear to use the concrete area as parking.*
- 1.4 *The junction onto Bedale Road would need to be improved to stop any over running and a new kerb line would be expected to be installed by the developer on both sides of the junction. The pedestrian island on Bedale Road may need to be temporary relocated. Suggest the developer needs to provide tracking details*

showing if HGVs could turn at the junction and avoid the island. Visibility at the junction is sufficient and beyond the 45m by 2.4m splay expected.

- 1.5 The matters of concern were also put to the agent who provided the following responses.

Use of Blind Lane

- 1.6 The section of road between the development site and Bedale Road is currently in the ownership of 5 different parties. Part of Blind Lane is also referred to as unregistered "white land". To deliver an adopted road to the site NYCC would require a road of 5.5m width with 2 x 2m footways in line with the NYCC Residential Design Guide. This would need to be delivered under a Section 38 Agreement (S38) with 'White Land' adopted under a Section 228 Agreement (S228).
- 1.7 S228 of the Highways Act is used to adopt 'white land' where no ownership is known to exist and the land is considered to already operate as highway. The process requires the applicant to construct an adopted road layout then seek the road's adoption which is then advertised at risk to any objections from third parties or land owners claiming to own any section of the 'white land'.
- 1.8 The agent also indicates that for the S38 (areas of land belonging to residents of Blind lane/Bedale road), all landowners would need to provide their consent for their respective areas of ownership to be dedicated for adoption. The applicant and landowner have sought over a period of years to achieve this, however existing owners are unwilling to sell their land.
- 1.9 Given the position with known land ownership it is considered that the S228 process for the unregistered/unknown ownership land would not help to achieve an adoptable access to the development. On this basis access via Blind lane is not considered deliverable.
- 1.10 The agent also highlights that the Allocation Policy BH2/BH3 indicates that access should be taken through the adjacent development and that the Highways Officer is satisfied that Bluebell Way has appropriate capacity to accommodate the development and has been built to an adoptable standard.
- 1.11 With regard to the use of Blind Lane for construction vehicles the agent indicates that the applicant has suitable access rights over Blind Lane for this purpose and that this is the preferred option for construction vehicles. It should be noted that a Construction Management Plan covering the routing of construction vehicles forms part of the conditions recommended by the Highways Officer (condition 10).
- 1.12 With regard to the nursing home site the agent indicates that this development generates a minor number of traffic movements to / from the site which would be of a negligible impact on Blind Lane. On this basis NYCC Highways as the Local Highway Authority have accepted that Blind Lane need not be adopted to enable access to / from the nursing home as the existing provision is adequate.

Adoption of Bluebell Way

- 1.13 The adjacent site is bound by a Section 38 Legal Agreement with NYCC as the Local highways Authority which requires Linden Homes to deliver suitably adopted roads / footways / street lighting / drainage etc. The LHA has a bond in place for the complete value of the S38 works which can be drawn upon to complete any outstanding works or the adoption process should they wish to do so if Linden delay or do not complete this process in a timely manner. There is therefore no risk that Bluebell Way and the wider existing residential estate would not be adopted in the near future.

Traffic Modelling of Bluebell Way

- 1.14 With regard to traffic modelling the agent has provided the following commentary: The Transport Assessment (TA) has assessed the scheme in line with NYCC Highways and planners requirements to an agreed scope. This ensures robust capacity assessments have been undertaken covering both traffic growth to a future year and committed developments in all junction capacity assessments. This includes growth of baseline traffic to a 2025 assessment year based on local traffic growth rates (Tempo) and inclusion of the two consented Taylor Wimpey applications north of Bedale (Refs 15/01240/OUT and 20/00497/FUL). The development is then modelled in the future baseline (2025) + Committed Development + Proposed Development to ensure the robustness of the assessment upon each of the junctions assessed in the TA, each of which are considered by NYCC Highways to have ample capacity. The development would result in approximately a single additional vehicle on the Local Highway Network per minute in the worst network peak hour (PM Peak) of the day.
- 1.15 The TA does not undertake any assessment of any further land to the east as this is not within the ownership of the applicant and does not form part of this standalone planning application. However, any potential future application for development on land to the east would have to take into account the traffic of this scheme (should the Council be minded to approve it) as a planning commitment. It should be noted that the LDF policy allocation for the application site requires a potential access to be provided to land to the east to be retained. The proposals are capable of facilitating this.
- 1.16 A further minor query was raised relating to the proposed community hall and any highway impact that may result from use. Such uses occur outside of highway network peaks and are spread during off-peak hours resulting in a negligible impact on highways capacity. In addition, by virtue of its use as a community amenity, it is considered that a high proportion of users would be accessing the site by non-car modes and as such would be imperceptible in terms of traffic movements.

Deliverability of affordable housing

- 1.17 At the October Committee meeting the deliverability of 30% affordable housing was queried. This follows on from viability issues at the nearby site at Wilbert Farm where asbestos removal substantially increased the abnormal costs of development triggering a reduction in affordable housing provision.

- 1.18 In this case the applicant is not the developer. During the life of the application a developer has been identified and an agreement entered into based on the principle of 30% affordable housing.
- 1.19 This permission will be based on the assumption of 30% affordable housing (which will be delivered through a S106 agreement) and any change to this would need to be assessed on its merits at the time. The Council's affordable housing policy is a target and is subject to viability. Given that this site is allocated for housing development, additional supporting weight from the provision of affordable housing is not required to support the principle of development and as such it is considered unnecessary for a viability appraisal to be submitted with this policy compliant submission.

2.0 Site, context and proposal

- 2.1 The application site is located on the south east side of Aiskew – south of the A684 and north of the Wensleydale Railway. The site features a number of agricultural and commercial buildings previously used as a piggery and hatchery respectively. The applicant indicates that part of the hatchery site is occupied by a tenant for storage and food processing and the piggery which has been vacant for a number of years is now semi-derelict and overgrown.
- 2.2 The site is split in two by a mature leylandii hedge/tree line with the piggery buildings to the north and the hatchery to the south. An area of open space lies to the south. Existing access can be gained firstly from Blind Lane via an unadopted road, secondly via a shared track between 54 and 56 Bedale Road and thirdly from the south over the Wensleydale line. A public right of way runs along the western boundary of the site linking Bedale Rd to Love Lane through Blind Lane.
- 2.3 The application site forms part of allocations BH2 and BH3 as follows: *BH2 Pig Farm Aiskew (1.1ha), BH3 South East of Aiskew (5.8ha)* These linked sites are allocated for housing development, subject to:
- i. development of Site BH2 being delivered in Phase 1 (up to 2016), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 38 dwellings (of which a target of 40% should be affordable);*
 - ii. development of Site BH3 being delivered in Phase 1 (up to 2016) and Phase 2 (2016-21), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);*
 - iii. types and tenure of housing developed meeting the latest evidence on local needs;*
 - iv. suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;*
 - v. potential access from this site to Site BM2 adjacent being retained as part of the design and layout of any development of Sites BH2/BH3;*
 - vi. contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements*

to Bedale Bridge and any sewerage and sewage disposal infrastructure improvements required to accommodate new development in the area; and

vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

- 2.4 To the east is an area of open space which forms part of the allocation. To the north, west and south west of the site is residential development. To the south is the Wensleydale Railway line with open countryside beyond.
- 2.5 The site appears generally flat with the topographical survey indicating a gentle slope from north west to south east.
- 2.6 The application is in outline for residential development up to 88 units. The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 2.7 It is proposed that the main access be taken from the west through the neighbouring development via Bluebell Way. Emergency and further pedestrian access is to be taken from Blind Lane.

3.0 Relevant planning and enforcement history

- 3.1 81/0144/FUL - Extension to Existing Chicken Hatchery - Granted
- 3.2 87/0188/FUL - Alterations to Two Existing Bungalows - Granted
- 3.3 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink - Granted
- 3.4 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – Granted

Adjacent sites:

- 3.5 Land To The South Of 28 Bedale Road 14/01228/FUL - Construction of 41 no. dwellings, provision of access and associated landscaping – Granted
- 3.6 Land To Rear Of 28 – 34 Bedale Road 11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping -

4.0 Relevant planning policies

- 4.1 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

5.0 Consultations

5.1 Parish Council –

- Aiskew and Leeming Bar nearing size of Bedale with little or no facilities. CIL money will have to help support facilities development.
- Wensleydale Railway concerned about extra use of level crossing by pedestrians, so ask that the developer put in a proper pedestrian crossing with kissing gates.
- Wensleydale Railway also concerned about run off flooding their line.
- Gates at level crossing should remain closed, but don't, so how will the developer confirm that the bollards are put back.
- Lane doesn't just support the house, there is also a riding stables down there, how will deliveries get down to the house?
- The access through Bluebell does not seem the most direct route, why have others been discounted?
- Sycamore and Bluebell already populated and roads quiet / not always wide enough with cars parked on it, as linden only designated off road one space to many houses when we know that many households are two cars.
- Sycamore Ave and Bluebell understood to not yet be adopted? (Residents have confirmed this)
- Who owns Blind Lane?

- If this route into site is the only one, then we would request that a condition is that construction traffic does not use it.
- Can we confirm that the sewer system can take the extra load?
- PC are happy with this land being used for development if the above can be addresses and dealt with.

5.2 Highway Authority – No Objections subject to conditions

5.3 North Yorkshire County Council Footpaths – a public right of way runs within or adjacent to the site, provides standing advice

5.4 Ramblers – Footpath should not be subsumed by development, should be retained as a separate countryside path. Rail crossing may require improvement, long term proposal for a cycle path Bedale-Northallerton.

5.5 Lead Local Flood Authority - recommends the application is not approved, further info requested 24.09.2021 response from agent that not forthcoming, awaiting final Lead Local Flood Authority comments

5.6 Yorkshire Water – recommend conditions but also additional information

5.7 Natural England – No comments

5.8 Yorkshire Wildlife Trust – Object until the applicant can show that a net gain for biodiversity can be achieved.

5.9 Network Rail – recommends conditions in relation to drainage, boundary fencing, method statements, soundproofing and landscaping

5.10 North Yorkshire Police Designing Out Crime Officer – acknowledges that the application is in outline, provides recommendations to be incorporated into the reserved matters application.

5.11 MOD – Site occupies the statutory aerodrome height, technical, and bird-strike safeguarding zones, this should be considered at reserved matter stage. Advice given on design and points of interest for MOD.

5.12 Environmental Health Officer – Noise Assessment required at RM stage

5.13 Wensleydale Railway – No objection subject to improvements to the crossing secured via S106 agreement

5.14 NHS North Yorkshire CCG – Request healthcare funding contribution (this is covered by CIL)

5.15 Public comments – 19 letters of representation were received from 17 member of the public raising the following issues:

- Increased traffic and highways safety
- Current access through Bluebell Way is badly designed and not yet adopted
- Impact on safety of existing residents including children due to changes in nature of the road and its use
- Wear and tear on Bluebell Way due to increased traffic

- Blind Lane is preferable to Bluebell Way for access
- Blind Lane should not be used for access to the development
- Blind Lane could become a rat run
- Impact on climate change (development should reduce carbon emissions)
- Lack of improvement to local services (need for GP and Community Hall, pressure on schools)
- Does not comply with the strategic objectives in the Core Strategy
- Impact on biodiversity
- Large volume of development away from the town centre
- Impact on residential amenity through noise, pollution, privacy and security
- Development would tidy up an unsightly site

6.0 Analysis

6.1 The main issues to consider are:

i) principle of development; ii) Access and Highways Safety; iii) Drainage; iv) Affordable housing; v) Amenity; vi) Open Space and; vii) Biodiversity

Principle

- 6.2 The principle of residential development is established through the allocation of the site for housing under BH2 and BH3 of the LDF. The site includes part of BH2 excluding the area between Aiskew House Farm and Bedale Road. The site also encompasses the remaining undeveloped part of BH3. BH3 has, to date, come forward through two permissions from 2011 and 2014 totalling 100 dwellings.
- 6.3 Together BH2 and BH3 allocated land for approximately 241 dwellings at a density of 35 dwellings per hectare. The 2014 permission saw a density of 32 dwellings per hectare and the 2011 permission 28.9 dwellings per hectare. This proposal for 88 would result in approximately 32 dwellings per hectare. This gives a total overall of 188 dwellings. Given the current housing land supply in excess of 10 years and that it is not intended to carry the allocation forward in the Emerging Local Plan this shortfall of delivery is considered acceptable.
- 6.4 LDF Policy DP17 states that “sites and premises used and/or allocated for employment purposes will be safeguarded for that use. Permission for any use that may have an adverse effect on an area’s primary purpose for employment will not be granted, unless: [...] iii. there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours”.
- 6.5 As stated in the allocation justification section, it is considered that the redevelopment of this site for housing would have amenity benefits for surrounding residential uses through the removal of a piggery use. It is also considered that the benefits of providing up to 88 dwellings with an element of affordable housing are sufficient to offset the loss of employment uses.

Access and Highways Safety

- 6.6 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.
- 6.7 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.
- 6.8 The allocation policy indicates that access to the development should be taken from the adjacent development via Bluebell Way. Ownership issues and proximity to the mini roundabout at Sandhill Lane have resulted in Blind Lane being discounted as the preferred main access point.
- 6.9 Blind Lane is a private road providing access to two properties located on the south eastern side of the Wensleydale Heritage Railway Line. The applicant has agreement with the owners of Blind Lane that the private road be retained across the extended Bluebell Way, affording access only to those two properties. During the life of the application the method of controlling the access to blind Lane has been altered. Originally gates and fixed kerbing (preventing any turning) were proposed. This was then altered to two sets of drop-down bollards and fixed kerbing to the north and south of the Bluebell Way extension.
- 6.10 The final proposal is a single set of manually operated drop-down bollards and fixed kerbing on the northern section of blind lane only. Access can therefore be gained from the southern part of Blind Lane through to Bedale Road via Bluebell Way and vice versa. This allows for unexpected visitors, post and deliveries etc to these properties whilst retaining the right of access over Blind Lane but discouraging its general use by residents of the new development. It is anticipated that the northern section of blind Lane will be accessed through the bollards by keyholders for example for movement of larger agricultural vehicles.
- 6.11 A Public Right of Way runs along the south western boundary of the application site, linking Bedale Road to Love Lane. The existing alignment of the Public Right of Way will be retained and a new pedestrian link will be gained from Bluebell Way.
- 6.12 North Yorkshire County Council Officers were consulted and returned the following final commentary: The proposal to develop land to east of Blind Lane takes advantage of the possible link from the Linden Homes development to the west of Blind Lane. The applicant wishes to extend Blue Bell Way into the proposed site. The highway authority does not object to this proposal as it has been shown by the developer that the existing road network has spare capacity to extend the residential development into the adjoining land. The junctions at Blue Bell Way/ Sycamore Ave and Bedale Road/Sycamore Ave have visibility splays which meet the requirements set in Manual for Streets design standards of at least 2.4m by 43m in both directions. The developer has shown that large vehicles can enter and leave

the site along Sycamore Ave and Blue Bell Way in the construction phase although the contractor will have to take control of any delivery to ensure access is possible.

- 6.13 The Highways Officer has recommended a number of conditions relating to detailed layout and plans, verge crossing specifications, visibility splays, parking, removal of permitted development rights, travel plan delivery, and a construction management plan.

Drainage

- 6.14 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 6.15 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.
- 6.16 Paragraph 167 of the National Planning Policy Framework states that: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 6.17 Paragraph 169 states: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.
- 6.18 Paragraph 80 of Planning Practice Guidance indicates that generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:
- into the ground (infiltration);
 - to a surface water body;
 - to a surface water sewer, highway drain, or another drainage system;
 - to a combined sewer.
- Particular types of sustainable drainage systems may not be practicable in all locations.
- 6.19 The Geo-environmental report submitted with the application indicates that the site is unsuitable for infiltration/soakaway drainage due to ground conditions. The Flood Risk Assessment submitted with the application indicates that in order to connect to Bedale Beck, the nearest waterbody, the drainage system would need to cross a considerable amount of third party land and has therefore been deemed unfeasible.
- 6.20 Survey of the site has identified an existing surface water drainage system. This system connects to an offsite system to the east. Whilst it has not been confirmed where the ultimate discharge point is the applicant has argued that the existence of the system, which has drained the site so far, is sufficient to show that the site could be adequately drained. In addition, there is also an option to connect to existing systems at Badger Hill Drive and Elm Tree Lane (subject to agreement).

- 6.21 The Lead Local Flood Authority were consulted and have agreed that the information submitted is sufficient for this stage of the development and that the remaining information can be secured by conditions. Conditions are recommended relating to detailed design, run off rates, storage, maintenance, outfall destination/impact on network and exceedance flow routes.

Affordable Housing

- 6.22 LDF Policy CP9 states that Housing development of 15 or more dwellings (or sites of 0.5ha or more) in the Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%. Allocation Policies BH2 and BH3 also indicate a 40% target for affordable housing.
- 6.23 In terms of tenure split 70% social rent and 30% intermediate tenure will be sought unless evidence can be provided for an alternative split. This in turn should be supported in writing by the Registered Provider to whom the homes will be transferred.
- 6.24 The Council's Affordable Housing SPD requires that the affordable homes are pepper-potted throughout the site in clusters of not more than six to eight dwellings. As the application is in outline with access only considered this will be dealt with at Reserved Matters stage.
- 6.25 Through discussions with Registered Providers operating in the area the Councils Housing Officer has indicated that the offer should include good size two bedroom bungalows, 4 or 8 one bed quarter houses, 3 – 4 four bed houses and a mix of two and three bed houses.
- 6.26 The supporting statement indicates that affordable housing can be provided on site subject to viability. The agent has indicated that 30% is proposed in line with the Emerging Local Plan evidence subject to viability. This, along with a tenure mix in accordance with the Council's SPD will be subject of the S106 agreement.

Amenity

- 6.27 LDF Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Developments must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 6.28 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.

- 6.29 The justification for the allocation at this site indicates that “these sites are proposed for development because the redevelopment of the pig farm and hatchery for housing will improve the residential amenity of the area and minimise the need to develop more open greenfield sites”.
- 6.30 An indicative plan has been submitted with the application showing how the proposed dwellings could be accommodated within the site. Given the density outlined above at 32 dwellings per hectare, it is considered that the dwellings could be sited within the site in a manner which would provide a suitable level of amenity to future occupiers.
- 6.31 The Councils Environmental Health Officer was consulted and they have recommended that a noise assessment be submitted with any Reserved Matters application. The assessment should detail how the proposed properties will be protected from the impact of noise from the railway line. The Environmental Health Officer considered that given the proximity of nearby residential development to the railway line it would be unreasonable at this stage to require this work to be done at outline stage.

Open Space

- 6.32 The Open Space, Sport and Recreation SPD indicates that amenity green space a children’s play area and facilities for young people and teenagers should be provided on developments proposing between 80 and 300 dwellings. Similarly, Appendix E of the Emerging Local Plan indicates that amenity greenspace, a play area and facilities for young people are required on site.
- 6.33 A financial contribution towards improvement of existing provision may be considered appropriate where existing provision lies within the walking distance guideline of the development and providing the quantity standard is achieved.
- 6.34 Approximately 200m to the north is the Cherry Grove/Kingfisher Drive recreation grounds. This includes open green areas, playing fields and various play equipment. As the development site is separated from these facilities by Bedale Road it is considered acceptable that on site provision be made for a LEAP. Given the proximity to the existing recreation grounds a contribution towards the maintenance of this area may be acceptable to address the requirements for amenity space and facilities for young people generated by the development.

In this case as the application is in outline and the layout has not been designed a condition is recommended requiring the submission of a scheme for the provision of open space. The agent has agreed that provisions for a security bond will be included in the s106 agreement which can be used for the setting out of public open space should the developer default for any reason.

Biodiversity

- 6.35 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’.
- 6.36 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.

- 6.37 An Ecological Appraisal was carried out by Smeeden Foreman Limited and the subsequent report submitted in support of the application. The report includes a desk study of relevant information including designated nature conservation sites and existing records of protected species, an initial site survey (extended phase 1 habitat survey) and species-specific surveys in respect to bats.
- 6.38 The report indicates that there are no statutory or non-statutorily designated sites located within 2km of the application site.
- 6.39 The report indicates that the principal habitats within the application site are generally considered to be of low conservation value, predominantly comprising species poor semi-improved grassland, buildings and associated areas of hard standing. The trees, areas of scrub and hedgerows within the site are considered to be of some conservation value, as these provide suitable habitat for breeding and roosting bird species, bats and small mammals such as hedgehogs.
- 6.40 Potential for foraging/commuting and roosting bats was identified and the site was subsequently surveyed. It was found that bat use of the site was generally low with activity limited to the eastern and western boundaries. Activity was predominantly common and soprano pipistrelle, with very limited use by Myotis and brown long eared bats.
- 6.41 Initial building inspections found no signs or evidence of roosting bats in any of the buildings. Subsequent emergence/re-entry surveys of the buildings found no evidence of roosting bats with a low number of bats recorded commuting/foraging within the vicinity of the buildings.
- 6.42 Two trees on the site have been identified for removal and were therefore subject to emergence surveys. No roosts were found, however, it is recommended that these are re-surveyed prior to felling. It is also recommended that if any other trees are identified for removal that these also be surveyed prior to works.
- 6.43 No Species of birds which are protected by Schedule 1 of the Wildlife and Countryside Act 1981 were recorded within the site. In addition, no nests were noted within the buildings on the site. As all wild birds are protected during breeding it is recommended that any site clearance works take place outside of breeding season (March – August inclusive). It is also recommended that the building be re checked for nests prior to demolition.
- 6.44 Breeding tawny owl were identified using trees north of site during the 2020 bat transect surveys. Activity was recorded to the north of the piggery site, calling from conifer trees and demonstrating defensive behaviour at a nest site. Audible calls from juvenile birds were confirmed by the surveyor. Tawny owl are an Amber-listed species of conservation concern. It is recommended alternative nest provision is

provided within the new development by installation of a nest box upon a suitable retained tree on site.

- 6.45 One badger record was provided within 2km of the site but no signs of badger were recorded within or adjacent to the site during the survey. Due to the presence of suitable habitat in the surrounding local area it is anticipated that badger may access the site for foraging and commuting purposes. Precautionary working methods are therefore recommended to be adopted during construction works to prevent accidental harm or injury.
- 6.46 Yorkshire Wildlife Trust were consulted and requested the submission of a Biodiversity Net Gain Assessment. This was subsequently submitted and included the use of the DEFRA Biodiversity v2.0 Metric. Based on the indicative layout the development is likely to result in a 7.85% loss for habitat units and 32.63% gain for hedgerow units.
- 6.47 The Metric does not count biodiversity enhancements with respect to species (such as bird and bat boxes) and therefore biodiversity net gains attributed to these enhancements are not reflected within the measurable results obtained from the Metric. Additional measures including permanent bat box provision, gaps below fencing to maintain connectivity for hedgehog and a range of bird boxes for species of known conservation concern (house sparrow, starling, house martin and tawny owl), whilst not reflected within the calculation, could contribute to biodiversity gains within the site.
- 6.48 In this case, given the outline nature of the application, it is recommended that a condition be included requiring the submission of a scheme detailing the measures to be included in the design which result in measurable net gains for biodiversity.

Planning Balance

- 6.49 The application seeks outline consent for up to 88 dwellings on a site allocated for housing in the current LDF. The development will result in the loss of an employment site, however, as the proposal is for housing on an allocated site, it is considered that the loss is out-weighed by the benefits of providing additional housing. As part of the proposal, affordable housing will be provided at a rate of 30%, in line with the emerging Local Plan which is based on the most up-to-date evidence. It is considered that the proposal for up to 88 dwellings reasonably satisfies the provisions of the allocation policy and relevant policies of the LDF and the emerging Local Plan.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
(a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing by the Local Planning Authority before any part of the development is brought into use.
5. The development must not be brought into use until the access to the site at Bluebell Way has been set out and constructed in accordance with the "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements: The access must be formed to give a minimum carriageway width of 5.5metres, and that part of the road extending into the site must be constructed in accordance with Standard Details issued by the local highway authority. All works must accord with the approved details.
6. There must be no access or egress by any vehicles between the highway and each property application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

9. The development must be carried out and operated in accordance with the approved Travel Plan named REPORT NO 20536-002 and received by Hambleton District Council on 18.12.2020. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
10. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. restriction on the use of Blind lane access for construction purposes; 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 4. the parking of contractors' site operatives and visitor's vehicles; 5. areas for storage of plant and materials used in constructing the development clear of the highway; 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; 8. protection of carriageway and footway users at all times during demolition and construction; 9. protection of contractors working adjacent to the highway; 10. details of site working hours; 11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate; 12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development; 13. measures to control and monitor construction noise; 14. an undertaking that there must be no burning of materials on site at any time during construction; 15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works; 16. details of the measures to be taken for the protection of trees; 17. details of external lighting equipment; 18. details of ditches to be piped during the construction phases;
11. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

12. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to 5.65 L/S. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
13. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory 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.
14. Development shall not commence until a scheme for the accommodation of additional flows impacting upon the drainage network have been submitted to and approved in writing by the Local Planning Authority, including further survey and investigation of the existing drainage system to confirm wider connectivity. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.
15. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS 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.
16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
17. 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:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - b) evidence of existing positive

drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

18. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
19. Prior to commencement of development hereby approved a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the issues raised in Network Rails response dated 28.01.2021 in relation to surface water drainage and the adjacent railway line are to be addressed. The development shall thereafter be carried out in accordance with the approved strategy.
20. Prior to the commencement of development hereby approved a construction management plan detailing safety procedures for development adjacent to a railway line shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. The management plan shall include, but not be limited to, details relating to the fail safe operation and storage of cranes, plant, vehicles and materials.
21. Prior to the occupation of the development, hereby approved, details of a trespass proof fence shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, type, appearance, colour, positioning, timing for installation and details of future maintenance of the fence. The fence shall be constructed prior to the first occupation of the development and shall be thereafter retained in accordance with the approved details.
22. If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The method statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan.
23. No trees or shrubs shall be planted within 10m of the Network Rail boundary fencing to the south of the site unless a scheme is first submitted to and approved in writing by the Local Planning Authority detailing, but not limited to, the species, siting and future maintenance of the planting. Any planting within the 10m buffer zone shall be carried out and maintained in accordance with the approved details.

24. Prior to commencement of the development hereby approved a Biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats. The development shall thereafter be carried out in accordance with the approved details
25. No trees shall be removed until a further inspection for bats has been conducted by a suitably qualified Ecologist and the results submitted to and approved in writing by the Local Planning Authority. Should any bat roosts or evidence of such be found within trees proposals in relation to the roosts shall be submitted for approval in writing to the Local Planning Authority along with the findings. Thereafter the development shall be carried out in accordance with the approved details.
26. Site clearance works including vegetation and building demolition shall be undertaken between September and late February to avoid the bird nesting season (March-August) otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged.
27. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter
28. The development hereby approved shall comply with the requirements of the Council's Supplementary Planning Guidance on Housing Size, Type and Tenure or otherwise with an identified local need in the Bedale sub-area, which has first been agreed with the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

5. To ensure 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. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
9. To establish measures to encourage more sustainable non-car modes of transport.
10. In the interest of highways safety and public amenity.
11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
12. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
13. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
14. To accommodate flows in storm events and allow for future maintenance
15. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
16. In the interest of satisfactory and sustainable drainage.
17. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
18. In order to allow sufficient access for maintenance and repair work at all times.
19. To ensure that the development does not cause drainage/flooding issues on the adjacent railway line in the interest of public safety.
20. In the interest of public safety and the safe operation of the railway line.
21. In the interest of public safety in discouraging trespass on the railway line.
22. In the interest of public safety and the safe operation of the railway.
23. In the interest of public safety and the safe operation of the railway.
24. In the interest of biodiversity.
25. In the interest of biodiversity.
26. In the interest of biodiversity.

27. In order to comply with the requirements of Core Strategy Policy CP19 and LDF Policy DP37.
28. To ensure that the proposed development meets local need for housing and to ensure that the proposals accord with CP8.

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Parish: Borrowby
Ward: Bagby & Thorntons
2

Committee Date : 18 November 2021
Officer dealing : Mr Nathan Puckering
Target Date: 4 November 2021
Date of extension of time (if agreed):

21/01867/FUL

Change of use of land to domestic and the construction of a new two storey dwelling and double garage to replace an existing dwelling
At: Oakdene, Woundales Lane, Knayton Thirsk
For: Mr Cramp.

This application is referred to the Planning Committee on the request of the Ward Member.

1.0 Site Context and Proposal

- 1.1 Oakdene is a two bed detached dwelling located in the open countryside approximately 1.2km north east of Knayton and 1km west of Borrowby. It sits directly north of Woundales Lane which leads eastwards from Borrowby where it is met by Cleveland Rein, a road which heads southwards towards Knayton. The surrounding area is mostly open countryside, although there are several rural dwellings and agricultural units dotted around the locality; with Rectory House 60m to the east and Grimstone Farm 90m to the north. Broad Beck runs east-west past the site 23m to south, with the boundary of Flood Zone 2 effectively lining up with the southern boundary of the site.
- 1.2 The site itself comprises the main dwelling which fronts the aforementioned road but actually sits considerably higher due to land rising quite sharply northwards across the site. The building itself is brick built with a grey slate roof and the main section being a typical simple design that one tends to find on such rural farmhouse-like dwellings. A rather unattractive early 20th century upvc conservatory has been added to the western elevation rather detracts from the principle elevation. To the rear there is a small mono-pitched porch alongside a larger extension of a similar design. Surrounding the dwelling itself are several ancillary structures such as a large greenhouse, several timber shed-like buildings and what appears to be a chicken pen. A more substantial open sided garage is in situ on the eastern edge of the site.
- 1.3 This application is seeking permission for the full clearance of the site and the subsequent construction of a replacement five bed dwelling. The proposed dwelling will be on a larger scale than the existing, both in terms of footprint and design. It will effectively comprise two sections - the first fronting the highway in the same way the existing dwelling does but increasing the frontage to just over 14m wide and an eaves height of approximately 8.4m (in comparison to 11.5m and 7.3m respectively). Behind this there will be a second element comprising a similar, but larger, rectangular element which will be offset from the main section, with a second frontage measuring 6.4m in length visible to the east of the principal elevation. These two elements will be joined by a glazed section between the two. To the rear there will also be a sunroom/conservatory. It should also be noted that the proposal includes a reconfiguration of the surrounding land and a change of use some of the land to domestic to allow alterations and landscaping in the curtilage of the property.

2.0 Relevant Planning History

- 2.1 99/50156/P - Construction of a greenhouse - Granted July 1999
- 2.2 99/50157/P - Construction of 2 polytunnels and a shed for use in connection with the sale of produce - Temporary permission granted January 2000 for a period of two years

3.0 Relevant Planning Policies

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

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy 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 DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Hambleton Emerging Local Plan

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

<https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

4.0 Consultations

- 4.1 Parish Council - Borrowby Parish Council has no objections.
- 4.2 NYCC Highways - no objections subject to standard conditions.
- 4.3 Yorkshire Water - no objection subject to condition.
- 4.4 Environmental Health - no objection.
- 4.5 Environmental Health (Contaminated Land) - no objection in light of submitted PALC form but recommend condition relating to if unexpected contamination is discovered during construction.
- 4.6 SABIC - the development will not impact the SABIC pipeline.

- 4.7 RAF Linton on Ouse - no safeguarding objections.
- 4.8 Environment Agency - no comments received.
- 4.9 Yorkshire Wildlife Trust - no comments received.
- 4.10 Site Notice & Neighbour Notification - two letters of support received with the following comments:
- The proposed construction of this family home is well considered and in keeping with the local vernacular and materials.
 - The re-use of buildings, previously developed land, and the greater use of sustainable construction techniques is, quite rightly, part of the District's commitments to reduce CO2 and other greenhouse gas emissions.
 - Homes of this type and size are an important part of the required housing mix in order to meet the demands of modern families who work, live, and attend schools within the community.
 - Families who are prepared to invest in the local economy to deliver something of quality and to modern performance standards should be commended for their ambition and drive.
 - The current building is totally unsuitable as a family home due to its size, construction and fabric and a new house will stand well on the site to provide modern, sustainable accommodation whilst enhancing the rural location.

5.0 Analysis

- 5.1 The main issues to consider are i) the principle of a replacement dwelling in this location, ii) design & landscape impact, iii) amenity, iv) highway safety, v) ecology and vi) flood risk.

The Principle

- 5.2 The site is outside of development limits and as a result policy DP9 becomes the most relevant policy in terms of the principle of the development. This states the following: "Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4, or where it constitutes replacement of a building, where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion." In this instance, none of the exceptional circumstances outlined in policy CP4 are relevant and nor are they being claimed by the applicant.
- 5.3 That said, given the residential use of this site has been established for a long period of time, the principle of this use is, in this instance, accepted. The acceptability of the principle of the development therefore boils down to the specifics of the proposal, i.e. a replacement dwelling in the open countryside which is on a much larger scale than the one currently in situ and whether there is sufficient justification for this wholesale replacement.
- 5.4 In this respect, the latter part of policy DP9 is relevant in that it supports replacement buildings outside of development limits where that replacement would achieve a more acceptable and sustainable development than would be achieved by conversion. In order to fully assess this issue and demonstrate that the conversion of the building is not a feasible alternative, the agent was asked to provide commentary of the level of sustainability of the proposed dwelling in

contrast with if the existing was to be kept and extended and redeveloped. Their comments on this point can be summarised as follows:

- The existing two bedroom house has masonry load-bearing walls throughout, including the construction of the kitchen area at the rear of the property. To adjust and extend the existing property to provide the 5 bedrooms would require significant alterations to the property posing the question of how worthwhile the keeping the existing property is.
- The re-use of the brown-field site and keeping a similar facade-line to the existing house in relation to the street-scene was an important factor in considering the redevelopment of this site.
- The current house would require significant works to improve its efficiency in energy usage and making good these alterations become costly when working around an existing structure. Therefore, in line with P.152 of the NPPF the scheme works towards the transition to a low carbon future. Contrary to P152, the conversion of this building would have detail difficulties in achieving the low-carbon and well insulated home.
- The proposal would seek to re-use the existing bricks and slates on-site in a continued effort to reduce the environmental impact of the build. The fact that the build overall would require energy and new materials to construct is noted, however being able to build a more air-tight and higher insulated property will have reduced energy usage in the long-run.
- The building will be heated using an air-source heat pump (ASHP) which will be run via mains electrics, with input also from a Photovoltaic array. To enable the best efficiency from the ASHP high levels of insulation work best with a thermal envelope consistent throughout the building in terms of its connections between floor, walls and roof. Similarly, the double-glazed timber windows will provide good thermal insulation to help run these systems efficiently.

5.5 The above points are all noted, and the sustainability of the proposed replacement dwelling is by no means questioned by Officer's. However, the issue is that it has not been demonstrated that these benefits cannot be achieved through working with the existing structure. The first point outlined above from the agent's comments relates specifically to whether the existing structure could be altered to achieve a 5 bed house, as is being proposed. However, this is not the issue at hand as the crux of policy DP9 simply requires a judgement on whether an equally acceptable and sustainable dwelling could be achieved by conversion. The applicants aim of a five bed dwelling and if that could be achieved is irrelevant in this respect and it is the existing building's ability to provide a sustainable dwelling that must be assessed.

5.6 The Planning History does not shed light on the age of the existing dwelling, but historic mapping indicates it was constructed in the mid-20th century. As such, the building is not of such a great age that would lead one to the logical conclusion that it is simply beyond repair or improvement. Indeed, through observations on site visits, the dwelling appears in a habitable state and with work could meet the sustainability and living standards of a modern day dwelling. The agent's comments relating to the cost and impracticality of working with the existing structure is noted but these are simply offhand comments and provide no evidence of any substance to back up the claim.

- 5.7 Policy DP9 specifically requires the benefits achieved by rebuild to not be possible by conversion and no evidence has been provided to demonstrate this is definitely the case. One must also consider that this justification becomes even more important when the proposed replacement dwelling is so much larger than the one which is currently in situ, with the proposal now to introduce a building over twice the footprint into the open countryside and outside of development limits.
- 5.8 Paragraphs 48a) of the National Planning Policy Framework states local planning authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). Hambleton District Council are in the process of adopting a new Local Plan, which is now at an advanced stage having been through examination in public in November 2020 and the public consultation period on the main modifications on the back of this having expired on 9th November 2021. Given this advanced stage, it is considered that the policies therein must be given considerable weight in the decision making process.
- 5.9 Policy S5 of the Emerging Local Plan concerns development in the open countryside, including replacement dwellings. The Publication Draft version of policy S5 stated that such development would be supported when i) the building was redundant or disused and ii) of permanent and substantial construction. It also stated that "A modest increase in floorspace would be supported." The main modifications version of this policy has now been altered to state "Only limited increases in floorspace will be supported and development proposals must be proportionate to the building(s) that they replace."
- 5.10 Both versions of this policy clearly place importance on any replacement dwelling only representing a "modest" and "proportionate" increase in size. If one was to use the measurement of internal floor space, this development would increase Oakdene from 219sqm to 419sqm - an increase of 91%. In no terms can this be construed as a modest or proportionate increase.
- 5.11 To summarise, there has been no justification provided as to why a replacement dwelling on such a bigger scale is required to achieve the perceived sustainability benefits and also that the existing dwelling is not suitable for conversion to gain equal benefit. This is in direct conflict with policy DP9 of the Local Development Framework. Furthermore, emerging policy which is at an advanced stage and thus must be given considerable weight, is also not supportive of the development proposed in this instance due to the scale of the replacement. As a result, the principle of this proposal is unacceptable.
- Design & Landscape Impact
- 5.12 Policies CP17 and DP32 concern the design of development. They require development to have a high quality design which provides an attractive, functional, accessible, safe and low maintenance development; respect and enhance the local context and its special qualities, including its urban design and landscape and optimise the potential of the site. Furthermore, proposals must respect local character and distinctiveness and in terms of scale, volume and massing, development should result in built forms that contribute positively to the townscape.

- 5.13 Policy DP30 seeks to protect the open countryside and states that the design of buildings, and the acceptability of development, will need to take full account of the nature and distinctive qualities of the local landscape.
- 5.14 It is accepted that the design of the development is high quality in that in isolation the appearance of the dwelling cannot be said to conflict with policies CP17 and DP32. That said, in the context of the site in this instance, concern must be expressed as to the overall scale of the building and how overbearing it would appear as one arrived at the junction on which the site sits.
- 5.15 It is in a very prominent location in this respect due to how close it sits to the main road and this is further underlined by the fact it is raised above the road due to land levels. This is going to make the overbearing and oppressive nature of the scale of the building even more obvious and will be in direct conflict with the existing understated character of the existing frontage which sits rather congruously within the surrounding landscape on this road frontage as one arrives at the junction.
- 5.16 In the applicants Design and Access Statement, it is explained that inspiration has been taken from looking at the scale and massing of various agricultural units and farmhouses in the surrounding area in order to demonstrate how the design fits in with the local character. This point is noted but one must consider the fact that this site is in a relatively prominent location and as such has a much greater scope for having a harmful landscape impact by being overtly large in scale. For example, with the other dwelling in the immediate locality, Rectory House, which sits to the east; whilst being large in scale, this sinks much further back from the road frontage and is on the same level as the road. Intervening boundary treatments such as a fairly high wall further weaken the relationship between, and in turn the impact on, the main views as one travel's passed this site. In turn one is much less aware of there being a dwelling than in the case of Oakdene.
- 5.17 To conclude the assessment of design and landscape impact; it is considered that the proposal equates to a dwelling which is too big in scale for such a prominent location and as a result causes harm to the surrounding landscape and as such cannot be said to take into account the local context. It is therefore in conflict with policies CP17, DP30 and DP32.

Amenity

- 5.18 Policy DP1 states that all development proposals have to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. It also requires adequate outdoor amenity space to be provided for any users of the proposed development when relevant.
- 5.19 Overall, given the surrounding context of the site, the development gives way to no concerns regarding the amenity of either the existing neighbours or the future occupants of the development. Adequate amenity space has been incorporated into the overall design of the site. As a result, notwithstanding the issues discussed above, the proposal complies with policy DP1.

Highway Safety

- 5.20 Presently there is no formal vehicular access to the wider site, although a gate is in situ to the south east of the dwelling which leads off the adjacent C road. The proposal is to utilise this gate as an access point to create a driveway. To ensure this would not compromise highway safety, the Local Highways Authority were consulted on the proposal. They subsequently offered no objection subject to standard conditions. As a result, the development is considered acceptable on highway safety grounds.

Ecology

- 5.21 Policy DP31 precludes any development which would cause significant harm to sites and habitats of nature conservation. The applicant submitted a Preliminary Ecological Appraisal as part of the application. This found that there is a day roost present in the roof of the main dwelling, but no evidence has been found to indicate the presence of a more significant roost such as a maternity roost and as such the impact on bats will be negligible. Similarly, no barn owls were present in the outbuildings and the impact on nesting birds will also be negligible. This is accepted and ecological impact is not a reason for refusal in this instance.

Planning Balance

- 5.22 The proposal in this instance has not been fully justified in the context of policy DP9 as it fails to demonstrate how the existing dwelling is not fit for conversion and to achieve a habitable and sustainable dwelling requires a full scale demolition of said dwelling and the subsequent construction of a much larger dwelling on the site. Furthermore, it also fails to meet the requirements of emerging policy S5 which relates to the rebuild of dwellings in the open countryside and only supports such proposals when there is a modest increase in size. As such, the principle of the development is in conflict with local policy.
- 5.23 Furthermore, the design of the proposal has been assessed as being inappropriately large and as a result of the prominent location of the site, this will lead to a harmful impact on the character and appearance of the locality. This is in direct conflict with policies CP17, DP30 and DP32.
- 5.24 So, whilst in terms of other material considerations - i.e. impact on amenity, highway safety and ecology - the development is acceptable, on the whole this does not outweigh the harm resulting from the above conflict with policy and consequently refusal is recommended on that basis.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

The reasons are:-

1. The proposal in this instance has not demonstrated that the wholesale demolition of the existing dwelling and its subsequent rebuild with a dwelling so much bigger is required to achieve the perceived sustainability dwelling in line with modern standards. Furthermore, it fails to meet the requirements of the emerging Hambleton Local Plan policy S5 which concerns the rebuild of dwellings in the open countryside by not representing a proportionate

replacement building which is, at most, a modest increase in size. The development is therefore in direct conflict with policy DP9 of the LDF and policy S5 of the Emerging Local Plan.

2. The design of the proposed replacement dwelling equates to a dwelling which is too big in scale for such a prominent location and as a result causes harm to the surrounding landscape and cannot be said to take into account the local context. It is therefore in conflict with policies CP17, DP30 and DP32.

Parish: Easingwold

Ward: Easingwold

3

Committee date: 18 November 2021

Officer dealing: Kate Williams

Target date: 19 November 2021

20/02341/FUL

Construction of falcon breeding facility

At: Dawney House Farm Dawney Lane Easingwold North Yorkshire Yo61 3NN

For: Suhail Enterprises Limited

This application is referred to planning committee as it is a departure from the Development Plan.

1.0 Site Context and Proposed Development

- 1.1 Dawney House Farm is farmstead comprising the farmhouse and agricultural buildings. The application site is outside of any settlement limits. It is in proximity to the A19 near Easingwold. The site is accessed from the A19 via Crankley Lane and then Dawney Lane. Dawney Lane is single track and lined on the eastern side with allotments and leads to a scout hut. Dawney Lane itself is lined with dense native hedgerows and trees.
- 1.2 The character of the application site is flat and open. The site is subdivided into four existing fields which are around an existing central agricultural building and farmhouse. The fields are delineated by mature hedgerows and trees, and there is a dense copse of trees in the north east corner of the site adjacent to Dawney Lane.
- 1.3 The proposal comprises 10 different types of buildings for the breeding of birds. The proposed buildings are clustered around the existing central building. The proposed materials are green cladding. Several of the 'barn' buildings are part open and have netting/mesh. The Hackpen is circular and the roof is mesh (its highest point being 7.1m). The existing access is retained for the proposed development.
- 1.4 The aim of this proposal is to establish a world leading centre for the selective breeding of pure bred racing and hunting birds, some of which are internationally endangered. The proposed buildings with their length, width and height in metres are set out below:
 - 1) Natural pairs barn - 97.8 x 13.8 x 3.6
 - 2) Quarantine building - 13.1 x 10.5 x 3.9
 - 3) Incubator Brooder building - 12.9 x 7.3 x 3.3
 - 4) Gyrkin Falcon barn 1 - 12.8 x 9.9 x 3.3
 - 5) Gyrkin Falcon barn 2 - 12.8 x 9.9 x 3.3
 - 6) 3 Female Imprint chambers - 25.4 x 8.2 x 2.7
 - 7) Hackpen - 50 diameter x 7.1
 - 8) Parrot barn - 83.8 x 12 x 3.6
 - 9) Eagle barn - 68.5 x 7.6 x 5.0
 - 10) Condor barn - 46 x 21.5 x 5.0

2.0 Relevant Planning and Enforcement History

- 2.1 20/023412/FUL - Retrospective Application for the Change of Use of land for the siting of 2 no. mobile homes and associated parking to provide staff accommodation for the proposed Falcon Breeding Facility. Pending Consideration.
- 2.2 07/02270/FUL - Revised application for the construction of a replacement dwelling. Permitted 24.09.2007.
- 3.0 Relevant Planning Policies
- 3.1 Local Development Framework:
 Core Strategy Policy CP1 - Sustainable development
 Core Strategy Policy CP2 - Access
 Core Strategy Policy CP4 - Settlement hierarchy
 Core Strategy Policy CP15
 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
 Development Policies DP33 - Landscaping
 Development Policies DP43 - Flooding and floodplains
- 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
 EG7: Businesses in Rural Areas
 E1: Design
 E2: Amenity
 E3: The Natural Environment
 E4: Green Infrastructure
 E5: Development Affecting Heritage Assets
 E7: Hambleton's Landscapes
 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 Parish Council – Easingwold Parish Council wish to see this application approved.
- 4.2 NYCC Highway Authority – No objections. No recommended conditions.
- 4.3 MoD – No objections, subject to the provision of appropriate storage of waste
- 4.4 Environment Agency - Provided the proposed development is built in accordance with the revised FRA submitted on 28 June 2021 then they remove their earlier objection subject to the recommended condition (in relation to floor levels) being applied to any permission granted.
- 4.5 HDC Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. The Environmental Health Service has no objections although but recommend that if approval is granted a condition is applied for the accommodation to be used by staff only.
- 4.6 Kyle and Upper Ouse Internal Drainage Board – They would like to add a condition that any surface water discharge into any watercourses in, on under or near the site requires consent from the Drainage Board.
- 4.7 Yorkshire Water – No comments received.
- 4.8 NYCC Lead Local Flood Authority – No objections. They recommend conditions to ensure the development is built in accordance with the submitted drainage design and to secure an exceedance flow route.
- 4.9 Natural England – No comments to make on the application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 4.10 Yorkshire Wildlife Trust – No comments received.
- 4.11 RSPB – No comments received.
- 4.12 The application was advertised by neighbour notification, press and site notice, which have all now expired.
- 4.13 There are no public observations.

5.0 Analysis

- 5.1 The main issues to consider are:
 - a) Principle
 - b) Design and Visual Impacts
 - c) Landscape and Ecology
 - d) Highway safety and Access
 - e) Residential Amenity

f) Flood Risk and Foul and Surface Water Drainage

g) The Planning Balance

Principle

- 5.1 The application site lies beyond the Development Limits of Easingwold as defined in the Local Development Framework. Core Strategy. Policy CP4 states development in other locations (in settlements or in countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2. It lists several additional criteria which identify when development in the countryside may be supported and criterion i) is relevant in this case.
- i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.
- 5.2 Development Plan Policy DP9 states that Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4.
- 5.3 In terms of the establishment of a new business, and therefore whether it is necessary and likely to be maintained, the application has been submitted with justification for the development and its funding. An accredited veterinarian statement advises that the proposed development would play a 'critical' role in avian conservation, in relation to genetic diversity and the diminution of demand for the capture of wild birds. It advises the applicants have to demonstrate high standards in relation to welfare to be able to export birds with the applicants having extensive experience of this. The applicants statement further explains background context into endangered species. They explain those species they rear are endangered, caused by illegal trade globally. It is explained that captive breeding can reduce the demand for wild birds and retain a healthy gene pool for repopulation in the wild.
- 5.4 In terms of the location within the UK, the applicants state the climate is suitable for breeding birds. They advise the proposed site was considered as it is in a more rural flat and open site and in an area with lower crime levels. This proposal builds on their experience of their existing business that would be retained, but with different operators.
- 5.5 The development proposed is in connection with highly specialised breeding and conservation of birds. Although the development does not fall within the statutory definition of agriculture, the specialist breeding of birds and conservation work has previously been considered to be an activity accepted as requiring an essential countryside location. It's very sensitive nature and space requirements are similar to requirements for livestock and therefore this means it would be unlikely to be located within the development limits. In this case officers consider that the proposal would fulfil criterion i) of CP4 in that it would be necessary to meet the needs of an enterprise with an essential requirement to locate in the countryside.
- 5.6 The second part of criterion i) requires such development to support a sustainable rural economy. The applicants envisage that the proposal would create 2 additional full-time jobs in the short term but is anticipated to increase. The 2 managers will

oversee all of the day to day running of the project and staff and will live on site at the farmhouse. They would be responsible for overseeing all aspects of the facility. There will also be 2 full time aviculturists and their duties will be the welfare of all of the birds such as feeding, breeding, rearing. Additional full time general members of staff will be required to undertake food preparation, cleaning and the proposal would also potentially require part time members of staff employed during the spring and summer to ease the workload on the permanent staff members who it is envisaged will be recruited from the local area.

- 5.7 Policy CP15 states that support will be given to the social and economic needs of rural communities by encouraging various types of development that is considered sustainable for the Hambleton district. This includes the following development in the most relevant criteria:
- i. retention or expansion of appropriate businesses outside of the Service Centres and Service Villages;
 - ii. diversification of the agricultural economy.
- 5.8 Development Plan Policy DP 26 states employment development in locations outside Development Limits will be supported (and permission granted for such development, if also acceptable in terms of other LDF policies), if all the following apply:
- i. it is small in scale;
 - ii. it comprises conversion and re-use or replacement of existing rural building of sound construction, or appropriate extensions of buildings or existing uses which are otherwise acceptable in terms of other LDF Policies;
 - iii. 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;
 - iv. it is supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities;
 - v. the development would not adversely impact on the economy of the Service Centres.
- 5.9 In accordance with CP15 the proposed development represents the creation of a new business, with experienced and funded applicants. However, the proposal does not fully accord with criterion i. and ii of DP25 because overall the number and size of buildings isn't small scale development, and although the development does seek to re-use existing buildings on site it comprises the construction of new buildings. In all other respects the development is not capable of being located within a settlement, it will support the local economy through the creation of jobs whilst not affecting the service centre of Easingwold due to the nature of the use.
- 5.10 The NPPF 2021 however provides a broader context than the above policies and seeks to support a prosperous rural economy by ensuring planning policies and decisions recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, in locations that are not well served by public transport and through the construction of new

buildings. It also references that planning policies and decisions should enable the development and diversification of agricultural and other land based rural businesses.

- 5.11 Emerging Local Plan policy S5 seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of development. It states Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.12 Emerging policy EG7 references rural business development in the countryside. The purpose of this policy is to support businesses with a genuine need to be located in the countryside. The proposal is supported by a statement setting out the operational/ functional need for the scale of development proposed and justification for its location including.
- 5.13 The site is in close proximity to Easingwold and the A19, and therefore could allow for cycling to the site from Easingwold and very convenient access to the road network. Notwithstanding the scale of the proposed development, the design, visual and other impacts, which are assessed separately in the report, it is considered that the overarching principle of the development accords with CP4 and CP15. Whilst not in accordance with DP25 criterion i and ii, the scale and construction of new development is not specifically excluded from emerging policies S5 and EG7 and this approach is highly consistent with the guidance within the NPPF and therefore weight can be given to these policies.
- 5.14 Overall the proposal is an appropriate and specialist land-based business for the rural area with credentials to reduce illegal capture and trade of birds and support endangered species globally. As with previous applications of this nature, officers advise that weight can be given to this additional conservation element and due to support within the LDF and emerging Local Plan policies the development is supported in principle.

Design

- 5.15 Local Development Framework policies CP17 and DP32 set out the requirements for development to aim to achieve high quality design. The purpose of emerging Local Plan Policy E1 seeks a similar requirement.
- 5.16 The site is large made up of 4 fields. The north east field near the site entrance proposes 2 workers dwelling (which is subject to a separate application) this is envisaged to help address security concerns at the entrance to the site. The north west field proposes the circular Hackpen, which allows the birds to fly. An Eagle and Condor Barn is proposed to be sited along an existing hedgerow line. In the south west field is the existing farmhouse and agricultural buildings. This area comprises buildings for rearing and housing falcons and quarantine buildings. Buildings 2 - 6 are located around the main agricultural building. In the south east field, the parrot barn is located, and whilst it would be visually better to have the buildings located in a more compact layout, it is understood that separation of species enhances the biosecurity of the site and therefore the welfare of the animals. Overall, the layout of the site is logical and sited around existing development on the site.

- 5.17 The buildings are functional in appearance and the majority of the proposed development is under 5m. The buildings are to be constructed of green corrugated steel to reflect other agricultural type buildings and therefore will have an agricultural form.
- 5.18 Whilst the buildings are numerous, in terms of their form, scale, layout, height, appearance and the use of materials, are considered to be acceptable. The development responds to its context within a rural location in terms of form, materials and colour. In this respect there is no objection to the design of the buildings, and the proposed development does not conflict with CP17, DP32 and emerging policy E1.

Landscape and Ecology

- 5.19 Policies CP16, CP17 and DP30, DP31 and DP33 are relevant to the consideration of the impacts upon landscape character, landscape features, visual impacts and ecology. The policies aim to preserve and enhance the districts natural environment. The NPPF also confers a level of protection to the countryside and requires development to respect it. Emerging Local Plan policy E4 and E7 have similar requirements to the above policies and national guidance.
- 5.20 The site is within Hambleton Landscape Character Assessment and Sensitivity Study (prepared to inform the Local Plan) Area 25: Tholthorpe Moors. The landcover is primarily arable farmland, with medium to large scale fields enclosed by hedgerows. There are some scattered areas of pasture, and several areas of small-scale, narrow fields with parallel lines of hedgerows in proximity to the settlements around Easingwold. The area has a variable pattern including some large-scale intensive arable farmland, and buildings as well as some smaller-scale areas of pasture with a historic field pattern. This site area comprises larger fields with hedgerows and several small, wooded areas.
- 5.21 Whilst the character of the immediate application area would change, due to the introduction of buildings and access tracks, these have the appearance of buildings which would commonly be seen in the rural landscape and are of a recessive colour. Due to the relatively flat topography and existing landscape around the wider application site it is considered that it would not sit on the skyline and would therefore be visually well contained. The site also benefits from having few landscape features other than boundary hedgerows and some trees and harm to them can be avoided with construction conditions. It is considered that additional landscape planting would enhance screening and a detailed landscape condition is attached.
- 5.22 The ecology of the site that would be affected would be grassland, which are relatively limited habitats in terms of supporting species. The development would not make use of the outside space around the pens for the flying of or training of falcons, thereby the local bird population would not be affected. The new buildings will not have any external lighting as it is not necessary, lighting in the buildings is only required in the corridors, as the pens have infrared cameras. The lighting in the corridors is low level and dimmed and activated via proximity sensors in the corridors. Although no trees or hedgerows have been identified for felling or removal, it is recommended that a tree protection plan condition is attached.

5.23 Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. It is considered that with the attachment of a condition to secure additional landscape planting and biodiversity enhancements this would enable the proposed development to mitigate its impact and fulfil the requirement of the LDF policies CP16, CP17 and DP30, DP31 and DP33 and emerging Local Plan policies E4 and E7.

Highway safety and Access.

5.24 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.

5.25 In terms of highway safety, the Highways Authority has assessed the impact of the proposed development on the highway network and it is considered that it will not have an adverse impact on the safety of users of the highway in the area. The development does not involve large amounts of vehicle traffic. There is sufficient space for staff who do not reside at the site to park on existing hardstanding at the site. The site is easily accessible from Easingwold by bike.

5.26 The proposals would fulfil the aims of the LDF Policies CP2 and DP3 and emerging Local Plan Policy IC2, IC3, E1.

Residential Amenity

5.27 Policy DP1 states that all development proposals must protect amenity, particularly 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.

5.28 There are no immediate neighbours that would be affected by the physical presence of the buildings. The presence of allotments and access to the Scout hut is noted, but vehicle movements to the site, would be limited. The keeping of birds is not likely to cause significant noise, and due to high welfare requirements odour is unlikely to be an issue.

5.29 With no concerns raised by consultees, the proposed development is considered to conform to the relevant parts of policies DP1 and E1 and the NPPF.

Flood Risk and Foul and Surface Water Drainage.

5.30 CP21, DP6 and DP43 seek to protect the environment from flooding and 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. 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.

- 5.31 The application has been considered at length by both the Environment Agency and the Lead Local Flood Authority, with several revisions being submitted which were needed to provide the consultees with the necessary information to provide advice.
- 5.32 The proposed development is considered less vulnerable and is located in Flood Zones 1, 2 and 3 according to the Environment Agency Flood Map for Planning. The risk from river flooding is low, but some areas of the site are shown to be at medium to high risk of surface water flooding, though the Environment Agency hold no record of the site or the adjacent area flooding. These areas relate to the low dished area of the site where the parrot barn is to be located.
- 5.33 The existing site has an extensive land drainage system which was installed in the 1970s, this currently discharges surface water from one half of the site to run off to the drainage ditch running down the western boundary and the other half via field drainage both to Alne Beck running along the southern boundary.
- 5.34 The formation of a holding pond at the south west corner of the site joining the existing drainage ditch will be created to increase the storage volume. The discharge into Alne beck from both west and eastern sides of the site will be restricted to the permitted greenfield rate.
- 5.35 The existing foul drainage from the farmhouse drains to a biodigester sewage treatment system discharging into the field drainage system. The new foul drainage is a private system comprising several Biodigester 'T' units processing the waste and discharging the clean processed effluent into a field drainage system.
- 5.36 Washdown from quarantine and chambers (re-using roof rainwater) will be taken into 2 no. 10000 litre holding tanks with depth sensors and alarms these tanks will be pumped out and emptied by a licenced wastewater contractor.
- 5.37 The consultees do not have objections to how the proposed development deals with surface water and foul drainage. It is considered that the proposals in this respect conform to the requirements of LDF Policies CP21, DP6 and DP43 and emerging policies RM1, RM2 and RM3 which align with the NPPF.

The Planning Balance.

- 5.38 The proposed development would facilitate the expansion of an established business and conservation model which will enable the applicants to meet high welfare levels for the conservation, breeding, rearing and export of endangered birds, which is a material planning consideration. The development would also create new local employment opportunities, and therefore be able to contribute to economic growth. The development is sited in proximity of existing buildings, nearby community facilities and the A19 with close proximity to Easingwold and is akin to agricultural type development requiring a countryside location, and it is considered it is a sustainable location for this development. Due to the appearance of the structures reflecting agricultural type buildings the visual impact is not considered to cause significant harm to landscape character. The development will be able to enhance biodiversity through the creation of storage pond and additional planting,

protect biodiversity through the breeding of rare species, and a suitable and satisfactory drainage scheme is proposed.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council listed below unless otherwise agreed in writing by the Local Planning Authority:

Location Plan – L01
Condor and Eagle Barn Combined AL-140
Proposed Site Layout AL-010 Rev C
Parrot Barn AL – 135 Rev A
20 Block Imprint Chambers AL-100
Natural Pairs 60 Block AL-115
6 Chamber Quarantine Station AL-120
Incubator and Rearing Building AL-125
50m Hackpen AL-130
10 Chamber Gyrkin Block AL-110
3. The development shall be implemented in accordance with the submitted lighting strategy for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.
4. All waste (including food) is to be stored and handled in an appropriate manner and should be stored in lidded bins and not available for scavenging birds. The development shall therefore be implemented in accordance with the Waste Management Statement, and shall be retained and maintained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.
5. The development shall be built in accordance with the following approved details FR-01 Flood Risk Rev D October 2021.
6. Notwithstanding the submitted details on Finished floor levels of buildings within flood zone 3 are to be the same as existing ground levels and to allow the free ingress and egress of any flood flows.
7. The development shall not be commenced until a scheme for the protection of hedgerows and trees has been submitted for the approval of the Local Planning Authority. Once approved the fencing shall be erected in accordance with the approved plans for the duration of the construction.
8. A Landscape and Ecological scheme shall be submitted for the written approval of the Local Planning Authority and shall include
 - i. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.

- ii. Timing of planting and delivery.
- iii. A bio-diversity enhancement scheme.

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

- 9. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application on the approved plans. The development shall not be constructed other than in accordance with these approved materials.
- 10. Details for the provision of staff parking and cycle storage shall be submitted for the written approval of the Local Planning Authority. Once approved the development shall commence in accordance with the approved details, and thereafter retained for the lifetime of the development.
- 11. All birds of prey relating to the development shall only be trained, exercised or otherwise flown inside the permitted pen buildings and not in any outside space.

Reasons:

- 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. For the avoidance of doubt.
- 3. In the interest of the character of the area in accordance with LDF Policy CP1.
- 4. In the interest of the character of the area in accordance with LDF Policy CP1.
- 5. To ensure the development does not increase flood risk elsewhere in accordance with LDF Policies CP21 and DP43.
- 6. To ensure the development does not increase flood risk elsewhere in accordance with LDF Policies CP21 and DP43.
- 7. In the interests of amenity of the area and health of landscape features in accordance with LDF Policies CP16 and DP30.
- 8. In the interests of character and appearance of the area in accordance with LDF Policies CP16 and DP30 and DP33.
- 9. 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.

10. In the interest of the amenity of the area, and to encourage sustainable forms of transport in accordance with Hambleton Local Development Framework Policy CP1.
11. In the interests of the ecology of the area in accordance with Hambleton Local Development Framework Policy CP16 and DP31.

Informative

Surface water to be discharged to any ordinary watercourse will require the consent of the Internal Drainage Board.

Parish: Easingwold

Ward: Easingwold

4

Committee date: 18th November 2021

Officer dealing: Kate Williams

Target date: 19.November 2021

20/02342/FUL

Retrospective Application for the Change of Use of land for the siting of 2 no. mobile homes and associated parking to provide staff accommodation for the proposed Falcon Breeding Facility.

At: Dawney House Farm Dawney Lane Easingwold North Yorkshire Yo61 3NN

For: Suhail Enterprises Limited

This application is referred to planning committee as it is related to a proposal which is a departure from the Development Plan.

1.0 Site Context and Proposed Development

- 1.1 Dawney House Farm is farmstead comprising the farmhouse and agricultural buildings. The application site is outside of any settlement limits. It is in proximity to the A19 near Easingwold. The site is accessed from the A19 via Crankley Lane and then Dawney Lane. Dawney Lane is single track and lined on the eastern side with allotments and leads to a scout hut. Dawney Lane itself is lined with dense native hedgerows and trees.
- 1.2 The character of the application site is flat and open. The site is subdivided into four existing fields which around an existing central agricultural building and farmhouse. The fields are delineated by mature hedgerows and trees, and there is a dense copse of trees in the north east corner of the site adjacent to Dawney Lane.
- 1.3 The aim of the falconry centre proposal is to establish a world leading centre for the selective breeding of pure bred racing and hunting birds, some of which are internationally endangered, but also the conservation of endangered birds. The justification for the proposal includes the conservation of birds which are internationally endangered species. The breeding programmes reduce the demand for the birds from illegal trapping and allows increased management for repopulation into the wild. The applicants have special approval under government regulations for importing and keeping protected species.
- 1.4 The applicant is now seeking retrospective planning permission for the siting of two mobile homes on the site to be used by a rural worker (Aviculturists). The applicants have agreed to a rural workers occupancy condition and temporary consent for 3 years to be attached as conditions.

2.0 Relevant Planning and Enforcement History

- 2.1 20/02341/FUL - Construction of falcon breeding facility
Pending Consideration
- 2.2 07/02270/FUL - Revised application for the construction of a replacement dwelling
Permitted 24.09.2007.

3.0 Relevant Planning Policies

- 3.1 Local Development Framework:
Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15
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
Development Policies DP33 - Landscaping
Development Policies DP43 - Flooding and floodplains
- 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
EG7: Businesses in Rural Areas
E1: Design
E2: Amenity
E3: The Natural Environment
E4: Green Infrastructure
E5: Development Affecting Heritage Assets
E7: Hambleton's Landscapes
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 Parish Council - Easingwold Town Council wish to see deferred until the Falcon Breeding Centre application is approved

- 4.2 NYCC Highway Authority - No objections. They have not recommended any conditions.
- 4.3 NYCC Lead Local Flood Authority - No objections. Recommend conditions to ensure the development is built in accordance with the submitted drainage design and to secure an exceedance flow route.
- 4.4 Environment Agency - Provided the proposed development is built in accordance with the revised FRA then they remove their earlier objection.
- 4.5 HDC Environmental Health - The service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. The Environmental Health Service has no objections although but recommend that if approval is granted a condition is applied for the accommodation to be used by staff only.
- 4.6 Kyle and Upper Ouse Internal Drainage Board - They would like to add a condition that any surface water discharge into any watercourses in, on under or near the site requires consent from the Drainage Board.
- 4.7 Yorkshire Water - No comments received.
- 4.8 The application was advertised by neighbour notification, press and site notice, which have all now expired.
- 4.9 There are no public observations.

5.0 Analysis

5.1 The main issues to consider are:

- a) Principle
- b) Impact on the character and appearance of the surrounding area
- c) Amenity

Principle

- 5.2 As the site is located outside of the settlement boundary of Easingwold within open countryside, Policy CP4 and Policy DP9 are of relevance. Policy CP4 and DP9 states that development will only be permitted beyond the development limits in exceptional cases, subject to several criteria, which includes whether it is necessary to meet the needs of agriculture or other enterprises with an essential requirement to be located in the countryside and will help support a sustainable rural economy and where it is necessary to secure a significant improvement to the environment or the conservation of a feature acknowledged importance.
- 5.4 It is also considered that Paragraph 80 of the NPPF is relevant which states planning policies and decisions should avoid the development of isolated homes in the countryside unless 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.

- 5.5 Further guidance is set out in the National Planning Policy Guidance which considers the following is reasonable to consider which includes the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise. It specifies where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime. It also considers the degree to which there is confidence that the enterprise will remain viable for the foreseeable future, whether the need could be met through improvements to existing accommodation on the site, and in the case of new enterprises, whether it is appropriate to consider granting permission for a temporary dwelling for a trial period.
- 5.7 The 2 managers will reside in the farm house and will deal with all of the administrative tasks associated with the operation of the facility. The managers are also directly involved with the breeding, incubation and hand rearing of birds. The two Aviculturists would live within the mobile homes on site with their families.
- 5.8 Their tasks, along with the managers have been provided in detail, but in summary they entail:
- Food preparation
 - Feeding
 - Cleaning pens
 - Site Maintenance
 - Documentation and record keeping
 - Research and Development
 - Breeding
 - Rearing and hand rearing
 - Security
- 5.9 The breeding and chick rearing season runs between February to early September. The processes involves a need for the handler to be on site during night time hours between 12:00am to 5:00am. After each egg has been laid that egg is placed in an incubator monitored for approximately 31 days until the eggs hatch. The eggs need 24/7 monitoring as any slight drop in temperature or humidity can be detrimental or energy failure can result in embryo to fail. Chicks are closely monitored until July. The birds also require feeding, handling and cleaning during the day.
- 5.10 The applicants have provided a breakdown of hours for 30 weeks of the year (January to September) at the established site at Great Broughton. This equates to around 89 man hours/week for both of the 2 full time staff members.
- 5.11 In addition the applicants advise that the breeding season and work now occurs all year around, because they have so many mixed species of birds and their breeding seasons varies throughout the year:
- The Hyacinth Macaws start laying eggs roughly in the end of August/beginning of September, when the rain starts. Young parrots need hand feeding 4 times a day for 9 months.
 - The African Hawk Eagles, on the other hand, start laying eggs in January and the chicks hatch in March.

- This means that the breeding need caring for 24/7 throughout the year without cross contamination between the species and their food handling or food equipment.

5.12 A business plan, if provided, can help to establish whether there was justification for the proposed units in terms of its remaining viable for the foreseeable future. Officers have requested such information, but as the applicants are agreeable to a temporary permission this is not considered to be a necessity in this instance. In terms of funding it is set out in the planning statement that the Royal family of Bahrain asked the applicants to set up a breeding project on their behalf and to manage it for them here in the UK.

5.13 It is considered that there is a functional need for a continuous site presence due to the sensitive nature of the animals which require a 24-hour presence for breeding, animal welfare, bio-security and site security. The submitted information is summarised in the report, but a lot of detailed information have been provided and in conclusion due to the intensive and individual work of the aviculturist and the scale of the proposed development it is considered there would be a functional requirement for 3 full time workers, predominantly between January to September. There would also be additional winter tasks and breeding requirements for other species counter to the breeding time of the falcons which would also require an on-site presence. It is therefore considered reasonable to approve the temporary dwellings for 3 years to enable the business to become established, and in the interests of avian conservation and welfare.

Impact on the Character and Appearance of the Surrounding Area

5.14 Policy DP30 recognises that the openness, intrinsic character and quality of the District's landscape will be respected and where possible enhanced. Throughout the District, the design and location of new development should take account of landscape character and its surroundings, and not have a detrimental effect on the immediate environment and on importance long distance views.

5.15 Policy DP32 states that development proposals must seek to achieve creative, innovative and sustainable designs that take into account local character and settings, and promote local identity and distinctiveness.

5.16 The static mobile home has been positioned in close proximity to the existing field boundary and site entrance, and are directly behind a high evergreen tree line. Overall, they are considered to be screened. They are also in proximity to establish allotments and access track; their presence would not be so out of character with the surrounding area to the degree that they would cause significant harm to the character of the countryside. It is therefore considered that the development does not cause significant harm to the character and appearance of the countryside.

Amenity

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 The mobile homes are situated away from any neighbouring residential properties. It is therefore considered that the siting of two mobile homes would have no significant impact on the amenity of other properties or the allotments and is in accordance with Policy DP1.
- 5.19 The amenity of the occupiers of the proposed mobile home must also be considered. Rural workers dwellings should be of a size commensurate with the established functional requirement. The temporary accommodation is not excessive, although provides a floor area above the Nationally Described Space Standards (not significantly larger). It is however considered they are commensurate with the expected functional requirement of the establishment.
- 5.20 The mobile homes are situated near, but not in close proximity to the bird enclosures. They are sited to provide additional security at the site entrance and public access. The homes have sufficient amenity space, and parking around them, waste would be dealt with via the package treatment plant. It is considered to be in accordance with Policy DP1.

Planning Balance

- 5.21 The retrospective application for the siting of two mobile homes for rural workers on the site is considered to be an acceptable as a need has been identified for workers to be on the site 24/7 for a significant proportion of the year. It is therefore considered that because this is a new business and the proposed accommodation can be removed that a 3 year temporary consent is appropriate. The appearance of the development is not characteristic of the area, but due to its temporary nature would be in situ for 3 years. The site is however is not so isolated and the landscape character would be able to accommodate the structures. The amenity level of accommodation for the proposed workers is acceptable, and there would be no harm to other properties or land uses. Therefore, the development is in accordance with the Council's Policies and the overarching principles of the National Planning Policy Framework. If however the associated Falconry application is not approved there would be no justification for the development and the foregoing recommendation must be reconsidered.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council listed below unless otherwise agreed in writing by the Local Planning Authority:

Drg No. L-01 Location Plan

Drg No. AL-110 Staff accommodation

Drg No. AI-100 Balmoral Chalet Type

3. The development shall be built in accordance with the following approved details FR-01 Flood Risk Rev D October 2021.
4. A Landscape and Ecological scheme shall be submitted for the written approval of the Local Planning Authority for that Phase.
 - 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.

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

5. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture or in forestry, or Aviculture a widow or widower of such a person, and to any resident dependants.
6. This permission shall be for a period of 3 years from the date of this permission. Prior to the occupation of the mobile homes commences a scheme of works for the restoration of the site after the temporary period has expired shall be submitted to and approved in writing by the Local Planning Authority. The building hereby permitted shall be removed and the land restored to its former condition in accordance with the scheme of work so approved.

Reasons:

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. For the avoidance of doubt.
3. To ensure the development does not increase flood risk elsewhere in accordance with LDF Policies CP21 and DP43.
4. In the interests of character and appearance of the area in accordance with LDF Policies CP16 and DP30 and DP33.
5. The site is in an area where new dwellings are not normally permitted except where there is an overriding need in the interest of a rural worker, agriculture or forestry. To ensure that the development accords with Local Development Framework Policy CP4.
6. This building is unsuitable due to its temporary appearance to form part of the permanent development of the area.

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Parish: Exelby, Leeming and Newton

Ward: Bedale

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Committee Date:

18 November 2021

Officer dealing:

Mr A Cotton

Target Date:

13 August 2021

21/01561/REM

Application for approval of reserved matters for 1No. dwelling (layout, scale, appearance, access and landscaping) following outline approval of application 20/02373/OUT - Outline permission for construction of 2No dwellings

For: Mr & Mrs Lenton

At The Old Forge, Exelby

This application is reported to Planning Committee due to the applicant being related to an employee of the Council.

1.0 Site, Context and Proposal

- 1.1 The site lies at the western end of Exelby on the southern side of the main village street and currently forms part of the garden of The Old Forge. The site extends to an area of 0.17 hectares. A new dwelling lies beyond the site to the west on a plot that previously formed part of the same extended gardens associated with The Old Forge.
- 1.2 The site is bounded on the roadside to the north by a mature leylandii hedge, which has a height of approximately 3m.
- 1.3 Outline application with all matters reserved was earlier this year. This application seeks approval for all matters reserved including layout, scale, appearance, access and landscaping for one of the plots.

2.0 Relevant Planning History

- 2.1 20/02373/OUT - Outline application with all matters reserved for the construction of two dwellings; Granted January 2021.
- 2.2 17/02334/OUT - Outline application with all matters reserved for the construction of two dwellings; Granted 11 January 2018.
- 2.3 The following applications relate to land to the west, which previously also formed part of the garden of The Old Forge:
- 2.4 15/02819/FUL – Detached dwellinghouse and associated parking; Granted 4 March 2016.
- 2.5 16/01787/FUL – Revised dwellinghouse and attached double domestic garage and the formation of new access; Granted 14 October 2016.

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 DP9 - Development outside Development Limits

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

Development Policies DP32 - General design

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

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 Swale and Ure IDB - No comment

4.2 NYCC Highways – No objections subject to conditions.

4.3 MOD – No safeguarding objection.

4.4 Environmental Health (land contamination) – The assessment did not identify any potential sources of contamination on the proposed site during the intrusive investigations and therefore the risk of contamination affecting the development or end users is considered to be extremely low. Therefore, the Environmental Health Service has no objections to this scheme.

4.5 Public comments – two letters of support:

- Attractive design which will compliment street and surrounding properties.

5.0 Analysis

5.1 The main issues to consider are: (i) design and visual amenity; (ii) residential amenity; and (iii) highways safety.

Design and Visual Amenity

5.2 The proposed dwelling is two storey in height, with a modern character and appearance. The dwelling height has been reduced significantly since the original submission to an acceptable height (max 8.6m) when compared to other nearby dwellings.

- 5.3 The proposed dwelling would be set back from the main road, well screened by mature boundary vegetation, and would be viewed against the existing built form in the immediate area. The residential properties surrounding the site are a mix of single and two storey dwelling of a variety of architectural styles, a broad range of materials and have been built out over an extended period of time. It is considered the proposed external appearances of the dwelling including materials are of their time whilst respecting the character of the existing built form and the vernacular of the settlement.
- 5.4 The dwellings is located relatively centrally within its plots with ample garden areas to the front and rear. The scale of the dwelling responds well to the site as a whole, the individual plot and the scale of the surrounding properties.
- 5.5 Landscaping often helps new dwellings integrate into their setting. It is noted no details other than annotations on the block plan have been submitted with regard to proposed landscaping. As the proposal is only or a single dwelling it is considered that a condition to secure full details of proposed landscaping could be included on any grant of permission to ensure the new dwelling settles into its surroundings.

Residential amenity

- 5.6 LDF Policy DP1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight. The closest neighbour to the proposed dwelling would be the existing property at The Old Forge, to the east and the new dwelling known as Aschilebi House to the west. It is also noted that the second plot with outline permission would sit between Aschilebi House and the proposed house.
- 5.7 It is considered the layout shown would provide for sufficient space between the properties themselves and would protect the amenity of the approved dwelling.
- 5.8 Future occupiers would be provided with adequate levels of amenity, with habitable rooms having access to natural light and ample private outdoor space.
- 5.9 The proposed development would accord with LDF Policy DP1

Highways

- 5.10 The Highway Authority has no objections to the proposal subject to appropriate conditions. The access is considered acceptable to serve a single dwelling and there is ample space shown for parking and manoeuvring within the site.

Planning Balance

- 5.11 The proposed development will not be detriment to the character and appearance of the area and is acceptable in terms of siting, design, materials and landscaping.
- 5.12 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and representations that have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 416/LP2 as received by Hambleton District Council on 18th June 2021 and 416/P3 rev-A; 416/P1 rev B as received by Hambleton District Council on 19th October 2021 unless otherwise approved in writing by the Local Planning Authority.
3. Unless otherwise approved in writing by the Local Planning Authority the development hereby approved shall only be constructed using materials that match those stated on the approved plans as listed in condition 2 above.
4. Prior to the occupation of the dwelling hereby approved, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. The dwelling shall not be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. 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.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
6. The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.
 - Any gates or barriers must not be able to swing over the existing or proposed highway.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway

All works must accord with the approved details.

7. There must be no access or egress by any vehicles between the highway and the application site until the splays provided in drawing number 416/LP2 are achieved. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details as shown on drawing number 416/LP2. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 2. the parking of contractors' site operatives and visitor's vehicles;
 3. areas for storage of plant and materials used in constructing the development clear of the highway;

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy DP23.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Local Development Framework Policies CP17, DP32 and DP33.
5. In the interests of highway safety.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.hambleton.gov.uk or by telephoning 01609 779977.

2. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:
[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing in d est roads street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20in%20industrial%20estate%20roads%20and%20private%20streets%20works%202nd%20edition.pdf)

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Parish: Husthwaite

Committee date: 18th November 2021

Ward: Raskelf & White Horse

Officer dealing: Mr. M. Pearson

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Target Date: 1st October 2021

21/01960/FUL

Construction of 5no. dwellings (including 1no. self-build) and associated infrastructure works

At: OS Field 8464, Highthorne Lane, Husthwaite

For: Daniel Gath Homes

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

1.0 Site, Context and Proposal

- 1.1 The site is located on the south side of Highthorne Lane to the south of Husthwaite and immediately adjacent to the boundary of the Husthwaite Conservation Area. The 0.47ha site sits in the north-east corner of a larger agricultural field that rises to the higher ground to the south. In addition, only the northern boundary of the site adjacent to Highthorne Lane is defined by intermittent hedgerows and trees, whilst the remaining boundaries are open to the wider field. A public bridleway runs along the eastern boundary of the application site and a public footpath runs along the western edge of the field and this continues north towards the village. Adjacent, to the north-east boundary is a triangular shaped grass verge that contains a number of mature trees that are subject to a Tree Preservation Order.
- 1.2 The site is surrounded to the south and west by agricultural land that forms the rural context to the village. Further to the west is the Grade II listed Highthorne Farmhouse and the complex of farm buildings that sit on the higher ground above Highthorne Lane. Opposite the application site on the north side of Highthorne Lane are a variety of late twentieth century two storey detached dwellings, generally constructed in brick with pitched concrete pantile roofs. The properties are set back from the highway behind modest front gardens and are accessed via a driveway that leads to garaging. To the east, beyond the bridleway, located at the junction of Highthorne Lane are two late twentieth century detached two storey dwellings (Alford House and Drake House) that are set in generous grounds and are constructed in brick with a concrete pantile roof.
- 1.3 In November 2020 outline planning permission (access only) was granted for the development of 5 houses on the site (ref no. 20/01426/OUT). The developer has subsequently sought to change the access arrangements through the provision of only three access point in comparison to the five previously approved. This is a full application that seeks the construction of five dwellings accessed via three access points. The proposed mix is as follows: three x 2-bedroom bungalows, one x 3-bedroom two storey house and one x 5-bedroom two storey house.
- 1.4 In a similar manner to the approved outline scheme the two storey dwellings would be at the east end of the site whilst the three bungalows would be to the west. In addition, landscape buffer is still proposed at the west end of the application site.

2.0 Relevant Planning History

- 2.1 20/01426/OUT - Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Approved November 2020.
- 2.2 21/00115/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 20/01426/OUT for Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Pending consideration.
- 2.3 21/00126/NMC - A non-material amendment (changes to access arrangements from 5no to 3no access points as requested by the Local Highway Authority - new drawing 19030_VB_XX_XX_DR_A_(03)03) to previously approved application 20/01426/OUT for Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Withdrawn.
- 2.4 21/00886/MRC - Variation of Conditions attached to Planning Application Reference Number: 20/01426/OUT-Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Pending consideration.
- 2.5 21/00907/NMC - A non material amendment to previously approved application 20/01426/OUT-Outline application with some matters reserved for the construction of five dwellings (including 3 bungalows) and associated highway works including new footpath. Pending consideration.
- 2.6 If this current application 21/01960/FUL is approved it is anticipated that applications noted at 2.2, 2.4 and 2.5 will be withdrawn.

3.0 Relevant Planning Policies

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 – Access

Core Strategy Policy CP4 - Settlement hierarchy

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development 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 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

Emerging Local Plan Policy

Hambleton Local Plan Publication Draft July 2019

Policy S 1 - Sustainable Development Principles
Policy S 3 - Spatial Distribution
Policy S 5 - Development in the Countryside
Policy S 7 - The Historic Environment
Policy HG 2 - Delivering the Right Type of Homes
Policy HG 5 - Windfall Housing Development
Policy E 1 - Design
Policy E 2 - Amenity
Policy E 3 - The Natural Environment
Policy E 5 - Development Affecting Heritage Assets
Policy E 7 - Hambleton's Landscapes
Policy CI 1 – Infrastructure Delivery
Policy CI 2 - Transport and Accessibility
Policy RM 2 - Flood Risk
Policy RM 3 - Surface Water and Drainage Management

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>

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

4.0 Consultations

4.1 Husthwaite Parish Council – The Parish Council made the following detailed comments, verbatim:

Appearance – The Parish Council acknowledge and support the siting of the three bungalows opposite the existing Highthorne Lane properties with the lowest eaves and would like assurances that the ridge heights of the proposed dwellings will be no higher than that of the existing houses. We would also support the installation of Air Source Heat Pumps in the new dwellings and would suggest that these are fitted to the rear of the properties. In addition, following consultation with village residents, the Parish Council request that the new properties are constructed with rustic bricks and include a mix and match design to give them character and individuality.

Drainage – The Parish Council acknowledge and support the inclusion of an attenuation tank with hydrobrake to restrict the dispersal of soakaway / surface water run-off from the new development.

Landscaping – If the highway is to be widened, and the existing hedge along Highthorne Lane removed, it should be replaced with a substantial hedge similar to the existing. The Parish Council would also like to request that a new mixed species hedge is planted behind the houses to provide an aesthetic barrier between the bridleway and new development. In addition we would request that significant screening is included to separate the new development from its closest neighbour, Alford House.

Construction Management Plan – The Parish Council would like to insist that a detailed CMP with the following conditions should be applied and adhered to:

- Hours of operation are limited to 8am until 5pm Monday to Friday and 8am until 1pm on Saturdays. No Sunday or bank holiday working.
- Plant and materials must be stored within the site boundary, which should be secure.
- Sufficient off street parking for ALL construction workers MUST be provided on site and no parking should be allowed on the bridleway or sides of the highway.
- All deliveries should access the site from the top of the lane via The Nookin as Highthorne Lane is not suitable for large vehicles. In addition, delivery times should be restricted to avoid school drop off / pick up times and the regular service bus timetable to alleviate traffic congestion within the village.
- All unloading of materials should take place on site and vehicles must be able to access and leave the site in a forward gear.
- Clean access should be provided to the site and wheel cleaning facilities should be available to ensure no mud or grit is transferred onto the existing highway.
- Neighbours should be kept informed of developments especially with regard to major disturbances and the disruption of services.

The Parish Council acknowledge that the proposed development will be subject to a CIL charge and ask if all five properties are liable for the charge?

- 4.2 NYCC Highways Authority – No objection but recommend conditions regarding the turning and parking areas, visibility splays, verge, access details, on-site parking, and on-site storage and construction traffic during development.
- 4.3 NYCC Footpaths – No response received.
- 4.4 Yorkshire Water - No objection but recommends a condition relating to separate systems for foul and surface water disposal.
- 4.5 Ramblers Association – No response received
- 4.6 MOD – No response received.
- 4.7 Contaminated Land – Recommends land contamination conditions.
- 4.8 Site notice and Neighbour Notification – 2 observations in support of the proposal as summarised below:

- Local developer who takes on local apprentices and has reputation for building good quality homes.
- Small scale sustainable growth has happened for generations and should be encouraged – the houses opposite once stood on greenfield land
- Bungalows much needed
- Not uncommon for houses to sit opposite each other
- New residents would contribute to the vitality of the village through use of the pub, village hall, school and church
- Proposal would provide off-street parking so no parking on the highway

14 observations objecting to the proposal as summarised below:

- Impact of contractor parking during construction phase
- Concern about the proposals for surface water drainage – Highborne Lane is prone to surface water flooding and concern about the highway drainage ditch
- No need for the development beyond development limits when there are other infill sites with permission waiting to be developed (19/00139/FUL & 18/02100/REM) – 26 houses approved with 23 not started.
- Impact on open countryside and loss of attractive field
- Proposal not in keeping with surrounding particularly Plot 5 and the triple garage.
- Loss of agricultural land
- Will set precedent for further development within the along the lane and elsewhere in the district
- Highways concerns relating to visibility at the Highborne Lane junction, the narrow single track lane, conflict with walkers, cyclists and horse riders
- Loss of hedgerow and impact on wildlife
- Impact on views from Kendrew Green (referred to in the Greenspace Assessment) and the public footpath
- Impact on the Husbwaite Conservation Area and the ANOB

- Bungalows located at the bottom of the lane – the steep hill will be difficult for mobility
- Now there is no pavement proposed pedestrians will have to walk in the road
- Concern about steps in the garden areas of the bungalows – this will be difficult for those with mobility issues
- Concern about the site levels and relationship of bungalows to properties opposite
- Request covenant the bungalows be for locals within the village
- Bungalows are out of character and concern that they could be extended upwards under permitted development rights.
- Site forms part of the Yorkshire Green Corridor
- Impact of Plot 5 on adjacent trees
- Insufficient landscaping proposed
- Concern at the height of the retaining walls
- The Planning Bill notes more say to local residents
- 4th Bedroom in Plot 4 is shown as study when it will be a bedroom and this plot now has double garage.
- Comments relating to emerging Policy S5
- Field part of countryside stewardship scheme
- Concern about the determination of the outline application – significant constraints on proper public access, no public minutes or audio recording, no reason/statement to overturn the recommendation. The decision was also made at a time when the residents were not able to make their views known

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; (iv) residential amenity; (v) highway safety and (vi) 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 Husthwaite 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. Husthwaite is considered to be a service village. Whilst it is noted some public comments state that the village shop has closed recently and the Public House is now on the market, Husthwaite is still considered to be a service village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Husthwaite is allocated as a Service 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 five dwellings is considered to be appropriate to satisfy the requirements of the IPG. The application would provide three x 2-bedroom bungalows, one x 3-bedroom two storey house and one x 5-bedroom two storey house. This mix would provide 80% - 20% ratio in favour of the required smaller 2 and 3-bedroom properties which is considered to be acceptable. It is also noted that Plot 5 is proposed to be a self-build unit. It is noted that a public comment notes that a first floor room in plot 4 is shown as a study and could be used as a bedroom. It is noted that the first floor study would be less than 7.5 sqm and following the National Prescribed Space Standards cannot be considered large enough to be considered as a bedroom.

5.5 On the basis of the above the mix is considered to be satisfactory and would generally accord with the SHMA and therefore the housing mix requirements contained within LDF Policy DP13. With regard to the emerging Local Plan the proposal would satisfy Policy HG2 as the indicative mix reflects the need for smaller dwellings noted within the SHMA. This mix would be able to be conditioned should the application be approved.

Character of the Village

5.6 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.

5.7 Husthwaite developed as a village laid out around an east/west main street with an access route from the south that connects to the centre of the village. The development pattern followed a linear approach with a variety of building types and forms positioned on both sides of these principal routes. On the secondary lanes around the village development is generally isolated and limited to farm complexes and individual properties. The application site is located on a secondary lane and sits opposite a short run of five detached houses constructed in the late twentieth century that are not considered to be reflective of the historic pattern of development within the village.

5.8 The proposed site layout drawing indicates that three of the dwellings would be bungalows. The proposed juxtaposition of the dwellings would be suburban in character which does not reflect the built form of the village. Whilst the established character of this short section of the lane is that of ribbon development, this form of development on the south side of the lane is not supported by the LDF policies and

IPG. Whilst it is noted the proposal includes a larger dwelling on Plot 5 (self-build unit) that is different in scale, form, massing and appearance to the rest of the proposal it is not considered in itself to be inappropriate within the context of the varied built form of the context of the site. However, on this basis the proposal is not considered to satisfy criterion 2 of the IPG. It does not take into account the character, setting, local identity or local distinctiveness required by design policy DP32 of the LDF or the integration of landscaping required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy the relevant parts of Policies S1, HG5, E1 or E5.

- 5.9 It is noted that a number of public observations relate to concern about the site levels and relationship of bungalows to properties opposite. The proposed bungalows at the western end of the site are at a higher level above the lane and therefore are not dissimilar in height to the two storey properties opposite. The ridge height of the bungalows would be no higher than the properties opposite and this raises no concerns. Furthermore, a number of public comments relate to the site levels, impact of retaining walls and steps in the garden areas of the bungalows. The issues relating to levels and use of retaining walls does not raise any concerns. The retaining walls are necessary to provide areas of level ground and where steps are needed to gain access across the change in levels this is considered to be acceptable.
- 5.10 Criterion 3 states that development must not have a detrimental impact upon the natural, built and historic environment. The application site is located adjacent to the Hushwaite Conservation Area which is focused around the historic village core along High/Low Street and extends south along The Nookin. The site forms part of the wider rural setting to the village and is therefore considered to contribute to the significance of the designated area. The development of part of a field enclosure that positively contributes to the setting of the village and is visible from public highways and public footpaths, both within and on the approach to the designated area, is considered to cause harm. In addition, it is considered that the single storey form of the proposed bungalows together with the linear layout fails to reflect the character of development within the wider village. In terms of section 16 of the NPPF the level of harm is considered to be “less than substantial”. On this occasion the identified harm is not considered to be outweighed by the public benefit of the provision of new homes. The benefits of this scheme including the provision of bungalows as part of a mix of dwellings and the wider economic benefits from development. It is noted that the site is located a significant distance to the west of the Grade II listed Highborne farmhouse and given the separation distance, intervening buildings and landscape it is considered that the proposal would not impact on the setting of this heritage asset.
- 5.11 On the basis of the above it is considered that the proposal would not satisfy criterion 3 of the IPG and the impact of the proposal on the setting of the conservation area would not satisfy the requirements of section 16 of the NPPF or protect the conservation area in accordance with Policy DP28 of the LDF. In terms of the emerging Local Plan the proposal would not satisfy Policies HG5 and E5.
- 5.12 A number of observations relate to the loss of the agricultural land but it is noted that only a relatively small area would be lost on this occasion and therefore this loss is considered acceptable. The submitted Habitat Survey and Ecological Survey notes that there are no protected species on the site and the hedgerows

within the site are not considered to form part of a pre-1600 estate/manor or form an integral part of a pre-parliamentary field enclosure. The proposed driveways result in a proportion of the hedgerow to be lost but this is now less when compared to the outline permission. The proposal also includes the retention of the roadside tree and following clarification of land levels within plot 5, the proposal will also not have a significant harmful impact on other trees that sit adjacent to the northern edge of the application site. Furthermore, the proposed landscaping plan provided illustrates sufficient tree planting and does not raise any concerns.

- 5.13 Public observations note that the site forms part of the Yorkshire Green Corridor and is part of countryside stewardship scheme. The development of a small parcel of land within these designations is not considered to cause any significant impact to warrant a reason for refusal.
- 5.14 On this basis the proposal is not considered to satisfy criterion 3 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30, nor take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF or the integration of landscaping also required by landscape policy DP33 of the LDF. With regard to the emerging Local Plan the proposal is not considered to satisfy Policies HG5, E3, E5 and E7.
- 5.15 Criterion 4 states development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements. The site is located on the south side of the lane defined by a single field enclosure on rising ground that sits behind a hedgerow and the undulating topography which the field enclosure forms part of is considered to be important to setting of the village. In views from Highthorne Lane and The Nookin the development would read as an obvious anomaly within the landscape and would be incongruous to the character of the south side of Highthorne Lane. The landscape impact is further compounded by the opportunity for short distance views across the site from the adjacent public bridleway immediately to the east and medium distance views from the public footpath that runs along the western edge of the field enclosure. In addition, limited longer distance views towards the site are possible from the public footpath to the north-west. In these views the proposed development would be clearly read as sitting to the south of the existing built form of the village. On this basis the proposal is not considered to satisfy criterion 4 of the IPG. It would have a detrimental impact on the distinctive qualities of the site as noted within LDF policy DP30 and it does not take into the account the character, setting, local identity or local distinctiveness required by Policy DP32 of the LDF. In terms of the emerging Local Plan the proposed development would not satisfy Policies HG5, E1, E5 and E7.

Residential Amenity

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

Highway Safety

- 5.17 Criterion 5 of the IPG states that development must be capable of being accommodated within the capacity of existing or planned infrastructure. The NYCC Highways Authority response recommends conditions the development is found to be capable of being accommodated within the existing highway network. Furthermore, public comments regarding the impact of the proposal during the construction phase can be controlled via a suitably worded condition and thus raises no concerns.
- 5.18 Public concerns are stated relating to visibility at the Highthorne Lane junction, the narrow single track lane, conflict with walkers, cyclists and horse riders. NYCC Highways do raise any concerns and it is noted the proposal is small in scale and thus does not raise any concerns in terms of potential conflict with other users. Furthermore, the lack of a footpath does not raise any concerns in terms of pedestrians walking in the road given the limited numbers and the fact this is an existing situation for residents on Highthorne Lane and elsewhere in the village.
- 5.19 Whilst it is noted that the bungalows are located towards the lower end of the site the steepness of the lane is not considered to be an issue in terms of mobility.
- 5.20 On this basis the proposal is considered to satisfy Criterion 5 of the IPG, and through the imposition of the conditions recommended by NYCC highways 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 or CI 2.

Flood Risk and Drainage

- 5.21 The application site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding (low probability). The site has been assessed as being at low risk from other forms of flooding.
- 5.22 The scheme is proposed to drain foul water to the public sewer and for surface water to go to soakaway and the existing roadside ditch. Yorkshire Water raise no objection subject to the provision of separate foul and surface water provision. This can be controlled by a suitably worded condition and therefore the proposal is not considered to raise any flood risk or drainage concerns. Public observations note concern about how Highthorne Lane is prone to surface water flooding and concern about the works to the highway drainage ditch. The submitted drainage plan notes land drainage is to be provided and will discharge to the ditch separately from surface water and foul drainage. The scheme will not increase the risk of flooding. It is therefore considered to satisfy flood risk Policy DP43 of the LDF and emerging Local Plan Policies RM1 and RM2.

Other Matters

- 5.23 Public observations have been made regarding there being no need for the development beyond development limits when there are other infill sites with permission waiting to be developed (19/00139/FUL & 18/02100/REM) – 26 houses approved with 23 not started. Whilst the emerging policy does require consideration of alternative sites, the un-implemented permissions do not raise concern in this

regard. In any event this policy can only be afforded limited weight as noted in section 3 above.

- 5.24 With regard to the proposal setting a precedent for further development within the lane and elsewhere in the district, each application is judged on its planning merits and will be assessed accordingly should any further applications along the lane be submitted.
- 5.25 There is no policy basis to require that the bungalows be for locals within the village and no control by covenant or other means can be applied.
- 5.26 With regard to concern that the bungalows could be extended upwards under permitted development rights, this is a valid concern due to the potential visual impact. On this basis it is considered to be appropriate to remove permitted development rights through the imposition of a condition.
- 5.27 Reference is made to the Planning Bill to give more say to local residents and concern regarding the determination of the previous outline application, none of these matters are pertinent to the assessment of the merits of this application which must be considered under the current legal and policy frameworks.

Planning Balance

- 5.28 It is noted that the previous outline planning application was approved despite an officer recommendation for refusal based. The previous approval is a material planning consideration that must be part of the balanced assessment of the proposal. The site is considered to be in a sustainable location in principle and would provide an appropriate mix of housing including single storey two bedroom dwellings. However, the proposal is not considered to be appropriate from a layout perspective, its impact on the character of the area and impact on the setting of the adjacent conservation area. In accordance with section 16 of the NPPF the level of harm to the designated area is considered to be "less than substantial". At the time of the previous outline decision the harm was considered to be outweighed by the public benefit of the proposals. There are no harmful impacts in terms of highway safety, flood risk/drainage or local residential amenity and therefore on the balance the proposal is considered to be acceptable.

6.0 Recommendation

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

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

Site plan drawing no. (03) 03 P04 received by Hambleton District Council on 22.10.2021.

Plot 1 drawing no. (03) 10 P03 received by Hambleton District Council on 6.8.2021.

Plot 2 drawing no. (03) 09 P01 received by Hambleton District Council on 6.8.2021.

Plot 3 drawing no. (03) 08 received by Hambleton District Council on 6.8.2021.

Plot 4 drawing no. (03) 07 P01 received by Hambleton District Council on 6.8.2021.

Plot 5 drawing no. (03) 05 P03 and (03) 06 P03 received by Hambleton District Council on 22.10.2021

Site section drawing (3) 12 P02 received by Hambleton District Council on 6.8.2021.

Engineering drawing DR-C-0101 P5 received by Hambleton District Council on 3.11.2021

Visibility splay drawing DR-C-0101-1 P2 received by Hambleton District Council on 6.8.2021.

Drainage Strategy drawing (revision P7) received by Hambleton District Council on 3.11.2021.

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

4. Above ground construction of dwellings shall not be commenced 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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. 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.

5. 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.

6. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
7. The site shall be developed with separate systems of drainage for foul and surface water in accordance with the drainage strategy drawing P7 received 3.11.2021 unless otherwise approved by the Local Planning Authority.
8. No development shall be commenced until a Phase 1 assessment of the risks posed by contamination, 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. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, 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.
9. Prior to development, a detailed remediation scheme to bring the site 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) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 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.
10. Prior to first occupation or use, the approved remediation scheme 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.
11. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
12. 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.

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

14. The development must not be brought into use until the accesses to the dwellings have been set out and constructed in accordance with the following requirements:

- The crossings of the highway verge must be constructed in accordance with the approved drawing reference DR-C-0101 P5 and Standard Detail number E50.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

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

16. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference (03)03 PO4. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- 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.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
4. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. To ensure that the development is appropriate in terms of amenity in accordance with Local Development Framework Policies CP1 and DP1.
7. In the interest of satisfactory and sustainable drainage.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
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11. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
12. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Development Framework Policy CP1, DP1, CP17 and DP32.
13. In the interests of highway safety.
14. 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.
15. In the interests of highway safety.
16. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
17. In the interest of public safety and amenity.

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Parish: Huby
Ward: Huby
7

Committee Date: 18 November 2021
Officer dealing: Marc Pearson
Target Date: 29 September 2021

21/01643/FUL

**Application for construction of 1no detached dwelling and a pair of semi-detached dwellinghouses with a triple garage block to the rear (within red line boundary of previously approved application 19/02169/FUL but with change of house types)
At: Land to the north of The Forge Tollerton Road Huby North Yorkshire
For: Hubylee Ltd**

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

1.0 Site description and proposal

- 1.1 The application is located on the western edge of the village to Huby on the north side of Tollerton Road. The access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber fencing. The surrounding context is defined by a variety of modern residential properties to the east located on both sides Tollerton Road. This includes a further planning permission for the construction of a detached dwelling yet to be implemented on the south side of Tollerton Road (ref. no. 20/01600/OUT).
- 1.2 In July 2020 planning permission was granted for the construction of a short terrace of 3 two storey dwellings accessed via single access point with garaging for all properties located to the rear (ref no. 19/02169/FUL). The original submission was for 4 dwellings but this was reduced to three dwellings and also included a s.106 agreement for tree planting on land to west of the approved dwellings (on the land where the “fourth dwelling” was sited and subsequently omitted).
- 1.3 This application seeks an alteration to the approved development through the development of one detached property and formation of a semi-detached pair. The generic scale, form, design and appearance of the dwellings together with the access and parking arrangements remain as per the approved development.
- 1.4 It is important to note that a concurrent planning application (ref no. 21/00623/FUL) has also been submitted for single detached dwelling on land to west of the application site which is identified for the purposes of this report as the “fourth dwelling”. This concurrent application forms the area subject to the s.106 agreement for tree planting (ref no. 19/02169/FUL). This application is pending consideration and is scheduled to be heard at same planning committee meeting as this application.
- 1.5 As a consequence of the application for the “fourth dwelling” the area of tree planting has been amended to provide the majority to the north of the application site together with a narrow strip along the western edge of the concurrent application for the “fourth dwelling”. The applicant has agreed to provide the planting through the provision of a s.106 agreement to accommodate the provision of the “fourth dwelling”.

2.0 Relevant planning and enforcement history

- 2.1 18/01367/FUL - Construction of five dwellings with landscaping, access arrangements and associated infrastructure. Refused September 2018 and dismissed at appeal ref. APP/G2713/W/18/3213272
- 2.2 19/02169/FUL - Development of 3 three bed terraced houses with garages. Approved July 2020.
- 2.2 21/00623/FUL - Application for the construction of 1No. detached house and double garage. Pending consideration.

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. 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 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 Huby Parish Council – Object, noting the relationship of the proposal [this scheme and the “fourth dwelling” and the woodland planting proposal] the inability to provide the tree planting previously shown and that the proposed row of houses is still at the same angle to the road as was the original block, to which the Parish Council objected.
- 4.2 NYCC Highways - no objection, subject to conditions regarding the discharge of surface water, construction of private access and verge crossings, visibility splays, delivery of off-site highway works, provision of approved turning and parking areas, a construction management plan.
- 4.3 Contaminated Land Officer – PALC now submitted, final response awaited
- 4.4 Environmental Health – no response received (expired 1.9.2021)
- 4.5 Yorkshire Water - no objection subject to conditions relating to separate foul and surface water drainage and protection of the water supply that crosses the site.
- 4.6 Yorkshire Wildlife Trust - no response received (expired 1.9.2021)
- 4.7 Natural England – No observations.
- 4.8 Kyle and Upper Ouse Internal Drainage Board – No objection subject to a condition on surface water disposal.
- 4.9 Site notice and neighbour notification – Two observation objecting to the proposal as summarised below:
- Concern regarding the relationship and proximity of the proposed building line to the highway.
 - Removal of the large tree roadside would result in loss of privacy for existing houses opposite.
 - Concern about highway safety given the speed of vehicles in the 30mph zone, bend in the road and heavily trafficked route along Tollerton Road. The road is extremely busy with cars, farm machinery & lorries along with cyclists, horse riders & walkers. Given other developments to the east on street parking is becoming an issue creating a slalom effect.
 - Unclear why the proposed pavement continues pass the entrance for the proposed driveway. This will result in the removal of the current verge bollards and will encourage people to use this as overflow parking, making it unsightly and cause visibility issues for users of the new access point.
 - In sufficient parking for the number of vehicles per property, the front area is only for turning purposes not parking.

- The addition of more houses would eventually appear down Tollerton Road, removing the open & rural character of the village.
- Concern about localised flooding of the highway and the development of the site will add to the issue.
- Loss of views of countryside and skyline from existing properties in the vicinity of the site.
- Concern about loss of more verge for footpath that would be used as parking creating further highway concerns.
- Concern regarding the impact of the development on the existing and ageing infrastructure that supports the community with a particular concern about internet connectivity.
- Concern about the impact of the proposal during construction in regard to working hours, noise and dust and contractor parking.

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; (iv) residential amenity; (v) highway safety and (vi) 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 Huby 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:
- Development should support local services including villages nearby;
 - Development must be small scale, reflecting the existing built form of the settlement;
 - Development must not have a detrimental impact upon the natural, built and historic environment;
 - Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
 - Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
 - 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. Huby is considered to be a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Huby 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 The previously approved planning application (19/02169/FUL) on the site comprised three x 3-bed dwellings and the proposed development would provide the same housing mix. On this basis the proposal is considered to comply with the Size, Type and Tenure of New Homes SPD, the SHMA and LDF Policy DP13. The mix of housing would also be conditioned and therefore can 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 could satisfy the need for smaller homes and comply with the requirements of Policy HG2 contained within the emerging Local Plan.

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. With regard to the scale of the development, the proposal for 3 dwellings is considered to be appropriate to satisfy the requirements of the IPG when viewed in isolation. It is noted that the previous application did not receive officer support on the basis of the context of the surrounding approvals for eight dwellings (already built out), the addition of a further three dwellings (eleven in total) in this part of Huby was not considered to be gradual or incremental growth that is small in scale. However, the application was approved by the planning committee and thus the principle for three dwellings has been established and is a fall-back position. Furthermore, the layout scale, form, design and appearance of the proposals are similar to that of the approved development, with the only alteration being a minor change to the layout to provide a detached dwelling with less driveway adjacent to the highway. Public observations and comments from the Parish Council refer to the alignment of the building line. The proposed layout reflects the approved development and is reflective of other development in the context. Furthermore, the roadside tree is to be retained as part of the layout. It is noted that the extent of the proposed layout is similar to the approved development (19/02169/FUL) and thus raises no concerns in terms of impact on the countryside because the development sits adjacent to existing housing to the east and opposite housing to the south.
- 5.6 With regard to criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. It is noted that the existing hedgerow and tree provides a visual edge to the highway and these are proposed to be retained with the exception of the new vehicle access point. During the course of the application, the extent of footpath across the site frontage was reduced because the full extent of footpath is only required if the “fourth dwelling” is approved and the provision of a footpath to connect to the existing footpath would be conditioned to that application. In any event, the previously approved application

provided a footpath across the entire site frontage and this raises no landscape impact concerns.

- 5.7 The Ecological Impact Assessment from the previous proposal is also being used for this application although the previous report is over a year old it is considered that the results would be unlikely to have changed and is suitable for the purposes of this application. No records are evident of great crested newts (GCN) within 2km. Four ponds exist within 500m of the proposed development. Pond 1 and 2 are separated from site by a main road. Ponds 3 and 4 were assessed with Habitat Suitability Index (HIS), both classified as 'below average' suitability'. On this basis the proposal raises no ecology concerns.
- 5.8 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.
- 5.9 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. Given the location of the application site the development for 3 dwellings would not lead to the coalescence of settlements and would be far enough away from the property to the west (Oaklands) not to cause concern. As part of the proposals for the previously approved scheme (19/02169/FUL) a landscape tree belt to the west of the application site boundary was secured by a s.106 agreement. This would provide a visual marker to the extent of the village and would help to assimilate the approved development into the countryside. It is important to note that this application proposes a change to the extent and location of the tree belt in order to accommodate the "fourth" dwelling that is subject of a concurrent separate application (21/00623/FUL). The majority of the tree belt is now proposed on land to the north of the application site, together with a strip along the western parcel of the site area associated with "fourth" dwelling. The applicant has agreed to enter into a s.106 agreement to secure the new location of the tree belt planting. On this basis the proposal is considered to satisfy criterion 4 of the IPG or 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

- 5.10 The proposed site layout indicates that the primary elevations would be orientated to face Tollerton Road. Given the separation distance to the properties on the opposite side of the highway and the property to the east the proposal does not raise any amenity concerns. On the basis of the above, it is considered that the proposals do not raise any amenity concerns would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

Highway Safety

- 5.11 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 recommends conditions regarding a requirement for

the visibility splay, access, parking and turning details and provision of a footpath along site frontage. It is also noted that a number public observations relate to highway concerns regarding vehicle speeds along a heavily trafficked route, concern about roadside parking to the east of the site, concern about visibility should vehicles park adjacent to application site, concern about vehicles parking on the verge/new pavement and removal of the roadside bollards and comments relating to construction traffic. NYCC Highways raise no concerns regarding the provision of a footpath or the loss of bollards. In terms of comments relating to the potential parking issues on the roadside and pavements this is a behavioural issue beyond planning control. In any event it is considered there is sufficient space to the front and rear of the site layout to accommodate vehicles for the residents and any visitors. Furthermore, NYCC Highway raises no concerns regarding vehicle speeds or visibility splays. 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 or CI 2.

Flood Risk and Drainage

- 5.12 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). In addition, the Environment Agency surface water mapping does not illustrate any issues with the application site or highway despite references in a public observation. The Internal Drainage Board also raises no concern subject to a condition regarding surface water. It is also noted that public observations refer to issues with foul sewers in the village. Yorkshire Water do not raise any concerns relating to the proposal subject to conditions on the disposal of foul and surface water. In addition, Yorkshire Water notes an easement to be protected and recommends a condition to cover this matter. Therefore, the proposal is 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

- 5.13 A public observation notes that the proposal would result in the loss of views of countryside and skyline from existing properties in the vicinity of the site. The planning system does not afford a "right to a view" and is not a matter to be considered in the determination of this application.
- 5.14 Concern has been raised regarding the impact of the development on the existing and ageing infrastructure that supports the community with a particular concern about internet connectivity. This is a matter to be addressed by the internet providers or telecoms regulator and could not justify a refusal of this planning application.

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, ecology and drainage and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the provision of tree planting 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) numbered HBL1A (strretscene) HBL3A (site plan), HBL4 and 5 (Plot 1 elevations), HBL6 (plot 1 floor plans), HBL7 and 8 (plots 2 and 3 elevations), HBL9 and 10 (plots 2 and 3 floor plans) to HBL11(garage floor plans and elevations) received by Hambleton District Council 29th October 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 of dwellings shall not be commenced 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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. 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.

5. 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.

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

Authority. The works shall be implemented in accordance with the approved details and programme.

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

- The crossing of the highway verge and footway shall be constructed in accordance with the approved drawing reference HBL3 Revision A and Standard Detail number E50.
- The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

8. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provision of a 1.5 metre wide footway across the site frontage linking with the existing footway on Baston Lane prior to the development being brought into use.
- Relocation of highway signs as required prior to the development being brought into use.

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

10. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 9:

Provision of a 1.5 metre wide footway across the site frontage linking with the existing footway on Baston Lane and relocation of highway signs as required.

11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference HBL3 Revision A. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

12. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- erection and maintenance of hoardings and security fencing on/over the highway verge & carriageway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

13. 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.

14. Land contamination final recommendation awaited

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

17. No building or other obstruction including landscape features shall be located over or within 6 (six) metres either side of the centre line of the public water main i.e. a protected strip width of 12 (twelve) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In the interests of highway safety.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In the interests of highway safety.
9. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. In the interests of the safety and convenience of highway users.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with policy DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
14. Land contamination final recommendation awaited
15. In the interest of satisfactory and sustainable drainage.
16. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
17. In order to allow sufficient access for maintenance and repair work at all times.

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Parish: Huby
Ward: Huby
8

Committee Date: 18th November 2021
Officer dealing: Marc Pearson
Target Date: 6th May 2021

21/00623/FUL

**Application for the construction of 1No. detached house and double garage
At: Land To The North Of The Forge Tollerton Road Huby North Yorkshire
For: Mr S Knowles**

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

1.0 Site description and proposal

- 1.1 The application is located on the western edge of the village to Huby on the north side of Tollerton Road. The application site sits within a larger field enclosure boundaries of the site are defined by hedgerows, trees and timber fencing. The surrounding context is defined by a variety of modern residential properties to the east located on both sides Tollerton Road. This includes a further planning permission for the construction of a detached dwelling yet to be implemented on the south side of Tollerton Road (ref. no. 20/01600/OUT).
- 1.2 In July 2020 planning permission was granted for the construction of a short terrace of 3 no. two storey dwellings accessed via single access point with garaging for all properties located to the rear (ref no. 19/02169/FUL). The original submission was for 4 no. dwellings but this was reduced to three dwellings and also included a s.106 agreement for tree planting on land to west of the approved dwellings (on the land where the “fourth dwelling” was sited and subsequently omitted).
- 1.3 It is important to note that a concurrent planning application (ref no. 21/01643/FUL) has also been submitted for an alteration of the house types on land immediately to the east. This application seeks to provide planting on part of this application site as that would be secured by a s.106 agreement. The application is pending consideration and is to be heard at same planning committee meeting as this application.
- 1.4 This application seeks permission for the “fourth dwelling” omitted from the 2019 scheme and comprises a two-storey detached dwelling constructed in brick under a pantile roof that would be accessed via an individual driveway off Tollerton Road with a detached garage located to the rear of the plot. The proposal also includes tree planting along the western edge of the site associated with a proposed s.106 proposal for tree planting associated with the adjacent application ref no. 21/01643/FUL.

2.0 Relevant planning and enforcement history

- 2.1 18/01367/FUL - Construction of five dwellings with landscaping, access arrangements and associated infrastructure. Refused September 2018 and dismissed at appeal ref. APP/G2713/W/18/3213272

- 2.2 19/02169/FUL - Development of 3 three bed terraced houses with garages. Approved July 2020.
- 2.2 21/01643/FUL - Application for construction of 1no detached dwelling and a pair of semi detached dwellinghouses with a triple garage block to the rear (land to the east, within red line boundary of previously approved application 19/02169/FUL but with change of house types). Pending determination.

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 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 Huby Parish Council – Object

This application is the latest in a series of four for this site, the first of which was refused along with the subsequent appeal. The reasons for refusal of the appeal were that the houses would spoil the character and appearance of the village, were outside the development limits and were a suitable mix. Although an application for three houses was approved, subsequent applications appear merely to attempt to iterate towards the original application - the reasons for the appeal refusal of which are still valid.

Initial comments set out objection noting:

- a. The building is set further back from the road, the distance being equal to that of 17/00585/FUL
- b. All contractors vehicles are parked within the construction site and not on the highway during all phases of the construction,
- c. Adequate provision is made to remove surface water by a means other than using the foul water sewer.

4.2 NYCC Highways - No objection, subject to conditions regarding the discharge of surface water, construction of private access and verge crossings, visibility splays, provision of approved turning and parking areas, off site highway works and a construction management plan.

4.3 Contaminated Land Officer – PALC now submitted awaiting response

4.4 Yorkshire Water – no response received (expired 29.8.2021)

4.5 Yorkshire Wildlife Trust - no response received (expired 29.8.2021)

4.6 Natural England – No observations.

4.7 Kyle and Upper Ouse Internal Drainage Board – No objection subject to a condition on surface water disposal.

4.8 MOD – No safeguarding concerns

4.9 Site notice and neighbour notification – One observation objecting to the proposal as summarised below:

- Confusion regarding what is proposed given the two concurrent applications. However, all the proposals are located beyond the development limits and the adjacent detached house was refused.
- Concern regarding the relationship and proximity of the proposed building line to the highway and loss of roadside tree.

- The addition of more houses would eventually appear down Tollerton Road, removing the open & rural character of the village.
- Concern about highway safety given the speed of vehicles in the 30mph zone, bend in the road and heavily trafficked route along Tollerton Road. The road is extremely busy with cars, farm machinery & lorries along with cyclists, horse riders & walkers. Given other developments to the east on street parking is becoming an issue creating a slalom effect.

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; (iv) residential amenity; (v) highway safety and (vi) 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 Huby 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:
- Development should support local services including villages nearby;
 - Development must be small scale, reflecting the existing built form of the settlement;
 - Development must not have a detrimental impact upon the natural, built and historic environment;
 - Development should have no detrimental impact upon the open character and appearance of the surrounding countryside or lead to the coalescence of settlements;
 - Development must be capable of being accommodated within the capacity of existing and planned infrastructure; and,
 - 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. Huby is considered to be a secondary village and therefore the proposal is considered to satisfy criterion 1. With regard to the emerging Local Plan Huby 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.

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

- 5.4 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. With regard to the scale of the

development, the proposal for 1 four-bedroom dwelling is considered to be appropriate to satisfy the requirements of the IPG when viewed in isolation. However, consideration must be given to the planning history of the wider site given this application relates to the “fourth dwelling” that was omitted from the previous scheme.

- 5.5 It is also noted that the previous application did not receive officer support on the basis of the context of the surrounding approvals for eight dwellings (already built out) the addition of further dwellings in this part of Huby was not considered to be gradual or incremental growth that is small in scale. However, the application was approved by the planning committee. Furthermore, since the approval of the adjacent scheme for three dwellings an outline planning permission has been granted opposite this site, on the south side of Baston Lane, for a single dwelling. Given this context, the application site would re-present a minor rounding off the built form in this part of the village. In addition, it is noted that the application site would be separated from the property to the west (Oaklands) by c.50m
- 5.6 The layout scale, form, design and appearance of the proposal is considered to be acceptable. Public observations and comments from the Parish Council refer to the alignment of the building line. The proposed dwelling would sit immediately adjacent to the approved and pending application for 3 dwellings and thus raises no concerns in terms of impact on the countryside because the proposal would round off the village envelope in this location.
- 5.7 With regard to criterion 3 of the IPG notes that development must not have a detrimental impact upon the natural environment. It is noted that the existing hedgerow and provides a visual edge to the highway and these are proposed to be retained with the exception of the new vehicle access point. It is noted that a small section of grass verge will be replaced by a footpath that is proposed to connect to development to the east and some highway signage may need to be re-located because of the provision of the footpath.
- 5.8 The Ecological Impact Assessment from the previous proposal is also being used for this application although the previous report is over a year old it is considered that the results would be unlikely to have changed and is suitable for the purposes of this application. No records are evident of great crested newts (GCN) within 2km. Four ponds exist within 500m of the proposed development. Pond 1 and 2 are separated from site by a main road. Ponds 3 and 4 were assessed with Habitat Suitability Index (HIS), both classified as ‘below average’ suitability’. On this basis the proposal raises no ecology concerns.
- 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. Given the location of the application site the development for 3 dwellings would not lead to the coalescence of settlements and would be far enough away (c.50m) from the property to the west (Oaklands) not to cause concern. Furthermore, the application site also includes a landscape belt

along the western boundary that would provide a visual marker to the edge of the village envelope in this location. The applicant has agreed to enter into a s.106 agreement to secure the new location of the tree belt planting. On this basis the proposal is considered to satisfy criterion 4 of the IPG or 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 to face Tollerton Road. Given the separation distance to the properties on the opposite side of the highway the proposal does not raise any amenity concerns. Furthermore, the proposal would be compatible with either the approved development (ref no. 19/02169/FUL) or the current application pending determination (ref no. 21/01643/FUL). On the basis of the above, it is considered that the proposals do not raise any amenity concerns would therefore protect amenity in accordance with LDF Policy DP1. In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

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 recommends conditions regarding a requirement for the visibility splay, access, parking and turning details and footpath linking to the existing network on Baston Lane. It is also noted that a number public observations relate to highway concerns regarding vehicle speeds along a heavily trafficked route and concern about roadside parking to the east of the site. NYCC Highways raise no concerns and therefore 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 or 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 Internal Drainage Board also raises no concern subject to a condition regarding surface water. Whilst Yorkshire Water have not provided a response on this application is noted that they do not raise any concerns relating to the adjacent application subject to conditions on the disposal of foul and surface water. On this basis it considered appropriate to attached similar conditions relating to foul and surface water. Therefore, the proposal is 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.

Planning Balance

5.14 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, ecology and drainage and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation

6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure the provision of tree planting 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) numbered HBLK2 A (location and block plan) HBLK3 (floor plans), HBLK4 (roof plan), HBLK5 (elevations front and rear), HBLK6 (side elevations) HBLK7 (garage) received by Hambleton District Council 29th October 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 of dwellings shall not be commenced 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 dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. 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.
5. 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.
6. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

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

- The crossing of the highway verge and footway shall be constructed in accordance with the approved drawing reference HBLK2 Revision A and Standard Detail number E50.
- The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

8. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provision of a 1.5 metre wide footway across the site frontage linking with the existing footway on Baston Lane prior to the development being brought into use.
- Relocation of highway signs as required prior to the development being brought into use.

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

10. The development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition 9:

Provision of a 1.5 metre wide footway across the site frontage linking with the existing footway on Baston Lane and relocation of highway signs as required.

11. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference HBLK2 Revision A. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

12. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- erection and maintenance of hoardings and security fencing on/over the highway verge & carriageway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

13. 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.

14. Land contamination final recommendation awaited

15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) CP17 and DP32.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
5. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
6. In the interests of highway safety.

7. To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
8. In the interests of highway safety.
9. To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.
10. In the interests of the safety and convenience of highway users.
11. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
12. In accordance with policy DP4 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
13. To ensure that the development is appropriate to landscape context in accordance with the Hambleton Local Development Framework Policies CP1, CP4, CP16 and DP30.
14. Land contamination final recommendation awaited
15. In the interest of satisfactory and sustainable drainage.
16. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

Parish: Huby
Ward: Huby
9

Committee date: 18th November 2021
Officer dealing: Kate Williams
Target date: 19th November 2021

21/01769/FUL

**Construction of an agricultural livestock building.
At: Newlands Farm Wigginton York North Yorkshire
For: Mr Ben Rab.**

This application is presented to Planning Committee as the applicant is related to a member of the Council.

1.0 Site Context and Proposed Development

- 1.1 The proposed development is for a livestock building on an established dairy unit comprising 140 head of cattle on a 129 ha farm. The applicant is intending to increase the herd to 200 head to improve profitability and additional employment.
- 1.2 The applicants are proposing to site the new building to the north west of the existing farmyard complex. The roof of the new building will be clad in fibre cement sheets, to create a similar appearance to the existing buildings on the farm and in the local area. The gable ends of the building will be Yorkshire boarding above natural coloured concrete panels, whilst the sides of the building will be open above the feed fence barriers. The proposed building will measure 48.768m in length, 19.812m in width, with an eaves height of 4.267m. This will provide an internal floor area of 966.19m².

2.0 Relevant Planning and Enforcement History

- 2.1 21/00652/APN - Erection of an agricultural livestock building. Granted - 10/04/21.
- 2.2 18/00785/APN - Proposed extension to an existing shed for the holding of cattle. Granted 11/05/2021.

3.0 Relevant Planning Policies

- 3.1 Local Development Framework:
 - 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
 - Core Strategy Policy CP21 – Safe Response to Natural and Other Forces
 - Development Policies DP1 - Protecting amenity
 - Development Policies DP3 - Site accessibility
 - Development Policies DP4 - Access for all
 - Development Policies DP9 - Development outside Development Limits
 - Development Policies DP26 – Agricultural Issues

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

Development Policies DP32 – General Design

Development Policies DP33 - Landscaping

Development Policies DP43 - Flooding and floodplains

- 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
EG7: Businesses in Rural Areas
E1: Design
E2: Amenity
E3: The Natural Environment
E4: Green Infrastructure
E7: Hambleton's Landscapes
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 Parish Council - Huby Parish Council do not have any objections.
- 4.2 Highways - There are no objections and the LHA does not recommend any conditions
- 4.3 Internal Drainage Board - They recommend conditions
- 4.4 Yorkshire Water - No objections
- 4.5 Environmental Health - Not received
- 4.6 MOD - Not received
- 4.7 The application was advertised by site notice and neighbour notification, which have expired.
- 4.8 No public Comments were received.

5.0 Analysis

- 5.1 The main issues to consider are:
- a) Principle
 - b) Design and Impact upon the character of the area
 - d) Amenity
 - e) Highway Issues

Principle

- 5.1 The principle of development accords with CP1, CP4, CP15, DP9 and DP26 because the building whilst sited in the open countryside is for an established farming enterprise. A livestock building has an essential requirement to be located within the countryside, which the above policies

Design and Impact upon the character of the area

- 5.2 The proposed design, scale and location fulfil the requirements of policies CP17 and DP32. The buildings are a suitable form, using appropriate materials and palette of colours.
- 5.3 The wider visibility of the site is low due to the presence of trees, hedgerows and relatively flat landscape. The building is sited in proximity to the existing buildings on the site and is not considered to be harmful to countryside character. The proposal would therefore fulfil CP16 and DP30 in respect of protecting the character and appearance of the countryside. No additional landscape treatment is considered necessary in this instance due to the limited visibility, presence of existing buildings and landscape around the site thereby ensuring the development complies with DP33.
- 5.4 The site comprises part of the existing dairy farm field, it is not considered to have an unacceptable impact upon ecology or bio-diversity. There are no landscape features which would be affected by the development. Therefore, the proposal will fulfil policies CP16 and DP31.

Amenity

- 5.4 The surrounding area is agricultural and the site is located in the open countryside. The nearest neighbours are 550m (also in agriculture) to the south east. It is not thought the proposed development would have a significant impact upon residential amenity, given the location, existing screening and existing land uses.
- 5.5 The applicants anticipate that the noise impact of the proposed development to be minimal. Any noise generated as a result of vehicular movements during day-to-day movements such as feeding will be not be significantly greater than the current agricultural operations that take place. The development would therefore fulfil CP1 and DP1.

Highway Issues

- 5.6 The application site is to the north of Corban Lane, from which the development can be safely accessed via private road. Access to and movement within the site by vehicles will not have a detrimental impact on road safety. The proposal would therefore accord with CP2, DP3 and DP4.

Flood risk and drainage

- 5.7 The site is located in Zone 1, outside any area of flood risk. Surface water is proposed to be dealt with via rainwater harvesting. The proposals adhere to Policies CP21 and DP43, by not having an impact on water courses or increasing flooding elsewhere.

Planning Balance/Conclusion

- 5.8 The scale of the proposed extension would be sympathetic to its surroundings and would achieve a high quality of design. The proposal would not have a significant impact on the character or appearance of the countryside. Nor, would the proposal have an impact on the amenity of surrounding residents. The proposal will allow for the strategic expansion of the applicants' business; as well as providing increased employment. It is considered that the proposal is in accordance with the Policies within the Local Development Framework Core Strategy, the Development Policies document and the contents of the National Planning Policy Framework.
- 5.9 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Development Framework Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development shall be implemented in accordance with the approved drawings: 1) Proposed Elevations 1795-RP-FP2) Proposed Elevations 1795 - EL3) Location/Block Plan BW1-00964241
3. Should on-site SuDS or flow restriction be proposed as part of any larger development the IDB requests that those restricted flow measures or attenuation are put in place before occupancy and within 3 months of development progressing on site.

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. For the avoidance of doubt and to ensure the development is built in accordance with the approved details in the interests of the amenity of the area in accordance with Local Development Framework policy CP1, CP17, DP1 and DP32.
3. To protect the water environment from pollution in accordance with Local Development Framework policies CP21 and DP43.

Parish: Northallerton
Ward: Northallerton south
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Committee Date : 18th November 2021
Officer dealing : Mrs Tracy Price
Target Date: 2nd December 2021
Date of extension of time (if agreed):

21/02426/FUL

Construction of External Air Conditioning Compound and Installation of External Condenser Unit.

At: Campus @ Northallerton, Tenement House, 4 Treadmills, Northallerton
For: Central Northallerton Development Company Ltd

This is brought to Committee as the Council has an interest in the site.

1.0 Site, Context and Proposed Development

- 1.1 Planning permission is sought for the construction of an external air conditioning compound and installation of external condenser unit at Tenement House, Block A, 4 Tenement House, 4 Treadmills in Northallerton.
- 1.2 Block A was formally known as the 'Tenement Building' on the site of the former HMP Northallerton and is located at the west side. The installation of the air conditioning unit is a response to occupier need and the use of the building as a learning centre.
- 1.4 Permission is sought for a single unit to be positioned to the east ground floor elevation in front of an existing blocked up arch window. The unit is 2048mm high x 1350mm w x 720mm deep with a Okoume timber clad compound to match the existing benches and street furniture of the Treadmills development. The compound will be the full height of the condenser unit. The compound is to be positioned away from the Listed Building and not attached.

2.0 Relevant Planning History

- 2.1 20/01344/FUL, Conversion of the existing Grade II Listed Tenement Building into retail (A1) and office (B1). Facade improvements to include replacement windows and making good of wall and roof materials, Approved 2020
- 2.2 20/01344/FUL, Conversion of the existing Grade II Listed Tenement Building into retail (A1) and office (B1). Facade improvements to include replacement windows and making good of wall and roof materials. Approved 2020

3.0 Relevant Planning Policies

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

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

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP32 - General design

4.0 Consultations

4.1 Parish Council - no comments received - expired 16.11.2021

4.2 Environmental Health – No response received yet

4.3 Natural England – No response received yet

4.4 Yorkshire Wildlife Trust – No response received yet

4.5 Listed Building Officer – Summarised Conclusion

Although the unit is not attached to the listed building there would be some form of opening created within the building to ensure ventilation. On balancing the justification of the proposed air conditioning unit against the setting and harm towards the listed building it is considered that there is an element of public benefit to be gained by its installation. The unit would allow the functionality of the building to a greater extent than just opening the windows to allow for ventilation and would therefore provide a more comfortable work based setting. The incorporation of a public use within this building increases the public awareness to local history and is essential to safeguard this heritage asset for the future.

4.7 Site Notice & Neighbour Notification –No representations have been received - expired 16.11.2021

5.0 Analysis

5.1 The main considerations are: i) the impact on the significance of the heritage asset, the ii) streetscene and; iii) amenity.

5.2 The site is within the Treadmills development which is a mixed use urban environment and very close to the primary retail area of Northallerton. The applicant has submitted a heritage statement assessing the impact of the works on the significance of the heritage assets. The design is clearly very functional. It is noted that positioning the condenser unit within the roof space is not possible due to the open nature of the king post roof structure which is referenced in the listing and has been retained as part of the refurbishment. Smaller units are available which are less visually intrusive, but this would require a total of 8 units in 2 different positions along the north and south elevations. The proposal to position the condenser unit and compound alongside the east elevation is the preferred option allowing the works to be contained within the site. It is noted that when completed, the civic square adjacent to the east elevation will include various street furniture, planters and changes in levels which will help to break up the scene and also result in the compound becoming less prominent.

- 5.3 The Section 66 of the Listed Building Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.4 Other relevant sections include Section 16 (2) of Listed Building Act provides that in considering whether to grant listed building consent for any works to a listed building, the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.5 The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight should be. Where a development proposal would lead to less than substantial harm to the significance of the asset, this harm should be weighed against public benefits of the proposal.
- 5.6 LDF Policies Development Management (2008) Policy DP28 and 2020 Publication version of Local Plan Policy E5 reflect legislation and national planning guidance. In particular, Draft Policy E5 describes how all adverse impacts will be avoided as far as possible, or if unavoidable how they will be minimised as far as possible; detail how, following avoidance and minimisation, the proposal would impact on the significance and special interest of each asset. Additionally, provide clear justification for the proposal, especially if it would harm the significance of a heritage asset or its setting, so that the harm can be weighed against public benefits.
- 5.7 It is acknowledged that the Tenement House is a key a component of the historic Quadrangle, within the overall Treadmills masterplan. The works carried out to the whole of the Treadmills site in principle have established the retention of the historical plan form. With respect to this proposal to install external air conditioning to the building it is noted that the main condenser unit would not be attached to the listed building and would be clad in Okoume timber to match that of the surrounding benches and street furniture within the site of the Treadmills.
- 5.8 As stated above it is acknowledged that the proposed air conditioning unit would not be attached to the building and would be enclosed in a natural material to match the surrounding street furniture. There would be an element of harm but this harm leans towards the mid-level of less than substantial harm to the setting of the listed building as the unit would be viewed in the context of the additional outdoor street furniture.
- 5.9 It considered that the balance of harm lies in the mid-level of less than substantial spectrum. Notwithstanding the balance of harm laying on the lower end of the spectrum there is still harm to the setting of the listed building. In order to balance this harm extract paragraphs from the NPPF have been taken into consideration and they are as follows:

- 5.10 Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.11 Paragraph 200. 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.
- 5.12 Paragraph 202. 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.

Public Benefits

- 5.13 Public benefits may follow from many developments and could be anything that delivers economic, social, or environmental objectives as described in the National Planning Policy Framework. National Planning Practice Guidance and Historic England also set out what is meant by the term public benefits, Historic England state that: When dealing with designated heritage assets, the public benefits of the proposal can cover a wide range of considerations the continued conservation of a heritage asset is a public benefit.

Amenity

- 5.14 Policy DP1 protects local residential amenity from development on a range of issues, including noise. It is clear that air conditioning units, such as that proposed, can give rise to noise impacts. Given the nature and location of the site and the general noise levels in the area, it is considered that the proposed development will not result in any significant loss of amenity to the occupiers of any nearby development. Based on this analysis it is not considered in this context, the proposal would not give rise to an unacceptable impact as assessed against policy DP1.

Planning Balance

- 5.15 It is considered that the development results in less than substantial harm to the setting of the heritage asset. That harm is at the lower end of the scale of harm and is considered to be sufficiently off-set by public benefit. Based on the above assessment the proposal is recommended for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details 13271-

411reva & HV-DB-EA-781-18(4)101 received by Hambleton District Council on 7th October 2021 unless otherwise agreed in writing by the Local Planning Authority.

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) CP1, CP16, CP17, DP1, and DP32.

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Parish: Northallerton
Ward: Northallerton South
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Committee Date : 18th November 2021
Officer dealing : Mrs Tracy Price
Target Date: 2nd December 2021
Date of extension of time (if agreed):

21/02427/LBC

Construction of External Air Conditioning Compound and Installation of External Condenser Unit.

At: Campus @ Northallerton, Tenement House, 4 Treadmills, Northallerton
For: Central Northallerton Development Company Ltd

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Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
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Development Policies DP32 - General design

4.0 Consultations

- 4.1 Parish Council - no comments received - expired 16.11.2021
- 4.2 Listed Buildings Officer – Conclusion:
Although the unit is not attached to the listed building there would be some form of opening created within the building to ensure ventilation. On balancing the justification of the proposed air conditioning unit against the setting and harm towards the listed building it is considered that there is an element of public benefit to be gained by its installation. The unit would allow the functionality of the building to a greater extent than just opening the windows to allow for ventilation and would therefore provide a more comfortable work based setting.
- 4.3 Council for British Architecture – no response received yet
- 4.4 Site Notice & Neighbour Notification –No representations have been received - expired 16.11.2021

5.0 Analysis

- 5.1 The main considerations are: i) the impact on the significance of the heritage asset,
- 5.2 The site is within the Treadmills development which is a mixed use urban environment and very close to the primary retail area of Northallerton. The applicant has submitted a heritage statement assessing the impact of the works on the significance of the heritage assets. The design is clearly very functional. It is noted that positioning the condenser unit within the roof space is not possible due to the open nature of the king post roof structure which is referenced in the listing and has been retained as part of the refurbishment. Smaller units are available which are less visually intrusive, but this would require a total of 8 units in 2 different positions along the north and south elevations. The proposal to position the condenser unit and compound alongside the east elevation is the preferred option allowing the works to be contained within the site. It is noted that when completed, the civic square adjacent to the east elevation will include various street furniture, planters and changes in levels which will help to break up the scene and also result in the compound becoming less prominent.
- 5.3 The Section 66 of the Listed Building Act 1990 states that in considering whether to grant planning permission for development that affects a listed building or its setting the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
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regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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- 5.9 It considered that the balance of harm lies in the mid level of less than substantial spectrum. Notwithstanding the balance of harm laying on the lower end of the spectrum there is still harm to the significance of the listed building. In order to balance this harm extract paragraphs from the NPPF have been taken into consideration and they are as follows:
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Planning Balance

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6.0 Recommendation

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1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details 13271-411reva & HV-DB-EA-781-18(4)101 received by Hambleton District Council on 7th October 2021 unless otherwise agreed in writing by the Local Planning Authority.

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) CP1, CP16, CP17, DP1, and DP32.