

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 8 December 2021

Dear Councillor

**Notice of Meeting**

Meeting           **Planning Committee**

Date               **Thursday, 16 December 2021**

Time               **10.00 am**

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

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

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

Other Members of the Council for information

**Note:** Press and public are welcome to attend meetings of Planning Committee. Due to current social distancing restrictions, measures have been implemented which limit the number of attendees able to be physically present in the meeting at any one time. Temporary arrangements are in place for members of the press and public to register their attendance no later than 24 hours in advance of the meeting taking place. Spaces are allocated on a first come first served basis. If you arrive at the Civic Centre to attend the meeting and have not registered in advance a space cannot be guaranteed if there are no vacant seats available. Members of the press and public are also able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID:611 119 19# For further information please contact Democratic Services on telephone 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk)

## Agenda

### Page No

1. Minutes

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To confirm the minutes of the meeting held on 18 November 2021 (P.17 - P.18), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

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

4. Matters of Urgency

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

# Agenda Item 1

Minutes of the meeting of the Planning Committee held at 1.30 pm on Thursday, 18th November, 2021 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor P Bardon (in the Chair)

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

An apology for absence was received from Councillor J Noone

## P.17 Minutes

### The Decision:

That the minutes of the meeting of the Committee held on 21 October 2021 (P.15 - P.16), previously circulated, be signed as a correct record.

## P.18 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

Permission Granted subject to conditions restricting the number of dwellings, the provision of affordable housing and a requirement for the provision of a scheme to control traffic using Bluebell Way and Blind Lane.

(The applicant's representative, Ian Prescott, spoke in support of the application).

(Ian Marr spoke on behalf of Aiskew and Leeming Bar Parish Council raising concerns in respect of the application.)

- (2) 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 for Mr Cramp at Oakdene, Woundales Lane, Knayton

Permission Granted. The Committee was satisfied that, in accordance with Council Policy, the scale of the proposed dwelling was justified and that the proposal would not cause harm to the surrounding landscape.

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

(The applicant, Mr Cramp, spoke in support of the application.)

- (3) 20/02341/FUL - Construction of falcon breeding facility for Suhail Enterprises Limited at Dawney House Farm Dawney Lane Easingwold

Defer in order to obtain information as to the impact of the proposal on an existing business in accordance with the requirements of the NPPF.

(The applicant, Sara Skalman, spoke in support of the application.)

(Mr Fawcett spoke objecting to the application.)

- (4) 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 for Suhail Enterprises Limited at Dawney House Farm Dawney Lane Easingwold

Defer in order to obtain information as to the impact of the proposal on an existing business in accordance with the requirements of the NPPF.

- (5) 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

Permission Refused. The Committee refused the application on the basis that the scale of the proposal was large and over-bearing and not of high quality design contrary to CP17 and DP32.

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

- (6) 21/01960/FUL - Construction of 5no. dwellings (including 1no. self-build) and associated infrastructure works for Daniel Gath Homes at OS Field 8464, Highthorne Lane, Husthwaite

Item Withdrawn

Note: Councillor M A Barningham left the meeting at 3.00pm.

The meeting was adjourned at 3.00pm and reconvened at 3.09pm.

- (7) 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) for Hubylee Ltd at Land to the North of the Forge, Tollerton Road, Huby

Permission Granted subject to an additional condition in respect of the reporting of unexpected land contamination and an appropriate S106 agreement to secure tree belt planting.

(The applicant's agent, Jim Burns, spoke in support of the application).

- (8) 21/00623/FUL - Application for the construction of 1No. detached house and double garage for Mr S Knowles at Land North of the Forge, Tollerton Road, Huby

Permission Refused. The Committee refused the application for the following reasons:-

The proposed residential development is located outside Development Limits. The proposed scheme would extend the built form of the village into the open countryside, causing a physical and visual intrusion into the openness of the area. The proposal is considered to be detrimental to the surrounding open rural character of the countryside. The proposed residential development would cause significant harm contrary to the Hambleton Local Development Framework Policies CP4, DP9 and DP30 together with the Council's Interim Policy Guidance (IPG).

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

(The applicant's agent, Jim Burns, spoke in support of the application.)

- (9) 21/01769/FUL - Construction of an agricultural livestock building for Mr Ben Rab at Newlands Farm, Corban Lane, Wigginton

Permission Granted

- (10) 21/02426/FUL - Construction of External Air Conditioning Compound and Installation of External Condenser Unit for Central Northallerton Development Company Ltd at Campus @ Northallerton, Tenement House, 4 Treadmills, Crosby Road, Northallerton

Permission Granted

- (11) 21/02427/LBC - Construction of External Air Conditioning Compound and Installation of External Condenser Unit for Central Northallerton Development Company Ltd at Campus @ Northallerton, Tenement House, 4 Treadmills, Crosby Road, Northallerton

Permission Granted

The meeting closed at 3.53 pm

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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 16 December 2020. The meeting will commence at 10am.**

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

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

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

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

Mick Jewitt  
Deputy Chief Executive

## Site Visit Criteria

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



# PLANNING COMMITTEE

## Thursday 16 December 2021

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	Morning session 10:00am start	
<b>1</b>	21/02260/OUT Aiskew Helen Laws  Page 11	Application for outline planning permission with some matters reserved (considering access and layout) for the construction of a two bedroom bungalow with first floor room in the roof  At: Land forming part of The Covert, Back Lane, Aiskew For: Mrs Fox & Mrs Mortimer  <b>RECOMMENDATION: APPROVE</b>
<b>2</b>	21/02448/MRC Bedale Andrew Cotton  Page 19	Variation of conditions attached to Application Reference Number: 20/02051/FUL-Alterations and single storey extension[s] to the side & rear of the dwelling  At: 30 Brookside Close, Bedale For Mr and Mrs J & D Noone  <b>RECOMMENDATION: APPROVE</b>
<b>3</b>	20/02341/FUL Kate Williams Easingwold  Page 23	Construction of falcon breeding facility  At: Dawney House Farm Dawney Lane Easingwold For: Suhail Enterprises Limited  <b>RECOMMENDATION: APPROVE</b>
<b>4</b>	20/02342/FUL Kate Williams Easingwold  Page 37	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  <b>RECOMMENDATION: APPROVE</b>
<b>5</b>	20/01049/REM Easingwold Kate Williams  Page 45	Application for reserved matters in relation to appearance, landscaping, layout and scale (all remaining reserved matters) attached to Planning Application 15/02419/OUT-Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses  At: Land Adjacent and Rear of Police Houses York Road Easingwold For: Jomast

		<b>RECOMMENDATION: APPROVE</b>
	Afternoon session commencing 13:30pm	
<b>6</b>	21/01350/FUL Kirkby In Cleveland Nathan Puckering  Page 69	Change of use of agricultural land to equestrian use. External and internal alterations to dwelling, to return it to habitable condition.  At: Ivy House, Kirkby Lane, Kirkby In Cleveland For: Mr and Mrs Asadi  <b>RECOMMENDATION: APPROVE</b>
<b>7</b>	21/01351/LBC Kirkby In Cleveland Nathan Puckering  Page 77	Change of use of agricultural land to equestrian use. External and internal alterations to dwelling, to return it to habitable condition.  At: Ivy House, Kirkby Lane, Kirkby In Cleveland For: Mr and Mrs Asadi  <b>RECOMMENDATION: APPROVE</b>
<b>8</b>	21/01302/FUL Tollerton Kate Williams  Page 85	Development of 12 affordable dwellings  At: OS Field 5532 Hambleton View Tollerton For: Johnson Mowat  <b>RECOMMENDATION: APPROVE</b>
<b>9</b>	21/01303/FUL Tollerton Kate Williams  Page 123	Development of 5 bungalows  At: OS Field 5532 Hambleton View Tollerton For: Johnson Mowat  <b>RECOMMENDATION: APPROVE</b>
<b>10</b>	21/01960/FUL Husthwaite Marc Pearson  Page 141	Construction of 5no. dwellings (including 1no. self-build) and associated infrastructure works  At: OS Field 8464, Highthorne Lane, Husthwaite For: Daniel Gath Homes  <b>RECOMMENDATION: APPROVE</b>
<b>11</b>	21/01435/FUL Stokesley Nathan Puckering  Page 157	Application for a riverside scheme to enhance Levenside, improve the accessibility and safety of the current pedestrian access alongside the River Leven within the town by providing new surfaced footpaths, replacing the Golden Lion plank bridge, reconstructing parts of the riverbank, improving the wayfinding and upgrading landscape features  At: Levenside, Bridge Road, Stokesley For: Mr David Oxley

		<b>RECOMMENDATION: APPROVE</b>
<b>12</b>	21/01572/MRC Thirsk Kate Williams  Page 167	<p>Application for variation of condition No. 2 (approved drawings) to previously approved application 20/01136/FUL for Construction of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E), drive-thru restaurant (Use Class E/Sui Generis) and drive-thru coffee shop (Use Class E) with associated parking, service arrangements, landscaping and access (to show revisions to layout, HGV parking area, Petrol Filling Station and Restaurant).</p> <p>At: Land Adjacent To Oakfield York Road Thirsk For: Mr Graham Wilson</p> <p><b>RECOMMENDATION: APPROVE</b></p>

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**Parish: Aiskew**

Ward: Bedale

**1**

Committee Date: 16th December 2021

Officer dealing: Helen Laws

Target Date: 17th December 2021

**21/02260/OUT**

**Application for outline planning permission with some matters reserved (considering access and layout) for the construction of a two bedroom bungalow with first floor room in the roof**

**At: Land forming part of The Covert, Back Lane, Aiskew**

**For: Mrs Fox & Mrs Mortimer**

**This application is presented to Planning Committee as it is a departure from the Development Plan**

#### 1.0 Site, Context and Proposal

1.1 The site is located on Back Lane at the eastern end of Aiskew and north of the existing dwelling known as The Covert. It is located to the south of Aiskew Bank Farm. On the opposite side of the access road leading to the Farm lie two dwellings known as Highfield View and Highfields.

1.2 The application site forms a corner of a larger field, which lies between the edge of Aiskew, Aiskew Bank Farm and the Wensleydale Railway line, wrapping around the rear of properties on Back Lane and Ascough Wynd. The site lies towards the north eastern corner of the field and is gently sloping downwards from The Covert towards Aiskew Bank Farm. A timber post and rail fence forms the boundary with the access track. The boundary between the site and The Covert is formed by a 1m high timber fence. The land also has lower ground levels than the dwellings opposite to the east.

1.3 The application is for outline planning permission for the construction of a detached dwelling on a site covering an area of 0.04 hectares.

1.4 The matters for approval at this stage are layout and access. The remaining matters, i.e. appearance, scale and landscaping and would be for a later application if this development is approved in principle.

1.5 The proposed layout is in the form of a T-shaped footprint with a parking (for 2 vehicles) and turning area at the front of the site. The remaining area surrounding the dwelling would be garden with a post and rail fence proposed for the rear elevation and a fence with a mixed species hedge proposed for the northern boundary.

1.6 The site would use the existing access that serves the existing dwellings. Access is gained from Back Lane.

#### 2.0 Relevant Planning History

2.1 12/02337/FUL – Construction of a dwelling and a new vehicular access. Permission granted 8/4/2013. This dwelling is The Covert. Part of this

application site was retained within the field and forms a small part of the current application site.

### 3.0 Relevant Planning Policies

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

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP4 - Settlement hierarchy  
Core Strategy Policy CP8 - Type, size and tenure of housing  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Core Strategy Policy CP21 – Safe response to natural and other forces  
Development Policies DP1 - Protecting amenity  
Development Policies DP3 - Site accessibility  
Development Policies DP4 - Access for all  
Development Policies DP8 – Development Limits  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP10 - Form and character of settlements  
Development Policies DP13 - Achieving and maintaining the right mix of housing  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
Development Policies DP43 – Flooding and floodplains  
Interim Guidance Note - adopted by Council on 7th April 2015  
Hambleton emerging Local Plan Publication Draft July 2019

Policy S1 - Sustainable Development Principles  
Policy S3 - Spatial Distribution  
Policy S5 - Development in the Countryside  
Policy HG5 - Windfall Housing Development  
Policy E2 - Amenity  
Policy E3 - The Natural Environment  
Policy IC1 – Infrastructure Delivery  
Policy IC2 - Transport and Accessibility

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php>  
The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan is no more than a material consideration. The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

## National Planning Policy Framework

### 4.0 Consultation

4.1 Aiskew Parish Council – no comments received

4.2 NYCC Highways – The proposed development site is outside of the extents of the adopted highway and the traffic flows associated with a single additional property would not be considered to intensify the use of the site access. Whilst there are no local highway authority objections to the proposal to the development, upon submitting the full application, as access is gained through a residential estate, it would be expected that restricted hours were considered regarding delivery of materials from larger goods vehicles.

4.3 Yorkshire Water – no comments received

4.4 HDC Environmental Health Officer – recommends conditions regarding construction hours and control of noise and dust.

4.5 HDC Environmental Health Officer (contaminated land) - I have assessed the Preliminary Assessment of Land Contamination (PALC) form submitted in support of the above development. The applicant/agent has not identified any potential sources of contamination on the form and therefore the risk of contamination affecting the development or end users is considered to be low. Therefore, the Environmental Health Service has no objections to this scheme.

4.6 Publicity – a total of four objections have been received from local residents whose comments are summarised as follows:

- Back Lane is a private road poorly maintained; traffic has increased considerably in the last 15 years; further traffic will make a once quiet bridleway not fit for purpose
- More properties will add to an increasingly unsafe situation regarding access
- An existing unobstructed view of trees and church from two neighbouring properties would be lost
- The proposed development extends outside the Development Limits

One letter of support has been received, summarised as follows:

- A business, run from adjacent premises has now relocated so even one additional dwelling would not result in extra traffic
- Two local residents have been maintaining the lane at their own expense

### 5.0 Analysis

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

Principle of development

5.2 Paragraph 79 of the NPPF states: "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the

vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.

- 5.3 Policy CP4 of the Local Development Framework states that outside defined Development Limits development will only be supported where an exceptional case can be made for the proposal as follows:
- 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; or
  - ii. it is necessary to secure a significant improvement to the environment or the conservation of a feature of acknowledged importance; or
  - iii. it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy; or
  - iv. it would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help to meet a locally identified need for affordable housing; or
  - v. it would make provision for renewable energy generation, of a scale and design appropriate to its location; or
  - vi. it would support the social and economic regeneration of rural areas.
- 5.4 Policy DP9 indicates that permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4.
- 5.5 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance is intended to bridge the gap between CP4/DP9 and the NPPF and relates to new housing in villages.
- 5.6 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
- 1. Development should be located where it will support local services including services in a village nearby.
  - 2. Development must be small in scale, reflecting the existing built form and character of the village.
  - 3. Development must not have a detrimental impact on the natural, built and historic environment.
  - 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
  - 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
  - 6. Development must conform with all other relevant LDF policies.



- 5.7 This hierarchy guides the application of the IPG. Aiskew is defined in the settlement hierarchy, together with Bedale, as a Service Centre and is therefore considered to be a sustainable community. It does not however fall within the requirements of the IPG as this specifically excludes Service Centres. In this case therefore development of the site would need to comply with the exceptional criteria listed in CP4. No information has been provided that would support an exceptional case for development at this stage.
- 5.8 It should also be noted, however, that the Emerging Local Plan is currently being given some weight. The Local Plan will not carry Development Limits forward, however, applications such as this will still be considered against similar principles as the IPG. Policies S5 and HG5 of the Emerging Local Plan are likely to be of relevance to this proposal.
- 5.9 With regard to the emerging Local Plan, the sustainable development principle of Policy S1 requires development to make effective and efficient use of land and minimise the need to travel. Aiskew is included with Bedale as a Market Town within Policy S3 where development will be supported where it is proportionate to the size of the settlement and its level in the hierarchy. The principle of residential development would therefore be considered acceptable under the emerging policy.

#### Impact on the character and appearance of the surrounding area

- 5.10 LDF Policies CP16 and DP30 of the LDF require development to preserve and enhance the District's natural assets and to respect the openness of the countryside. In making this assessment it is noted that the application is in outline form only with all matters reserved other than access and layout.
- 5.11 Only a small part of the site lies within the Development Limit boundary and all of the site is undeveloped. The plot forms part of a larger field but has as much in common with the village as with the rural landscape beyond, being adjacent to and opposite existing residential development. The site therefore has a close relationship with the built form of the village.
- 5.12 Back Lane is a public right of way and the site would be visible from this route. There would however be limited views of the site relative to other properties in the immediate vicinity, and as such it is considered that there would be a limited impact on the natural environment.
- 5.13 With regard to the emerging Local Plan, Policy S5 requires new development to recognise the intrinsic beauty, character and distinctiveness of the countryside as an asset. The site lies outside but adjacent to the existing built form of Aiskew, which means that the site lies in the open countryside. Development will only be supported where it would not harm the character, appearance and environmental qualities of the area. It is discussed in the paragraph above that the impact on the rural landscape would be limited and it is therefore considered that one dwelling can be supported without causing harm to the character and appearance of the area.

#### Residential amenity

- 5.14 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution, odours and daylight).
- 5.15 The proposed dwelling would be relatively close to the existing dwelling at The Covert, but it is anticipated that a satisfactory design would achieve an acceptable level of amenity for both properties.
- 5.16 The application site lies opposite the existing dwellings at Highfields and Highfield View, which are dwellings set at a higher ground level with views over the application site to the railway line and beyond. These long-range views would be affected by the development to the detriment of the enjoyment of the existing residents. The loss of a view such as this is not material to the consideration of the planning application as these are private interests. The proposed dwelling would lie at such a distance and at a lower ground level to prevent overlooking and avoid an overbearing impact. It is considered that the proposed development would not conflict with Policy DP1.
- 5.17 In terms of the emerging Local Plan the proposal is considered to satisfy Policies E1 and E2.

#### Highway safety

- 5.18 The proposed access will make use of the existing access track, which serves The Covert and its neighbours. There are several local concerns regarding the condition of Back Lane and the volume of traffic now using this private roadway. The local highway authority has raised no objection to one additional dwelling and as the proposal is small in scale it does not raise any concerns in terms of potential conflict with other users.
- 5.19 There is scope within the site to provide parking and manoeuvring space and it is considered that the proposed development would have no detrimental impact on highway safety. In terms of the emerging Local Plan the proposal would satisfy Policies IC1 and IC2.

#### Planning balance

- 5.20 In assessing this application, it is clear that the proposal would create an additional dwelling in a sustainable location without causing harm to the form and character of the village and rural landscape and without harm in terms of residential amenity or highway safety. The scheme is found to result in social gains through the provision of new housing, the economic impact of the development would be small but positive and the environmental impacts as a consequence of the development are on balance found to be positive. The proposals are considered to be in-line with emerging Local Plan policy. No other material considerations would preclude a grant of planning permission. The proposed development is found on balance to be acceptable.

#### 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **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 all of the development hereby approved shall be begun before the expiry of whichever is the later of the following: i) Three years from the date of this permission; ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the design and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site; and (c) the scale of all the buildings.
3. The outline permission for the development hereby approved shall be for one dwelling only.
4. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property. The hard surfacing shall thereafter be retained as such in perpetuity unless otherwise with the written approval of the Local Planning Authority.
5. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.
6. No building works including delivery of materials, excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturday and there shall be no such work on Sunday or on any public holidays.
7. The dwelling hereby approved shall not be occupied until the vehicle access, parking, manoeuvring and turning areas illustrated on drawing number 2021:30/01E have been made available for use unless otherwise approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

8. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing number 2021:30/01E received by Hambleton District Council on 17 September 2021 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are: -

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order that the scale of development is acceptable and to accord with the requirements of DP32 and the Council's Interim Policy Guidance.
4. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding in accordance with Hambleton LDF Policies CP21 and DP43.
5. To ensure that the development is appropriate to the environment in terms of amenity and drainage in accordance with LDF Policies.
6. In order to protect the amenities of residential property in the locality in accordance with LDF Policies CP1 and DP1.
7. In accordance with LDF Policies CP2 and DP4 and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.

**Parish: Bedale**  
Ward: Bedale  
**2**

Committee Date : 16th December 2021  
Officer dealing : Mr Andrew Cotton  
Target Date: 7th December 2021  
Date of extension of time (if agreed):

**21/02448/MRC**

**Variation of conditions attached to Application Reference Number: 20/02051/FUL-  
Alterations and single storey extension[s] to the side & rear of the dwelling.  
At: 30 Brookside Close Bedale North Yorkshire DL8 2DR  
For: Mr & Mrs J & D Noone.**

1.0 Site, Context and Proposal

1.1 30 Brookside Close is a semi-detached single storey dwelling constructed in red brick with UPVC fenestration and a tile roof covering. To the side of the property is a detached garage. To the front and rear are lawned and landscaped gardens. The site sits adjacent to a public right of way. The proposed works do not impact on the right of way.

1.2 This application seeks to vary condition 2 in order to accommodate an easement for a Yorkshire Water surface water drain crossing the site. The applicant proposes to chamfer the corner to avoid the easement. This is the only change proposed under this application. Yorkshire Water have confirmed their agreement to the revised proposal.

2.0 Relevant Planning History

2.1 06/00214/FUL - Conservatory extension to existing dwelling - Approved 31.03.2006

2.2 20/022051/FUL - Alterations and single storey extension[s] to the side & rear of the dwelling- Approved 11.11.2020

3.0 Relevant Planning Policies

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

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP32 - General design  
Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009  
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 Town Council - No objection

##### 4.2 Public comments - No responses received

#### 5.0 Analysis

5.1 The main issues to consider are whether i) the amendments to the approved scheme result in any harmful impact on the character and appearance of the host building and; ii) whether the proposed amendments result in any additional impact in terms of residential amenity.

5.2 The application seeks to substitute the approved plans listed under condition 2 to allow amendments to the rear extension so as to avoid the Yorkshire Water surface water drain easement which crosses the site. This would necessitate the corner of the extension being chamfered to avoid the easement. No other changes are shown on the amended plans.

5.3 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.

5.4 It is considered the amendments proposed are very minor and would not have a detrimental impact to the approved scheme nor to the overall appearance of the proposed development, nor the host building. The proposed amendments are considered to comply with CP17 and DP32.

5.5 There have been no objections raised from the town council nor have there been any comments received from the public. The proposed development is considered to result in no harmful impacts to residential amenity and are considered compliant with policy DP1.

5.6 It is considered the amendments proposed would not result in any significant impacts or significant changes to the approved scheme and as such should be approved.

#### 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 10 November 2020.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered: 071-04 Rev D and 071-05 Rev D received by Hambleton District Council on 12th October 2021; unless otherwise approved in writing by the Local Planning Authority.
3. The external materials of the development hereby approved shall match those of the existing dwelling.

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 Policies CP1, DP1, CP17, DP32, CP16, NPPF - National Planning Policy Framework and DOMEX - Domestic Extensions SPD Dec 2009
3. In the interest of visual amenity.

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**Parish: Easingwold**

Ward: Easingwold

**3**

Committee date:

16 December 2021

Officer dealing:

Kate Williams

Target date:

20 December 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

- 1.5 This application was deferred from the November 2021 Planning Committee meeting.
- 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 Hambleton Environmental Health (Zoo Licensing) - As the application is a breeding facility for falcons, if it is not open to the public for more than 7 days a year then a Zoo licence is not required. Also, I am not aware that there is any requirement In the Zoo Licensing Act 1981 or any guidance associated with it, in regard to it being “ illegal to have two centres close together”.

- 4.13 The application was advertised by neighbour notification, press and site notice, which have all now expired.
- 4.14 Since the application was heard at the 18/11/2021 Planning committee representations have been received.
- 4.15 1 objection letter from France states that whilst they appreciate this may deter the theft and smuggling of Eggs in the wild, the breeding centre will increase the slaughter of migratory Cranes and Storks in the Middle East which are also endangered.
- 4.16 The applicant's response is that they do not hunt illegal prey, and not Storks and Cranes.
- 4.17 A representation has now been received from the York Bird of Prey centre. They state their initial concerns with this planning application was how close the facilities would be built to York Bird of Prey centre only approximately 1 1/4 miles away. They have written to advise that they consider the following conditions would be necessary:
- No flying of any birds to take part on the site proposed or surrounding areas.
  - Any weathering / hack pen with mesh open tops to be double meshed/netting (with at least a foot gap) to prevent our birds and the applicant's birds from been able to come in to conflict/come in contact with each other should our birds go over their property as they do on a regular basis.
  - No feeding of birds in the Hack pen.
- 4.18 They also advise that the facility would have 'a definite' positive impact on the conservation of these birds of prey especially in the UAE and in the falconry world. From looking at the plans the bird's welfare seem to be of the utmost of importance and their facilities are well above any standards. All the birds would definitely have the 5 freedoms and the ability to live a healthy and happy life. As long as the conditions above are implemented on the planning and site - for the safety of both parties' birds then we would happy give our full support - as without these conditions there is a significant risk to animal welfare and safety'.
- 4.19 Officer Note: A condition had already been attached to prevent free flying, the applicants have undertaken amendments to the Hack Pen to double mesh it, and advise feeding does not take place in this area. York Bird of Prey Centre have been informed of the revised plans on 23/11/2021 and confirmation was sought on 30/11/2021 if they needed to make any further comments. York Bird of Prey centre have responded to the effect that the amended details are fine.
- 4.20 3 observations have been received from the North East Falconry centre, Swinton Estate Birds of Prey centre and National Centre for Bird of Prey Two are specifically supportive of the proposal: The most relevant comments are:

- None have had an incident or interaction between the flying birds and the breeding facilities
- Two comment advises they expect them to avoid areas with other birds of prey as they would tend to consider another bird of prey a potential threat to themselves as opposed to an obvious prey item, with the natural prey of raptors is not other raptors.
- One comment advises that the applicants are at the forefront of breeding globally.
- Unlikely there will be falconers who have over a mile and half between other raptors.
- One comment advises that they have 2 separate Zoo licences granted within 2 miles of each other, and fly their own bird simultaneously.
- One comment advises that recent increases in species like the Red Kite and the Eurasian Buzzard means that most falconers' aviaries are regularly overflowed by wild raptors - without incident.
- Not aware of a single incident of an errant bird from a bird of prey centre causing issue at another bird of prey centre.

## 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

5.2 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.

5.3 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.

5.4 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.

- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.

- 5.10 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.
- 5.11 The NPPF 2021 however provides a broader context than the above policies and seeks to supports 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 polices and decisions should enable the development and diversification of agricultural and other land based rural businesses.
- 5.12 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.
- 5.13 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.

- 5.14 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.
- 5.15 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

- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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



- 5.20 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.
- 5.21 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.
- 5.22 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.
- 5.23 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 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.
- 5.24 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.

- 5.25 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.
- 5.26 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.
- 5.27 The proposals would fulfil the aims of the LDF Policies CP2 and DP3 and emerging Local Plan Policy IC2, IC3, E1.

#### Residential Amenity

- 5.28 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.
- 5.29 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.
- 5.30 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.

- 5.31 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.
- 5.32 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.

- 5.33 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.
- 5.34 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.
- 5.35 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.
- 5.36 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.
- 5.37 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.
- 5.38 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.

- 5.39 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 D  
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 Rev A  
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: 16<sup>th</sup> December 2021  
Officer dealing: Kate Williams  
Target date: 20<sup>th</sup> December 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.

1.5 This application was deferred from the November 2021 Planning Committee in tandem with the associated application for the construction of the falcon breeding facility.

#### 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.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 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
- 5.7 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.
- 5.8 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.

- 5.9 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.
- 5.10 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.
- 5.11 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

- 5.12 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.
- 5.13 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.
- 5.14 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

- 5.15 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.
- 5.16 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.
- 5.17 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.
- 5.18 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

- 5.19 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.

**Parish: Easingwold**  
Ward: Easingwold  
**5**

Committee Date :  
Officer dealing :  
Target Date:

16 December 2021  
Kate Williams  
20 December 2021

## **20/01049/REM**

**Application for reserved matters in relation to appearance, landscaping, layout and scale (all remaining reserved matters) attached to Planning Application 15/02419/OUT – Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses.**

**At: Land Adjacent and Rear of Police Houses, York Road, Easingwold  
For: Jomast Developments Ltd**

**The proposal is presented to Planning Committee as it is of public interest**

### 1.0 Site, context and proposal

- 1.1 The 2.94-hectare parcel of land is bounded by open fields to the south and east with a residential development to the north. York Road runs along the western boundary which will provide the access for the proposed development. The site is within the Development Limits and formed LDF allocation EM1 for employment. This is a reserved matters application, and the principle of development has been addressed within the Outline permission 15/02419/OUT. Access into the site was also approved under drawing number 3357/SK001 Rev A. Apart from the specific details of access into the site, the other detailed matters of layout, appearance, scale and landscape were reserved for future consideration, and this application now seeks permission for these.
- 1.2 The site consists of an open field with hedges and trees forming the boundaries between adjacent land. A further hedge line runs from north to south and separates the site into two halves. A number of ditches are present within these hedge lines along with a 300mm diameter culverted watercourse that runs from the north west corner of the site and continues beyond the boundary fence in the south east. The site is generally flat and varies in elevation between 25.5m the west to the east. There are nominal falls towards the various ditches that are located along the boundaries within the hedge lines. York Road that runs along the western boundary is typically 100-200mm above the adjacent site levels.
- 1.3 The proposed access off York Road was approved as part of the previous outline application. This proposed access point has been maintained in line with the previous approval. The single point of access to the site provides both vehicular and pedestrian access to the site from York Road, and leads to an estate spine road. The estate spine road access also serves the accesses for the Petrol Filling Station and Healthcare Centre.
- 1.4 The Petrol Filling Station (PFS) portion of the scheme is situated adjacent to York Road, with its access from the main spine road within the site. The PFS includes provision for a single storey convenience store (approx. 400 sqm), pumps, canopy, parking, signage and totem in a forecourt layout. The PFS is

set back from York Road with landscaping to provide a buffer between site and highway, and the existing hedgerow frontage is maintained apart from the road access and pedestrian access. Parking spaces will be located along the frontage of the Retail unit.

1.5 The Healthcare Centre is set in between the PFS and housing development. It has its own access, cycle and parking provision. The healthcare facility includes provision for emergency vehicle access, pedestrian access, car parking allocation for both staff and patients, and cycle storage provision alongside landscaping to soften the scheme and to create buffer planting adjacent to the site's highways and boundaries. Facilities proposed include provision for 14 consultation rooms, plus an additional 2 examination rooms, 2 treatment rooms, and 3 nurse consultation rooms. The proposal also includes provision for administration, records and storage, comms and plantrooms, waiting room allocation, utilities, amenities, and staff breakout space.

1.6 During the course of the application the number of dwellings within the scheme has been reduced from 80 to 70. The 70 residential units are set back from York Road and located mainly in the eastern portion of the site. The units consist of 2, 3 and 4 bedroom houses with a number of bungalows and 1 bed quarter homes. 78% comprise 1, 2 and 3 bedroom homes. The Housing mix is set out below:

- 8 x 1 bed = 11%
- 20 x 2 bed = 29%
- 19 x 3 bed = 27%
- 15 x 4 bed = 21%
- 8 x 2 bed bungalows = 11 %

1.7 There is an area of public open space to the eastern part of the site. Drainage infrastructure is proposed beneath the roads and open space with surface water proposed to outfall to Leasemires Beck to the east.

2.0 Relevant planning history

2.1 13/02183/OUT - Outline application for the construction of a foodstore, petrol filling station, health uses, public open space, car parking and means of access; Granted 16 April 2014.

2.2 15/02419/OUT-Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses at Land adjacent and rear of Police Houses, York Road, Easingwold. Refused 25.04.2016-allowed at appeal June 2017. This Reserved Matters application was made on 21 May 2020, within 1 month of the expiry of the outline planning permission.

2.3 The appeal was allowed in accordance with paragraph 14 of the NPPF as the "presumption in favour of sustainable development" was engaged (Para 14 is now enshrined in paragraph 11 of the NPPF). The conclusion set out:

*I find that there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development, when assessed*



*against the policies in the NPPF taken as a whole. Therefore, in the context of the relevant development plan policies and having considered all matters raised, I find that the development is acceptable subject to the imposed conditions. Accordingly, the appeal is allowed.*

- 2.4 15/02419/DCN - Application made 20.11.2017 to discharge the condition 20 relating to affordable housing. Withdrawn 19 June 2020
- 2.5 15/02419/DCN01 - Application for discharge of condition 24 (healthcare land) for previously approved application 15/02419/FUL- Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses - Discharged 17.01.2020
- 2.6 15/02419/DCN02- (Substitute plans) Application for discharge of condition 24 (healthcare land) for previously approved application 15/02419/FUL- Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses – Discharged 16.07.2020
- 3.0 Relevant planning policies
- 3.1 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;
- Core Strategy Policy CP1 - Sustainable development
  - Core Strategy Policy CP2 - Access
  - Core Strategy Policy CP4 - Settlement hierarchy
  - Core Strategy Policy CP8 - Type, size and tenure of housing
  - Core Strategy Policy CP9 - Affordable housing
  - Core Strategy Policy CP13 -Market towns regeneration
  - 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 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 DP6 - Utilities and infrastructure
  - Development Policies DP8 - Development Limits
  - Development Policies DP9 - Development outside Development Limits
  - Development Policies DP10 - Form and character of settlements
  - Development Policies DP13 - Achieving and maintain the right mix of housings
  - Development Policies DP15 - Promoting and maintaining affordable housing
  - Development Policies DP16 - Specific measures to assist the economy and employment
  - Development Policies DP19 - Specific measures to assist market town regeneration
  - Development Policies DP24 - Other retail issues
  - Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation  
Development Policies DP32 - General Design  
Development Policies DP33 - Landscaping  
Development Policies DP34 - Sustainable energy  
Development Policies DP36 - Waste  
Development Policies DP37 - Open space, sport and recreation  
Development Policies DP42 - Hazardous and environmentally sensitive operations  
Development Policies DP43 -Flooding and Floodplains  
Development Policies DP44 - Very noisy activities

3.2 The most relevant SPD's are as follows;

Affordable Housing SPD

Size, Type and Tenure or New Homes SPD

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

4.0 Consultations

4.1 Easingwold Town Council - Wish to see approved subject to following: comments raised by official consultees being upheld:

- a suitable drainage scheme created to ensure that all existing housing in the surrounding area is not adversely affected by any inundation.
- there should also be a suitable maintenance plan for the ditches and channels around the site to be kept clear.
- measures are put in place to prevent any spillages of petrol or diesel from entering the surface water drainage system.
- wish to see the surrounding trees and hedges preserved and would not like to see T33 and T34 trees felled.
- the petrol station and convenience store should both have safe access for large delivery vehicles
- they welcome the range of smaller houses being proposed and wish to see at least 50% in the affordable category.
- would like to see the provision of solar panels and charging points for electric vehicles
- they would like reassurances that the medical facility will be occupied and to know what it will be used for as we know that Millfield's surgery is expanding on its existing site.
- would like to see the whole facility joined to the rest of the town by an appropriate footpath and cycle path.

4.2 NYCC Local Highways Authority (LHA) –They previously had no objections, and recommended conditions, which are attached. However, comments on the amended scheme are awaited at the time of writing the report.

- 4.3 Kyle and Upper Ouse Internal Drainage Board – Set the maximum discharge rate to be 1.4l/sec/ha and advise IDB consent will be required.
- 4.4 HDC Environmental Health – Subject to the attachment of appropriate conditions to address the above matters there are no objections to the revised layout (All conditions are attached).
- 4.5 HDC Housing – The proposed dwelling mix is in accordance with the advice previously provided to the applicant, and is supported.
- 4.6 NYCC Lead Local Flood Authority (LLFA) – No objections. The LLFA have no objections to the approval of this reserve matters application. The additional information to address the points raised during previous consultations clarify previous concerns regarding ditch maintenance and access, as flood exceedance routes were dependent on them.
- 4.7 Ministry of Defence Safeguarding - no safeguarding objections to this proposal.
- 4.8 Natural England - has no comments to make on this 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.
- 4.9 North Yorkshire Police Architectural Liaison Officer – The amended site layout is considered acceptable.
- 4.10 Yorkshire Wildlife Trust – Continue to have concerns about connectivity of hedgerow habitats Wish to see hedgerow retained in the north eastern corner of the site. They have concerns that hedgerows will lie within the gardens of a residential property and therefore it's retention cannot be guaranteed.
- 4.11 Yorkshire Water – The developer has applied for a diversion and the revised design has been approved by Yorkshire Water. They have no objection to the proposals.
- 4.12 The concept scheme was subject to public consultation by the applicants in accordance with the Council's Statement of Community Involvement.
- 4.13 5 representations have been made objecting to the proposal and 1 letter of support. The application has been advertised by press, site notice and neighbour notification which have all expired.
- 4.14 Seven representations were received. Six provide objections, which are summarised as follows:

Principle

- The retail unit would have a detrimental impact upon the vitality and viability of Easingwold

- An existing abandoned garage in Easingwold would be a better location for a petrol filling station
- The development is in the open countryside
- The application doesn't provide the details from the outline conditions
- Doubts that the medical centre be delivered
- The appeal was allowed on the understanding that the site would provide some employment facilities, not just a field full of dwellings
- No need for petrol stations, which are going to become obsolete?
- Development should not proceed without ensuring that the medical facilities are provided
- Petrol/diesel facilities exist elsewhere

#### Appearance and scale

- Loss of view across fields
- Require a barrier to reduce noise from car park
- Open border or footpath around the field should be provided to allow existing access to continue
- Too high density
- Object to the layout of the medical centre
- Oppressive "block appearance" of two terraced housing blocks placed very close together.
- Not enough information on the totem signage
- The development would harm the visual appearance of the countryside and landscape character on the approach to Easingwold
- No electric vehicle charging points are proposed
- There are no front gardens
- Open space provision is small and not central.
- Very small back gardens
- Too much on street parking
- Not enough parking for the medical centre
- Inadequate parking spaces for healthcare facility
- Layout and location of medical centre is unacceptable

#### Amenity

- Street lighting needs to be angled downwards away from existing properties
- Inflicts an unreasonable loss of amenity to existing residents of Longbridge Close and Longbridge Drive due to the general activity 6 households compressed into a very small
- Proposed level of properties will be harmful to existing residents
- There is a pollution and risk to health of standing traffic next to a school and built up area
- It will unacceptably increase in traffic levels.

#### Flood Risk and Drainage

- Concerns over flood risk and drainage as the area is a high risk of surface water flooding.
- Natural drainage should be considered
- Will cause flooding to existing residents

- Concerns over who will maintain the medical centre, PFS and housing drainage areas

#### Landscape and Ecology

- Need to retain as much environment and existing hedgerows as possible for birds and wildlife
- The landscape detail does not go far enough to protect existing trees and hedges particularly behind plots 44-70
- The trees should be protected by 2m -5m from proposed fences and fences move to protect t22 and t23, t13 is being cut short
- Concerns raised in relation to boundaries, hedges and ditches interfering with each other.

Positive comments in relation to the proposal received mainly from 1 individual representation in support:

- Location is walkable to town centre
- Good location for petrol filling station
- The addition of a new healthcare centre will be welcomed
- Would support local businesses
- The addition of a convenience store is exciting and will reduce the desire to drive out of Easingwold to other places
- Will create jobs.

## 5.0 Analysis

### 5.1 The main issues to consider are:

- Principle of development
- Layout, appearance and scale
- Affordable housing, housing mix and nationally designated space standards
- Highway safety
- Amenity
- Landscape and ecology
- Flood risk and drainage
- Land contamination
- Sustainable development
- Planning balance

#### Principle of development

5.2 The principle of the development has been accepted under the original outline permission at the site. This reserved matter application is concerned with the detail of the development, housing, petrol filling station, convenience store and health care facilities, that being its appearance, landscaping, layout and scale.

5.3 The provision of the Healthcare facility was secured under condition 24 of the outline permission. Condition 24 has been discharged (16.07.2020), but stated:

“(a) No development shall take place until a scheme relating to land on which the healthcare facilities hereby approved are to be located as part of the development (“the healthcare land scheme”) has been submitted to and approved in writing by the Local Planning Authority.

The healthcare land scheme shall provide for but not be limited to:

(1) The identification of 1,800 sqm (shown on the indicative layout plan marked SK01) of land (including provision for vehicular, cycle and pedestrian access, drainage, electricity, mains water, mains gas and telecommunications services) sufficient to accommodate 1,200sqm of floor-space located over not more than 2 floors for GP, community health and associated services;

(2) Details relating to availability of the healthcare land including management and maintenance.

(b) For a period of 2 years following the approval of the healthcare land scheme, the healthcare land shall be used for no purpose other than for GP, community health and associated services.”

- 5.4 It's scale and location has therefore been discharged under the earlier condition. This amount of land and development of the healthcare facility is greater than that shown on the indicative outline plan. The requirement for 1800 sqm of land to accommodate 1200 sqm floor space for GP and community health facilities was identified by the relevant NHS consultee, and imposed by the Planning Inspector.
- 5.5 Officers note the Town Council and the representations would like reassurances that the medical facility will be occupied. Officers do not have this information, but condition 23 of the Outline approval required a phasing scheme for the approval of the Local Planning Authority. This would seek information on the timing of construction of the dwellings, convenience store, petrol filling station and healthcare uses. The LPA cannot now impose any conditions which would seek the construction of other facilities before the dwellings. The appeal decision granted permission in 2017, the healthcare land scheme required by condition was approved on 16 July 2020, the land is only safeguarded for healthcare use until 17 July 2022, after which time alternative uses could be proposed.
- 5.6 No details have been provided of the future operator of either the petrol filling station or convenience store or potential dates for opening of the facilities. However, the applicant has confirmed there is an operator in place.
- 5.7 Planning permission has been established by the outline consent and reserved matters are limited to design issues, namely: access, external appearance, layout, scale, and landscaping. The need for a PFS, the impact of a small retail element impact upon Easingwold (previous approvals for this site included a large supermarket) and the deliverability isn't a material planning consideration in relation to a reserved matters application.

Layout, Appearance and Scale

- 5.8 Policy CP1, CP17 and DP32 addressed general matters of design focusing on the importance of local character, design quality and gives guidance on achieving sustainable development, appropriate scale and types of urban form, developments that mix uses, and better connections between users and more inclusive access.
- 5.9 The proposal is in general accordance with the indicative site plan which presented the petrol station to the front of the site, with the medical centre, 80 dwellings and public open space behind this. All are access from the spine road which runs from York Road.
- 5.10 The Petrol Filling Station is located at the front of the site. It has a frontage to York Road, but is sited at a perpendicular angle to it as per the indicative outline scheme, and for the reasons of providing a buffer to homes adjacent to it. The PFS proposes hedgerow retention along the frontage. The medical centre is positioned in between the PFS and the proposed new dwellings, which is reasonable to have the facilities close together. The PFS is a single storey monopitch rectangular structure. It is constructed from brick with timber detailing. It is considered its appearance is acceptable and appropriate for the character and appearance of the area.
- 5.11 The healthcare facility is set over 2 floors with a hipped roof (approx. 9.5m in height) and provides the requisite amount of space required by the condition imposed. Parking allocation has been proposed at 31no. car parking spaces including 10% accessible, plus the emergency vehicle bay. Turning facilities have also been afforded within the car park area of the medical centre portion of the site. The structure is proposed to be 'T' shaped, with a number of projected elements breaking up the elevations. A focal point is created along the Southern elevation in the form of a gable projection with full height glazing where the proposed pedestrian access from the estate spine road is located. The ground floor is proposed to be a red brick, render and cladding, which will tie in with the PFS and residential development linking the three elements of the development visually.
- 5.12 In relation to the location and accessibility and parking of the medical centre, a travel plan has been conditioned which would help address the accessibility of the development and apply to workers at the site. Parking standards across the development including the medical centre have not been identified as being low and would fall within the NYCC parameters.
- 5.13 The site continues past the healthcare facility along the main spine road through the site, with a devolving road network, leading to minor roads and private shared access cul-de-sacs. The 70 dwellings which comprise a variety of 1 to 4 bed houses and bungalows are generally distributed across the site. Parking allocation is provided in the form of private driveways and parking spaces alongside or within the frontage of dwellings where possible. The house types and their external detail are acceptable and provide a cohesive and attractive range of house designs. The dwellings include suitable amenity space commensurate with the size of the dwellings. This has been improved significant since amended scheme was submitted.

- 5.14 The parking spaces shown and garage details (where provided) meet the relevant dimensions contained within the NYCC Parking Standards as there are some instances where the garage is in lieu of external parking space. Garden areas are acceptable for the larger properties, but some smaller units have awkward shaped plots and shorter gardens, but overall, their sizes are proportionate to the house type and number of bedrooms.
- 5.15 Core Strategy Policy CP19 and Development Plan Policies DP37 requires new housing development to contribute towards the provision of open space to meet local standards. The proposed development has sought to address this and does incorporate a large area of public open space to the east of the site. No details are provided for an equipped area at this stage, but the details in relation to the provision, equipment and management of the open space is controlled via condition 22 imposed on the outline approval. The management and maintenance of ditches around the site which fall within public open space will likely be maintained by the management company.
- 5.16 The distribution of the open space provided is considered appropriate given the parameters imposed for the Healthcare Centre and additional land for that. The development would also contribute to POS delivering within Easingwold Area through CIL contributions. Improvements have been made and the applicants has shown street trees.
- 5.17 The layout achieves adequate levels of space, separation distances and parking and is consistent with the indicative Outline application layout. Taking a balanced view, given the parameters set out within the Outline consent, the proposed layout, appearance and scale of the development is acceptable and would fulfil the requirements of Policy CP1, CP17 and DP32 of the Hambleton Local Development Framework and the updated design requirements of the NPPF 2021.

#### Affordable Housing, Housing Mix and Nationally Designated Space Standards

- 5.18 Policies CP8, CP9, DP13 and DP15 housing and the Supplementary Planning Documents in respect of both Affordable Housing and the Size, type and tenure of new homes SPD set out the needs for affordable housing, housing mix and Nationally Designated Space Standards (NDSS).
- 5.19 Affordable housing is not a reserved matter and condition 20 of the outline permission requires the provision of affordable housing at the level of 50% (35 homes). The Applicant intends to address affordable housing in due course through an application to discharge the condition. The condition also states:
- “The scheme shall provide that 50% of the dwellings to be constructed on the site shall be affordable housing unless relevant viability evidence shows that delivery of 50% affordable housing would make the remainder of the residential scheme unviable.”
- 5.20 The locations of the affordable housing plots are not shown. However, the housing types are generally spread across the site, and therefore it is likely that the requirement for ‘pepper potting’ affordable homes throughout the development could be achieved.



- 5.21 Housing services confirmed that there has been a dialogue with the developer regarding the housing mix. Housing Services advise that the housing mix and provision is in accordance with advice previously provided by them to the applicant and is supported. The proposed mix accords with the Council's 'Size, Type and Tenure of New Homes' Supplementary Planning Guidance. There is also a requirement within the Outline conditions for all homes to meet the Nationally Described Space Standards (condition 21). The House Types proposed all meet the relevant standards.
- 5.22 The requirements of CP9 and DP15 are to provide 50% affordable housing is subject to viability and for consideration when the application to discharge the condition is made. However, the proposal is able to show that it can provide this to meet CP8, DP13 and the Supplementary Planning Documents in respect of both and the Size, type and tenure of new homes and affordable housing SPD.

#### Highway Safety and Access

- 5.23 The policy requirements include CP1 and DP3 which require the provision of a sustainable means of access to the site and in CP2 and DP4 that the access arrangements be safe, and easy access is available to all users.
- 5.24 The site will be accessed off York Road which provides access to the wider highway network. This was approved under the Outline application. A single vehicular, cyclist and pedestrian access is proposed off York Road. The appellant has agreed with the Local Highway Authority to install a new filter lane on York Road and conditions were attached to the Outline permission to secure the delivery of the new junction and filter lane. The site is linked to the town with a footway.
- 5.25 The roads within the site aim to reduce speeds of traffic, and are acceptable for HGV vehicles. Pedestrian access has been provided on the adoptable roads and on York Road. There is no link as requested by the LHA to the adjacent residential site as it is not clear how this would be necessary for the proposed development and would require additional tree and hedgerow removal which also would not be supported.
- 5.26 In accordance with North Yorkshire County Council's parking policy, the minimum provision for car parking is 1 space for all 1 and 2 bed dwellings with a minimum of 2 spaces for 3 and 4 bed dwellings within Market Towns. Therefore, across the development there is a general requirement for 104 spaces. The development provides in excess of this at 123 (excluding the garage spaces which are in addition this). Whilst the 1 bed accommodation provides 1 space, the 2 bedroom accommodation provides more than 1.5 spaces per unit. All 3 and 4 beds have at least 2 parking spaces with some house types also showing integral garaging, and larger garage spaces.
- 5.27 A requirement for a Travel Plan was conditioned on the outline consent, alongside road, cycleway and footway construction and lighting. An existing footway stops approximately 30m short of the application site but would be

connected to the proposed development by a new footway across the site frontage, which is off-site highway work secured by condition.

- 5.28 The LHA recommend conditions, and those which have not been provided on the Outline will be attached. The proposal is considered to fulfil the requirements of CP1, CP2 DP3 and DP4.

#### Amenity

- 5.29 Policy CP1 sets out a requirement for sustainable development and this is supported by DP1. The Policy test set in DP1 is that the development must adequately protect amenity.
- 5.30 The general principle and location both the PFS and healthcare facility was accepted within the Outline consent. The proposed siting of the PFS follows the indicative layout of the outline application, to act as a buffer. In addition to this arrangement a landscape buffer, and screen is also proposed. The PFS is a monopitch design with the lowest extent next to the neighbouring property, this is around 5m in height. Due to the relationship between the PFS and adjacent house, the distance between it and screening proposed it is unlikely to be overbearing or cause unacceptable overshadowing.
- 5.31 The Noise Assessment submitted has been considered by Environmental Health and concludes the levels are likely to be acceptable. This conclusion is based on the retention of an existing boundary fence and the erection of an additional boundary fence, as detailed in the report. It is necessary therefore to ensure that these barrier fences are provided and remain in place. The provision and maintenance of such barriers is secured by condition.
- 5.32 The Noise Assessment is based on specific hours of use for commercial activities, and it is necessary therefore to ensure those commercial activities do not take place outside those hours. The relevant commercial activities include, the operation of the petrol filling station, the operation of air, water and vacuum services and the timing of deliveries. This can be achieved by appropriately worded conditions. Its noted, similarly, that in addition to the fences referred to earlier, the assessment is based on the provision of an acoustic enclosure around the delivery bay serving the petrol filling station. Provision of acoustic fencing/enclosure can be secured by condition.
- 5.33 The noise assessment does not address potential noise from external building services which may be associated with the petrol filling station or medical centre. It is possible to word a condition prohibiting the installation of such plant and equipment, which would provide adequate control over potential amenity loss from such services. As artificial lighting can impact on the amenity of residential occupiers it has been recommend that a condition prohibiting the provision of artificial lighting to the petrol station and medical centre, (including car parks), other than by condition could be attached.
- 5.34 Plots 32 to 36 have boundaries with Hurns Way to the east. Plots 59 to 66 have a boundary with Clayhithe Mews and Longbridge Close. Plots 36 to 40 have a boundary with Longbridge Close and Longbridge drive. There is sufficient separation distance which mostly exceeds 21m between the rear of

proposed and existing dwellings. Gardens are also a suitable length to preserve amenity into garden areas. Whilst dwellings will be apparent, they are a sufficient distance away and would not be overbearing. In addition, the orientation of dwellings and presence of bungalows also helps to preserve residential amenity for existing residents. Future residents would benefit from acceptable separation distances, gardens, parking and access for bin storage areas.

- 5.35 Whilst reference has been made to the retention of hedgerows and trees for screening for residential amenity, tree loss is not significant. The trees along the north and eastern boundary are subject to individual and group Tree Preservation Orders, which affords them protection and additional screening is retained. This will also help to reduce the visual impact of the proposed development for existing residents however residential development is a suitable land use neighbour for existing residential development.
- 5.36 A condition was attached to the outline consent for full details of the boundary treatments to be approved whether that be hedgerow, wall, fence or other means of enclosure. Representations seek changes to allow a footpath around the boundary of the site and to move garden boundaries in from the tree canopies, however this is not necessary to make the application acceptable in planning terms. There are no public rights of way in close proximity, and therefore it is not considered reasonable to require a perimeter access path for existing adjacent residents.
- 5.37 Finished floor levels of dwellings and the road will be raised in some locations to account for the drainage requirements for the site. There will be a noticeable difference in height from the current situation, but it is not considered to be unacceptable due to the layout and distance of proposed buildings to neighbouring properties.
- 5.38 A construction method statement condition was attached to the Outline consent, and it is considered through the imposition of additional conditions which relate to operation of the PFS and healthcare centre that the development would adequately protect amenity and make provision for amenity needs of occupants. The additional elements would in the absence of this information ensure that the proposal would comply with CP1 and DP1 which requires all development proposals to adequately protect amenity.

#### Landscape and Ecology

- 5.39 Policies CP16, CP17, DP30 and DP33 seek to protect the character and appearance of the area, including landscape features. Policy DP31 seeks adequate protection and enhance of the ecology of development sites.
- 5.40 The site fronts onto York Road which offers views into the site from the west. The visual impacts of the development are balanced by the provision of landscape buffer along York Road in front of the site, and the public open space to the west. As the layout also shows garden of dwellings against the southern boundary this allows for additional planting to be introduced along existing field boundaries.

- 5.41 The Applicant has commissioned both a Tree Survey Report which includes an Arboricultural Impact Assessment to consider the potential conflicts between trees and hedges and the development proposals. The tree loss amounts to the removal of 1 Category B2 tree, 5 Category C1 trees, and 3 Category U trees (trees requiring removal regardless of design proposals). The identified tree losses would have a minor arboricultural and visual impact. To compensate, the submitted landscaping plan proposed additional planting, which can be secured by the updated condition. The Tree Protection Plan would ensure that all retained trees and hedges can be protected during the construction process by the installation of appropriate protective fencing and maintaining appropriate construction exclusion zones. Trees T33 and T34 which the Parish council wish to see have been assessed in the Arboricultural Impacts Assessment, they are Ash trees with decay at their base and structurally poor.
- 5.42 The development proposals would therefore not have a significant impact on existing trees or hedges and where the loss of trees is proposed to allow for development, such removal could be adequately compensated through additional tree planting as shown by the landscaping plan supporting the application. Furthermore, the proposals have identified appropriate tree protection measures to safeguard existing trees and hedges on site.
- 5.43 Whilst the representations are concerned about the hedgerows linking, the intention is to maintain as much of the hedgerows as possible and plant new hedgerows in the gaps to deliver improvements from a biodiversity and visual amenity perspective. There are concerns about the loss of hedgerows and their provision within residential plots, however a condition can be added to prevent their loss and that this is a requirement within the deeds.
- 5.44 The trees within the field boundary hedgerows were considered to hold features of low/negligible bat roost potential; no features that were deemed to be of moderate and/or high bat roost potential such as fluting, crevices or notable deadwood were recorded within the trees.
- 5.45 In response to comments from the Yorkshire Wildlife Trust the applicants proposed some strengthening of the hedgerow boundary in the north eastern location in response to comments made by the Yorkshire Wildlife Trust. They don't propose to remove any of the existing hedgerow, other than to create the site access, only plant up any gaps. We don't envisage that new planting would compromise the drainage ditch.
- 5.46 The Council does not yet the use of the Defra metric requested by the Yorkshire Wildlife Trust embedded in policy. Notwithstanding the slight hedgerow and tree loss it is considered that the proposed development would accord with CP16, CP17, DP30 and DP33 that the impact would affect protected species and would not be significant in the terms of LDF Policy DP31. Updated Landscape and ecology conditions are imposed.

#### Flood Risk and Drainage

- 5.47 The relevant policies are CP21, DP6 and DP43. Policy DP6 requires new development to provide the infrastructure necessary to meet the needs

generated by it and that flood risk is managed appropriately. Drainage infrastructure is required in respect of surface water, domestic flows of foul sewage to a sewer network and treatment facilities, and highways drainage.

- 5.48 It is not appropriate to discharge the surface water to ground via infiltration due to the highwater table and associated groundwater flood risk. Therefore, as per the hierarchy it is deemed necessary to discharge the surface water to the nearby watercourses as per the existing scenario.
- 5.49 The proposed surface water drainage strategy is to connect to the nearby watercourse via an attenuation tank and surface water pumped system to discharge in to Leasemires Drain. The Leasemires Drain is maintained by the Kyle and Upper Ouse Internal Drainage Board who have a requirement for surface water discharge to be restricted to 1.4l/sec/ha.
- 5.50 Finished Floor Levels of the various properties are to be raised as part of the flood mitigation measures (due to high water table). As such the proposed road levels will rise and fall to meet these levels to provide appropriate access to the individual plots.
- 5.51 Foul drainage is to drain under gravity to the south eastern corner of the site from where it is proposed to be pumped in a rising main back to discharge to the Yorkshire Water sewer in York Road.
- 5.52 A planning condition was placed on the outline consent which seeks to ensure that the diversion of the water main is undertaken before development. The amended layout now avoid this route and Yorkshire Water have no objections to the proposed development.
- 5.53 A condition will be attached to ensure that residents who may have ditches within their curtilages are aware of their responsibilities in relation to surface water. This can be written within the deeds of the homeowners. The submitted information indicates this approach.
- 5.54 The comments and concerns are noted, but officers have been advised by consultees that the submitted details are now acceptable following amendments after raising various comments and seeking clarification. The Internal Drainage Board, Yorkshire Water and the Lead Local Flood Authority would need to be consulted in respect of any subsequent application to discharge details regarding drainage to ensure the proposed development would fulfil the requirements of the relevant element of policies CP21, DP6 and DP43.

#### Land Contamination

- 5.55 A condition of the outline approval required an assessment of the risks posed by contamination and a scheme for the remediation of any contamination. Additional conditions will be required to ensure that the petrol filling station forecourt has appropriate separator devices to prevent fuel spillages from entering any adjacent watercourse. Subject to such conditions the proposal regarding the PFS can meet the requirements of CP21 and DP42.

## Sustainability

- 5.56 A condition was placed on the outline which required design measures to be incorporated into the scheme. It is considered further conditions are required to secure the elements suggested in the Planning Statement in order to fulfil the requirements of DP34. For reference the measures proposed include consideration of more sustainable materials, eco sanitary ware, solar panels on the petrol filling station and healthcare centre, cycle provision and electric vehicle charging points. Therefore, the proposal fulfils the requirements of the outline consent and DP34.

## Other Matters

- 5.57 Conditions imposed on the outline application (15/02419/OUT) are as follows:

1. Definition of Reserved Matters
2. Submission of Reserved Matter
3. Commencement
4. Approved Plans
5. Boundary Treatments
6. Levels
7. Secured by Design
8. Biodiversity
9. Trees
10. Existing Boundary Hedge
11. Sustainable Energy
12. Land Contamination
13. Divert Water Mains
14. Sewer Easement
15. Separate Drainage Systems
16. No Piped Discharge of Surface Water
17. Highways
18. Construction Method Statement
19. Travel Plans
20. Affordable Housing
21. Housing Size, Type and Tenure
22. Public Open Space
23. Phasing
24. Healthcare Land

## Planning Balance

- 5.58 The proposal is acceptable in terms of highway safety and access, flood risk and drainage, living conditions, amenity of nearby residents and biodiversity.
- 5.59 The benefits of the proposal as a result of new housing development in a sustainable location would be of a moderate scale. There would be some social benefit in providing additional homes which would contribute to providing family homes in the area, and 50% affordable housing would also carry additional weight.

5.60 There would also be economic benefits as the proposal would be in a suitable location. New residents would contribute to local services. There would be economic benefits from the construction phase of the development, and the operation of the businesses. Protecting the environment is another key aspect of achieving sustainable development, and the development would preserve the character and appearance of the area. The provision of a Petrol Filling station for the town is a benefit.

5.61 The social and economic gains are considered to weigh in favour of the development and the proposal is considered to represent sustainable development in accordance with the development Plan and required by the NPPF and recommended for approval.

## 6.0 Recommendation

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

### Time Limit

1. The development permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

### Approved Plans

2. The permission hereby granted below shall not be undertaken other than in complete accordance with the drawings set out below, or as modified by other conditions of this permission:

3262-0-003 I Site Layout plan

3232-0-201-A Petro Filling Station

3262-0-102 Medical centre proposed elevations

3262-0-101 Medical centre floor plans

3262-0-010 – House Type A

3262-0-011 – House Type B

3262-0-012 – House Type C

3262-0-013 – House Type D

3262-0-014 – House Type E

3262-0-015 – House Type F

3262-0-016 – House Type G

3262-0-017 – House Type H

3262-0-018 – House Type J

### Visibility Splays

3. There must be no access of egress by any vehicles between the highway and the application site at York Road until splays are provided giving clear visibility of 160m measured along both channel lines of the major road from a point measured 2.4m 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.

### Detailed Plans of Road and Footway Layout

4. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road

or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority.

#### Delivery of off-site highway Works

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

- provide a footway to the development along York Road by extending the existing path and providing a crossing point to the development.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

#### Details of Access, Turning and Parking at York Road location

6. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at York Road until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

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

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at York Road/petrol station 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.

#### Travel Plan Delivery

7. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must



continue to be implemented as long as any part of the development is occupied.

#### Parking Facilities for Dwellings

8. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the approved plans. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times any garages shall not be converted to habitable use without the prior written approval of the Local Planning Authority.

#### Surface Water Drainage Scheme

9. No development shall take place until a scheme of foul drainage, and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed before the development is occupied.

#### Drainage Maintenance

10. A scheme for the dissemination of the maintenance responsibilities for the ditches under riparian ownership shall be submitted for the written approval of the Local Planning Authority.

#### Construction Ecological Management Plan

11. No development shall commence until a construction ecological management plan (CEMP) has been submitted for the written approval of the local planning authority. The CEMP must include a protocol for the protection of nesting birds during site clearance, preparation and construction, including avoidance of hedgerow removal during the main birds nesting season (i.e. not March to August inclusively). Once approved development shall be undertaken in accordance with approved CEMP and must be available onsite for consultation by site operatives throughout the course of construction works.

#### Landscape

12. Notwithstanding the submitted details a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to:
  - details of the species;
  - numbers and locations of planting;
  - details of the biodiversity mitigations measures secured by condition 8 of the outline approval;
  - the details required by condition 22 of the outline approval;
  - all hard surface materials;
  - details in relation to the boundary treatments and between ditches hedgerow and trees;
  - details in relation to how the management and maintenance of retained and new hedgerows located in residential boundaries will be disseminated to future residents;
  - timescales for implementation and a maintenance schedule; and
  - provisions for replacement planting within a 5 year period.

The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

#### Materials

13. The construction of the external walls of the development hereby permitted shall not be commenced until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority.

#### Plant

14. The use hereby permitted shall not be commenced until details of any internal or external plant or extract ventilation system for the petrol filling station and healthcare centre including details of any external ducting and measures to control noise and vibration, have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be installed prior to the use commencing and retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

#### Acoustic Fence

15. The acoustic fence and acoustic enclosure as shown on Dwg No. NJD21-0154-001R shall be installed in its entirety prior to the first occupation of either the Petrol Filling Station or Medical centre. A scheme showing the maintenance of the fence shall be submitted for the written approval of the Local Planning Authority. The development shall be implemented in accordance with the approved details and thereafter retained for the life of the development unless otherwise approved in writing by the Local Planning Authority.

#### Lighting Scheme

16. Details of the lighting scheme for the petrol filling station and healthcare facility land shall be submitted for the written approval of the Local Planning Authority prior to the occupation of the development. The details will include how the lighting scheme has been designed to take into account the ecology of the site and neighbouring residential amenity. Once approved the development shall be implemented in accordance with the approved details and retained for the life of the development.

#### Oil Interceptors

17. Prior to the commencement of the development, the details of the oil interceptors shall be submitted for the written approval of the Local Planning Authority. This shall show that Surface water draining from areas of hardstanding within the petrol station and healthcare facility car park passed through an oil interceptor or series of oil interceptors as part of the surface water scheme. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, including the containment of accidental spillage, and shall be installed prior to the use of the petrol filling station and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s).

#### Tanks

18. Prior to the commencement of the development, a scheme to install the underground tanks shall be submitted to and approved in writing by the local planning authority. The scheme shall include the full structural details of the

installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system. The development shall be implemented in accordance with the approved details and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.

#### Hours of Use

19. The Petrol Filling Station and kiosk use hereby permitted shall only be conducted between 0600h and 2200 hours on Monday to Sunday.

#### Deliveries and Air and Vacuum Services

20. No air or vacuum services machinery shall be operated nor any process carried out at the site outside the following times between 0800 and 2000 hours on Monday to Sunday.

#### Hours of Deliveries

21. No deliveries shall be taken at or despatched from the Petro Filling Station outside the hours of 0800 and 2000 hours on Monday to Sunday.

#### Electric Vehicle Charging Points (PFS, Medical Centre, Housing)

22. Prior to the occupation of the relevant unit (Petrol Filling Station, Medical centre and housing) forming part of the development, details of Electric Vehicle Charging Points (ECVPS) associated with that unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points (ECVPS) associated with each unit shall be installed prior to the occupation of that unit as approved and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

#### Illumination

23. Notwithstanding the submitted details, no totems or advertisements or signs shall be installed without the prior written approval of the Local Planning Authority. Before any signage is/are first displayed, a detailed specification for the intensity of the illumination of it/them) shall be submitted to and approved in writing by the Local Planning Authority. The advertisement(s) shall not be displayed with a greater intensity of illumination than that approved.

#### Use Class Restriction

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the petrol filling station (Sui Generis) and healthcare facility (Use Class E(e)) shall only be used for the purposes specified in the application and for no other purpose (including those within the same Class of Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order) unless otherwise approved in writing by the Local Planning Authority.

#### Reason for conditions

1. To comply with Section 92 of the Town and Country Planning Act 1990

(as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. For the avoidance of doubt and in the interest of the character and appearance of the area in accordance with CP17 and DP32.
3. In the interests of highway safety in accordance with Local Development Framework Policies CP2 and DP3.
4. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with Local Development Framework Policies CP2 and DP3.
5. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Local Development Framework Policies CP2 and DP3.
6. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development in accordance with Local Development Framework policies CP2 and DP3.
7. To establish measures to encourage more sustainable non-car modes of transport in accordance with Local Development Framework policies CP2 and DP3.
8. In the interests of the amenity of the development in accordance with Local Development Framework Policies CP1 and DP1.
9. To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP43.
10. To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP43.
11. In the interests of protection biodiversity and nature conservation in accordance with Local Development Framework Policies CP16 and DP31.
12. To ensure the satisfactory visual impact of the development in accordance with Local Development Framework Policies CP17 and DP32.
13. In the interests of the visual appearance of the area in accordance with Local Development Framework Policies CP17 and DP32.
14. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
15. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.

16. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
17. Oil Interceptors To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP42.
18. To ensure the site is satisfactorily drained and to reduce the risks to the environment in accordance with Local Development Framework Policies CP21 and DP43.
19. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
20. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
21. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
22. Electric Vehicle Charging Points (PFS, Medical Centre, Housing)
23. In the interests of neighbouring residential amenity in accordance with Local Development Framework Policies CP1 and DP1.
24. Use Class Restriction

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**Parish: Kirkby**  
Ward: Stokesley  
**6**

Committee Date : 16th December 2021  
Officer dealing : Mr Nathan Puckering  
Target Date: 5th August 2021  
Date of extension of time (if agreed): 20<sup>th</sup> December 2021

**21/01350/FUL**

**Change of use of agricultural land to equestrian use. External and internal alterations to dwelling, to return it to habitable condition.**

**At: Ivy House Kirkby Lane Kirkby In Cleveland Middlesbrough**

**For: Mr And Mrs Asadi.**

**The application is brought to Planning Committee owing to the issues raised by the proposals.**

1.0 Site, Context and Proposal

- 1.1 The site in this case is a grade II listed terraced cottage located in the northern part of Kirkby In Cleveland. Ivy House is listed along with the adjoining Lychgate as a single entity as together they were once a longhouse; but all other cottages in the row are also all listed in their own right. They are also all situated within the Kirkby Conservation Area which covers the historic part of the village which is effectively the northern-most section of the distinct crucifix shape that the settlement now comprises.
- 1.2 The row of cottages, Ivy House included, are an attractive row of understated sandstone-built cottages with timber framed windows and pantile roofs. To the rear of the dwelling there is a small lean-to element. The neighbouring dwelling has a relatively large two-storey gable end, brick built at first floor level. At first floor level there is a small window which appears to be part of Ivy House but due to the internal configuration of the building, this actually serves the adjoining Lychgate and forms a flying freehold over the application site. A small outbuilding is situated to the rear of Ivy House and there is a large stretch of agricultural land which extends some 225m south west of the dwelling beyond its domestic curtilage to the rear.
- 1.3 This application is seeking permission for an extension to the rear elevation of the building. This will comprise a lean-to element which will be larger than the existing and effectively replace this existing feature. There will then be a first floor extension above this. The ground floor will be stone built, with the first floor reclaimed brick - similar to the neighbouring dwelling. Three conservation rooflights will be inserted within the roof form of the main dwelling. The change of use of the aforementioned agricultural land to equestrian is also proposed but no buildings are proposed as part of this.
- 1.4 There are also several internal alterations which are proposed but are not relevant to this application for planning permission and are dealt with through the listed building consent application which has ran concurrently with this application - LPA ref: 21/01351/LBC. Amendments were secured to the proposal by way of changes to the fenestration and the removal of part of the proposal which included the demolition of the outbuilding to the rear.

## 2.0 Relevant Planning History

### 2.1 None relevant

## 3.0 Relevant Planning Policies

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

Core Strategy Policy CP1 - Sustainable development

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

Core Strategy Policy CP17 - Promoting high quality design

Supplementary Planning Document - Domestic Extensions - Adopted 22 December 2009

Development Policies DP1 - Protecting amenity

Development Policies DP28 - Conservation

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

Development Policies DP32 - General design

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>.

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

## 4.0 Consultations

### 4.1 Parish Council - object on the following grounds:

- all other extensions to the row of cottages have been required to keep to the original footprint of the building and this should be the same for Ivy House
- the proposal includes demolition of part of the listed building - namely the outbuilding - and this would be harmful to the historic interest
- the 'orchard' to the rear of the dwelling should not be allowed to change use to domestic
- the extension would cause loss of light to the window on the first floor belonging to Lychgate
- concern with the depth of the proposed extension
- concern with the use of the land now proposed to be equestrian and the ecological impact on habitats as well as the increased use of the access by larger vehicles resulting from the change of use

### 4.2 NYCC Highways - no objections.

### 4.3 Site Notice & Neighbour Notification - 8 letters of objection received which can be summarised as follows:

- the extension would block vehicular right of way access which exists for the dwellings along the row



- the listed building and shared spaces to the rear of the dwellings should be preserved as part of Conservation Area rules
- the access is not fit to serve an equestrian field
- all other extensions have had to stick to the original "footprint" - this should do the same
- the extension proposed represents over development and would be to the detriment of neighbours
- the extension is too large, out of character and visually intrusive
- the change of use aspect lacks detail and may lead to further development - stables, riding arenas etc
- concern with the use of aluminium window at first floor level - all windows should be like for like
- reference to an 'orchard' to the rear that is a historic asset and should not be lost
- the outbuilding is listed and part of the historic layout of the site and its removal would be harmful to the significance of the building and the conservation area
- the extension would lead to loss of light to the window on the first floor of Lychgate
- concerns about parking as this is already an issue at the front of the dwelling so there needs to be room made at the rear
- amended plans do not address neighbour's concerns
- the fact the owners overpaid for the property should not impact on planning decision

1 letter of support which can be summarised as follows:

- the proposal represents a young family wishing to move to the village and invest a significant amount into restoring a neglected dwelling
- the opportunity to restore the property should be welcomed
- the surrounding dwellings have had similar extensions and the site should have the same benefit
- the dwelling is perfectly suited for a paddock to allow horses to be managed from home and Kirkby is a rural village where rural activities should be enjoyed

Following the re-consult on the amended plans, one letter of objection was received at the time of the report being written. The points raised can be summarised as follows:

- the amended plans still fail to work with the original footprint which other extensions have been required to do
- the extension comes out too far and is out of proportion which will block light and views for both Lychgate and Wayside
- poor access for the proposed equestrian field and not enough space for parking
- ploughing the field which is of heritage value would be a shame

## 5.0 Analysis

- 5.1 The issues that must be assessed with regards to the extension are i) design; ii) the impact on the significance of the conservation area; iii) the impact on the setting of the adjacent listed buildings and; iv) the impact on neighbour amenity.

#### Design of the Extension

- 5.2 Policies CP17 and DP32 concern the design of development and dictate that all development must have a high quality design, which takes into account local character and context. Also, a material consideration in this instance is the Domestic Extensions SPD which outlines further guidance in terms of the design of extensions and states that such development must protect the character of the existing building by ensuring a subservient and suitably scaled extension.
- 5.3 The proposed extension in this case is typical of a domestic extension and is of a design that one would expect for such a development. It will lead to the rear elevation of Ivy House appearing very similar to that of Lychgate immediately to the north and as such the development can be said to be in-line with the surrounding character and context of the locality.
- 5.4 The scale of the development and the subsequent impact on what is currently a rather understated rear elevation of Ivy House is noted but this is not considered harmful in the overall context of the site and its surroundings. On the whole, the design is still appropriately scaled and works with the available space to the rear of the dwelling in a way which will not appear cramped or overly contrived. As a result, this change in character is not considered to lead to harm which would warrant refusal of the scheme.
- 5.5 As the above assessment demonstrates, the development complies with policies CP17 and DP32 of the Local Development Framework.

#### The Impact on Conservation Area

- 5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.7 Also relevant in this instance is policy DP28 of the Local Development Framework which seeks to protect the Districts heritage by, amongst other things, the designation and protection of Conservation Areas.
- 5.8 The Kirkby Conservation Area covers the historic core of the village. This mostly dates from the mid-18th century and stretches from the northern edge of the village on Kirkby Lane to just beyond the intersecting Busby Lane. The row of listed cottages, of which Ivy House is a part, undoubtedly contributes heavily to the significance of the overall conservation area - representing the majority of the heritage assets within the village. Views as one travels southwards along Kirkby Lane are very effective at incorporating both the row of historic terraces to the west and the focal point of the conservation area,

the grade II\* listed Church of St Augustine. Clearly, given the proposed works are limited wholly to the rear of Ivy House - this part of the conservation area will remain unaffected on the whole.

- 5.9 The PROW which stretches westwards to the north of Ivy House is noted and mid-range views of the development will be possible from this vantage point and as such the works will still have a material impact on the overall appearance of the conservation area. That said, the well scaled and suitably designed extension will sit within the other intricacies of the rear of this row of cottages created by the other rear off shoots and outbuildings in situ here.
- 5.10 As the above assessment demonstrates, the proposal will not harm the overall significance of the Kirkby Conservation Area and is therefore in line with the NPPF and policy DP28.
- The Impact on the Setting of the Adjacent Listed Buildings
- 5.11 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.12 The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.13 As set out in the introductory section of this report, there are several listed buildings in the immediate vicinity of the site. A lot of the significance of these buildings is derived from their group value as a row of architecturally impressive historic cottages. As such, the majority of the significance of the setting of the heritage assets is derived from public locations from which one can view the row as a whole. Such views are possible from the PROW to the west and Kirkby Lane to the east. That said, the architectural merit of the buildings is concentrated more on the better preserved principal elevations as opposed to the rear where the current arrangement of structures is very much different to how it had been historically; whereby there was a range of ancillary outbuildings which have now been somewhat formalised and domesticated by becoming conversions and extensions to the dwellings themselves. This work has undoubtedly negatively impacted the architectural merit and historic interest of the rear of the buildings.
- 5.14 Views of the more important principal elevations of the building will clearly remain unimpacted and therefore the most important aspect of the setting of the heritage assets will be protected. Whilst the overall appearance of the rear will change, this will simply be the introduction of another rear extension which will sit among the existing elements to the back of the row and as such will not harm one's ability to appreciate the architectural merit of the rear of the buildings.

Amenity

- 5.15 Policy DP1 precludes any development which would lead to a detrimental impact on amenity. This relates to daylight provision, privacy, noise and disturbance and pollution.
- 5.16 The main issue in this respect given the layout of the site and its surroundings is the potential impact on daylight provision. The objection from the neighbour in relation to the loss of daylight to the small window on the first floor of Lychgate is noted and it is conceded that there will be a material impact on the amount of daylight provision reaching this window. That said, this window is very small and as such its contribution to the daylight reaching habitable rooms of Lychgate is very minimal. The appropriate scale and siting of the proposed extension will still allow an adequate amount of daylight to reach the neighbouring dwelling and ensure their "right to light" remains unaffected on the whole.
- 5.17 Similarly, with regards to Wayside (the dwelling immediately to the south), the otherwise open nature of the rear of the dwelling in this direction means that the extension will not have a harmful impact on the amount of daylight meeting the rear of the dwelling. The suitable height of the two storey element will mean that it will not appear overbearing, nor overshadow the rear amenity space associated with Wayside.
- 5.18 Overall, the extension complies with policy DP1 of the Local Development Framework.

#### The Change of Use

- 5.19 Further details on the change of use aspect of the proposal and the reasoning behind this were requested from the applicant. They have confirmed that there are no intentions to operate on a commercial basis and it is wholly for private use. At present their horses are kept at a local livery yard. The idea is that in order to reduce the length of time the horses are confined to stables; they will be grazed at home for a couple of weeks at a time. Horse transport is at present kept at the livery yard and this will continue to be the case. Manure will be removed from the site on a trailer every 4-6 weeks by a domestic vehicle.
- 5.20 The site which is being proposed for change of use is on the edge of a rural settlement and as such it is appropriate for equestrian purposes in principle, which by its very nature would be expected to be located in such a place. As a result, it represents an acceptable use for this piece of land which is in-keeping with the character of the open countryside. There are no buildings or stable blocks proposed as part of the change of use and therefore it will be inconsequential to the overall appearance of the open countryside.
- 5.21 Public objections referring to the historic use of the fields and them being an example of ridge and furrow system are noted but the change of use is inconsequential in this respect. Clearly, as agricultural land the field can be ploughed and used to keep cattle, sheep etc, which would have the same impact in this regard. This is the same in respect of concerns relating to the ecological impact - the use of the field to keep horses will not have a material ecological impact.

5.22 Similarly, the objections referring to the change of use leading to bigger vehicles using the access are also noted but this is not a reason for refusal in this instance. One must consider the existing use of the land as agricultural could easily involve large tractors and other such vehicles using it - completely out of the control of the LPA. Indeed, NYCC Highways were consulted and offered no objection.

#### Other Issues Raised in Representations

5.23 A number of the representations refer to the area of land between the rear garden and the agricultural field, referred to as "The Orchard" and the legal status of this parcel of land. This application does not involve this parcel of land and its legal status as domestic/agricultural will remain the same.

5.24 A right of access over the rear garden is also referred to by the neighbour but this is not a material planning issue and is therefore inconsequential in terms of this application.

#### Planning Balance

5.25 On the whole the above assessment demonstrates that the proposal in this instance complies with all relevant Local Development Framework policies in relation to the design of the extension and the heritage implications and its wider impact on amenity. Furthermore, the change of use of the agricultural land to the rear has also been assessed as being acceptable in principle and in terms of its impact on the open countryside. Approval is recommended on that basis.

## 6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **Granted**

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 004 and 007 received by Hambleton District Council on 08.11.2021 and 02.12.2021 unless otherwise approved 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) CP17, DP28, DP30 and DP32.

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**Parish: Kirkby**  
Ward: Stokesley  
**7**

Committee Date : 16th December 2021  
Officer dealing : Mr Nathan Puckering  
Target Date: 5th August 2021  
Date of extension of time (if agreed): 20<sup>th</sup> December 2021

**21/01351/LBC**

**Listed building consent for Internal and external alterations to dwelling to return it to habitable condition.**

**At: Ivy House Kirkby Lane Kirkby in Cleveland Middlesbrough**

**For: Mr And Mrs Asadi.**

1.0 Site, Context and Proposal

1.1 The site in this case is a grade II listed terraced cottage located in the northern part of Kirkby In Cleveland. Ivy House, the site, is listed along with the adjoining Lychgate as a single entity as together they were once a longhouse; but all other cottages in the row are also all listed in their own right. They are also all situated within the Kirkby Conservation Area which covers the historic part of the village which is effectively the northern-most section of the distinct crucifix shape that the settlement now comprises.

1.2 The row of cottages, Ivy House included, are an attractive row of understated sandstone-built cottages with timber framed windows and pantile roofs. To the rear of the dwelling there is a small lean-to element. The neighbouring dwelling has a relatively large two-storey gable end, brick built at first floor level. At first floor there is a small window which appears to be part of Ivy House but due to the internal configuration of the building, this actually serves the adjoining Lychgate and forms a flying freehold over the application site. A small outbuilding is situated to the rear of Ivy House and there is a large stretch of agricultural land which extends some 225m south west of the dwelling beyond its domestic curtilage to the rear.

1.3 This application is seeking permission for an extension to the rear elevation of the building. This will comprise a lean-to element which will be larger than the existing and effectively replace this existing feature. There will then be a first floor extension above this with windows at first floor level. The ground floor will be stone built, with the first floor reclaimed brick - similar to the neighbouring dwelling. Three conservation rooflights will be inserted within the roof form of the main dwelling. The change of use of the aforementioned agricultural land to equestrian is also proposed but no buildings are proposed as part of this.

1.4 There are also a number of internal operations to the ground floor of the building which can be summarised as follows:

- the removal of an internal wall within the existing living room to create an open plan area
- the insertion of a small passage between the existing rear face of the main part of the dwelling and the newly proposed ground floor extension
- the above will create an open space between what is an existing cupboard and snug which will be partitioned off using stud walls to create a downstairs toilet and a utility room

1.5 Amendments were secured to the proposal by way of changes to the proposed fenestration and the removal of part of the proposal which included the demolition of the outbuilding to the rear.

2.0 Relevant Planning History

2.1 None relevant

3.0 Relevant Planning Policies

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

Core Strategy Policy CP1 - Sustainable development

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

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP28 - Conservation

Development Policies DP32 - General design

4.0 Consultations

4.1 Parish Council - object on the following grounds:

- all other extensions to the row of cottages have been required to keep to the original footprint of the building and this should be the same for Ivy House
- the proposal includes demolition of part of the listed building - namely the outbuilding - and this would be harmful to the historic interest
- the 'orchard' to the rear of the dwelling should not be allowed to change use to domestic
- the extension would cause loss of light to the window on the first floor belonging to Lychgate
- concern with the depth of the proposed extension
- concern with the use of the land now proposed to be equestrian and the ecological impact on habitats as well as the increased use of the access by larger vehicles resulting from the change of use

4.2 Council for British Archaeology - The CBA object to this application in its current form. We strongly recommend that it should be withdrawn, an assessment of significance of the building should be carried out and that this should inform a revised set of proposals. The phased development of the site is not currently understood, nor the impact that these proposals would have upon its legibility and any significant historic building fabric. It is important that revised proposals should demonstrate a conservation led methodology and minimise any impacts on historic building fabric and the legibility of its evolved plan form.

4.3 The Ancient Monuments Society - We have reviewed the documents available on your website, and the Ancient Monuments Society has no objection to the



principle of the repair and restoration of this grade II listed house, however, we have concerns about the lack of detail provided to support the application.

4.4 Historic England - no comments to make.

4.5 Society for the Protection of Ancient Buildings - We advise that the existing application lacks the requisite information to fully understand the building's significance and the full impact of the current scheme on that significance and special interest. From the limited information provided, it is also our view that the proposals would result in harm to the building and its features of special architectural and historic interest which it is desirable to preserve. In national policy terms we advise that the application fails to meet the requirements of the NPPF, particularly paragraphs 189, 190, 193 and 194.

4.6 Site Notice & Neighbour Notification - 8 letters of objection received which can be summarised as follows:

- the extension would block vehicular right of way access which exists for the dwellings along the row
- the listed building and shared spaces to the rear of the dwellings should be preserved as part of Conservation Area rules
- the access is not fit to serve an equestrian field
- all other extensions have had to stick to the original "footprint" - this should do the same
- the extension proposed represents over development and would be to the detriment of neighbours
- the extension is too large, out of character and visually intrusive
- the change of use aspect lacks detail and may lead to further development - stables, riding arenas etc
- concern with the use of aluminium window at first floor level - all windows should be like for like
- reference to an 'orchard' to the rear that is a historic asset and should not be lost
- the outbuilding is listed and part of the historic layout of the site and its removal would be harmful to the significance of the building and the conservation area
- the extension would lead to loss of light to the window on the first floor of Lychgate
- concerns about parking as this is already an issue at the front of the dwelling so there needs to be room made at the rear
- the amended plans do not address neighbour's concerns
- the fact the owners overpaid for the property should not impact on planning decision

1 letter of support which can be summarised as follows:

- the proposal represents a young family wishing to move to the village and invest a significant amount into restoring a neglected dwelling
- the opportunity to restore the property should be welcomed
- the surrounding dwellings have had similar extensions and the site should have the same benefit

- the dwelling is perfectly suited for a paddock to allow horses to be managed from home and Kirkby is a rural village where rural activities should be enjoyed

Following the re-consult on the amended plans, one letter of objection was received at the time of the report being written. The points raised can be summarised as follows:

- the amended plans still fail to work with the original footprint which other extensions have been required to do
- the extension comes out too far and is out of proportion which will block light and views for both Lychgate and Wayside
- poor access for the proposed equestrian field and not enough space for parking
- ploughing the field which is of heritage value would be a shame

## 5.0 Analysis

5.1 The main issue to consider in this case is the impact of the proposals on the significance of the heritage asset.

5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.3 The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

5.4 The applicant commissioned a professionally prepared Heritage Statement after discussions with Officers. This concludes that the internal aspects of the development would involve a very minor loss of historic fabric but due to the preservation of the plan form of the longhouse, this will not equate to harm to significance. Furthermore, it also concludes that the lean-to is not contemporary with the original longhouse but in fact evidence points to a more modern construction and perhaps the late C20. Therefore, it is not of any architectural or historical merit and its replacement will equate to no harm to significance.

5.5 The conclusion of the heritage statement is contested, and it is Officer's view that the proposed development will lead to less than substantial harm to the significance of the heritage asset - albeit at the lower end of the "less than substantial" scale. It is accepted that the internal alterations will maintain the legibility of the planform of the historic longhouse and given the very minor loss of historic fabric, these internal alterations do not equate to harm to significance.

5.6 That said, the conclusion that the lean-to element on the rear elevation is not of any historic significance is not accepted. The Heritage Statements (HS) logic mainly centres around cartographic evidence that shows that whilst a structure is in situ on late C19 maps, this disappears until 1991 mapping. It is accepted that the structure is not contemporary with the main section of the

building, but it is most certainly older than late C20 and there is photographic evidence submitted by a third party, from the 1960s which demonstrates this. On the balance of evidence, it is Officer's view that this structure has been in situ for a much longer period of time than it is given credit for in the Heritage Statement.

- 5.7 As a result, it represents an important addition which shows the evolution of the building from a longhouse to the dwelling which stands today. Consequently, along with the significance gained from the overall age of this aspect and the built fabric, it also contributes a significant amount to the overall historic interest of the building. Therefore, it is asserted that its loss will lead to less than substantial harm. However, it is welcomed that the design of the proposal incorporates a similar lean-to design, and the historic context will be legible - albeit to a much lesser extent - and as a result, this less than substantial harm remains at the lower end of the scale.
- 5.8 There was concern expressed with regards to the initial proposal including the loss of the outbuilding situated behind the dwelling. Whilst it is noted this has been subject to some unsympathetic repair, similar to the lean-to aspect it is still considered to tell an important role in the former use of the wider site and the living conditions of the residents in bygone times. It is thought the building was probably an external toilet and coal store. Clearly, with modern living standards, such buildings are becoming rarer and have often been lost. As a result Officer's expressed the view to the applicant that the loss of this outbuilding tipped the balance of harm beyond that outweighed by any public benefit and thus rendered the proposal unacceptable. In response to this, the applicant omitted this from the proposal, the outbuilding will now be retained in the proposed development.
- 5.9 Overall, the design of the extension is considered appropriate. There is historic precedent on the wider site with an extension to the neighbouring dwelling which is very similar in character and appearance. The proposed materials will also be very similar to this precedent. It is noted that the rear of Ivy Cottage is understated but it is important to remember that it is listed as a single entity with Lychgate, and the overall character of the heritage asset must be assessed on that basis and as such, the overall proposal is in keeping with the form and massing and character of the listed building.
- 5.10 In summary, of this assessment of the impact on significance, it is concluded that the development proposed will lead to less than substantial harm to significance but at the lower end of the "less than substantial" harm. The NPPF dictates that any harm to significance must be given great weight and importance in the decision making process and can only be outweighed by public benefit, including securing the most viable use of the heritage asset, which on balance is over and above any harm.
- 5.11 It was put to the applicant that there needs to be evidence submitted which demonstrates a level of public benefit which goes beyond the harm outlined above. In order to do so, the applicant commissioned a commercial viability assessment. To summarise this, it essentially outlines three potential schemes for the refurbishment of the dwelling to create a habitable dwelling which is fit for modern living. This ranges from a small ground floor extension

only, to an extension to the ground floor and the first floor but on a smaller scale to that proposed and finally the proposed scheme. The viability assessment takes the purchase price and then forecasts for expenditure relating to the build - a best case scenario, a middle range scenario and a worst case scenario - and outlines the final bottom line figure on the difference. It concludes that in all cases, the proposed schemes to restore the building to modern living standards would result in a loss to the applicant, ranging from £95,000 - £37,520, which demonstrates that the building is simply not financially viable and thus the likelihood is that it would be abandoned and be allowed to deteriorate further.

- 5.12 One must consider this fact and that the applicant is taking a considerable financial risk to restore this heritage asset to an acceptable condition that will help to ensure the long term viable use of the building. This is a public benefit which must be given weight given the alternative is the further detriment of a building which has already lacked the required care and attention for upwards of 50 years and on that basis, it is feasible that the heritage asset could become beyond repair and in turn result in the loss of its significance in its entirety.

#### Planning Balance

- 5.13 On balance, it is considered that whilst the amended scheme still results in less than substantial harm to the significance of the heritage asset, that harm is at the lower end of the scale of harm and is considered to be sufficiently offset by public benefit to result in a recommendation for approval.

#### 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **Granted**

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 004 and 007 received by Hambleton District Council on 08.11.2021 and 02.12.2021 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to works commencing to the listed building, a Scope of Works shall be submitted which sets out the methods of construction and the order in which the works will be carried out.
4. Prior to the commencement of any development above ground level, samples of all materials including mortar mixes, shall be submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.
5. All gutters and rainwater goods shall be finished in cast metal and shall be attached to the stonework as per the existing dwelling.

The reasons are:-

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. In order to ensure the protection of the significance of the listed building, in line with policy DP28 and the NPPF.
4. In order to protect the character and significance of the heritage asset and comply with policy DP28.
5. In order to protect the character and significance of the heritage asset and comply with policy DP28.

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**Parish: Tollerton**  
Ward: Easingwold  
**8**

Committee date: 16<sup>th</sup> December 2021  
Officer dealing: Kate Williams  
Target date: 9<sup>th</sup> December 2021

**21/01302/FUL**

**Development of 12 affordable dwellings**

**At: OS Field 5532 Hambleton View Tollerton North Yorkshire**

**For: Mr Diarmaid Kelly**

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

- 1.0 Site, context and proposal
- 1.1 The application proposes the residential development of 12 affordable dwellings, in a mix of 1,2 and 3 bed properties, and includes 2 storey houses and bungalows. The application site is on land to the south of Station Court Tollerton. The applicant is also submitting an application for 5 market bungalows to the immediate south east, which will also be accessed from Station Court. Whilst the applications are separate, they are to be considered alongside one another and the applicant's view is that they are only deliverable if both schemes come forward.
- 1.2 This application site is located immediately adjacent to the eastern extent of the development limit of Tollerton. Tollerton is a 'Secondary Village' in the settlement hierarchy, within the Easingwold Sub Area, outlined in Policy CP4 of the Hambleton Core Strategy.
- 1.3 The site topography is relatively flat, but with an incline from the south to the northwest, with levels across the site varying. The site is currently open grassland, with an existing hedgerow along the north eastern boundary. The rear boundaries of dwellings on Station Court lie adjacent to the north western boundary. Existing residential development lies to the south west (Kyle Close, Hambleton View, and Jubilee Court) which is separated from the application site by fencing and existing vegetation.
- 1.4 The access into the application site would extend the existing road from Station Court, which comprises a T junction onto Station Road. The houses are also sited around a court type layout. All properties have 2 car parking spaces, private garden areas, and space designated for 3 wheelie bins in gardens and access to bin collections points. All roads within the development area are to be put forward for adoption.
- 1.5 The application is submitted alongside application 21/01303/FUL for 5 Market homes to be considered under the Council's adopted Interim Planning Guidance.

- 2.0 Relevant planning and enforcement history
- 2.1 19/02170/FUL Application for the construction of 5 residential dwellings. Withdrawn 29.03.2021
- 2.2 21/01303/FUL - Development of 5 bungalows (Pending Consideration).
- 2.3 07/03189/FUL - Construction of 12 affordable dwellings. Land At Station Road Tollerton York. Permitted 14.01.2008. Of relevance, the officer report for application 07/03189/FUL stated:

“5.1 This proposal is for the provision of 100% affordable housing. It is noted that the site is outside the Development Limits of Tollerton (a Secondary Village) but under Core Strategy Policy CP9A such development is acceptable in principle. As such, the main issues for consideration in this case relate to the scale of the development, the visual impact of the proposal and any impact upon highway safety and neighbours’ amenity.

5.2 Visually and physically the site is well related to the village being immediately adjacent to the recently constructed properties on Jubilee Court and with a number of dwellings immediately opposite the site itself on Station Road. The development is to meet an established local need for housing and the provision of 100% affordable housing may be covered by a Section 106 Legal Agreement. The provision of 12 houses on a site which measures approximately 80 metres x 60 metres is considered to be small in scale. It is therefore considered that the proposed development complies acceptably with Policy CP9A and the exceptions allowed under CP6 and CP4.”

- 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 CP18 – Prudent use of natural resources
  - 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 DP30 - Protecting the character and appearance of the countryside
  - Development Policies DP31 – Protecting natural resources
  - Development Policies DP32 – General Design
  - Development Policies DP33 - Landscaping



Development Policies DP36 - Waste  
Development Policies DP42 – Hazardous and Environmentally sensitive operations  
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.

4.0 Consultations

4.1 Parish Council (Tollerton) – Wish to see refused for the following reasons:

- The above applications are for a total of seventeen additional dwellings in the parish.
- The location of the proposed developments will impose additional traffic pressure on the outturn onto Station Road, an area where we have already received complaints of excess vehicle movements.
- The 'market value' properties are being facilitated by the 'affordable' properties. This is contrary to the Rural Exception requirements under the planning legislation.
- There is currently an application for four additional houses under consideration, and over the preceding two years over thirty four properties have been constructed in the parish.
- The above would give an increase in properties in the parish of fifty five in less than two years. This equates close to 15 % growth in the property numbers in the short term, and is against the wishes of the majority of the parishioners.
- There has been a decrease in employment in the parish, with the Thompson Joinery business ceasing operations and houses built on its former site. There is no additional employment being created within the parish currently.
- Following a housing needs survey carried out in June this year by the Rural Housing Enablement officer, the results are inconclusive, and there appears to be NO Requirement for ADDITIONAL housing within the parish, the 'need' being fulfilled by the current properties available or under construction.
- The Parish population continues to state that they do not want any further growth in the village as this is now beyond sustainable levels. Residents in both the Hambleton View and Kyle Close roads have raised objections at our last Parish Council meeting concerning the two applications.
- The housing need locally is being met in other areas where there is a variety of housing types that can be acquired by various methods of finance.

4.2 The Parish Council submitted a survey which is attached as Appendix 1. There were 97 respondents. In relation to this application, the sites were referenced A (this application) and B (21/01303/FUL). The survey advises that 61% feel there should be no further developments in the village. 39% feel there should be.

Subsequent questions looked at the different sites A-D and asked if provision of affordable housing made them favourable.

•Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly agree.

•Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree.

- 4.3 Highway Authority – No objections. They recommend conditions for full road and sewer engineering drawings, the completion of carriage and footways and lighting prior to occupation, construction of parking areas prior to occupation and the provision of a construction management plan.
- 4.4 Lead Local Flood Authority – No objections. The LLFA recommends conditions for a detailed drainage scheme, exceedance flow routes and floor levels.
- 4.5 Yorkshire Water - No objections. They recommend conditions to secure separate systems of drainage for foul and surface water, development to be in accordance and for the approval of proposed means of disposal of foul water drainage.
- 4.6 RAF MOD – No objections.
- 4.7 Police (Designing out Crime and British Transport Police) - No objections.
- 4.8 Network Rail - No objection. They recommend conditions in relation to the protection of the railway assets.
- 4.9 Environmental Health – I have reviewed the Noise assessment prepared by ENS, Ref: NIA/8866/19/8839/V2/Tollerton, Dated April 2021. The assessment has considered the noise and vibration from the Rail line. Table 4.1, Page 4 shows the recommended indoor noise levels, section 5.1, Page 5, states the sound attenuation scheme proposals. In order to mitigate the noise from the rail line, a scheme of sound insulation works has been developed to protect the proposed residential development from the ambient noise climate as demonstrated in Table 5.1, page 5 of the Noise assessment.
- 4.10 Contaminated Land - No objections. They recommend conditions to secure a Phase 2 contaminated land assessment, remediation scheme, verification of remediation works and unexpected contamination.
- 4.11 Street Name and Numbering – An application would be required.
- 4.12 Housing – Supports the scheme. The evidence provided identifies a need for more affordable homes in the Tollerton and surrounding area to enable people to rent or buy an affordable home and remain in the area that they want to live. The housing officer response is attached as Appendix 2 to this report.

- 4.13 Statement of Community Involvement - The consultation exercise has been carried out in accordance with National policy and Hambleton Council's Statement of Community Involvement.
- 4.14 Advertisement - The application was advertised by site notice, press notice and neighbour notifications, which have now expired.
- 4.15 Public observations – There have been 11 objections to the proposals. They are summarised as follows:
- No need for affordable homes, as there are currently properties empty, and the updated need survey does not show a need for 12 homes
  - There is a sufficient number of affordable homes in Easingwold
  - The sewage system is inadequate
  - The site floods
  - The access is dangerous and narrow
  - The development will be unsafe for children
  - Inadequate bus services
  - The condition of existing roads is inadequate for additional properties
  - Will cause damage to existing roads
  - Parking is inadequate
  - Will result in loss of wildlife
  - How is existing landscape area to be maintained
  - Inadequate services within the village
  - Concerns raised about the construction phase in terms of noise, activity and damage to roads

## 5.0 Analysis

- 5.1 The main issues to consider are:
- Principle
  - Housing Need
  - Scale of Development
  - Size, Type and Tenure of homes
  - Highway matters
  - Design and Layout
  - Residential Amenity
  - Landscape and Ecology
  - Flood Risk and Drainage
  - Contaminated Land

### Principle

- 5.2 Policies CP1 and CP2 are overarching policies which seek to ensure development is sustainable, and that it should be located so as to minimise the need to travel, particularly by car. Tollerton is a secondary village within the Easingwold sub area, which along with the service centres and service villages

are expected to be the focus for development. This is because they have been identified as having best access to local infrastructure, services and facilities and settlement character would be able to accommodate new development.

- 5.3 Services in Tollerton include a village store and post office, there is also a caravan park, public house and tearoom. There is a place of worship and village hall, Drs surgery and recreation facilities. The site is therefore accessible to existing services in Tollerton and to bus stops to access larger service centres.
- 5.4 Policy CP4 supports development in the Development Limits of the settlements in the hierarchy, in other locations development may be supported when an exceptional case can be made which includes criterion iii) "It would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy." A scheme for 100% affordable housing would accord with this provision. The need for such a proposal is supported by the Council's rural housing enabling officer.
- 5.5 Policy CP6 identifies that housing development outside but adjacent to development limits of secondary villages may be supported where it constitutes an exception to achieve affordable housing, in accordance with CP9A. CP9A states that housing schemes outside but adjacent to the Development Limits of secondary villages will be supported where 100% affordable housing is to be provided to meet an identified local need, and where any development is small in scale.
- 5.6 DP9 states that permission will only be granted outside Development Limits in exceptional circumstances having regard to the provisions of Policy CP4. Emerging local plan policy, HG4 supports rural exception schemes on land adjoining the built form of a defined settlement as defined in S3. Tollerton is defined as a secondary village in S3. Therefore, officers advise that the principle of development of affordable housing is acceptable subject to need.

#### Housing Need

- 5.7 Paragraph's 78 to 80 of the NPPF 2021 set out the government's approach to rural housing, it is similar in to CP9A. Paragraph 78 makes clear that "In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local need".
- 5.8 In relation to the Development Survey submitted by the Parish Council, the applicant's comments are as follows:
- Of the four fields considered in the Parish Survey more residents 'strongly agreed' with the delivery of housing in Field A and Field B (the application sites).
  - Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. 16.5% remained neutral. 45.4% of residents do not object to the delivery of market homes in Field A.

- Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly disagree with 14.4% remaining neutral. 45.3% of residents do not object to the delivery of market homes in Field A.
- Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. 17.5% remained neutral. 44.3% of residents do not object to the delivery of market homes in Field B.
- Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree with 14.4% remaining neutral. 43.2% of residents do not object to the delivery of market homes in Field B.

Having regard for those agreed with the delivery of affordable units in Field A (31%) and Field B (29%). Based on 97 respondents that equates to 30 residents and 28 residents respectively, whilst this is not a robust gauge of affordable need, it can be argued that this provides a recognition of existing housing need within Tollerton.

- 5.9 Tollerton housing need review was undertaken in June 2021 (Appendix 2) by housing officers following local requests and during the course of the application. The aim of the survey was to investigate whether local people (or people with a local connection) have a housing need, can afford to buy or rent in the parish and what type of housing they might require.
- 5.10 A total of 14 surveys were returned which equates to a response rate of 1.36%. The 2021 Housing Need survey identified that there are 5 households in need of an affordable property in Tollerton and 5 in need of market housing. However, advice to officers from the consultee is that a hidden need emerges once proposals are available. This has been the case on all previous affordable housing rural exception site developments in this area of the District.
- 5.11 The Housing officers also advise that the North Yorkshire Home Choice (choice based letting) data (21 June 2021) outlines additional demand within Easingwold and rural villages is 279. The HEDNA analysis calculates an overall need for affordable housing of 55 units per annum over the life of the Local Plan to 2035 in the district a total of 1,048 in the period to 2035. However, the annual rate should be seen as a minimum as regards planning decision-making and does not prohibit further sites coming forward where there is need. The needs identified within the HEDNA and North Yorkshire Home Choice identifies that there is an overall affordable housing need, with data highlighting the need for smaller units (1,2 and 3 bed) and bungalows in rural areas.
- 5.12 At face value the housing need survey has identified a small need in Tollerton. However, the advice is that there is a wider affordable housing need in the area, and the survey turnout was low and a latent need arises. The Parish views are that they consider the housing need survey inconclusive and showing no additional need, and residents not in favour. The applicants consider the results of the housing survey and parish survey can be argued to show a need.
- 5.13 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate

otherwise. The Parish survey is a material planning consideration. It has to be weighed against other considerations, such as advice from the housing consultee and that contained within the NPPF.

- 5.14 As set out above the housing consultee advises there is a wider need for housing and affordable homes in the Easingwold sub area as reported from North Yorkshire Home Choice and district wide data taken from Housing and Economic Development Needs Assessment (HEDNA) 2018.
- 5.15 A further material consideration is the guidance contained in the NPPF in paragraph 79 which states; “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.”
- 5.16 Promoting sustainable patterns of development is a key aim of the National Planning Policy Framework. Tollerton has a variety of facilities. The application site would be within safe and close walking distance of these. Therefore, it would be capable of being able to support most basic everyday needs. Furthermore, the proposed development would help to maintain the vitality of nearby communities, as Tollerton does not have a primary school. Whilst other villages may not be within walking distance of Tollerton, and the absence of provision of a bus services is a detractor, this harm would be limited given the short distances.
- 5.17 Officers consider that other material considerations such the contribution the development would make to local and nearby services and facilities and addressing a need for smaller 1, 2 and 3 bed units and bungalows in rural areas the NPPF, advice from the housing officer regarding latent need and the wider need for the area would outweigh the concerns that the housing need survey was inconclusive. The proposal is however considered to comply with Policies CP4 and DP9A as officers consider the wider need to fulfil this requirement. It would also justify the development of this greenfield site under Policy CP4 and be supported as an exceptional case in terms of this policy.

#### Size, Type and Tenure of homes

- 5.18 Policy CP8 and DP13 of the Development Policies concerns the mix of dwellings in terms of size, type and tenure. In coming to a view on mix, a number of criteria are to be taken into account, including the Council's Housing Needs Study, other local housing needs information and current market conditions. Policy DP15 also sets out a number of criteria for consideration where a housing development makes provision for affordable housing in the context of Policies CP9A.
- 5.19 The tenure split of the scheme has been agreed with the Rural Housing Enabler as 9 shared ownership and 3 affordable rent. The floor areas have been

designed to meet the Nationally Described Space Standards. The house types and sizes are as follows:

House Type	No. of beds	Size	Plots	Amount
D	1 bed house	60 sqm	1, 2	2
E	2 bed bungalow	70 sqm	11,12	2
F	2 bed house	72 sqm	3, 4, 5, 6, 7	5
G	3 bed house	89 sqm	8, 9, 10	3
<b>Total</b>				12

- 5.20 Discussions have taken place between the Council and representative of the affordable housing provider regarding the mix and tenure, and the applicant is happy to enter into a Legal Agreement to ensure the affordable housing is retained in perpetuity and made available to local people in need. As such, the proposal would comply with the affordable housing provision proposed, and with Policies DP13 and DP15 in relation to housing mix and the arrangements for promoting and maintaining affordable housing. The applicants have agreed to the construction of affordable units before the market homes.

#### Highway Matters

- 5.21 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. Its lists 5 criterion which include measures which can be used to include provision for sustainable development.
- 5.22 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.23 In the vicinity of the site there are dropped crossings and tactile paving to aid pedestrians crossing the carriageway, as well as white central line markings. Approximately 31.8 metres to the east of the junction between Station Court and Station Road there is a marking on the carriageway warning drivers to slow, as the speed limit is set at 30mph. Street lighting is provided to side road standards and both carriageway and footways appear to be in good condition. Accident records do not indicate that Station Court does not indicate a road safety problem,

- 5.24 The site will be accessed via an extension of an established estate road, namely Station Court. The proposed access road will take the form of a 5.5m traditional estate road with a 2.0m footway on the north-eastern side of the carriageway. Traffic calming in the form of road narrowing has been proposed throughout to reduce vehicle speeds within the development. The proposed access road will include suitable visibility and turning facilities.
- 5.25 The transport statement advises that Electric vehicle charging points will be provided and that secure cycle storage will be provided in the form of sheds within the garden area of the properties.
- 5.26 The Local Highway Authority does not advise that the access is unsafe or incapable of accommodating the development traffic. Station Court is already served by an existing footway, and the development traffic does not need to enter in the court. A road condition survey will be conditioned with the development would deal with any resultant repairs if they are created by construction traffic.
- 5.27 With the development proposing suitable access arrangements in regard to the existing Station Court/Station Road junction. In terms of geometry and visibility it is more than suitable to cater for the additional 8-9 trips during the network peak hours and will not be a cause for concern in regards to road safety along the local highway network. The traffic generations from the site would not be noticeable from the daily fluctuations in traffic flows on the adjacent network and would not add to any to any congestion during the peak hours.
- 5.28 Comments in relation to increased pressure for parking on local roads is noted, but less likely to occur, as residents residing in proposed development will have parking spaces and be able to access the nearby facilities (which increase parking demand on nearby streets) on foot. There is no access proposed from Kyle Close, Hambleton View or Jubilee Court. The access is clearly shown on the proposed plans as an extension to Station Court.
- 5.29 The cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility for the site therefore fulfilling the aims of the relevant LDF Policies CP2 and DP3.

The effect on the character and appearance of the area.

- 5.30 Policy CP17 and DP32 both concern a high quality of design and matters related to the local context, character and distinctiveness. Chapter 12 of the NPPF also seeks to achieve high quality buildings and places, and good design.
- 5.31 Although further development is not supported locally, the Council has identified that Tollerton is a sustainable location which is suitable for growth. Rural exception schemes should represent small scale incremental growth that are commensurate to its size, scale, role and function of the



settlement. As with application 07/03189/FUL (12 affordable homes approved as a rural exception site) it is considered that the provision of 12 affordable homes is small scale. It is noted that overall, both developments add to 17.

- 5.32 A variety of different dwellings can be found in the area surrounding the site. Houses are predominantly detached and semi-detached, brick built at 2 stories with the bungalows. The development would be laid out to overlook the central court area in a similar form and scale to existing adjacent development. The development incorporates driveways and on curtilage frontage parking with on street visitor parking. The design of the dwellings is simple, they would be constructed from brick, and given the variety of house types in the area would be acceptable visually.
- 5.33 Existing mature trees will be retained to maintain the green character and where possible are integrated into the proposals. Landscaping to plot frontages including additional tree planting. Open space management, and that of necessary boundaries around the site would be incorporated into the section 106 agreement.
- 5.34 The density of development would also reflect the surrounding area. Much of the site abuts the boundaries with neighbouring development with public vantage points restricted to the road ends. Whilst the site is open, it is not countryside in character terms with its proximity to the existing development, and the railway line, and therefore the rural aspect is limited. The proposal would be contained and even at an overall number of 17 dwellings would not be unacceptable in terms of the character of the area or visual appearance.
- 5.35 Subject to suitable conditions the proposal would not have an unacceptable effect on the character and appearance of the area. Hence, it would comply with Policies CP17 and DP32 as it would achieve a high quality design that adequately respects its context, as well as with the similar design aspirations of the NPPF in achieving well designed places.

#### Residential Amenity

- 5.36 Policy DP1 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Similarly, the purpose of emerging Local Plan policy E1 is to ensure that the physical environment created by new development protects and promotes a high standard of amenity both for future occupiers and users, and for surrounding uses.
- 5.37 The existing levels of residential amenity for residents at Station Court will be preserved because of the extent of their garden areas. In addition, the orientation of plots 1 to 5, and the boundary treatment will ensure existing levels of sunlight and privacy are not unacceptably impacted.
- 5.38 There is also sufficient distance between the proposed development and Jubilee Court and Kyle Close. The access road is not considered to be significantly

harmful due to the separation distance and boundary treatment and planting between it and the neighbouring gardens. Vehicle movements would not be excessive. Detailed boundary treatment will be conditioned along this boundary.

- 5.39 Within the site, the development ensures satisfactory separation distances. The development ensures all properties have space for bin storage, and turning areas for refuse and larger vehicles. An electric vehicle charging point for each home will be conditioned.
- 5.40 The east coast main line rail is around 30m to the north east a noise impact assessment was submitted with the application. The proposals have determined external noise levels at the application site, assessed the potential impact of the external noise climate on the proposed development, and provide recommendations for a scheme of sound attenuation works which will be conditioned. The proposed mitigation includes enhanced acoustic glass. In order to mitigate rail noise in gardens it is recommended that a 3 metre high solid timber fence is installed along the entire north eastern boundary. The maintenance of this will be specified within the open space arrangements within the s106 agreement.
- 5.41 Crime is mentioned amongst other anti-social issues in the representations. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on these grounds.
- 5.42 Permitted development rights are removed, which is reasonable in the circumstances to ensure that any future residential development or extension is able to incorporate similar measures. A verification report has also been conditioned for the proposed mitigation and the maintenance of the acoustic fence will be stipulated within the S106 agreement. The proposed development therefore conforms to LDF Policies CP1, CP17, CP18 DP1, DP32 and DP34.

#### Landscape and Ecology

- 5.43 Policies CP16 and DP30, and DP31 are relevant in consideration of landscape character and visual impacts. The above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment. Policy DP31 and DP32 seeks to ensure that significant harm to natural resources is avoided.
- 5.44 The site mainly comprises poor semi-improved grassland, scrub and emnity grassland and hedgerows and trees to the site boundaries. The trees within the site and hedgerows are to be retained. A retained tree on the site would have potential for bat roost, and the grassland would provide habitats and foraging areas for birds, bats and hedgehogs. In order to avoid impacts the removal of vegetation can be conditioned to avoid the bird nesting season, and precautionary approach to other mammals can be undertaken.

- 5.45 The proposal would not have an unacceptable effect on ecology biodiversity interests and subject to the imposition of a landscape and ecological condition it would comply with Policies CP1, CP16 and DP31.

#### Flood Risk and Drainage

- 5.46 Policies CP21, DP6 and DP43 seek to protect the environment from flooding, mitigate development from the consequences of pollution, noise, or hazardous activities. It also seeks to ensure that new development is capable of being accommodated by existing or proposed services.
- 5.47 The site lies within Flood Zone 1 Foul water will discharge to public foul sewer network via on site pumping station Sub-soil conditions do not support the use of soakaways and the site is remote from watercourse. Surface water will discharge to public surface water sewer via storage with restricted discharge rate. This is acceptable to Yorkshire Water.
- 5.48 The applicant has submitted further in depth information regarding site topography, surface water source generation and road access levels. The documents indicate that a positive drainage systems and road access levels will reduce the risk of site generated surface water and enable safe access in addition to providing an escape route.
- 5.49 Yorkshire Water accept the proposed development, and the LLFA is now satisfied that any residual risk can be safely managed. Although indicative flood routes have been indicated on drawing a detailed exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system, this has been conditioned as requested by the consultee. The proposed development therefore conforms to LDF Policies CP21 and DP43.

#### Contaminated Land

- 5.50 The LDF Policies CP21, DP42 and DP44 require that communities are kept healthy and safe from proposed developments. Emerging policy RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. Emerging policy RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 5.51 The Development Constraints Report (Phase 1) produced by JP Wild Ltd submitted in support of the above development concludes that the risk on contamination on site to be very low, but recommends a 'minimal' Stage 2 investigation to determine underlying strata and obtain soil samples from made ground and natural strata or contamination testing for metals, metalloids, PAH and asbestos.
- 5.52 The applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment, which have been secured by conditions. If any contamination is found, remediation is

conditioned. It is therefore considered the proposal would fulfil the requirements of CP21 and DP42 and DP44.

#### Other Considerations

- 5.53 Section 106 agreement will need to secure the affordable housing, and any maintenance requirements of public open space and acoustic fencing around the site.

#### Planning Balance and Conclusions

- 5.54 Based on the evidence, the proposal would not be unacceptable in terms of highway safety and access, flood risk and drainage, living conditions, amenity of nearby residents and biodiversity.
- 5.55 The advice from the consultee is that there is a wider need for affordable homes. The benefits of the proposal as a result of new housing development in a sustainable location would be of a moderate scale, and affordable homes as an exception scheme would attract significant weight.
- 5.56 There would also be economic benefits as the proposal would be in a sustainable location for housing, where new residents would contribute to local services. There would be economic benefits from the construction phase of the development.
- 5.57 Protecting the environment is another key aspect of achieving sustainable development, and the development would preserve the character and appearance of the area.
- 5.58 The social and economic gains are considered to tip the balance in favour of the development and the proposal is considered to represent sustainable development in accordance with the development plan and required by the NPPF.

#### 6.0 Recommendation

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure affordable homes, their timing in relation to the delivery of open market homes and the maintenance of open space and boundary treatment that permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed:  
1904-SI-21 Location Plan  
1904-SI-22A Site Layout Rural Exception Scheme  
1904-HTD-01 D Type Planning Drawings

1904-THE-01 E Type Planning Drawings  
1904- HTF-01 F Type Planning Drawings  
1904- HTG-01 G Type Planning Drawings

3. 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:
  - i. include detail of the phasing of the development and phasing of drainage provision, where appropriate.
  - ii. Identify where principles of sustainable urban drainage have been employed.
  - iii. ensure Surface water flows away from the railway and that there is no ponding of water adjacent to the railway boundary.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.
4. 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 including Network Rail assets. 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. The submitted exceedance plan should be based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere.
5. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.
6. An updated Landscape and Ecological scheme shall be submitted to and approved by the Local Planning Authority prior to the construction of the

external walls of any home hereby approved. The scheme shall include (but is not limited to):

- The species mixes and structure for each landscape.
- The sizes, heights, and densities of plant species to be used.
- Timing of planting and delivery.
- The management requirements (establishments and long-term management).
- A plan and sections of the proposed acoustic boundary fence. treatment in relation to existing and proposed trees and hedgerows.
- Details in relation to the incorporation of the bio-diversity. enhancement measures in the submitted Ecological Appraisal at section 5.31 have been incorporated into the scheme. The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

7. The development hereby permitted shall not commence until a scheme showing the provisions to be made for external lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
8. The development hereby permitted shall not commence until a scheme showing the provisions to be made to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
9. 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.
10. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
11. A scheme showing the provision for each home to have an electric vehicle charging point shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the location, and specification for each charging point. Once approved the development

shall be implemented in accordance with the approved details prior to the occupation of the home to which the charging point serves, and thereafter retained for the lifetime of the development, unless otherwise agreed by the Local Planning Authority.

12. 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.
13. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
14. No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1904-SI-12B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
15. No development must commence until a Construction Management scheme 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 scheme plan. The scheme must include, but not be limited to, arrangements for the following in respect of each phase of the works:
  - i. details of any temporary construction access to the site including measures for removal following completion of construction works;
  - ii. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  - iii. the parking of contractors' vehicles;
  - iv. areas for storage of plant and materials used in constructing the development clear of the highway;
  - v. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
  - vi. construction ecological mitigation as specified within the submitted ecological report section 5.26 and 5.29.No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on

Sundays/Public Holidays without the prior written permission of the Local Planning Authority

16. 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 until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials, type of boundary treatment, and its maintenance to be erected along the western boundary adjacent to properties on Jubilee Court, Kyle Close and Hambleton View, and The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. (Network Rail's existing fencing/wall must not be removed or damaged). The plan shall show how any ecological requirements as set out in section 5.31 of the Ecological appraisal have been incorporated. No part of the development shall be occupied until the approved boundary treatment for that part has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.
17. The construction of the external walls of the development hereby permitted shall not be commenced until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
18. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.
19. A verification report for the approved scheme for the noise attenuation of the development, shall be submitted to and approved by the Local Planning authority prior to the occupation of the site. Once approved the development shall be implemented in accordance with the approved details and any additional remediation required and thereafter retained.
20. A plan showing the location and design of external sheds for cycle storage shall be submitted for the written approval of the Local Planning Authority. Once approved the development shall be implemented in accordance with the approved details prior to the occupation of the home to which the provision relates.



21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), 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 other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
22. 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. 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.
23. 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.
24. 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
25. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The reasons for the conditions:

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 the development is carried out in accordance with the approved details and for the avoidance of doubt in accordance with LDF Policies CP1 and DP1.
3. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
4. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
5. In the interests of the visual appearance and amenity of the development in accordance with LDF Policies CP1 and DP1.
6. In the interests of the visual amenity and bio-diversity in accordance with LDF Policies CP16 and DP31.
7. In the interests of the amenity of the development in accordance with LDF Policies CP1 and DP1.
8. In the interests of the amenity of the development in accordance with LDF Policies CP1 and DP1.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
10. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
11. In the interests of sustainable development in accordance with LDF Policy DP34.
12. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with LDF Policies CP2 and DP3.
13. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in accordance with LDF Policies CP2 and DP3.
14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP1 and DP1.
15. In the interest of public safety and amenity in accordance with LDF Policies CP1 and DP1.

16. In the interests of neighbouring residential amenity in accordance with LDF Policies CP1 and DP1.
17. In the interests of the visual amenity of the development in accordance with LDF Policies CP17 and DP33.
18. In the interests of railway asset safety in accordance with LDF Policies CP1 and DP1.
19. To ensure the proposed noise attenuation measures are satisfactory in the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
20. In the interests of sustainable development and amenity in accordance with LDF Policies CP1 and DP1.
21. In the interests of residential amenity due to the requirements to control noise from the railway line in accordance with LDF Policies CP1 and DP1.
22. 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.
23. 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.
24. 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.
25. 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.

## 7.0 Appendices

### Appendix 1 - Tollerton Parish Survey

#### Results of Tollerton Parish Survey 2021 Dr Ian Jackson

97 respondents.

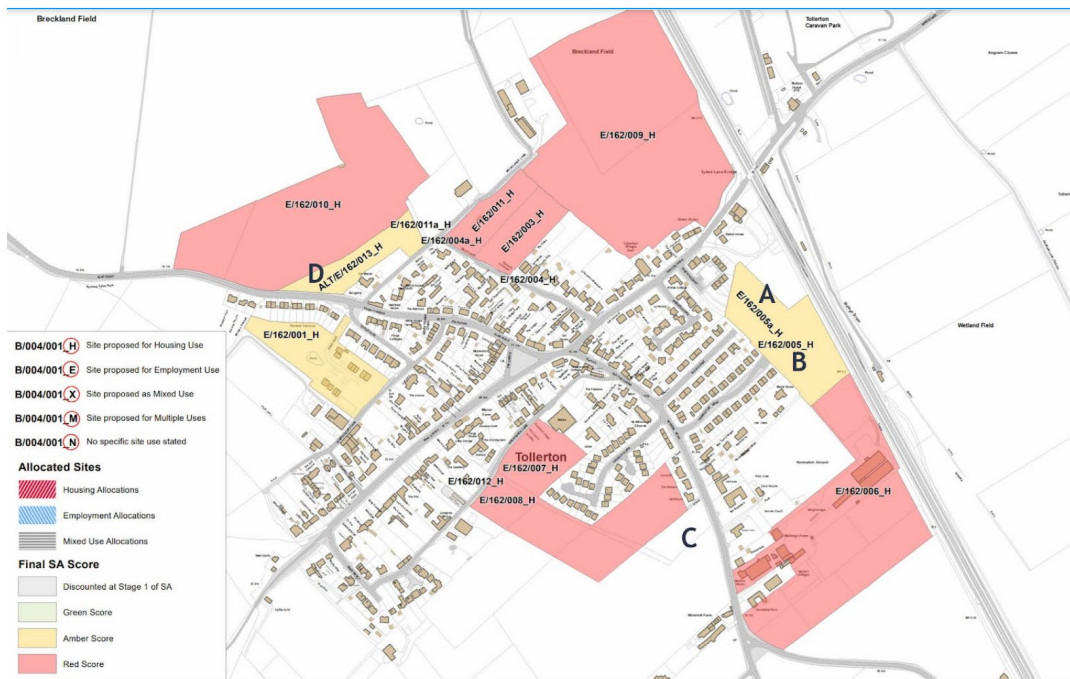
61% feel there should be no further developments in the village. 39% feel there should be.

Subsequent questions looked at the different sites A-D and asked if provision of affordable housing made them favourable.

- Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly agree.
- Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree.
- Field C. 29% agree or strongly agree while 61% disagree or strongly disagree.
- Field D. 18% agree or strongly agree while 64% disagree or strongly disagree.

It is evident the provision of affordable housing made little difference to how villagers felt about the development of area A and B.

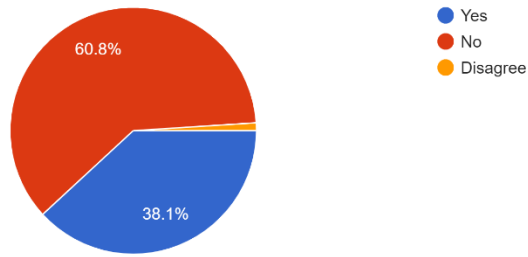
It is evident that there is stronger feeling against developments in Fields C and D.



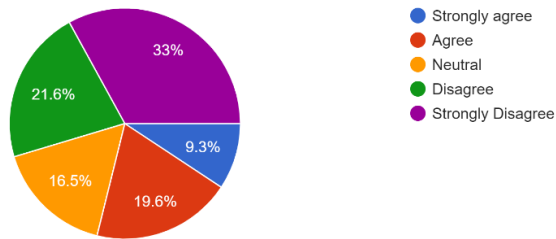
	<b>Strongly agree</b>	<b>Agree</b>	<b>Neutral</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>Field A</b>	9.3	19.6	16.5	21.6	33
<b>Field A</b> if low cost housing	9.3	21.6	14.4	22.7	32
<b>Field B</b>	9.3	17.5	17.5	18.6	37.1
<b>Field B</b> if supported low cost housing	8.2	20.6	14.4	23.7	33
<b>Field C</b>	7.2	21.6	10.3	17.5	43.3
<b>Field D</b>	4.1	13.4	18.6	21.6	42.3

## Appendix – Actual charts for each question.

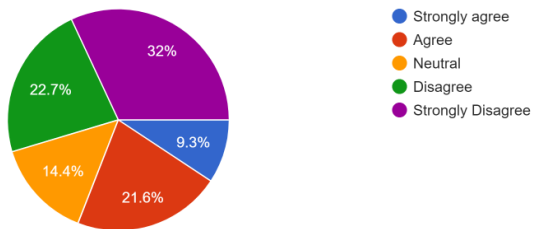
Do you agree there should be further developments within the village?  
97 responses



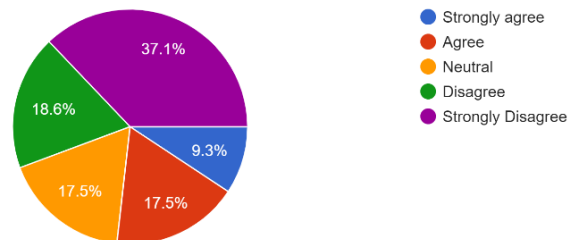
Field A. How do you feel about development in this field?  
97 responses



Field A. If the development was for affordable dwellings how do you feel about development in this field?  
97 responses

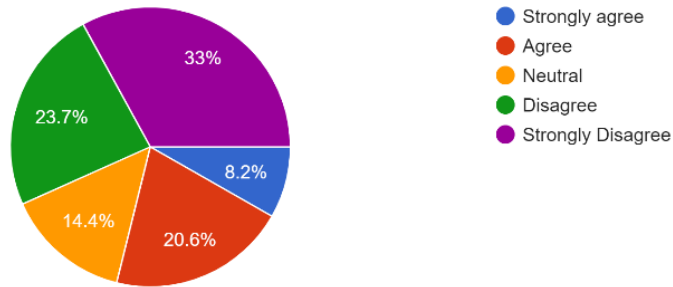


Field B. How do you feel about development in this field?  
97 responses



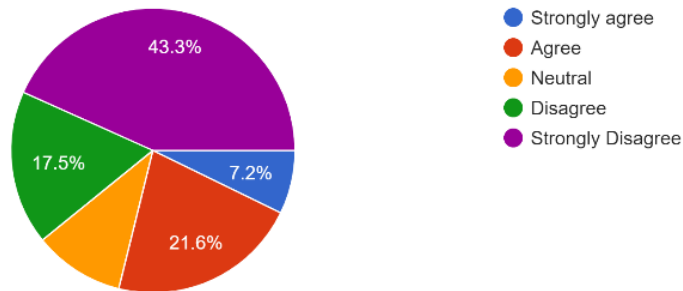
Field B. If this development was required to support the provision of affordable dwellings in Field A how do you feel about developments in this field?

97 responses



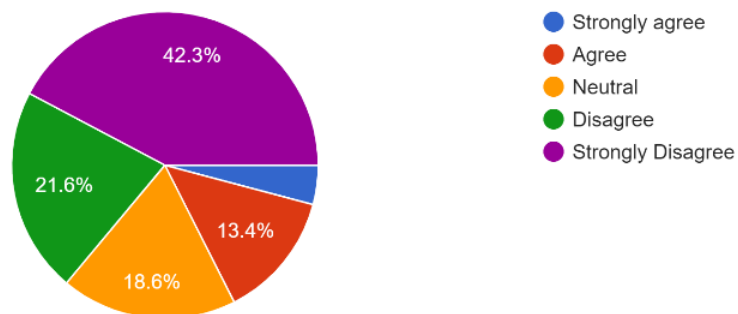
Field C. How do you feel about development in this field?

97 responses



Field D. How do you feel about development in this field?

97 responses





Tollerton  
Housing Need Review  
June 2021

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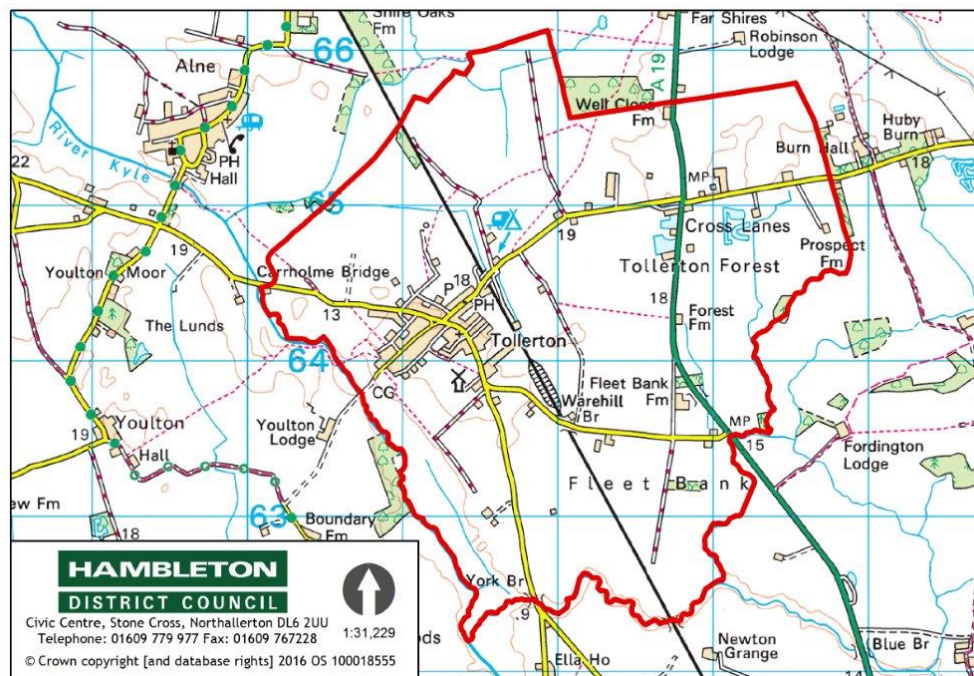
<b>CONTENTS</b>	<b>PAGES</b>
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## 1. TOLLERTON BACKGROUND INFORMATION

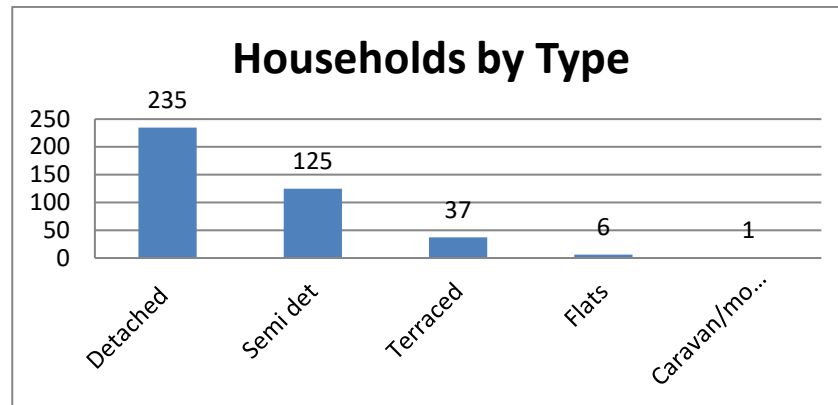
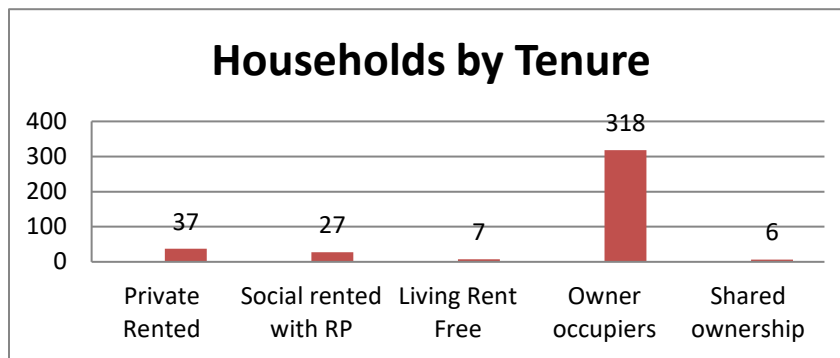
Tollerton is situated in the Vale of York, 10 miles North of York and 5 miles South of Easingwold. It is a rural village with approximately 404 houses (395 with residents and 9 with no usual residents) and a population of 1026 (2011 NYCC Census). Tollerton has limited amenities, but it remains a vibrant community. Central to the village is the green, where there is Tollerton Village Store and Post Office. The parish has a caravan park for visitors and one public house. **(extract taken from [www.tollerton.net](http://www.tollerton.net) and NYCC Census Information)**

The population (2011 NYCC Census) is a mix of young and old who can partake in a range of activities in the community buildings – St Michael’s Church and the village hall and includes.

- Tennis Club
- Tollerton Bridge Club



The tables below identifies the breakdown of existing stock by tenure and type. **(2011 NYCC Census)**.



## TOLLERTON HOUSING NEED – JUNE 2021

At the request of the Parish Council an update of the 2018 Housing Need Report was undertaken in June 2021, this evidence in such surveys are considered valid for a period up to 5 years.

### 2. AIM

A Housing Needs Survey is the first part of the process to ascertain if there is a current/ future housing need for people with a local connection to the parish, and is the first step in the process of preparing a residential proposal.

The aim of the survey is to investigate whether local people (or people with a local connection);

- a) have a housing need,
- b) can afford to buy or rent in the parish and
- c) what type of housing they might require.

Our review of housing needs includes an assessment of respondents' current and future housing arrangements and whether they can afford to access suitable accommodation on the open market. This report is also concerned with housing costs, size, location, family composition and security of tenure.

### 3. SURVEY METHODOLOGY

The survey used and method of distribution, has been carried out by Rural Housing Enablers across North Yorkshire.

In order to carry out the Housing Need Survey with a freepost address were distributed to every household in the parish in May/June 2021. Responses were required by 18<sup>th</sup> June 2021, and the main information needed was from families or individuals with a housing need now or within the next 3 – 5 years. Responses were restricted to members of the household aged 18 or over. Copies were produced and distribute to every household in the parish held on the electoral list, with extras copies for family members having a different housing need to the house owners if requested.

The survey was also offered as an online survey.

A covering letter asked all residents in the parish and family members who had moved away but wished to return to the parish to complete a response. Completed surveys were returned to the RHE who analyses the results.

### 4 KEY FINDINGS AND COMPARISON OF 2018 AND 2021 HOUSING NEED

A total of 14 surveys were returned within the data collation period, however 4 surveys were returned with no need. Therefore 14 responses equate to a response rate of 1.36%, this is a poor response rate but evidence has shown that hidden need emerges once scheme proposals are out for consultation. Of the returns received, 9 were paper responses and 5 were submitted online.

#### 2018 HOUSING NEED SURVEY

Family Composition	Current Housing	Future Need
Couple (20-29)	1 bed flat – HA	2 bed house – HA/SO
Single (45-59)	2 bed house - PR	2 bed house - HA/SO
Couple (20-29)	3 bed house - LWP	2 bed house – SO FTB
Family (Couple plus 3)	3 bed house – PR	3 bed house – HA/SO FTB
Family (Couple plus 1)	2 bed - HA	3 bed house – HA/SO FTB
Couple	3 bed House - PR	2 bed house – SO FTB
Family (Adult plus 1)	2 bed house - PR	2 bed house HA/SO
Single (20-29)	2 bed house LWP	1 bed flat/house – HA/SO

Family (Couple plus 1)	2 bed house - PR	2 bed house - HA
Family	3 bed house - HA	3 bed house – Rent or purchase
Single	2 bed house - SO	2 bed house or bungalow OM
Family (single plus 1)	2 bed house PR	2 bed house – HA/SO
Couple 60+	2 bed house HO	2 bed bungalow OM
Single (20-29)	4 bed house LWP	2 bed house OM/SO
Single (60+)	2 bed House HO	1 or 2 bed bungalow HA/SO
Family (couple plus 1)	2 bed bungalow PR	2 bed house HA
	2 bed house HA	3 bed house OM/SO/HA
Family (couple plus 2)	2 bed house - OM	4 bed house OM

The summary of the need was to provide:

- 1 x 1 bed house or flat
- 1 x 1 or 2 bed house
- 8 x 2 bed houses
- 1 x 2 bed bungalow
- 2 x 2 bed houses or bungalows
- 4 x 3 bed houses
- 1 x 4 bed house

The preferred tenures were identified as:

- 9 wanted to look at HA rented or shared ownership
- 2 want shared ownership
- 2 want HA Rented
- 3 want open market purchase
- 1 wants to consider open market or shared ownership purchase
- 1 would consider any tenure

The only affordable housing delivered in Tollerton since the 2018 survey was conducted has been 12 units on a Rural Exception Site at Station Court in 2008/09 has been six units ( 4 x houses and 2 x bungalows) on the Forge Lane site incorporating the Doctors Surgery.

## 2021 HOUSING NEED SURVEY

The response for affordable housing need was low as shown below, but it must be made clear that this is only a snapshot in time and must be considered alongside further need information for Easingwold and hinterland villages as reported from North Yorkshire Home Choice and district wide data taken from Housing and Economic Development Needs Assessment(HEDNA) 2018 and the survey response above, which has only met the need of 6 households on the Forge Lane scheme.

<b>FAMILY COMP &amp; CURRENT HOUSING</b>	<b>FUTURE HOUSING NEED</b>	<b>COMMENTS</b>
Single 45-59 2 bed house SO	2 bed house or bungalow OM/AHO	Wants to change tenure – and own 100% See form Lives in Parish
Family Couple (>60 & Male 20-29) 4 bed house HOWM	2 bed house or bungalow OM/AHO	Downsize, smaller accom See form Lives in Parish
Family (1 & 1) 2 bed house PR	2 bed House HA	Needs larger secure home Lives & works in Parish
Single 60+ 3 bed house HONM	3 bed adapted bungalow OM	Downsize Lives in Parish
Single 20-29 4 bed flat PR	2 bed bungalow Look at all tenures	Need place of Own Close family connection
Couple 30-44 4 bed house HOWM	4 bed house OM	Interested in SB Lives in Parish
Family (1 + 2) 4 bed house HONM	3 bed Bungalow OM	Need smaller accom Interested in SB
No info 2 bed house SO	2 bed house OM/AHO00	
Family (2 + 1) 4 bed house HONM	3 bed bungalow OM	Downsizing
2 x 10-19 (Family) 4 bed HONM	4 Bed OM	Larger secure home of own Interested in SB
Single 0-19 LWP	1 bed OM/PR	Closer to employment and carer

**SUMMARY - 448 surveys posted out – 14 responses (4 not in need)**

<b>Family Composition</b>	<b>Current Home</b>
Singles – 4 Couples – 1 Families - 5 No data – 1	Living with Parent (LWP) - 2 Private Renting – 2 Shared Ownership – 2 Home Owner No Mortgage – 3 Home Owner With Mortgage - 2

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## FUTURE NEED

TENURE		SIZE		TYPE	
Housing Association rented	1	1 bed	1	House	5
Open Market Purchase (OM)	4	2 bed	5	Bungalow	4
OM/Affordable Home Ownership	4	3 bed	3	House or bungalow	2
OM / Private rented	1	4 bed	2		
Would consider any	1				

On the recent Housing Need Survey there are possibly 6 households in need of an affordable property. However, experience has shown that when a scheme starts on site the hidden need makes its voice heard.

The comparative need may be lower simply due to a lower survey response.

## NORTH YORKSHIRE HOME CHOICE DATA – AS OF 21 JUNE 2021

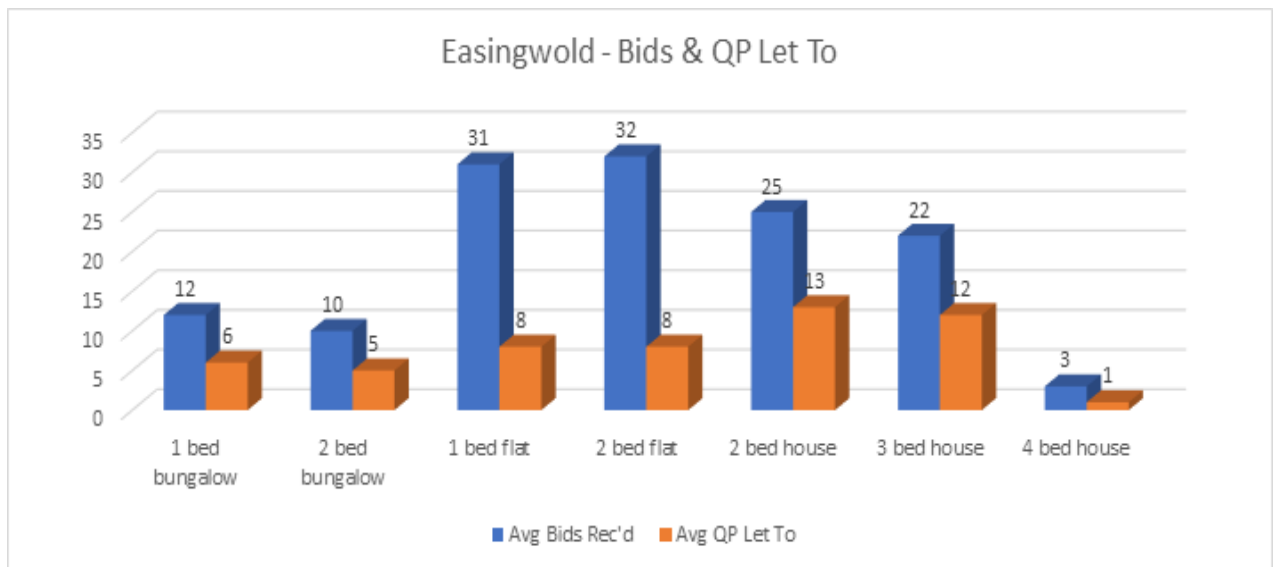
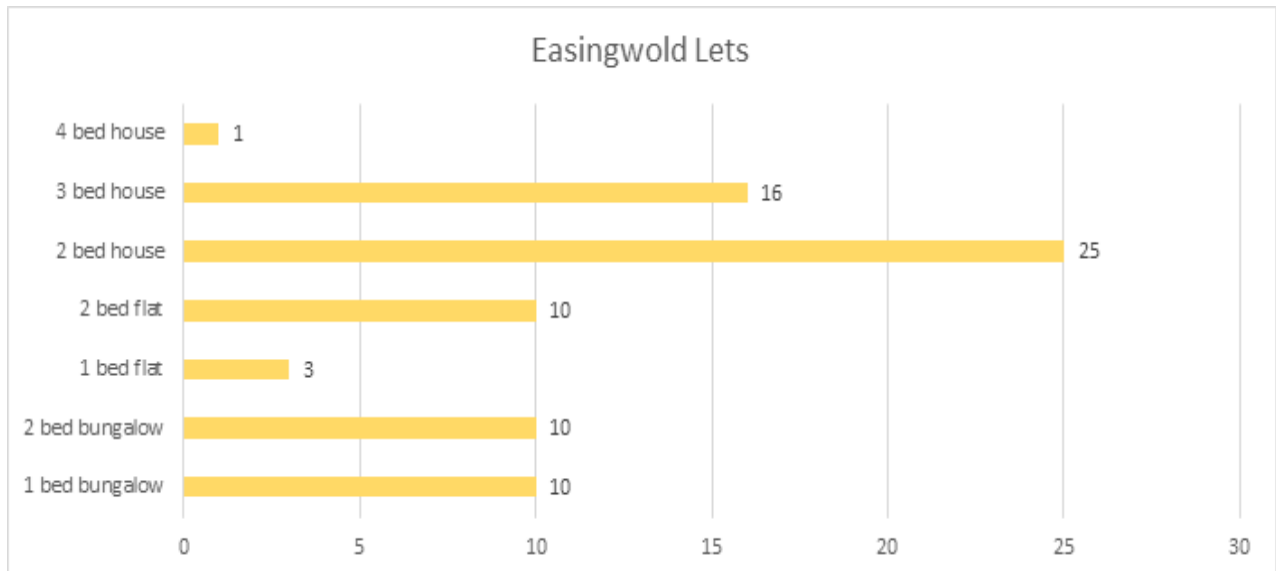
Demand for Easingwold & rural villages = 279

Age groups by bed need:

Bed Need	Total	18 - 29	30 - 39	40 - 49	50 - 59	60 - 69	70 - 79	80+
1 bed	163	35	25	22	23	33	21	4
2 bed	75	20	19	17	14	4	1	0
3 bed	29	1	12	15	1	0	0	0
4 bed	10	0	6	4	0	0	0	0
5 bed	2	0	0	1	1	0	0	0

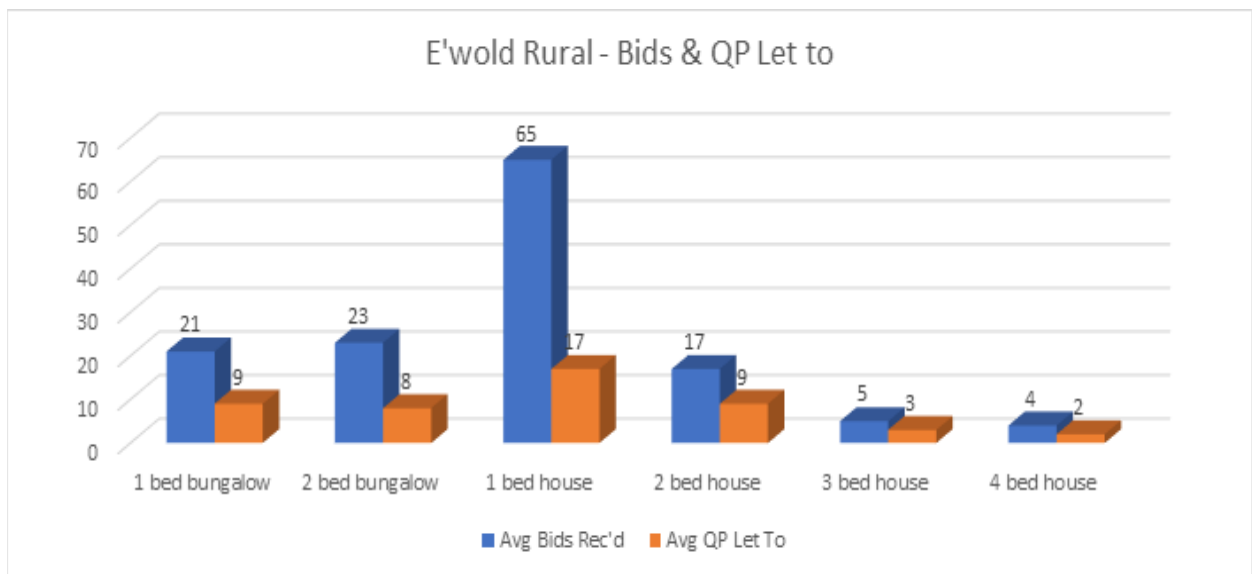
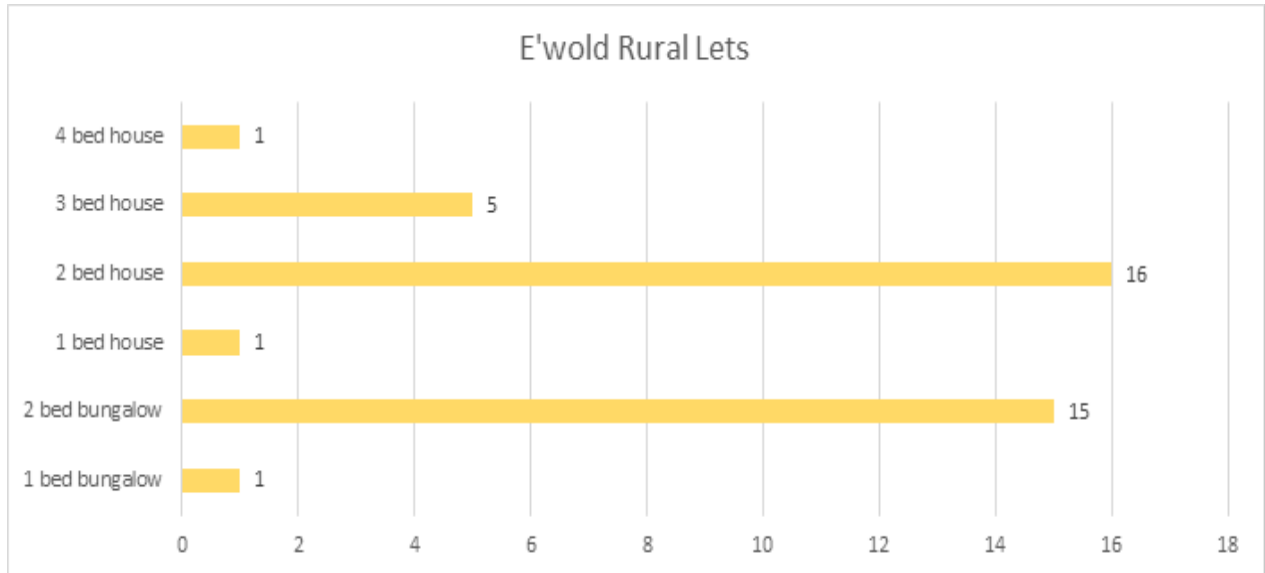
## Properties let between Jan 2020 - June 2021

Easingwold Lets = 73





Easingwold Rural = 39



The evidence above identifies that there is an overall affordable housing need, data highlights the need for smaller units (1,2 and 3 bed) and bungalows in rural areas.

### **HOUSING AND ECONOMIC DEVELOPMENT NEEDS ASSESSMENT (HEDNA) 2018**

GL Hearn were commissioned in 2018 to undertake the HEDNA to identify the affordable housing need across Hambleton to support the emerging Local Plan work. The housing need refers to the overall need of both market and affordable housing. Housing needs have been assessed using the framework set out by government in national planning policies, which seeks to significantly boost the supply of housing to improve affordability. The following information seeks to identify only affordable need.

The table below sets out, the analysis calculates an overall need for affordable housing of 55 units per annum over the life of the Local Plan to 2035 in the district – a total of 1,048 in the period to 2035.

	Per annum	Total (2016 – 2035)
Current need	26	487
Newly forming households	197	3,742
Existing households falling into need	149	2,822
<b>Total Need</b>	<b>371</b>	<b>7,052</b>
Supply from existing stock	316	6,004
<b>Net Need</b>	<b>55</b>	<b>1,048</b>

Source : 2011 Census/CoRe/Projection Modelling and Affordability analysis

The annual figure of 55 is a minimum requirement and that in order to meet current needs as soon as possible a higher number is needed as shown in the table below taken from the HEDNA 2018

Current need cleared over ...	5 years	10 years	21 years
Current need	97	49	26
Newly forming households	197	197	197
Existing households falling into need	149	149	149
<b>Total Gross Need</b>	<b>443</b>	<b>394</b>	<b>371</b>
Supply	316	316	316
<b>Net Need</b>	<b>127</b>	<b>78</b>	<b>55</b>

Source : 2011 Census/CoRe/Projection Modelling and Affordability analysis

## PRIMARY SCHOOL NUMBERS

The primary aged children from Tollerton have to travel to school as there is not one in the village, on researching the hinterland ones to the village there is a definite shortage on the roll at each one:

School Name	Roll Capacity	Actual numbers (as per latest Ofsted report)
Outwood Primary School – Alne	157	137
Easingwold Community Primary School	297	224
Huby Primary School	112	96
Linton on Ouse Primary School	105	95
Forest of Galtres Primary School (Shipton)	189	146

This evidence shows that housing delivery may aide in supporting schools and local facilities to remain open.

Applications submitted, approved in the past two years shows the number of units approved or submitted and the amount of affordable provided for local people.

Planning Ref No (Ful – full applications, OUT – Outline applications)	Address	Number of units	Number of affordable units
17/02551/MBN	Forest Farm	3	0
19/02169/FUL	Tollerton Road	3	0
19/02391/FUL	Main St	2	0
19/00936/FUL	Main St	2	0
20/02834/FUL	Newton Road	1	0
20/02752/FUL	Land & buildings S of Pond View	4	0
20/00685/REM	Fordington Lodge	1	0
20/00672/FUL	Land at Beeches Ro	4	0
20/00492/FUL	OS Field 2211 South Back Lane	5	0
21/00124/NMC	Ings View South Back Lane	4	0
21/00843/MRC	Hambleton View (Old Doctors)	2	0
21/00658/FUL	Brickyard Farm	1	0
21/00623/FUL	Land N of The Forge Tollerton Road	1	0
21/00147/REM	East Tollerton Farm	1	0
21/01302/FUL	OS Field 5532 Hambleton View	12	12
21/01303/FUL	OS Field 5532 Hambleton View	5	0
	Totals	51	12

#### **PLANNING APPLICATION – 21/01302/FUL**

The Developer prior to submission of the Rural Exception Site on OS Field 5532 Hambleton View, has been in discussions with the Council throughout the pre planning and has proposed the mix to reflect the housing need as identified in the 2018 Housing Need Survey.

#### **HOUSING COMMENTS**

The evidence provided above identifies a need for more affordable homes in the Tollerton and surrounding area to enable people to rent or buy an affordable home ownership property and remain in the area that they want to live.

All affordable homes are welcome in the district, but we require them to be built to meet NDSS sized properties and be sold to a Registered Provider at the agreed Transfer Price as detailed below:

No of bedrooms	No of person/s	1 storey dwelling	2 storey dwelling	3 storey dwelling	Built-in storage
1 bed	1p	39m <sup>2</sup>			1.0
1 bed	2p	50m <sup>2</sup>			1.5
2 bed	3p	61m <sup>2</sup>	70m <sup>2</sup>		2.0
2 bed	4p	70m <sup>2</sup>	79m <sup>2</sup>		2.0
3 bed	4p	74m <sup>2</sup>	84m <sup>2</sup>	90 m <sup>2</sup>	2.5
3 bed	5p	86m <sup>2</sup>	93m <sup>2</sup>	99 m <sup>2</sup>	2.5
3 bed	6p	95m <sup>2</sup>	102m <sup>2</sup>	108 m <sup>2</sup>	2.5
4 bed	5p	90 m <sup>2</sup>	97 m <sup>2</sup>	103 m <sup>2</sup>	3.0
4 bed	6p	99 m <sup>2</sup>	106 m <sup>2</sup>	112 m <sup>2</sup>	3.0
4 bed	7p	108 m <sup>2</sup>	115 m <sup>2</sup>	121 m <sup>2</sup>	3.0
4 bed	8p	117m m <sup>2</sup>	124 m <sup>2</sup>	130 m <sup>2</sup>	3.0

Size	Transfer Price
1 bed	£50,200
2 bed	£65,200
3 bed	£79,200
4 bed	£84,200

**Parish: Tollerton**  
Ward: Easingwold  
**9**

Committee date: 16th December 2021  
Officer dealing: Kate Williams  
Target date: 9th December 2021

## **21/01303/FUL**

### **Development of 5 Bungalows**

**At: OS Field 5532 Hambleton View Tollerton North Yorkshire**

**For: Mr Diarmaid Kelly**

- 1.0 Site, context and proposal
  - 1.1 The application proposes 5 detached bungalows with garages. They are accessed from a proposed adopted road which is to be constructed to facilitate 12 affordable home proposed to the east of the application site, and which serves both developments.
  - 1.2 This application site is located immediately adjacent to the eastern extent of the development limit of Tollerton. Tollerton is a 'Secondary Village' in the settlement hierarchy, within the Easingwold Sub Area, outlined in Policy CP4 of the Hambleton Core Strategy.
  - 1.3 The site topography is relatively flat, but with an incline from the south to the northwest, with levels across the site varying. The site is currently open grassland, with an existing hedgerow along the north eastern boundary. The rear boundaries of dwellings on Station Court lie adjacent to the north western boundary. Existing residential development lies to the south west (Kyle Close, Hambleton View, and Jubilee Court) which is separated from the application site by fencing and existing vegetation.
  - 1.4 The bungalow accommodation comprises the 2 x 3 bed bungalows and 3 x 3 bed bungalows. Two bungalows are sited facing the access road, and three are proposed facing a courtyard. They would have at least 3 car parking spaces each and space for the collection of refuse. All have garden space, and planting is proposed around the periphery of the site.
  - 1.5 The application is submitted alongside application 21/01303/FUL for 12 affordable homes, to be considered as a rural exception scheme. This proposal is to be considered under the provision of the Council's adopted Interim Planning Guidance.
- 2.0 Relevant planning and enforcement history
  - 2.1 19/02170/FUL Application for the construction of 5 residential dwellings. Withdrawn 29.03.2021
  - 2.2 21/01302/FUL - Development of 12 affordable dwellings (Pending Consideration).
  - 2.3 07/03189/FUL - Construction of 12 affordable dwellings. Land at Station Road Tollerton York. Permitted 14.01.2008.

### 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 CP18 – Prudent use of natural resources

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 DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 – Protecting natural resources

Development Policies DP32 – General Design

Development Policies DP33 - Landscaping

Development Policies DP36 - Waste

Development Policies DP42 – Hazardous and Environmentally sensitive operations

Development Policies DP43 – Flooding and Floodplains

Interim Planning Guidance 2015

Size, type and tenure of new homes SPD 2015

#### 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.

### 4.0 Consultations

#### 4.1 Parish Council (Tollerton) – Wish to see refused.

- The above applications are for a total of seventeen additional dwellings in the parish.
- The location of the proposed developments will impose additional traffic pressure on the outturn onto Station Road, an area where we have already received complaints of excess vehicle movements.
- The 'market value' properties are being facilitated by the 'affordable' properties. This is contrary to the Rural Exception requirements under the planning legislation.
- There is currently an application for four additional houses under consideration, and over the preceding two years over thirty four properties have been constructed in the parish.
- The above would give an increase in properties in the parish of fifty five in less than two years. This equates close to 15 % growth in the property numbers in the short term, and is against the wishes of the majority of the parishioners.

- There has been a decrease in employment in the parish, with the Thompson Joinery business ceasing operations and houses built on its former site. There is no additional employment being created within the parish currently.
  - Following a housing needs survey carried out in June this year by the Rural Housing Enablement officer, the results are inconclusive, and there appears to be NO Requirement for ADDITIONAL housing within the parish, the 'need' being fulfilled by the current properties available or under construction.
  - The Parish population continues to state that they do not want any further growth in the village as this is now beyond sustainable levels. Residents in both the Hambleton View and Kyle Close roads have raised objections at our last Parish Council meeting concerning the two applications.
  - The housing need locally is being met in other areas where there is a variety of housing types that can be acquired by various methods of finance.
- 4.2 The Parish Council submitted a survey which is attached as Appendix 1. There were 97 respondents. In relation to this application, the sites were referenced A (21/01303/FUL) and B (this application). The survey advises that 61% feel there should be no further developments in the village. 39% feel there should be. Subsequent questions looked at the different sites A-D and asked if provision of affordable housing made them favourable.
- Field A. 29% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this to 31% agree or strongly agree while 55% disagree or strongly agree.
  - Field B. 27% agree or strongly agree while 55% disagree or strongly disagree. Affordable housing changes this minimally to 29% agree or strongly agree while 57% disagree or strongly disagree.
- 4.3 Local Highway Authority – No objections. They recommend conditions for full road and sewer engineering drawings, the completion of carriage and footways and lighting prior to occupation, construction of parking areas prior to occupation and the provision of a construction management plan.
- 4.4 Environmental Health - I have reviewed the Noise assessment prepared by ENS, Ref: NIA/8866/19/8839/V2/Tollerton, Dated April 2021. The assessment has considered the noise and vibration from the Rail line. Table 4.1, Page 4 shows the recommended indoor noise levels, section 5.1, Page 5, states the sound attenuation scheme proposals. In order to mitigate the noise from the rail line, a scheme of sound insulation works has been developed to protect the proposed residential development from the ambient noise climate as demonstrated in Table 5.1, page 5 of the Noise assessment.
- 4.5 Lead Local Flood Authority – No objections. The LLFA recommends conditions for a detailed drainage scheme, exceedance flow routes and floor levels.
- 4.6 Yorkshire Water - No objections. They recommend conditions to secure separate systems of drainage for foul and surface water, development to be in accordance and for the approval of proposed means of disposal of foul water drainage.

- 4.7 Lead Local Flood Authority – No objections. The LLFA recommends conditions for a detailed drainage scheme, exceedance flow routes and floor levels.
- 4.8 Yorkshire Water - No objections. They recommend conditions to secure separate systems of drainage for foul and surface water, and for the approval of proposed means of disposal of foul water drainage.
- 4.9 Statement of Community Involvement - The consultation exercise has been carried out in accordance with National policy and Hambleton Council's Statement of Community Involvement.
- 4.10 Advertisement - The application was advertised by site notice, press notice and neighbour notifications, which have now expired.
- 4.11 Public observations – There have been 11 objections to the proposals. They are summarised as follows:
- No need for affordable homes, as there are currently properties empty, and the updated need survey does not show a need for 12 homes
  - There is a sufficient number of affordable homes in Easingwold
  - The sewage system is inadequate
  - The site floods
  - The access is dangerous and narrow
  - The development will be unsafe for children
  - Inadequate bus services
  - The condition of existing roads is inadequate for additional properties
  - Concerns Hambleton View and Kyle Close will be opened up to create an access
  - Will cause damage to existing roads
  - Parking is inadequate
  - Will lead to an exacerbation of parking for traffic in nearby areas
  - Concern about construction traffic
  - Concern about impact for residents from the trainline
  - Will result in loss of wildlife
  - How is existing landscape area to be maintained?
  - Inadequate services within the village
  - Concerns raised about the construction phase in terms of noise, activity and damage to roads

## 5.0 Analysis

- 5.1 The main issues to consider are:
- Principle
  - Affordable and Open Market Provision
  - Scale of Development
  - Size, Type and Tenure of homes
  - Highway matters
  - Design and Layout
  - Residential Amenity
  - Landscape and Ecology
  - Flood Risk and Drainage



- Contaminated Land

## Principle

- 5.2 Policies CP1 and CP2 are overarching policies which seek to ensure development is sustainable, and that it should be located so as to minimise the need to travel, particularly by car. Tollerton is a secondary village within the Easingwold sub area, which along with the service centres and service villages are expected to be the focus for development. This is because they have been identified as having best access to local infrastructure, services and facilities and settlement character would be able to accommodate new development.
- 5.3 Policy CP4 supports development in the Development Limits of the settlements in the hierarchy, in other locations development may be supported when an exceptional case can be made. However, the proposed open market housing does not fulfil the exceptions.
- 5.4 Paragraph 78 of the NPPF, which states that “Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.” The Council’s emerging Local Plan policy is consistent with this approach and whilst the Rural Exceptions Sites policy should deliver 100% affordable housing, the NPPF as well as emerging Local Plan H4 allows for a small number of market homes to be included in order to make schemes viable. The application has been submitted as two schemes, and no financial viability assessment has been provided. The applicants advise neither would come forward without the other.
- 5.5 Notwithstanding the above, in order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits. In consideration of the application is the Council’s interim planning guidance note, for the purposes of determining small scale residential development. Small scale housing development will be supported in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria, which are discussed below.
- 5.6 *1) Development should be located where it will support local services including services in a village nearby.* Tollerton is a secondary village, which the policy and the Council considers to be a sustainable settlement for housing development. Services in Tollerton include a village store and post office, there is also a caravan park, public house and tearoom. There is a place of worship and village hall, Drs surgery and recreation facilities. The site lies outside, but adjacent to the development limits which run behind the homes constructed at Station Court and at the side and rear of Jubilee Court, Kyle Close and Hambleton Way. The site is therefore accessible to existing services in Tollerton and to bus stops to access larger service centres. Residents within the village can also access nearby services and facilities in other villages.

- 5.7 Promoting sustainable patterns of development is a key aim of the National Planning Policy Framework. Tollerton has a variety of facilities. The application site would be within safe and close walking distance of these. Therefore, it would be capable of being able to support most basic everyday needs. Furthermore, the proposed development would help to maintain the vitality of nearby communities, as Tollerton does not have a primary school, and those nearby have places to accommodate. Whilst other villages may not be within walking distance of Tollerton, and the absence of provision of a bus services is a detractor, that that this harm would be limited given the short distance.
- 5.8 *2) Development must be small in scale, reflecting the existing built form and character of the village.* The policy advises that 5 dwellings is small scale, but that each development must be considered on its own merits. This is relevant because the 2 schemes together would increase the housing stock by 17 new dwellings. The applicants' consider that the proposed scale, design and layout reflects local character, with design features and architectural detail taken from the existing examples within the locality, and that this and the adjoining application for the rural exception scheme will form a logical extension to the eastern edge of the Tollerton settlement limits.
- 5.9 The density of development would also reflect the surrounding area. Much of the site abuts the boundaries with neighbouring development with public vantage points restricted to the road ends. Whilst the site is open, it is not countryside in character terms with its proximity to the existing development, and the railway line and residential cul-de-sacs, and therefore the rural aspect is limited. The proposal would be contained and even at an overall number of 17 dwellings would not be unacceptable in terms of the character of the area or visual appearance.
- 5.10 In relation to need for proposed development. The Council's overall housing target set in policy is a minimum target and thereby it follows that the specific levels of new development set out in the settlement hierarchy should also be treated as minimum targets.
- 5.11 *3) Development must not have a detrimental impact on the natural, built and historic environment.* The application is supported by an ecological appraisal and landscape proposals, these indicate the impacts upon the natural environment would be suitably mitigated. In relation to the built environment the site is between existing housing development and railway line, it continues the grain of development on Station Court and creates an acceptable rounding off of built development for the settlement.
- 5.12 *4) Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.* The application site is adjacent to Tollerton, and as the land to the north is constrained by the presence of the railway line, the landscape is not transitional into the open countryside and therefore built development can be accommodated with limited harm to the area, particularly as a result of the low dwellings proposed and planting around the site. The relationship with the existing and proposed 12-unit affordable housing scheme is important. If the

scheme was developed separately from the 12-unit affordable housing scheme it would appear less strongly related to the built-up area. Controls to require the scheme to be developed in tandem or following the 12-unit affordable housing scheme would therefore be appropriate.

- 5.13 *5) Development must be capable of being accommodated within the capacity of existing or planned infrastructure.* There is no evidence from the consultees that the existing highway network in terms of its capacity, safety issues and construction could not accommodate the level of traffic. The surface water and drainage infrastructure will be able to accommodate the development with the proposals in place by this application.

#### Size, Type and Tenure of homes

- 5.14 Policy CP8 and DP13 of the Development Policies concerns the mix of dwellings in terms of size, type and tenure. In coming to a view on mix, a number of criteria are to be taken into account, including the Council's Housing Needs Study, other local housing needs information and current market conditions.
- 5.15 The applicants have proposed 2 x 2 bed bungalows and 3 x 3 bed bungalows. This is considered to be a suitable mix reflecting the need for smaller homes. The applicant is happy to enter into a Legal Agreement to ensure the affordable housing is constructed ahead of the market homes. The proposed mix has been previously discussed and agreed with officers during the pre-application enquiry process. The proposed bungalows meet the Nationally Described Space Standards. The proposal would therefore accord with CP8 and DP13.

#### Highway matters

- 5.16 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.
- 5.17 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 5.18 Safe access into the site is achievable, the Local Highway Authority does not advise that the access is dangerous and narrow, not that the road is in a poor state unable to accommodate the development. Pedestrians are accommodated within pavements. The level of proposed car parking for each

dwelling is considered to be appropriate. The transport statement advises that Electric vehicle charging points will be provided and that secure cycle storage will be provided in the form of sheds within the garden area of the properties. Construction is subject to a construction management plan condition.

- 5.19 Comments in relation to increased pressure for parking on local roads is noted, but less likely to occur, as residents residing in proposed development will have parking spaces and be able to access the nearby facilities (which increase parking demand on nearby streets) on foot. There is no access proposed from Kyle Close, Hambleton View or Jubilee Court. The access is clearly shown on the proposed plans as an extension to Station Court.
- 5.20 The cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility therefore fulfilling the aims of the relevant LDF Policies CP2 and DP3.

#### Design and Layout

- 5.21 Policy CP17 and DP32 both concern a high quality of design and matters related to the local context, character and distinctiveness. Chapter 12 of the NPPF also seeks to achieve high quality buildings and places, and good design.
- 5.22 The development can be viewed from Kyle Close, Hambleton View and from dwellings off Jubilee Court and Station Court but vehicle access is limited to Station Court only. The main principle is to locate vehicles so they do not dominate the street scene, and in curtilage parking has been provided in addition to garages. Visitor parking can be accommodated on the proposed highway. Rear gardens will be gated with locking gates. Masonry walls will be provided where backs are adjacent to public areas and fencing with trellising bound gardens in other areas. Buildings will be laid out to overlook public space with windows on side elevations facing public space. Prominent materials will be brickwork and thin leading edge roof tiles throughout, with a mixture of brick and stone for the heads and cills to external openings. Brick coursing details possibly combined with feature contrasting brick are typical of local and wider area characteristics.
- 5.23 Existing mature trees will be retained to maintain the green character and where possible integrated into the proposals. Landscaping to plot frontages including additional tree planting will define public and private space and create defensible space. Open space management would be incorporated into the s106 agreement.
- 5.24 Crime is mentioned amongst other anti-social issues in the representations. Whilst others crime issues are noted, these are not considered to justify opposition to the proposal on these grounds, and overall the application details the measures it would take in this respect. The development is not considered to harm the form and character of the settlement or open countryside. The design of the dwellings are acceptable and comply with CP17, DP1, DP10, DP30 and DP32.

## Residential Amenity

- 5.25 Policy DP1 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.26 The proximity to the East Coast rail line has been considered and addressed within the Noise Impact Assessment. The proposals have determined external noise levels at the application site, assessed the potential impact of the external noise climate on the proposed development, and provide recommendations for a scheme of sound attenuation works, which will be conditioned.
- 5.27 The proposed mitigation includes enhanced acoustic glass, and mechanical ventilation. In order to mitigate rail noise in gardens it is recommended that a 3 metre high solid timber fence is installed along the entire north eastern boundary. The maintenance of this will be specified within the open space arrangements within the s106 agreement.
- 5.28 The proposed development would relate acceptably to the affordable housing scheme and to existing residential development. Distances between dwellings within and outside the site are satisfactory and would preserve residential amenity. The access road is not considered to be significantly harmful due to the separation distance and boundary treatment and planting between it and the neighbouring gardens. Vehicle movements would not be excessive, and detailed boundary treatment will be conditioned along this boundary.
- 5.29 Permitted development rights are removed, which is reasonable in the circumstances to ensure that any future residential development or extension is able to incorporate similar measures. A verification report has also been conditioned for the proposed mitigation and the maintenance of the acoustic fence will be stipulated within the S106 agreement. The proposed development therefore conforms to LDF Policies CP1, CP17, CP18 DP1, DP32 and DP34.

## Landscape and Ecology

- 5.30 Policies CP16 and DP30, and DP31 are relevant in consideration of landscape character and visual impacts. The above policies seek safeguards via suitable mitigation. Paragraph 170 of the NPPF, states that the planning system should contribute to and enhance the natural and local environment.
- 5.31 The site mainly comprises poor semi-improved grassland, scrub and amenity grassland, hedgerows and trees to the site boundaries. The trees within the site and hedgerows are to be retained. A retained tree on the site would have potential for bat roost, and the grassland would provide habitats and foraging areas for birds, bats and hedgehogs. In order to avoid impacts the removal of vegetation can be conditioned to avoid the bird nesting season, and precautionary approach to other mammals can be undertaken.

- 5.32 The proposal would not have an unacceptable effect on ecology or biodiversity interests and subject to the imposition of a landscape and ecological condition it would comply with Policies CP1, CP16 and DP31.

#### Flood Risk and Drainage

- 5.33 Policies CP21 and DP43 seek to protect the environment from flooding, mitigate development from the consequences of pollution, noise, or hazardous activities. It also seeks to ensure that new development is capable of being accommodated by existing or proposed services.
- 5.34 The site lies within Flood Zone 1. Foul water will discharge to public foul sewer network via on site pumping station. This is acceptable to Yorkshire Water who have not raised capacity as an issue for them. Sub-soil conditions do not support the use of soakaways and the site is remote from watercourse. Surface water will discharge to public surface water sewer via storage with restricted discharge rate.
- 5.35 Officers note the comments in relation to flood risk, and the LLFA have been involved in discussions regarding the surface water treatment. The applicant has submitted further in depth information regarding site topography, surface water source generation and road access levels. The documents indicate that a positive drainage systems and road access levels will reduce the risk of site generated surface water and enable safe access.
- 5.36 Yorkshire Water accept the proposed development, and the LLFA is now satisfied that any residual risk can be safely managed. Although indicative flood routes have been indicated on drawings a detailed exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system, this has been conditioned as requested by the consultee. The proposed development therefore conforms to LDF Policies CP21 and DP43.

#### Contaminated Land

- 5.37 The LDF Policies CP21, DP42 and DP44 require that communities are kept healthy and safe from proposed developments. The Development Constraints Report (Phase 1) produced by JP Wild Ltd submitted in support of the above development concludes that the risk on contamination on site to be very low, but recommends a 'minimal' Stage 2 investigation to determine underlying strata and obtain soil samples from made ground and natural strata or contamination testing for metals, metalloids, PAH and asbestos.
- 5.38 The applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment, which can be secured by conditions. If any contamination is found, remediation is conditioned. It is therefore considered the proposal would fulfil the requirements of CP21 and DP42 and DP44.

#### Other Considerations

- 5.39 The section 106 agreement will need to secure the affordable housing, and any maintenance requirements of public open space and the acoustic fencing around the site.

#### Planning Balance and Conclusions

- 5.40 The proposal would not be unacceptable in terms of highway safety and access, flood risk and drainage, living conditions, amenity of nearby residents and bio-diversity.
- 5.41 Whilst concerns have been raised about the sustainability of the site and access to services and the amount of bus services, the development is a suitable and sustainable location for housing development as has been determined by the settlement hierarchy in the LDF and emerging Local Plan. The advice from the consultee is that there is a wider need for affordable homes, and officers advise that this is acceptable to consider this. The benefits of the proposal as a result of new housing development in a sustainable location would be of a moderate scale. There would be some social benefit in providing additional homes which would contribute to providing family homes in the area.
- 5.42 There would also be economic benefits as the proposal would be in a suitable location, where new residents would contribute to local services. There would be economic benefits from the construction phase of the development. Protecting the environment is another key aspect of achieving sustainable development, and the development would preserve the character and appearance of the area.
- 5.43 The social and economic gains are considered to tip the balance in favour of the development and the proposal is considered to represent sustainable development required by the NPPF and recommended for approval.

#### 6.0 Recommendation

- 6.1 That subject to (a) the satisfactory prior completion of a planning obligation to secure affordable homes, their timing in relation to the delivery of open market homes and the maintenance of open space and boundary treatment that permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed:  
1904-SI-32 Location Plan  
1904-SI-21 Site Layout 5 Bungalow Scheme  
1904-HTC-02 C Type Elevations  
1904-HTC-01 C Type Floor Plan  
1904-HTA-02 A Type Elevations  
1904-HTA-02 A Type Floor Plan

3. 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
  - include detail of the phasing of the development and phasing of drainage provision, where appropriate;
  - Identify where principles of sustainable urban drainage have been employed;
  - ensure Surface water flows away from the railway and that there is no ponding of water adjacent to the railway boundary.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.
4. 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 including Network Rail assets. 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. The submitted exceedance plan should be based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere.
5. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.
6. An updated Landscape and Ecological scheme shall be submitted to and approved by the Local Planning Authority prior to the construction of the external walls of any home hereby approved. The scheme shall include (but is not limited to):
  - The species mixes and structure.
  - The sizes, heights, and densities of plant species to be used.
  - Timing of planting and delivery.
  - The management requirements (establishments and long-term management).
  - A plan and sections of the proposed acoustic boundary fence treatment in relation to existing and proposed trees and hedgerows.
  - Details of how the bio-diversity enhancement measures in the submitted Ecological Appraisal at section 5.31 have been incorporated into the scheme.



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

7. The development hereby permitted shall not commence until a scheme showing the provisions to be made for external lighting has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
8. The development hereby permitted shall not commence until a scheme showing the provisions to be made to reduce the risk of crime, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.
9. 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.
10. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 5 (five) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
11. A scheme showing the provision for each home to have an electric vehicle charging point shall be submitted for the written approval of the Local Planning Authority. The scheme shall include the location, and specification for each charging point. Once approved the development shall be implemented in accordance with the approved details prior to the occupation of the home to which the charging point serves, and thereafter retained for the lifetime of the development, unless otherwise agreed by the Local Planning Authority.
12. 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.
13. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as

approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

14. No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1904-SI-12B. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

15. No development must commence until a Construction Management scheme 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 scheme plan. The scheme must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- construction ecological mitigation as specified within the submitted ecological report section 5.26 and 5.29.
- No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.

16. 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 until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position, design, materials, type of boundary treatment, and its maintenance to be erected along the western boundary adjacent to properties on Jubilee Court, Kyle Close and Hambleton View, and The developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (approx. 1.8m high) and make provision for its future renewal and maintenance. (Network Rail's existing fencing/wall must not be removed or damaged). The plan shall show how any ecological requirements as set out in section 5.31 of the Ecological appraisal have been incorporated. No part of the development shall be occupied until the approved boundary treatment for that part has been provided. The approved boundary treatment shall be retained unless the Local Planning Authority gives prior written approval for its removal.

17. The construction of the external walls of the development hereby permitted shall not be commenced until details/samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.
18. Development shall not commence until a construction methodology has been submitted to and approved in writing by the Local Authority. The construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The development shall thereafter be carried out in accordance with the approved construction methodology unless otherwise agreed in writing by the Local Planning Authority.
19. A verification report for the approved scheme for the noise attenuation of the development, shall be submitted to and approved by the Local Planning authority prior to the occupation of the site. Once approved the development shall be implemented in accordance with the approved details and any additional remediation required and thereafter retained.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), 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 other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.
21. 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. 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.
22. 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.
23. 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.

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

The reasons for the conditions:

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 the development is carried out in accordance with the approved details and for the avoidance of doubt in accordance with LDF Policies CP1 and DP1.
3. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
4. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
5. In the interests of the visual appearance and amenity of the development in accordance with LDF Policies CP1 and DP1.
6. In the interests of the visual amenity and bio-diversity in accordance with LDF Policies CP16 and DP31.
7. In the interests of the amenity of the development in accordance with LDF Policies CP1 and DP1.
8. In the interests of the amenity of the development in accordance with LDF Policies CP1 and DP1.
9. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
10. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43
11. In the interests of sustainable development in accordance with LDF Policy DP34.
12. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in accordance with LDF Policies CP2 and DP3.

13. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in accordance with LDF Policies CP2 and DP3.
14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with LDF Policies CP1 and DP1.
15. In the interest of public safety and amenity in accordance with LDF Policies CP1 and DP1.
16. In the interests of neighbouring residential amenity in accordance with LDF Policies CP1 and DP1.
17. In the interests of neighbouring residential amenity in accordance with LDF Policies CP1 and DP1.
18. In the interests of the visual amenity of the development in accordance with LDF Policies CP17 and DP33.
19. In the interests of railway asset safety in accordance with LDF Policies CP1 and DP1.
20. To ensure the proposed noise attenuation measures are satisfactory in the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
21. In the interests of residential amenity due to the requirements to control noise from the railway line in accordance with LDF Policies CP1 and DP1.
22. 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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**Parish: Hushwaite**  
Ward: Raskelf & White Horse  
**10**

Committee date: 16<sup>th</sup> December 2021  
Officer dealing: Mr. M. Pearson  
Target Date: 1<sup>st</sup> October 2021

**21/01960/FUL**

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

**At: OS Field 8464, Highthorne Lane, Hushwaite**

**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 This application was on the agenda for the 18<sup>th</sup> November Planning Committee 2021. However, the application was not heard at the committee meeting due to the vacancy and pending election of a ward member following the resignation of the Councillor for the Raskelf and White Horse Ward. This election has now taken place and a new member elected to represent the Ward. Since the publication of the committee report in November 2021 an additional public comment has been received regarding the status of hedgerow along the site frontage which is addressed in paragraph 5.12 of this report. Furthermore, consultee responses have been received from the MOD and Ramblers Association and these are noted in paragraphs 4.5 and 4.6 respectively.
- 1.2 The site is located on the south side of Highthorne Lane to the south of Hushwaite and immediately adjacent to the boundary of the Hushwaite 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.
- 1.3 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.

- 1.4 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.
- 1.5 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 – Observations regarding the need for additional boundary treatment.
- 4.6 MOD RAF Topcliffe – No safeguarding concerns.
- 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 Highthorne 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 Husthwaite 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
- 4<sup>th</sup> 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
- Consider the hedgerow forms part of a parliamentary enclosure.

## 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 is 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 the 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 Husthwaite 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. However, a public observation notes evidence of a Tithe map that indicates the hedgerow should be considered to form part of a parliamentary field enclosure and could be afforded protection under the Hedgerow Regulations. The hedge has not been the subject of an application under the Hedgerow Regulations, it has not been found to be 'important' and is not the subject of a Hedgerow Retention notice. The importance of the hedge and its retention is a matter that can be considered in the planning balance. The proposed driveways result in a proportion of the hedgerow to be lost but this is now less when compared to the approved 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 Highborne 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 Highborne 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 Highborne 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 Highborne 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 Highborne 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. The impact of the development upon the roadside hedge is a factor to be considered. 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.
10. 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
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.

**Parish: Stokesley**  
Ward: Stokesley  
**11**

Committee Date : 16th December 2021  
Officer dealing: Mr Nathan Puckering  
Target Date: 28th July 2021  
Date of extension of time (if agreed): 17th December 2021

**21/01435/FUL**

**Application for a riverside scheme to enhance Levenside, improve the accessibility and safety of the current pedestrian access alongside the River Leven within the town by providing new surfaced footpaths, replacing the Golden Lion plank bridge, reconstructing parts of the riverbank, improving the wayfinding and upgrading landscape features as per amended plans received by Hambleton District Council on 24th September 2021.**

**At: Levenside Enhancement Bridge Road Stokesley**  
**For: Mr David Oxley.**

#### 1.0 Site, Context and Proposal

1.1 This application concerns the majority of the south bank of the River Leven in Stokesley Town Centre, a short section of the north bank on the east side of the town centres, as well as some in-river works. The area in question starts from the bridge adjacent to Leven Wynd in the west and the area of footpath to the south of this, along to the Golden Lion plank bridge, the footpath which then leads from this bridge and follows the curve of the Leven to Church Bridge and finally the stretch of footpath on the north bank of the river which runs parallel to Manor Close. The site is wholly within the Stokesley Conservation Area.

1.2 Given the size of the site, the defining characteristics as one moves through the site change somewhat. The western-most section is still part of the town centre and feels very much connected to Bridge Road and the High Street. That said, once beyond the grade II listed Packhorse Bridge (the focal point of the area), it becomes more tranquil, with development becoming less dense and large mature trees to the north help to mitigate some of the noise from the nearby centre. Ultimately though, this tranquillity is punctured as one walks towards Manor Close and the busy Helmsley Road - one of the main routes in and out of the town. Over time, the area as a whole, has become dominated by the road which runs parallel to the river and serves the dwellings in this area and this undoubtedly harms the attractiveness to pedestrians utilising the space, although this is slightly offset by the degree to which the existing footpath hugs the riverbanks and benefits from a degree of separation from the road by a small timber fence and large mature trees.

1.3 The works proposed under this application are put forward as an "enhancement scheme" to the public realm in this area by way of the following:

- removing the Golden Lion plank bridge and replacing it with a steel footbridge
- removal of the paving slabs and replacement with a wider footpath (1200m/1500mm in width) constructed using a winter gold bound gravel surface

- adjusting the locations of the existing benches throughout the site, all now to be sat on areas of Yorkshire paving
  - repair and rebuild of sections of the riverbank
  - installation of various signs which set out information relating to the area and wayfinding
  - repair sections of damaged soft landscaping and introduce additional areas of planting along the riverbank
  - installation of boulders to prevent unsafe parking on one small area of land on the riverbank
- 1.4 Additional information by way of a Flood Risk Assessment which was lacking from the original submission has been added to the application on the request of the Environment Agency. Furthermore, changes to the design of the new bridge were submitted by the agent, changing the material from timber to steel. A re-consultation was carried out following this amendment.
- 2.0 Relevant Planning History
- 2.1 None relevant
- 3.0 Relevant Planning Policies
- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

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

Core Strategy Policy CP17 - Promoting high quality design

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

Development Policies DP1 - Protecting amenity

Development Policies DP3 - Site accessibility

Development Policies DP28 - Conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP37 - Open space, sport and recreation

Development Policies DP43 - Flooding and floodplains

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 Stokesley Town Council were not consulted as the Town Council is the applicant.
- 4.2 NYCC Highways - The Local Highway Authority requires information to be submitted to the County Council's Bridges Section that would allow the design of the proposed bridge to be checked against the relevant design criteria. An "Approval in Principle" (AIP) would be required from the Bridges Section and copies of the design calculations must be submitted to ensure that the proposed bridge is of an appropriate design. Once the proposed bridge has been constructed, a "Certificate of Supervision" shall be provided to the Local Highway Authority to certify that it has been constructed correctly.

Notwithstanding the above, no objections to this planning application subject to conditions.

- 4.3 Environment Agency - Initially objected to the application on the grounds of lack of an FRA but subsequently withdrew the objection subject to conditions.
- 4.4 Northumbrian Water - We can inform you that a number of assets are located within the red line boundary and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. It is also worth noting that the proposed development site lies adjacent to a pumping station. Noise and odours can be a by-product of its operation and in addition vehicles and staff may need to access the pumping station compound at any time for maintenance and operational purposes.
- 4.5 Stokesley Conservation Area Advisory Group - In the main the group believed the proposal scheme preserves the character of the Conservation Area. However, they raise concerns relating to the use of resin bound gravel and believe it would look incongruous and would prefer the use of the Yorkshire paving being used around the seats to be used throughout the development. Furthermore, raise concerns with the short life span of the proposed material.

Following re-consultation, the groups stance changed as they submitted comments regarding the accuracy of some of the information and concerns with the replacement bridge - deeming the existing one a heritage asset. As such recommend withdrawal.

- 4.6 Site Notice & Neighbour Notification - 14 letters of objection, 1 neither supporting or objecting and 1 supporting, in response to the initial consultation. The comments can be summarised as follows:

Object

- The claims that the development will address health and safety issues is unfounded as there are no records of accidents on the existing bridge
- The bridge is a heritage asset, and its loss would be harmful to the Conservation Area. This is compounded by the fact there have been several previous examples of plank bridges which have been lost.

- There are already issues with parking and highway safety on Levenside and these will be exacerbated by this proposal - both increasing use of the area by pedestrians and encouraging more cars to the area.
- The width of the new footpath is unnecessarily wide which will make it look incongruous and also encourage use by non-pedestrians - e.g. bicycles and skateboards. This will cause potential health and safety issues, especially with vulnerable users.
- The material proposed for the new footpath is out of character of the area and therefore harmful
- There has been no detailed consultation from the Town Council prior to submission
- The area proposed to be blocked up by boulders to prevent parking needs to be kept open for emergency services. The use of boulders is also not in keeping with the area.
- The land is not owned by the Town Council and therefore the legal basis of the application is flawed, and it must be disregarded

#### Support

- Welcome the enhancement.

Following amendments, a 10 day re-consult was carried out. 13 letters of objection were received, many of which restated the initial concerns. The additional issues raised can be summarised as follows:

- The Heritage Statement should be amended in light of the new design for the bridge
- It is disappointing that initial concerns have been ignored
- The steel bridge is obtrusive, complex and overkill

## 5.0 Analysis

- 5.1 The main issues to consider are: (i) the impact of the proposal on the significance of the Stokesley Conservation Area, (ii) design, (iii) flood risk, (iv) ecology and (v) highway safety.

#### Impact on the Conservation Area

- 5.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework at paras 195 and 196 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.3 The River Leven and the surrounding area undoubtedly contributes heavily to the significance of the Conservation Area as a whole. The Stokesley Conservation Area Appraisal names Levenside as one of the seven 'Character Areas' which it defines as playing a role in the overall sense of place within the Conservation Area. It notes that this part of town has "almost a rural village character with the shallow river winding through the informally laid out street plan flanked with large trees that break up the urban form." It then notes that the river is "very accessible" and that this is one of the "most

important aspects of this part of the town". Finally, in reference to the river it also refers in passing to the pedestrian and road bridges, the several fords and the steps and footpaths.

- 5.4 The applicant submitted a Heritage Statement prepared by Humble Heritage which outlines the aspects of the site which contribute to the significance of the Conservation Area and this again focuses on the River Leven and concludes that it plays a role in unifying an "architecturally heterogeneous area" and remains a major component of the town. It places great importance on the "key tree groups" in and around the site and the views along the river taking in the water, bridges, trees, and historical buildings which are all readily available within the immediate locality of the site; all of which culminates in these aspects of the site contributing strongly to the overall significance of the Conservation Area.
- 5.5 Overall, this assessment of significance is accepted. Whilst clearly the built form and streetscape - i.e. the rather attractive cottages that line Levenside, the historic Packhorse Bridge and the views along the treelined River Leven - are contributing factors to the significance of the Conservation Area, the walk along the River Leven also contributes something less tangible through the tranquillity and quiet area of public realm that it provides; something which is probably intensified due to the juxtaposition alongside the busy High Street/market place. This is a major part of the character and appearance of the Stokesley Conservation Area derived wholly from the site.
- 5.6 It is considered that the proposal will have a largely neutral impact in relation to this defining characteristic. It effectively concerns the upgrade of an existing, modern, concrete footpath which contributes nothing to the overall character and appearance of the Conservation Area and is of no historic significance. There have been several public objections which cite concerns with the proposed material and the fact that this will be intrusive and not in-keeping with the area. Whilst it is noted that it will introduce a material which isn't currently evident in the area, this does not automatically equate to harm. As alluded to, the materials there at present are currently harmful to the overall appearance by way of their damaged appearance and the changes proposed will work to rectify this problem to some degree.
- 5.7 The vast majority of the public objections, as well as that received from the Stokesley Conservation Area Advisory Group, refer to the Golden Lion plank bridge (which is to be removed and replaced with a steel foot bridge) as a heritage asset and assert that its removal will lead to harm which warrants refusal of the application. The bridge in question is constructed using concrete blocks and has been covered by tarmac which has now somewhat worn away leaving the bridge looking slightly tired. The Heritage Statement dates it from the 1960s based on its construction and cartographic evidence. This seems a fair and reasonable assessment.
- 5.8 Whilst great importance has been placed on it being a plank bridge in the public comments, it is Officer's opinion that from a heritage standpoint, the location of the bridge is more historically significant than the design as it stands today - which is considered fairly unsympathetic. As such, the development proposed by way of its replacement with a relatively small (only

1.1m at the tallest point) bridge in exactly the same location adequately protects the significance of the Stokesley Conservation Area. It is worth noting that the design of the bridge itself is similar to several other bridges in the area and the use of steel certainly has precedent in this respect and therefore the proposal is considered in-keeping with the character and appearance of the Conservation Area.

- 5.9 On the whole, the proposal is considered to equate to result in a minor but positive impact to the overall significance of the Stokesley Conservation Area. As a result, it is acceptable on heritage grounds when assessed against the tests set out in the NPPF.

#### Design

- 5.10 Policies CP17 and DP32 concern the design of development. Policy CP17 requires development to be of a high quality design and, amongst other things, "provide an attractive, functional, accessible, safe and low maintenance development" and "secure improvements to public spaces". Furthermore, DP32 requires development proposals to "seek to achieve creative, innovative and sustainable designs that consider local character and settings and promote local identity and distinctiveness".
- 5.11 As already set out, the overall development will work to rectify concerns with the quality of the footpath and overall public realm in this area of Stokesley by replacing a worn out and rather unsympathetic concrete path with a high quality and durable alternative. The wider footpath will allow users in wheelchairs and pushchairs to comfortably use the route and improve accessibility in this respect.
- 5.12 Concerns with the potential use of the development by "unwelcomed users" such as bicycles and skateboards arising, due to the width of the new path, raised in the objections are noted. This is an issue which already exists, not only on this footpath but on most pavements/footpaths, and to preclude repair and enhancement works, which would improve the area in question overall, would be somewhat fruitless in terms of addressing the issue of unwanted use of footpaths. As such, this is not considered a reason for refusal on this occasion.
- 5.13 The proposal includes the use of "boulders" on a small section of the riverbank adjacent to the ford in an attempt to prevent unsafe/illegal parking in an area, which is a known problem at present. Whilst an unusual feature in terms of design, it is thought that this is actually a sympathetic method which is more in-keeping with the river/semi-rural location than a typical urban-style bollard.
- 5.14 In terms of the bridge, an assessment of its design has been carried out in the preceding section but without being unnecessarily repetitive; the design is considered to be acceptable given the surrounding precedent for this kind of design and given its suitable size and scale, will not be harmful to the visual amenity of the locality.
- 5.15 On the whole, the above assessment demonstrates that the different aspects of the development achieve the aims of policy CP17 by providing an

accessible and functional space and securing an improvement to the public realm. Furthermore, it is a development which has taken into account local character and setting and therefore complies with policy DP32. Thus, it is considered acceptable in design terms.

#### Flood Risk

- 5.16 Policy DP43 precludes development that would have an adverse effect on watercourses or increase the risk of flooding elsewhere. The site is in flood zone 3 and consequently the Environment Agency requested a Flood Risk Assessment to be submitted.
- 5.17 The Flood Risk Assessment concluded that the development would not increase the likelihood of flooding offsite. The topography of the immediate area surrounding the river falls towards the watercourse and this will be maintained. The Environment Agency offered no objection to this conclusion. They have requested a condition requiring the design specifics of the in-river works to be submitted prior to commencement to ensure there will be no unexpected increase in flood risk.
- 5.18 Overall, the proposal is compliant with DP43 and is considered acceptable on flood risk grounds.

#### Ecology & Trees

- 5.19 Policy DP31 states "permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation". A Preliminary Ecological Appraisal and an Arboriculture Assessment were submitted as part of the application. The former concluded that there is potential that the habitats on the site are suitable for protected species and as a result, further investigatory surveys prior to work commencing are recommended. The latter concludes that no trees will be lost as a result of the works, but a method statement must be submitted detailing how works within the Root Protection Zone of the trees will ensure no harm will arise to the trees during construction.
- 5.20 Full implementation of the above measures and conditions securing this have been agreed with the agent. As such, the proposal will not pose a risk to ecology or the existing trees on the site and therefore the proposal complies with policy DP31.

#### Highway Safety

- 5.21 The Local Highways Authority were consulted to ensure the proposed development will not compromise highway safety. They subsequently offered no objection subject to a condition requiring a Construction Management Plan to be submitted.
- 5.22 A number of the objections relate to concerns with parking in the area of Levenside and the fact this development will exacerbate this issue. Whilst it is noted that there may be an existing issue with parking or lack thereof, this development is not considered to lead to further harm in this respect as it is simply work's which are improving an existing footpath and does not impact parking provision or the highway.

5.23 Overall, the development will not compromise highway safety and is considered compliant with DP3.

#### Planning Balance

5.24 It is considered that the proposed development will lead to no harm to heritage assets or their setting and that the proposed development will result in access improvements in the public realm. It is considered that the proposals result in no unacceptable impacts to road safety or the amenity or appearance of the area. The proposals comply with all relevant Local Development Framework policy and are considered acceptable.

#### 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 ECB-20-0003:- 010 Rev A, -011 Rev B, -012 Rev B, -013 Rev B, -014 Rev B, -015 Rev B, -016, PWP433:.001 Rev 09, .002 Rev 08 and .003 Rev 08; received by Hambleton District Council on 02.06.2021 and 24.09.2021; unless otherwise approved in writing by the Local Planning Authority.

3. The in-river works must not be commenced until such time as a scheme to ensure the development does not increase flood risk elsewhere has been submitted to, and approved in writing by, the local planning authority.- Final designs should be supplied detailing the in-river proposals - An updated Flood Risk Assessment should be supplied which shows that the final designs will not increase flood risk on or offsite. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

4. 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:- 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.

5. The following surveys must be carried out by a qualified ecologist, prior to work commencing:- survey of mature trees for bats should be undertaken prior to works being undertaken. A detailed internal inspection of any identified potential roost features should be carried

out by a licenced ecologist using torches and endoscopes to compile information on dimensions, suitability, and any evidence of roosting bats:- survey of the site for signs of Otter and Water Vole is conducted by a suitably experienced ecologist prior to works commencing. This will consist of a daylight walkover survey to inspect the riverbanks and surrounding suitable habitat for signs of Otter and Water Vole such as prints, spraint and droppings, feeding remains, burrows and resting places. This should be carried out between April and September (inclusive). The results of these surveys shall be submitted to the Local Planning Authority. Should any mitigatory measures be required following these surveys, these should be implemented fully.

6. Vegetation clearance should be carried out outside of the active season for nesting birds (March - August inclusive). Should this not be possible, a nesting bird check must be carried out by a suitably experienced person immediately prior to vegetation clearance. Any active nests present should be left undisturbed with a suitable buffer of vegetation (at least 5m) left around them to avoid harm to birds, their nests and the destruction of eggs. The buffer should remain in place until any chicks have fledged (flown the nest). Any active nests found under the bridge should be left until all chicks have fledged.

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, DP28 and DP32.
3. To ensure that there are no detrimental impacts to flood storage or flood flows.
4. In the interest of public safety and amenity.
5. To ensure all protected species are adequately taken into account during the construction phase; as per the requirements of policy DP31.
6. To ensure all protected species are adequately taken into account during the construction phase; as per the requirements of policy DP31.

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**Parish: Sowerby**  
**Ward: Sowerby and Topcliffe**  
**12**

Committee date: 16th December 2021  
Officer dealing: Kate Williams  
Target date: 20th December 2021

## **21/01572/MRC**

**Application for variation of condition No:2 to previously approved application 20/01136/FUL for Construction of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E), drive-thru restaurant (Use Class E/Sui Generis) and drive-thru coffee shop (Use Class E) with associated parking, service arrangements, landscaping and access  
At: Land Adjacent to Oakfield, York Road, Thirsk, North Yorkshire  
For: Mr Graham Wilson**

**This application is referred to Planning Committee as the proposed development is of public interest**

- 1.0 Site, context and proposal
- 1.1 The application site is located to the south of Thirsk, adjacent to the A170 (York Road) and to the west of the A19 Trunk Road. The site area is approximately 3.1 hectares. The site comprises a relatively flat area of land currently used for grazing and arable farming. An existing residential building and associated outbuildings are situated on the site and would be demolished as part of the proposed development. The site has approval for a petrol station and associated retail kiosk and a variety of other uses; a drive-thru restaurant and drive-thru coffee shop and an overnight lorry park. Both drive-through facilities would include outdoor seating areas. The wider site would comprise car parking and dedicated HGV overnight parking areas, along with a servicing area, pedestrian and vehicular accesses and soft landscaping.
- 1.2 The site is bounded to the north by agricultural fields which are themselves bounded to the north east by York Road (A170). The site is bounded to the east by an existing access off the A170 roundabout which connects onto the A19 and A168. To the south is an established Gypsy and Traveller's site, and to the west agricultural fields, beyond which lies Cod Beck. The site is outside development limits and is located in Flood Zone 1. The site does not contain or adjoin any listed buildings and is not located within a conservation area.
- 1.3 This application seeks to amend the existing permission by way of a Minor Material Amendment under Section 73 of the Town and Country Planning Act 1990. Variations are being sought in relation to the layout of the HGV parking area, coffee shop site and Petrol Filling Station (PFS) forecourt and its kiosk.

- 1.4 The HGV parking area is proposed to be increased from 22 to 32 spaces. This has been facilitated as a result of reductions to the parking areas of the coffee shop and the petrol filling station. As a result, there is reduction in hardstanding of 23% overall, leading to increased landscape provision around the HGV parking area and the ability to provide an amenity block comprising showers and WC's for the HGV parking.
- 1.5 The petrol filling station now proposes increased electric vehicle charging from 4 to 8 spaces. There are alterations to the design of the proposed PFS kiosk, and the provision of jet wash bays. The overall location of uses are in similar positions as those previously approved. The design of the coffee shop remains unchanged.
- 1.6 The reason for the changes are based on the original developer BP no longer being the developer of the site. The proposal would be implemented by Motor Fuel Group who would manage the site and HGV park. BP would provide the fuel. As a result, the PFS kiosk appears to have changed occupiers and now the plans show Budgens (a Grocery store) and Greggs operating from the PFS kiosk (both are within Use Class E formerly A1).

#### The Proposed Amendments

- 1.7 Overall, this results in the following proposed changes to the approved scheme:
  - Reconfigured HGV parking area, with dedicated one-way system, ancillary shower block and increased provision from 22 spaces to 32 spaces;
  - Reduced car parking provision across the site from 128 spaces to 120 spaces, and resultant rationalisation of the layout for the proposed petrol filling station and coffee shop;
  - Updated format for the proposed petrol filling station retail kiosk, with an increased gross internal floor area of 438 m<sup>2</sup> (as opposed to 310 m<sup>2</sup>). This equates to a slight increase in the overall amount of floorspace across the scheme from 849 m<sup>2</sup> to 977 m<sup>2</sup>; and
  - Increased soft landscaping buffer areas to the north and western site boundaries as a result of the reconfigured layout, equating to a reduction in the area of hardstanding from approximately 23,077 m<sup>2</sup> to approximately 17,623 m<sup>2</sup> (i.e. a 23.6% reduction);
  - Increased electric vehicle charging from 4 to 8 spaces.
- 1.8 No changes are proposed to either the approved site access arrangements off the public highway, or the proposed layout for the drive through restaurant.

- 2.0 Relevant planning and enforcement history
- 2.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Screening Opinion Decision: An Environmental Impact Assessment is not required. 16 July 2021.
- 2.2 20/01136/FUL - Construction of petrol filling station (Sui Generis) with associated retail kiosk (Use Class E), drive-thru restaurant (Use Class E/Sui Generis) and drive-thru coffee shop (Use Class E) with associated parking, service arrangements, landscaping and access. Granted 02.02.2020.
- 2.3 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Screening Opinion Decision: An Environmental Impact Assessment is not required. 28 September 2020.
- 2.4 MHCLG Case Reference: PCU/EIASC/R/G2713/3261504 Thirsk Friends of the Earth and CPRE North Yorkshire screening direction request dated 08/10/2020 on the matter of whether or not the development proposed is 'EIA development' 14/10/2020. The Decision by the Secretary of State 23/11/2020 is set out below:

Accordingly, in exercise of the powers conferred on him by regulation 5(3) of the 2017 Regulations the Secretary of State hereby directs that the proposed development is not 'EIA development' within the meaning of the 2017 Regulations. Permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015 (SI 596) as amended are therefore unaffected.

- 2.5 Hambleton Local Plan Alternative Sites Consultation April 2017.
- ALT/T/139/018 - Proposed Use: Housing – Not a preferred site.
  - ALT/T/139/019/E - Proposed Use: Employment – Not a preferred site.

3.0 Relevant planning policies

- 3.1 The relevant policies are:
- Core Strategy CP1-Sustainable Development
  - Core Strategy CP2-Access
  - Core Strategy CP3-Community Assets
  - Core Strategy CP12-Priorities for Employment
  - Core Strategy CP13-Market Towns Regeneration
  - Core Strategy CP14-Retail and Town Centre Development
  - Core Strategy CP16-Protecting and enhancing natural and man-made assets
  - Core Strategy CP17-Promoting High Quality Design
  - Core Strategy CP18-Prudent Use of Natural Resources
  - Core Strategy 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 DP6 -Utilities and Infrastructure  
Development Policies DP8 -Development Limits  
Development Policies DP9 -Development outside Development Limits  
Development Policies DP10 – Form and Character of Settlements  
Development Policies DP16-Specific Measure to assist the economy and employment  
Development Policies DP19-Specific Measures to assist Market Town Regeneration  
Development Policies DP23-Major out of Centre Shopping Proposals  
Development Policies DP28-Conservation  
Development Policies DP29-Archaeology  
Development Policies DP30-Protecting the Character and Appearance of the Countryside  
Development Policies DP32-General Design  
Development Policies DP33-Landscaping  
Development Policies DP34-Sustainable Energy  
Development Policies DP36-Waste  
Development Policies DP42-Hazardous and Environmentally Sensitive Operations  
Development Policies DP43-Flooding and Floodplain Development  
Policies DP44-Very Noisy Activities

#### 4.0 Consultations

4.1 Town Council – Thirsk Town Council recommend approval.

4.2 Parish Council – Sowerby Parish Council wish to see this application approved.

4.3 NYCC Highways Authority– The Local Highway Authority does not raise any objection to the proposal, but recommends that the previous conditions, associated with Planning No 20/01136/FUL, are attached to any permission granted. They comment that in terms of highway capacity, there are no proposed changes that would make any significant material difference to the levels of trip generation associated with the three commercial uses.

4.4 Highways England – No objections.

4.5 RAF MOD - In summary, subject to the following conditional requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application:

- Wish to see a bird management plan in place to prevent nesting of birds with safe roof access to all areas.
- A SUDs maintenance plan to ensure that water continues to drain away effectively, not leaving any areas of standing open water.

- A suitable policy for good housekeeping is put in place to ensure no food waste is available for scavenging birds.
  - Assurances that dense canopy forming trees such as Oak and Scots Pine (both included on the planting strategy) should be kept to a minimum.
- 4.6 Natural England - Natural England has no comment to make on the variation of condition 2.
- 4.7 Yorkshire Wildlife Trust – No comments received.
- 4.8 NYCC Lead Local Flood Authority – The LLFA have no objections, and have recommended a condition based on greenfield rates.
- 4.9 Yorkshire Water - Comments and recommended conditions from previous letter dated 13th August 2020 still apply.
- 4.10 Environment Agency – No comments received (previously no objection and recommended conditions were incorporated).
- 4.11 Environmental Health -
- Recommends acoustic screening to the southern boundary of the development site to the HGV parking bays and along the boundary with proposed MacDonald's.
  - Would like to see noise management scheme for the management of the HGV overnight park.
  - Would recommend that further information needs to be provided detailing the proposed lighting provision and potential impact on nearby residents.
  - If the resubmitted plans have increased the retail capacity for the cooking and reheating of hot foods; details of ventilation and fume extraction should be provided.
- 4.12 Contaminated Land - Have assessed the documents and have no further comments/observations at this point.
- 4.13 NYCC Heritage - The original consent carries an archaeological planning condition (no. 3) requiring the design, execution and completion of a scheme of archaeological works. Seek to ensure that this condition will be carried forward and have no comments to make on the amendments themselves.
- 4.14 CPRE - No objection to the variation and support the overall reduction of hardstanding (by 23.6%) and increased opportunities for soft landscaping to the northern and western boundaries.
- 4.15 Advertisement - The application was advertised by press, site notice and neighbour notification which have all expired.

4.16 Public comments - 2 objections have been received. The comments are summarised as follows:

- There are already plenty of places for getting petrol and diesel in this area.
- There are already places for eating out and getting coffee in Thirsk
- We should not be encouraging people to drive out of town for these facilities
- The food provided is unhealthy options which should be discouraged in a society
- The proposal is not better for the health of our community and the environment No-one has the right to make money and profit from something that is not in our collective best interests.
- The entry of the slip road onto York Road from the A19 south bound will not be safe for multiple lorries turning right towards the proposed services.

## 5.0 Analysis

5.1 The main issues to consider are the implications of the proposed amendments and how they compare to the previously approved scheme. The main issues to be considered in this instance are set out below:

- Principle
- Highway Matters
- Landscape and Ecology
- Heritage Assets
- Design and Visual Impact
- Flood risk and Drainage
- Environmental Protection
- Residential Amenity and Public Health
- Crime

### Principle

5.2 This application seeks to amend the existing permission by way of a Minor Material Amendment under Section 73 of the Town and Country Planning Act 1990. Under the terms of a Section 73 application, recognising that the development has been granted, it is only the impact of the proposed changes that are appropriate to be considered. There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

5.3 The amendments proposed by MFG are intended primarily to optimise the layout of the proposed HGV parking area and reconfigure the petrol

filling station and its kiosk. This reflects the evolving operational requirements of the petrol filling station and in particular, a reduced commercial requirement for car parking associated with this use. This in turn frees up space in the northern portion of the site to accommodate a dedicated one-way system for HGVs, meaning the parking area for these vehicles in the western portion of the site can be enlarged and enhanced (including through the addition of a small ancillary shower block). There are changes to the operators of the proposed scheme, which has facilitated a change to the Petrol Filling Station arrangements.

- 5.4 The approved application was considered to help contribute to the operation of an effective and efficient strategic road network and reduce pressure on Thirsk Industrial Park due to the provision of the HGV parking, satisfying Policy DP19.
- 5.5 The approved scheme was also considered to satisfy the requirements of Local Plan Policies CP14 and DP23 in relation to out of centre retail development, including relation to need, locational requirements and its impact upon Thirsk Town Centre. The proposed format for the proposed petrol filling station retail kiosk, has an increased gross internal floor area of 438 m<sup>2</sup> (as opposed to 310 m<sup>2</sup>).
- 5.6 In the context of the approved scheme, the floorspace increase is not considered to be significant, because on its own it is still less than the 500sqm excluded by Policy DP21 outside of town centres. The development as a whole previously did exceed this figure, however the as a whole was considered to satisfy policies CP14 and DP23. In January 2021 it was agreed that there are no suitable and available sites within Thirsk Town Centre to accommodate the application proposals. The applicants advise that no new sites are understood to have become available in the intervening period. In addition the provision of jobs created for the amended retail unit is anticipated to remain at similar levels.
- 5.7 In conclusion the permitted application identified that the social and appropriately weighted economic benefits of the proposal represented material considerations which exceptionally would accord with Policy CP4 criterion vi) and Policy DP9 for development outside settlement limits, and that the development would bring and support further inward investment. The principle of development in this location was supported. In the context of the approved scheme the amendments are minor and can be supported. The minimal floorspace increase and overall nature of the proposed facilities, which are both within Use Class E, remains unchanged. The impact upon the vitality and viability of Thirsk Town Centre compared to the fallback position of the approved scheme is not significant. The provision of enhanced HGV parking, clarity over the management of the site and amenity provision is welcomed. This proposal therefore satisfies Policies CP14, DP19 and DP23.

## Highway Matters

- 5.8 The proposed means of access to the development off York Road remains unchanged as a result of the application proposals. As such, the Road Safety Audit considerations identified and resolved through the original application are considered to remain acceptable. In addition, no change is proposed to the off-site highway works secured through the original planning permission. In terms of highway capacity, the Local Highway Authority have confirmed that there are no proposed changes that would make any significant material difference to the levels of trip generation associated with the three commercial uses.
- 5.9 In terms of more detailed design matters, the internal road layout has been auto tracked, which confirms the new dedicated HGV route around the site will operate safely. The level of parking provision proposed also remains appropriate, albeit reduced, and this is based on other operational sites. The Local Highway Authority has discussed the level of parking, pedestrian and disabled accessibility and amended plans have been accepted which satisfactorily address initial concerns about these matters, and accordingly the conditions proposed in the original application are attached.
- 5.10 Therefore, the main impacts arising from traffic outside of the site by this amendment are minor and can be satisfactorily dealt with by the conditions imposed on the original consent. On this basis, the proposal continues to accord with Local Plan Policies CP2, DP3 and DP4, as well as the NPPF.

## Landscape and Ecology

- 5.11 From a landscape and visual perspective, the design of the proposed scheme is broadly similar to the approved scheme albeit there is larger areas of proposed planting and grasslands along the northern and much of the western boundary resulting from a reduction in hard standing across the site. In terms of landscape and visual effects and effects on local setting, these changes would be barely perceptible in the context of the approved development.
- 5.12 The proposed development reduces hard standing areas by over 23%, particularly to the north of the building and associated areas, resulting in more space for native tree, hedgerow and shrub planting. The additional space around the north west boundary has created better opportunities for integrating gently graded earthworks around the parking areas.
- 5.13 The application site is situated within 240m of Sowerby Flatts Site of Importance for Nature Conservation, but no direct impacts were identified during the course of the previous application and Natural England did not object to the proposal. In addition, the Committee Report confirms that the mitigation proposed as part of the approved



scheme, including woodland planting with new native hedgerows and trees, would provide higher value habitats to offset the loss of hedgerows as a result of the development. The proposal would still represent an improvement in terms of biodiversity net gain.

- 5.14 The subsequent development condition has been amended to ensure the biodiversity enhancement measures (also secured by condition) are incorporated into the landscape scheme details. Similarly, other conditions which relate to the environment such as lighting and a construction environmental management plan are still imposed.
- 5.15 Therefore, the impact upon the landscape and ecology of the area is improved as a result of the proposal due to the increased buffer around the HGV site. Overall, therefore, the modification proposals represent an improvement relative to the approved scheme, and the form and character of the settlement setting of and the requirements of Policies CP16 and DP10 DP30 and DP31 are therefore satisfied.

#### Heritage Assets

- 5.16 The site is in close proximity to locally and nationally designated heritage assets. The boundary of the Thirsk and Sowerby Conservation Area is less than 200m at its nearest point) to the west. This includes the open space around Cod Beck and the Manor Farm complex of Listed Buildings on the east side of Sowerby village. Grade II listed Blakey Bridge around 400m to the south. The site is around 450m north of the northernmost part of the Scheduled Monument "Pudding Pie Hill", an ancient burial mound.
- 5.17 The Planning and Listed Buildings and Conservation Areas) Act 1990 is relevant. It requires the local planning authority to have special regard to the desirability of preserving Heritage assets, its setting or any features of special architectural or historic interest which it possesses. Section 72 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 5.18 Paragraph 199 of the NPPF states 199 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.
- 5.19 Paragraph 200 of the NPPF states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.20 Paragraph 202 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.21 The impact of the approved scheme upon these assets, concluded that the scheme would result in less than substantial harm, due to a combination of factors including the separation distance between the site and the heritage assets.
- 5.22 The proposals do not incorporate any substantial revisions to the built design or layout of the development as a whole. In addition, one of the key mitigation features identified, the landscape buffer, would increase in scale as a result of the changes. The minor redesign of the Petrol Filling Station, are not considered to be on an significant or unacceptable scale, and as before given the locational context, near to the existing industrial area to the south east of the main urban area of Thirsk the heritage implications are not significantly changed from the approved details. Whilst this enhanced mitigation is considered to reduce the level of harm to the heritage assets, it does not affect the overall conclusion that the scheme would give rise to 'less than substantial' harm.
- 5.23 In relation to the requirements of the NPPF, public benefits can be those which relate to sustainable development and includes the social, environmental and economic objectives referenced. The proposal would provide predominantly social and economic benefits, this includes increased options for residents of Thirsk, lorry parking which would support wider businesses, and amenity, roadside facilities which would support road users, and improved accessibility to facilities for nearby residents. In addition, the economic benefits are not insignificant with anticipated construction jobs, full time operational jobs, spin off jobs and increased business rates. These public benefits are considered to outweigh the less than substantial harm.
- 5.24 There are no further archaeology requirements as a result of the proposed development. The County Archaeologist has recommended a condition for mitigation as the survey revealed aspects which would not be of such significance.
- 5.25 There is less than substantial harm to the setting of the conservation area (and the heritage assets within it), and in turn the setting of the town. However, in accordance with the NPPF there are public benefits which outweigh the less than substantial harm. The proposals would not cause harm to any specific feature, fabric or other aspects of the heritage assets and fulfils the requirements of Policies C16, DP28 and DP29 and in this respect can be considered to fundamentally preserve

the character and appearance of heritage assets. The proposed development has a benefit over the approved application in this respect.

#### Design and Visual Impact

- 5.26 Due to the inclusion of a new segregated HGV route through the site, the overall layout of the proposed coffee shop and petrol filling station facilities can in turn be rationalised and compressed slightly further toward the site's main frontage onto York Road. The approved site access arrangements remain unchanged. This opens up further space along the site's more sensitive northern and western boundaries, facing the Cod Beck area, to increase the scale and depth of the landscape buffers provided.
- 5.27 The coffee shop and restaurant elevations are not changed. The proposed petrol station kiosk has changed, but overall, the forecourt arrangement is similar to those previously approved. These alterations would be seen in the context of an already well-lit road junction, the A19, residential area, industrial estate and other lighting in the nearby built-up area of Thirsk, and do not result in a significantly different appearance in character to the approval.
- 5.28 Newer additions to the scheme include jet wash bays, shower block and increased electric vehicle parking stand. These are single storey structures which can be accommodated easily within the confines of the site.
- 5.29 All materials are subsequently reserved for consideration by condition 26. On this basis, it is considered that the material minor amendment proposals do not depart significantly from those approved, and the scheme as a whole again accords with the requirements of Local Plan Policies CP18, DP34 and DP36.

#### Flood Risk and Drainage

- 5.30 The overall drainage strategy remains unchanged as part of the proposals. In particular, the proposal continues to include sustainable drainage and interceptors, to ensure fuel leakages from vehicles are contained and managed to ensure there are no significant impacts upon land or water.
- 5.31 The approved scheme incorporated a proposed drainage strategy, with a more detailed layout and specification secured by planning condition. The Lead Local Flood Authority are content to condition the approved scheme with a greenfield rates.
- 5.32 All the previous conditions attached to the approved application have been attached to this application, as suggested by Yorkshire Water. Conditions required by the Environment Agency are still imposed. The

site has a smaller area of hardstanding and therefore the proposal is still considered to satisfy the requirements of Local Plan Policies CP21, and DP43.

#### Environmental Protection

- 5.33 There are policies which relate to ensuring that communities are healthy and safe from proposed developments. Policies CP21, DP42 and DP44 relate to activities that could be detrimental to health and noisy activities.
- 5.34 Cod Beck is a river around 200m to the west of the site. The main potential issue around contamination is in relation to fuel leakage or any other polluting contaminant spills and enters this or other nearby watercourses, water meadows either directly or through ground.
- 5.35 The operational requirements of the development remain unchanged as a result of the material minor amendment proposals. The preliminary ground investigation carried out as part of the original application provided confirmation that any mitigation or management of potential ground pollution is likely to be standard and not unusually complex. Petrol filling stations are also subject to licensing requirements out with the planning process. The Environment Agency conditions are imposed. As with the original scheme, the proposal as amended and with the conditions previously imposed in these respects meets the requirements of Policies CP21, DP42 and DP44.

#### Residential Amenity and Public Health

- 5.36 Policies CP1 and DP1 require development proposals to adequately protect amenity. As set out within the original Committee Report, the area surrounding the subject site has high background noise levels due to traffic from York Road, the A19 and the associated roundabout. Neither the approved scheme nor the minor material amendment proposals would therefore have an undue harmful impact in terms of noise.
- 5.37 The approved application contained a management operating plan condition. This sought prior to the construction of buildings or layout of the lorry park that a noise assessment for that part of the development would be submitted and if indicated that elements which could affected amenity were identified then mitigation would need to be provided.
- 5.38 The management plan condition also required details of the hours of operation for the unit, including deliveries, outside cleaning, waste management plans setting out how and when waste associated with each unit and lorry park would be dealt with as well as the inclusion of policies for good housekeeping in relation to scavenging birds. A parking management plan for lorry park including the details on the

allocation and management of the on-site HGV parking spaces is also required.

- 5.39 Where there is potential for a decision to affect a person/s with a protected characteristic, due regard must be had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Gypsy and Traveller site at Bankside Close is a nearby residential area and it shares a boundary with the site, but it is well separated and screened from that boundary by an access road. In considering the Public Sector Equality Duty, the development due to the provision of new facilities would enhance access to the Gypsy and Traveller site for shops and facilities, whilst conditions imposed to mitigate impacts on the original application were attached and remain.
- 5.40 A condition was attached to require further noise assessment of how the businesses operate and details of any extraction or ventilation systems. The conditions already imposed seek to ensure that if these conditioned assessments identify elements where there would be an impact that mitigation measures are proposed. These for example include barriers adjacent to Bankside Close. Lighting details for each unit and across the site have also been included. The original conditions have been amended to up. Importantly the development adjacent to Bankside Close has not been amended.
- 5.41 The received representations raise concerns about health and fast food culture and links to obesity. It was previously considered that behavioural or consumer choices regarding the nature (and healthiness) of food purchased from such uses are not the subject of any relevant planning policies, and there are no schools immediately nearby. There is a wide offering of food available across the businesses.
- 5.42 In terms of air quality, the major source of air pollution within the vicinity is from the A19, but the site is not situated in close proximity to any Air Quality Management Area. In addition, as part of the consideration of the approved scheme, the Council's Environmental Health consultees did not identify any issues with air quality as a result of the proposals. The traffic impacts of the proposal are not significantly different in terms of trip generation; therefore, this element is also not unacceptable.
- 5.43 On this basis, and subject to the same planning conditions imposed upon the approved scheme, it is considered that the proposals would comply with Policies CP1 and DP1.

#### Other Matters

- 5.44 Whilst the emerging Local Plan is at a relatively advanced stage in its preparation, the emerging policies cannot be given full weight. Whilst there may be conflict with emerging policies in terms of the principle of development, the proposal currently has a fallback position in that the

original approval can be implemented. There are benefits with the approved scheme in terms of a reduction in hard standing and increased HGV parking.

- 5.45 The applicant previously confirmed that the estimate of 76 jobs was based upon comparable sites elsewhere in the country for BP, M&S, Costa and McDonalds. These job figures were based upon the operators' usual opening times. In the case of BP and M&S, the figure of 30 (FTE) direct jobs created is therefore based upon 24-hour opening and three shifts of 10 workers each. McDonald's 35 jobs is based upon approximate opening hours of 6 AM until midnight, and using more up-to-date figures is actually now likely to rise to around 45 jobs. The 11 jobs generated by Costa are based upon their standard opening hours of 5 AM until 11 PM.
- 5.46 The hours of opening are still to be determined as specified in the requirements of Condition 17 and therefore the exact number of jobs will depend on the opening hours. Although BP and M&S are to be replaced by different operators, they are of a similar character in terms of the Use Class and therefore will provide similar types of jobs. MFG have clarified that based on 24 hr use PFS and retail unit would similarly provide 30 FTE jobs. The material minor amendment proposals do not depart significantly from those approved.
- 5.47 The economic benefits include a £7million investment which would create construction employment. The economic output in terms of Gross Value Added ("GVA") was also estimated at £20.1 million during the construction phase. These impacts are short term, but of value to the local economy. The applicants previously identified that the economic activity creates £2.3million GVA per annum and presents an uplift of approximately £21,000 pa in business rates.

#### Planning Balance

- 5.48 The Economic Objective - The economic benefits are, in accordance with the NPPF, afforded appropriate weight. There would be substantive temporary construction employment generated both on and off-site. The operation of the development would generate full-time jobs and be likely to generate spin off employment jobs, and additional business rates would also accrue. The HGV park would support local business within the area. The facilities would also support the operation of an effective and efficient strategic road network, which is identified as making a contribution to economic growth.
- 5.49 The Social Objective – The proposed development has positive benefit, again afforded limited weight. Whilst tempered by the marginal impact on the setting of the town and conservation area, it would provide accessible facilities for residents, reduce the need to travel further afield and support social cohesion. In addition, it would provide facilities for

road users, and provision for HGV drivers reducing conflict parking off site.

5.50 The Environmental Objective - The proposal would result in the loss of agricultural land and involve development on a greenfield site and change to landscape character. However, the development as amended is still considered to be visually acceptable in this location within the context of the nearby strategic road network and industrial estate, with improvements being created in terms of increased landscape buffers to the north and west of the site. There is less than substantial harm to heritage assets, but the public benefits are still such that even when applying great weight and having special regard to their conservation the amended proposals is similarly acceptable. The impacts are appropriately mitigated by control regimes, structure planting, and the provision of increased green infrastructure on the site.

5.51 The comments from the consultees indicate that, on the whole, the proposal represents sustainable development. This is in terms of highways issues, residential amenity, ecology, heritage assets, contaminated land and drainage. The attached conditions can mitigate the impacts of the amendments and are reasonable and directly relate to the proposed development. As such the proposal fulfils the overarching requirements of Policies CP1 and CP2.

5.52 The scale and nature of the proposed development is not substantially different from the one which has been approved. The proposal would still support the Council's objectives through promoting Hambleton as a recognised location for business by providing a range of employment opportunities and meeting the needs of new and expanding businesses.

## 6.0 Recommendation

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

### Time Limit

1. The development hereby permitted shall be begun within five years of the date of this permission.

### Approved Drawing List

2. The permission hereby granted shall not be undertaken other than in accordance with the drawing(s) and/or details received by Hambleton District Council listed below unless otherwise modified by this condition or other conditions of this permission and agreed in writing by the Local Planning Authority:

Notwithstanding the McDonalds Totem, which are specifically excluded from the permission, development shall otherwise be implemented in accordance with the details on Dwg No. MFG-428-PO2-1 Rev I Proposed Overall Site Plan

Notwithstanding the McDonalds Totem, which are specifically excluded from the permission, development shall otherwise be implemented in accordance with the details on Dwg No. MFG-428-PO2-4E Rev E Proposed Restaurant Site Plan  
 Dwg No. 7280\_AEW\_8716\_0005 Rev C Proposed Building Elevations McDonalds  
 Dwg No. 7280\_AEW\_8716\_0006 Rev A Proposed Floor and Roof Plan McDonalds  
 Dwg No. 1800(SIDE)-01E Costa  
 Dwg No. 1800(SIDE)-02E Costa  
 Dwg No. 1800 (SIDE) -03C Costa Roof Plan  
 Dwg No. WPS-MFG-428-P05 Shower Block  
 Dwg No. WPS-MFG-428-P04-1 Petrol Filling Station  
 Dwg No. WPS-MFG-428-P03 Petrol Station Floor Plan  
 Dwg No. MFG-428-PO2-2 Rev E Proposed HGV  
 Dwg No. MFG-428-PO2-3F Rev F Proposed PFS Site Plan  
 Dwg No. WPS-MFG-428-P06 Jet Wash  
 Dwg No. WPS-MFG-428-P08 Canopy  
 Dwg No. WPS-MFG-P09 Louvred Fence  
 Dwg No. WPS-MFG-P10- Sub Station  
 Dwg No. WPS-MFG-STD-EV-8 EV Canopy

#### Archaeology WSI

3. A) No development or demolition shall commence until a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - i. The programme and methodology of site investigation and recording.
  - ii. Community involvement and/or outreach proposals.
  - iii. The programme for post investigation assessment.
  - iv. Provision to be made for analysis of the site investigation and recording.
  - v. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
  - vi. Provision to be made for archive deposition of the analysis and records of the site investigation.
  - vii. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

#### Construction Management Plan

4. No demolition or development for any unit forming part of the scheme shall commence until a Construction Management Plan for that unit has



been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- i. Details of any temporary construction access to the site including measures for removal following completion of construction works.
- ii. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
- iii. The parking of contractors' site operatives and visitor's vehicles.
- iv. Areas for storage of plant and materials used in constructing the development clear of the highway.
- v. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas.
- vi. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes.
- vii. Protection of carriageway and footway users at all times during demolition and construction.
- viii. Protection of contractors working adjacent to the highway.
- ix. Details of site working hours.
- x. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate.
- xi. 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.
- xii. Measures to control and monitor construction noise.
- xiii. Measures to control surface water during construction.
- xiv. Details and timing of any piling operations.
- xv. An undertaking that there must be no burning of materials on site at any time during construction.
- xvi. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works.
- xvii. Details of external lighting equipment.
- xviii. Details of ditches to be piped during the construction phases.
- xix. A detailed method statement and programme for the building works.
- xx. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

- Construction Ecological Management Plan
5. No development shall commence, other than the temporary access approved under condition 4 until a construction ecological management plan has been submitted for the written approval of the local planning authority. The CEMP must include a protocol for the protection of nesting birds during site clearance, preparation and construction,

including avoidance of hedgerow removal during the main birds nesting season (i.e. not March to August inclusively), a detailed Great Crested Newt mitigation and avoidance method statement, a working method statement for the demolition of the existing building on site. It shall also include details relating to overnight excavations and timings of a checking survey for badgers 2 months prior to the start of development. Once approved development shall be undertaken in accordance with approved CEMP and must be available onsite for consultation by site operatives throughout the course of construction works.

#### Tree Protection

6. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.

#### Underground Tanks

7. Prior to the commencement of the development, a scheme to install the underground tanks as shown on Drawing no, Proposed P.F.S Layout, 153707-25, Rev. D and any other required underground tanks shall be submitted to and approved in writing by the local planning authority. The scheme shall include the full structural details of the installation, including details of excavation, the tanks, tank surround, associated pipework and monitoring system. The development shall be implemented in accordance with the approved details and subsequently maintained, in accordance with the scheme, or any changes subsequently agreed, in writing, by the Local Planning Authority.

#### Oil Interceptors

8. Prior to the commencement of the development, the details of the oil interceptors shall be submitted for the written approval of the Local Planning Authority. This shall show that Surface water draining from areas of hardstanding shall be passed through an oil interceptor or series of oil interceptors, prior to being discharged into any watercourse, soakaway or surface water sewer. The interceptor(s) shall be designed and constructed to have a capacity compatible with the area being drained, including the containment of accidental spillage within the HGV parking area, and shall be installed prior to the occupation and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the interceptor(s). Vehicle wash downs and detergents shall not be passed through the interceptor.

#### Highway Engineering Drawings

9. Prior to the commencement of the development, 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 shown on Dwg

No. CA193/SK013 and CA4193 SK020 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 structure which affects or forms part of the scheme have been submitted and approved in writing by the Local Planning Authority.

The following schemes of off-site highway mitigation measures must be completed in accordance with the approved engineering details and programme as indicated below:

- i. Works in accordance with indicative General Arrangement drawing number CA193/SK013 for roundabout arm widening and enhance crossing improvement works off the A168/A170, to be carried out prior to occupation/opening.
- ii. 3 m widening of the hardstanding along the site frontage to facilitate the shared footway/cycleway as detail in drawing number CA14193/SK020 and CA19/SK013, to be carried out prior to occupation/opening.
- iii. Construction of 3 uncontrolled crossing facilities, including tactile paving and dropped kerbs will be incorporated along the route of the A170 (York Road), broadly in line with Drawing Number CA4193/SK020, to be installed prior to occupation/opening .
- iv. 2m footway to be continued into the caravan/traveller site by approximately 50m, in accordance with drawing number CA193/SK013, to be installed prior to occupation/opening.
- v. Installations of equestrian cautionary signs to be installed, taking into account that vehicles travel from the trunk road off the A168, northwest along the A19 and southeast along the A170. Note: Visibility splays must not be obstructed, along with access routes, which must be maintained. The approved equestrian cautionary signs shall be installed prior to occupation/opening.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

#### Full Highway Layout details

10. Prior to the commencement of each part of the development there must be no excavation or other groundworks, investigative works or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority.
  - i. Vehicular, cycle, and pedestrian accesses associated with the relevant unit/s and the lorry park.
  - ii. Vehicular parking associated with the relevant unit/s and the lorry park.

- iii. Cycle parking provision for the relevant unit/s.
- iv. Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear associated with the relevant unit/s and the lorry park.
- v. Loading and unloading arrangements associated with the relevant unit/s.

The vehicle access, parking, manoeuvring, turning areas and cycle parking shall be constructed in accordance with the details approved in writing by the Local Planning Authority prior to each part of the development being brought into use. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

#### Surface Water Scheme

11. Prior to the commencement of the development, no development shall 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 a maximum greenfield flowrate of 14.0 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects 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 pollution control measure and details of the maintenance and management regime. 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, managed and maintained throughout the lifetime of the development.

#### Public Water supply protection

12. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are 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 .

#### Foul Drainage

13. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary

infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6 (six) litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works. Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

#### Biodiversity Enhancement Scheme

14. A Biodiversity Enhancement and Management Plan shall be submitted for the written approval of the Local Planning Authority. The plan shall include the timescale for implementation prior to the completion and occupation of the development. Once approved development shall be implemented in strict accordance with the approved details.

#### Landscape Scheme and Management Plan

15. Notwithstanding the details on the planting strategy on Dwg No. N910-ONE-ZZ-XX-DR-L-0201, the development shall not be occupied until a detailed landscaping scheme and management plan has been submitted for the written approval of the Local Planning Authority. The scheme shall indicate any earthworks required the type, height, species and location of all new trees and shrubs and a management plan outlining the timing of planting, timing of planting in relation to completion of the units and the responsibility and maintenance of the landscape areas has been submitted to and approved in writing by the Local Planning Authority. The amended scheme shall:
- i. The scheme shall incorporate the biodiversity enhancements required by Condition 14 of this permission.
  - ii. Oak and Scots Pine (both included on the planting strategy) should be kept to a minimum (<40%) wherever possible and that they should be spaced well apart with the aim of preventing a new corvid or Wood Pigeon roost from forming.

Once approved the development shall be implemented in accordance with the approved landscape scheme and management details unless otherwise approved in writing by the Local Planning Authority. 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 by the developer with others of similar size and species.

#### Extraction and Ventilation

16. Prior to construction of the external walls of the units hereby approved an extract ventilation scheme shall be submitted for the written approval of the local planning authority. The scheme shall give details of noise and odour as follows:
- i. Details of ventilation and fume extraction, including a full technical specification by a suitably qualified technical person.

- ii. The scheme should specify the position of ventilation, fume or flue outlet points.
- iii. The type of filtration or fume treatment to be installed including details of the emissions,
- iv. methods of treatment to remove odour, particles or droplets and associated noise levels.

If the assessment indicates that noise or odour from the development is likely to affect neighbouring residential properties then a detailed scheme of mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise or odour from the extract and ventilation systems. The approved scheme shall be implemented prior to the commencement of the use and be permanently maintained thereafter.

#### Management Operating Plan

17. Prior to the construction of the external walls of any building or the laying out of the lorry park a management operating plan relating to that part(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include for the relevant phase of development:

A) The provision of litter bins and litter management plans.

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

- i. Hours of operation for the unit, including delivery arrangements,
- ii. A waste management plan setting out how and when waste associated with the unit(s) and/or lorry park will be stored, collected and timings relating to the collection and emptying of refuse and recyclables including a suitable policy for good housekeeping is put in place to ensure no food waste is available for scavenging birds.
- iii. Outside maintenance and cleaning activities,
- iv. A parking management plan for the unit(s) and/or lorry park including the details on the allocation and management of the on-site HGV parking spaces, including where relevant within the lorry park and spaces at the petrol filling station unit or any other location including consideration of localised noise sources during the night and if operational refrigeration units are to be permitted overnight, the impact from low frequency noise on local residents.

If the assessment indicates that the hours of use and operational requirements are likely to affect neighbouring residential amenity then a detailed scheme of mitigation measures for that unit(s) and/or lorry park shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit(s) and/or lorry park to which the mitigation measures apply. The approved details shall be implemented prior to the commencement of the use and be permanently maintained thereafter, unless following a review of the operations at the

site at the request of the Local Planning Authority, and the review and the findings are agreed by the site operator, alternative details are approved.

#### Secured by Design

18. Prior to occupation of each unit forming details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be implemented in accordance with the approved plans.

#### Travel Plan

19. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include:

- i. Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery.
- ii. A programme for the delivery of any proposed physical works.
- iii. Effective measures for the on-going monitoring and review of the travel plan.
- iv. A commitment to delivering the travel plan objectives for a period of at least five years from first occupation of the development.
- v. Effective mechanisms to achieve the objectives of the travel plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

#### Visibility Splays

20. There must be no access or egress by any vehicles between the highway and the application site until splays are provided, which shall have been submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development, giving clear visibility measured along both channel lines of the major road from a point measured 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. An explanation of the Highway terms used are available from the Local Highway Authority.

#### Pedestrian Visibility Splays

21. There must be no access or egress by any vehicles between the highway and the application site until pedestrian 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 pedestrian visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

#### Electric Vehicle Charging Points

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

#### Use Class Restriction

23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the premises shall only be used for the purposes specified in the application and for no other purpose (including any other purpose in Class (E) on the Schedule to the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order).

#### Loading Areas for intended use

24. The areas allocated for vehicle parking, loading and unloading, circulation and manoeuvring on the approved plans shall only be used for the said purpose and not for any other purposes.

#### Unexpected Land Contamination

25. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

#### Materials

26. Prior to the commencement of the development (excepting demolition works) precise details of the external materials to be used in connection with the development hereby permitted shall be submitted to, approved in writing by and implemented in accordance with the requirements of the Local Planning Authority and retained as such in perpetuity. The details shall include samples of the type and shade of cladding, window



frames and sample panels and brick types and a roofing material sample combined with a schedule of the exact product references.

#### Lighting Scheme

27. Details of the lighting scheme for each unit and across the site shall be submitted for the written approval of the Local Planning Authority. Details will include how the lighting scheme has been designed to take into account the ecology of the site and neighbouring residential amenity specifying hours of illumination. Once approved the development shall be implemented in accordance with the approved details and retained for the life of the development.

#### Sustainability Measure

28. A scheme detailing the sustainability measures identified in the Design and Access Statement shall be submitted for the written approval of the local Planning Authority. Once approved the development shall be implemented in accordance with the approved details and retained for the life of the development.

#### Bird Hazard Management Plan

29. The details and design of the surface water attenuation shall be submitted with a Bird Hazard Management Plan (BHMP) which prevents any open water or basin becoming a habitat for hazardous birds. This includes a SUDs maintenance plan to ensure that water continues to drain away effectively, not leaving any areas of standing open water. This shall be submitted for the written approval of the Local Planning Authority. Once approved the development shall be implemented in accordance with the approved details for the lifetime of the development.

#### Flat roof and litter BHMP

30. Prior to the construction of each unit, a Bird Hazard Management Plan (BHMP) in relation to flat roof and litter management shall be submitted for the written approval of the Local Planning Authority. The plan shall include a results-based bird management plan in place to prevent nesting of large gulls on the roof spaces, along with safe roof access to all areas. Details of litter bins shall be provided. Once approved the development shall be implemented in accordance with the approved details for the lifetime of the development.

#### Employment Strategy

31. Prior to the occupation of each unit an employment strategy and scheme and method statement for the provision of targeted local employment recruitment and training opportunities arising as a result of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a scheme could include but may not necessarily be restricted to the following;
- i. Job Opportunities, including number of full time equivalent jobs created and job title;

- ii. Recruitment through Jobcentre Plus and other local employment vehicles;
- iii. Apprenticeship;
- iv. Traineeship;
- v. Graduate Internship;
- vi. Work trials and interview guarantees;
- vii. Pre-employment training;
- viii. Vocational Training (NVQ);
- ix. Supervisor training;
- x. Leadership and Management Training;
- xi. Support with transport, childcare and work equipment; and
- xii. In-house training schemes.

Thereafter the approved strategy/scheme and method statement shall be implemented as approved.

The reasons for the above conditions are:

1. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
2. To ensure compliance with Section 91 of the Town and Country Planning Act 1990.
3. In the interests of protecting man-made assets in accordance with LDF Policies CP16 and DP29.
4. In the interest of sustainable development and residential amenity in accordance with LDF Policies CP1 and DP1.
5. In the interests of protecting natural assets in accordance with LDF Policies CP16 and DP31.
6. In the interests of protecting natural assets in accordance with LDF Policies CP16 and DP31.
7. To reduce the risk of pollution to the water environment in accordance with LDF policies CP21 and DP42.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with LDF Policies CP21 and DP42.
9. To ensure that the design is appropriate in the interests of the safety and convenience of all road users in accordance with LDF Policies CP2 and DP3.

10. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP3.
11. To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with LDF Policies CP2 and DP3.
12. In the interest of public health and maintain the public water supply in accordance with LDF Policies CP21 and DP42.
13. To ensure that no foul water discharges take place until proper provision has been made for their disposal in accordance with LDF Policies CP21 and DP42.
14. In the interests of protecting natural assets in accordance with LDF Policies CP16 and DP31.
15. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with LDF Policies CP17 and DP33.
16. In the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
17. In the interests of residential amenity in accordance with LDF Policies CP1 and DP1.
18. In the interests of amenity in accordance with LDF Policy CP20.
19. To establish measures to encourage more sustainable non-car modes of transport in accordance with LDF Policies CP2 and DP4.
20. In the interests of highway safety in accordance with LDF Policies CP2 and DP3.
21. In the interests of highway safety in accordance with LDF Policies CP2 and DP3.
22. In the interest of sustainable development in accordance with LDF Policies CP2 and DP4.
23. This use only is permitted and other uses, either within the same Use Class, or permitted by the Town and Country Planning (GPD) Order 2015 are not acceptable to the Local Planning Authority in this location in the interests of town centre protection in accordance with LDF Policies DCP14 and DP21.

24. To ensure the provision and availability of satisfactory off-street parking and servicing/loading/unloading facilities for the development in accordance with LDF Policies CP2 and DP3.
25. In the interests of the environment and human health in accordance with LDF Policies CP21 and DP42.
26. In the interests of the environment and human health in accordance with LDF Policies CP21 and DP42.
27. In the interest of the natural environment, landscape setting and residential amenity in accordance with LDF Policies CP1, DP1 and CP16 and DP31.
28. In the interests of sustainable development in accordance with LDF Policies CP18 and DP34.
29. In the interests of sustainable development in accordance with LDF Policies CP18 and DP34.
30. In the interests of amenity in accordance with LDF Policies CP1 and DP1
31. In order to maximise the economic and employment opportunity benefits arising from the development having regards to Part 2 and 6 of the NPPF.