

Committee Administrator: Democratic Services Officer (01609 767015)

Monday, 30 May 2022

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 9 June 2022**

Time **1.30 pm**

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

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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

Other Members of the Council for information

Note: Members of the press and public are 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: 510 259 768# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Please note that there will be Member Training at 10am regarding Affordable Housing Tenures; The Planning Bill and Nutrient Neutrality

Agenda

Page No

1. Minutes

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To confirm the minutes of the meetings held on 12 and 17 May 2022 (P.29 - P.30 and P.1 – P.2), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

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

4. Matters of Urgency

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

Agenda Item 1

Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 12th May, 2022 in the Yorkshire Suite, Golden Lion Hotel, 114 High Street, Northallerton DL7 8PP

Present

Councillor J Noone (in the Chair)

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

Apologies for absence were received from Councillors P Bardon, M A Barningham, D B Elders and A Robinson

P.29 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 7 April 2022 (P.27 - P.28), previously circulated, be signed as a correct record.

P.30 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) 22/00303/FUL - Construction of a residential development comprising 14no dwellings at Land off Calvert Way, Bedale for Arncliffe Homes Ltd

Permission Granted subject to an additional condition to remove permitted development rights for extensions (including roof alterations) to houses within the development and a further condition to require an approved scheme for the boundary treatment to ensure the continued maintenance of the existing hedge along the boundary of 14 and 16 Pinewood Grove.

(The applicant's agent, Alistair Flatman, spoke in support of the application).

- (2) 21/00730/FUL - Change of use and extension of existing agricultural building and land to mixed agricultural and commercial use at Skate Beck Farm Great Busby for Mrs R Stevenson

Defer to obtain further information on potential noise impact, storage arrangements, the flood risk assessment and a sequential assessment of alternative sites in the area.

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

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

- (3) 21/01775/OUT - Application for outline planning permission with some matters reserved (considering access) for the construction of two dwellings with domestic garages for both plots (amended drainage details received 01.02.22) at Land to the south of The Acorns, West of Bell Lane, Huby for Mr & Mrs Shorrocks

Permission Refused

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

- (4) 21/03048/OUT - Outline application with access, layout and scale considered (appearance and landscaping reserved) for 4 dwellings at Helderleigh, Easingwold Road, Huby for Period Pine Doors

Defer to consider an alternative layout to mitigate impact of neighbouring stables.

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

(The applicant's agent, Judy Walkland, spoke in support of the application.)

Note: The meeting adjourned at 11.45am and reconvened at 1.30pm.

- (5) 20/02448/FUL - Erection of a detached dwelling, extension to and alteration of existing outbuilding amended plans received at Land adjacent Old Manor House, Scruton for Mr and Mrs Exelby

Permission Granted subject to a small amendment to condition 3 to include clarification regarding roof and wall materials and an additional condition limiting height of boundary fence adjacent to Public Right of Way to 1m

(The applicant, Fiona Bage, spoke in support of the application.)

- (6) 22/00321/FUL - Application for the erection of a steel framed building for use as a light industrial workshop, utilising existing access at Field House Equestrian, Field House, Ham Hall Lane, Scruton for R Wright

Defer to to consider the noise assessment in the context of other buildings; the access and provision of passing places; clarification of the business case for the development, linkage between the two businesses and how this potentially could be secured, the potential to use existing vacant buildings on the site and if retained as a new building, consideration of moving the building away from neighbours and drainage arrangements.

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

(Nikki Cooper, on behalf of the applicant, spoke in support of the application.)

(Andrew Wright spoke objecting to the application.)

- (7) 21/02972/MRC - Variation of conditions attached to Application Reference Number: 14/01130/FUL-Construction of a (Use Class D1) day care, education, training and (Use Class C2) respite facilities for adults with learning and other difficulties at Depot, Skutterskelfe, Yarm for Noble Charitable Trust

Permission Granted subject to an amendment to Condition 7 to exclude other F1 uses, other than day care, education and training and additional condition to control external lighting.

(Sue Jones, on behalf of the applicant, spoke in support of the application.)

(Spencer Tate, spoke on behalf of Parish Council, objecting to the application.)

- (8) 22/00686/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 18/00952/OUT For Outline planning application with details of access (all other matters reserved) for five detached dwellings with associated infrastructure, a car park and a Primary School sports field. (The car park and playing field referred to in the outline approval have been approved under application 19/00833/FUL) at Land to the North of South Kilvington Church Of England VC Primary School, Stockton Road, South Kilvington for Mr Andrew Swales

Permission Granted subject to an amendments to conditions 2 and 6 with regard to tree protection fencing and the requirement to implement and maintain a scheme to achieve a biodiversity net gain.

(The applicant, Andrew Swales, spoke in support of the application.)

- (9) 22/00007/TPO2 - Placing of a Tree Preservation Order 2022 No 7 on Pear trees at Land Northwest of Rose Cottage and Woodman Cottage, Thrintoft for a member of the public

The Tree Preservation Order is to be confirmed.

The meeting closed at 3.35 pm

Chairman of the Committee

Present

Councillor A Wake (in the Chair)

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

An apology for absence was received from Councillor B Phillips

P.1 Election of Chairman

The decision:

That Councillor P Bardon be elected as Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

(Councillor P Bardon in the Chair)

P.2 Appointment of Vice-Chairman

The decision:

That Councillor J Noone be appointed Vice-Chairman of the Committee for the ensuing year (until the end of the Council on 31 March 2023).

The meeting closed at 2.45 pm

Chairman of the Committee

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Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 9 June 2022. The meeting will commence at 1.30pm.

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

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

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

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

Mick Jewitt
Deputy Chief Executive

Site Visit Criteria

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

PLANNING COMMITTEE

Thursday 9th June 2022

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	20/02882/OUT Aisling O'Driscoll Aiskew Page no: 11	Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew At: Store at Old Hatchery, Blind Lane, Aiskew For: Blind Lane Land Limited RECOMMENDATION: APPROVE
2	21/03058/FUL Andrew Cotton Bedale Page no: 35	Construction of 75 dwellings and associated infrastructure At: Part OS Field 3541, Bedale, North Yorkshire For: Yorvik Homes Ltd RECOMMENDATION: APPROVE
3	21/02867/FUL Janeske Delport Northallerton Page no: 53	Application for change of use of car park spaces and land located next to building to site 2 front opening containers, clad in softwood to create a workshop. At: 2 Binks Close, Northallerton For: Mr Stephen Mee RECOMMENDATION: APPROVE
4	21/02530/REM Aisling O'Driscoll Hutton Rudby Page no: 59	Reserved matters application attached to Planning Application 20/00121/OUT-construction of 1no. dwellinghouse as amended by drawings received 01.02.2022 (Floor Plans and Elevations) and 07.02.2022 (Site Layout). At: Land north of Hill Top, Blue Barn Lane, Hutton Rudby For: Mr Clarke RECOMMENDATION: APPROVE
5	21/03028/FUL Andrew Cotton Sessay Page no: 67	Construction of 4 dwellings and associated works At: Land adjacent to Butter Hill View, Sessay For: Mulgrave Developments Ltd RECOMMENDATION: APPROVE

Item No	Application Ref / Officer / Parish	Proposal / Site Description
6	21/02103/MBN Connor Harrison Thirkleby High and Low with Osgodby Page no: 81	Application to determine if prior approval is required for the change of use of the agricultural building to 1no larger dwellinghouse and for building operations reasonably necessary for the conversion At: OS Field 8400, Vicar Hill Lane, Little Thirkleby For: Mr and Mrs Ellis RECOMMENDATION: REFUSE
7	22/00657/FUL Connor Harrison Topcliffe Page no: 87	Change of use of land for the temporary (5 years) siting of an agricultural workers mobile home, associated parking and new sewage package treatment plan At: South Lodge Piggeries, Station Road, Topcliffe For: Mr Martyn Sanderson RECOMMENDATION: APPROVE
8	22/00998/REM Ann Rawlinson West Tanfield Page no: 93	Application for approval of reserved matters (appearance, landscaping, layout and scale) for approved application 20/02791/OUT for the construction of 5No. dwellings At: Land on Thornfield Road, Thornfield Road, Nosterfield For: Mulgrave Properties RECOMMENDATION: APPROVE

Parish: Aiskew

Ward: Bedale

1

Committee date:

09 June 2022

Officer dealing:

Aisling O'Driscoll

Target date:

19 March 2021

Extension of time if
agreed:

13 May 2022

20/02882/OUT

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

At: Store at Old Hatchery, Blind Lane, Aiskew

For: Blind Lane Land Limited

Having resolved to grant planning permission (subject to the completion of a Section 106 agreement) on 18th November 2021, this application is referred back to the Planning Committee due to the subsequent adoption of the Hambleton Local Plan ("the Local Plan") on 22nd February 2022 before the planning permission could be issued, due to delays in the signing and sealing of the Section 106 agreement.

- 1.0 Included in the resolution to approve planning permission for this development at the March Planning Committee was a condition which prevented the occupation of the proposed development until Bluebell Way, on the adjacent site has been adopted. Concern was cited by Members that if, through the development of the application site, additional traffic calming measures were required on Bluebell Way then they could not be implemented if the road is not adopted as the Highway Authority and as such the applicant would have no authority over the land. Members were concerned that this could present a road safety risk.
- 1.1 The National Planning Policy Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 1.2 The Highways Authority has confirmed that from their perspective there are no traffic calming measures required to make the Bluebell Way access safe and that the design and layout of the access is sufficient to allow the development of the application site.
- 1.3 In this case the imposition of the condition is not considered to be reasonable in the absence of a road safety issue and as such would not meet the tests set out in the NPPF.
- 1.4 The applicant was concerned that this could significantly prejudice their project, should, for any reason Bluebell Way not be adopted. An alternative condition has been put forward as set out below.

"Prior to the occupation of the first dwelling the Applicant shall submit an independent survey prepared by a suitably qualified highway engineer confirming that the construction of Bluebell Way has been completed to an adoptable standard

in accordance with the approved plans of the Bluebell Way development and that the road is safe to use for both existing households and by households who will occupy the proposed development.”

- 1.5 Clearly, there remains a risk to the developer, should any remedial action be required. However, this limits the risk to the Council and local residents by allowing for an assessment of the risk before occupation. The applicant is satisfied, following the response of the Highway Authority that the risk to them is minimal.
- 1.6 It is understood that the main reason for the road not having been adopted to date is owing to the drains to which the road drain connects having not been adopted by Yorkshire Water. This would clearly pass a degree of liability to the Highway Authority, which would not be acceptable to them. It is further understood that work is planned between the developer of the Bluebell Way site and Yorkshire Water in June, to try to resolve this matter and allow for the adoption of both the drainage and subsequently the Highway.
- 1.7 The recommendation remains as set out previously, subject to the condition set out in paragraph 1.4 of this report. The following report is as set out to Members in the March Committee agenda.
- 1.8 Members will recall that the application was originally deferred at the October 2021 Planning Committee owing to a number of concerns expressed by Members about the proposed development. It was then reconsidered at the November 2021 Planning Committee where Members resolved to approve the application subject to a Section 106 agreement to secure the affordable housing provision and the provision and future management and maintenance of the public open space.
- 1.9 Planning permission was not issued in accordance with the Planning Committee's resolution, before the adoption of the Local Plan on 22nd February 2022 due to delays in being able to sign and seal the Section 106 agreement. It was therefore necessary for the Planning Committee to reconsider the planning application in accordance with the policies of the Local Plan, rather than the policies of the superseded Local Development Framework (LDF)
- 1.10 The format for the Officer Report for the November 2021 Committee Meeting was in two parts. The first part providing an up-date to Members on the matters of concern raised at the October 2021 meeting. The second part of the report remained as previously reported to Members for the October 2021 meeting, including items originally reported on the update list along with additional comments from the Parish Council. For ease of reference, this format has been retained, although all parts of the report have been updated to take into consideration the adoption of the Local Plan.
- 1.11 The matters of concern related by Members (at the October 2021 Committee meeting) comprised of the following:
 - Use of Blind Lane for access
 - Adoption of Bluebell Way
 - Traffic modelling of Bluebell Way
 - Deliverability of affordable housing

- 1.12 North Yorkshire County Council Highways Officer was asked to provide comments on the use of Blind Lane either as temporary construction access or permanent access to the development. The Officer returned the following comments:

The Highway Authority has been asked for its opinion on the use of Blind Lane as a temporary access into the land between the railway and Bedale Road. Blind Lane is not an adopted road and remains the property of residents as the County Council understands. The note supplied by the developer suggest they have a right of access over Blind Lane. If this is the case then this route could be used by construction vehicles on a temporary basis. The Highway Authority would not support this route as a permanent access for vehicles travelling to the development.

Blind Lane itself is of sufficient width for vehicles to pass if the tarmac area and concrete area are used. The construction of the area is unknown and may be damaged by heavy vehicles using the route so the developer is likely to be responsible for its repair. It is noted that residents appear to use the concrete area as parking.

The junction onto Bedale Road would need to be improved to stop any over running and a new kerb line would be expected to be installed by the developer on both sides of the junction. The pedestrian island on Bedale Road may need to be temporary relocated. Suggest the developer needs to provide tracking details showing if HGVs could turn at the junction and avoid the island. Visibility at the junction is sufficient and beyond the 45m by 2.4m splay expected.

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

Use of Blind Lane

- 1.14 The section of road between the development site and Bedale Road is currently in the ownership of 5 different parties. Part of Blind Lane is also referred to as unregistered "white land". To deliver an adopted road to the site NYCC would require a road of 5.5m width with 2 x 2m footways in line with the NYCC Residential Design Guide. This would need to be delivered under a Section 38 Agreement (S38) with 'White Land' adopted under a Section 228 Agreement (S228).
- 1.15 S228 of the Highways Act is used to adopt 'white land' where no ownership is known to exist and the land is considered to already operate as highway. The process requires the applicant to construct an adopted road layout then seek the road's adoption which is then advertised at risk to any objections from third parties or landowners claiming to own any section of the 'white land'.
- 1.16 The agent also indicates that for the S38 (areas of land belonging to residents of Blind lane/Bedale road), all landowners would need to provide their consent for their respective areas of ownership to be dedicated for adoption. The applicant and landowner have sought over a period of years to achieve this, however existing owners are unwilling to sell their land.

- 1.17 Given the position with known land ownership it is considered that the S228 process for the unregistered/unknown ownership land would not help to achieve an adoptable access to the development. On this basis access via Blind lane is not considered deliverable.
- 1.18 The agent also highlights that the Allocation Policy BH2/BH3 indicates that access should be taken through the adjacent development and that the Highways Officer is satisfied that Bluebell Way has appropriate capacity to accommodate the development and has been built to an adoptable standard.
- 1.19 With regard to the use of Blind Lane for construction vehicles the agent indicates that the applicant has suitable access rights over Blind Lane for this purpose and that this is the preferred option for construction vehicles. It should be noted that a Construction Management Plan covering the routing of construction vehicles forms part of the conditions recommended by the Highways Officer (condition 10).
- 1.20 With regard to the nursing home site the agent indicates that this development generates a minor number of traffic movements to / from the site which would be of a negligible impact on Blind Lane. On this basis NYCC Highways as the Local Highway Authority have accepted that Blind Lane need not be adopted to enable access to / from the nursing home as the existing provision is adequate.

Adoption of Bluebell Way

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

Traffic Modelling of Bluebell Way

- 1.22 With regard to traffic modelling the agent has provided the following commentary: The Transport Assessment (TA) has assessed the scheme in line with NYCC Highways and planners requirements to an agreed scope. This ensures robust capacity assessments have been undertaken covering both traffic growth to a future year and committed developments in all junction capacity assessments. This includes growth of baseline traffic to a 2025 assessment year based on local traffic growth rates (Tempo) and inclusion of the two consented Taylor Wimpey applications north of Bedale (Refs 15/01240/OUT and 20/00497/FUL). The development is then modelled in the future baseline (2025) + Committed Development + Proposed Development to ensure the robustness of the assessment upon each of the junctions assessed in the TA, each of which are considered by NYCC Highways to have ample capacity. The development would result in approximately a single additional vehicle on the Local Highway Network per minute in the worst network peak hour (PM Peak) of the day.

- 1.23 The TA does not undertake any assessment of any further land to the east as this is not within the ownership of the applicant and does not form part of this standalone planning application. However, any potential future application for development on land to the east would have to take into account the traffic of this scheme (should the Council be minded to approve it) as a planning commitment. It should be noted that the LDF policy allocation for the application site requires a potential access to be provided to land to the east to be retained. The proposals are capable of facilitating this.
- 1.24 A further minor query was raised relating to the proposed community hall and any highway impact that may result from use. Such uses occur outside of highway network peaks and are spread during off-peak hours resulting in a negligible impact on highways capacity. In addition, by virtue of its use as a community amenity, it is considered that a high proportion of users would be accessing the site by non-car modes and as such would be imperceptible in terms of traffic movements.

Deliverability of affordable housing

- 1.25 At the October Committee meeting the deliverability of 30% affordable housing was queried. This follows on from viability issues at the nearby site at Wilbert Farm where asbestos removal substantially increased the abnormal costs of development triggering a reduction in affordable housing provision.
- 1.26 In this case the applicant is not the developer. During the life of the application a developer has been identified and an agreement entered into based on the principle of 30% affordable housing.
- 1.27 This permission will be based on the assumption of 30% affordable housing (which will be delivered through a S106 agreement) and any change to this would need to be assessed on its merits at the time. The Council's affordable housing policy is a target and is subject to viability. Given that this site is allocated for housing development, additional supporting weight from the provision of affordable housing is not required to support the principle of development and as such it is considered unnecessary for a viability appraisal to be submitted with this policy compliant submission.

2.0 Site, context and proposal

- 2.1 The application site is located on the south east side of Aiskew – south of the A684 and north of the Wensleydale Railway. The site features a number of agricultural and commercial buildings previously used as a piggery and hatchery respectively. The applicant indicates that part of the hatchery site is occupied by a tenant for storage and food processing and the piggery which has been vacant for a number of years is now semi-derelict and overgrown.
- 2.2 The site is split in two by a mature leylandii hedge/tree line with the piggery buildings to the north and the hatchery to the south. An area of open space lies to the south. Existing access can be gained firstly from Blind Lane via an unadopted road, secondly via a shared track between 54 and 56 Bedale Road and thirdly from the south over the Wensleydale line. A public right of way runs along the western boundary of the site linking Bedale Rd to Love Lane through Blind Lane.

- 2.3 The application site forms part of allocations BH2 and BH3 as follows: *BH2 Pig Farm Aiskew (1.1ha), BH3 South East of Aiskew (5.8ha)* These linked sites are allocated for housing development, subject to:
- i. development of Site BH2 being delivered in Phase 1 (up to 2016), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 38 dwellings (of which a target of 40% should be affordable);*
 - ii. development of Site BH3 being delivered in Phase 1 (up to 2016) and Phase 2 (2016-21), at a density of approximately 35 dwellings per hectare, resulting in a capacity of around 203 dwellings (of which a target of 40% should be affordable);*
 - iii. types and tenure of housing developed meeting the latest evidence on local needs;*
 - iv. suitable and satisfactory access being gained to the sites from the A684 and an appropriate design and loop layout of the development being achieved;*
 - v. potential access from this site to Site BM2 adjacent being retained as part of the design and layout of any development of Sites BH2/BH3;*
 - vi. contributions from the developer towards providing public open space, enhancement of footpath and cycleway links including the public right of way which crosses this site and along the Wensleydale Railway route, including improvements to Bedale Bridge and any sewerage and sewage disposal infrastructure improvements required to accommodate new development in the area; and*
 - vii. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.*
- 2.4 To the east is an area of open space which forms part of the allocation. To the north, west and south west of the site is residential development. To the south is the Wensleydale Railway line with open countryside beyond. The site appears generally flat with the topographical survey indicating a gentle slope from north west to south east.
- 2.5 The application is in outline for residential development up to 88 units. The only matter for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.
- 2.6 It is proposed that the main access be taken from the west through the neighbouring development via Bluebell Way. Emergency and further pedestrian access is to be taken from Blind Lane.
- 3.0 Relevant planning and enforcement history**
- 3.1 81/0144/FUL - Extension to Existing Chicken Hatchery - Granted
- 3.2 87/0188/FUL - Alterations to Two Existing Bungalows - Granted
- 3.3 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink - Granted

3.4 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – Granted

Adjacent sites:

3.5 Land To The South Of 28 Bedale Road 14/01228/FUL - Construction of 41 no. dwellings, provision of access and associated landscaping – Granted

3.6 Land To Rear Of 28 – 34 Bedale Road 11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping -

4.0 Relevant planning policies

4.1 The relevant policies of the Hambleton Local Plan are as follows::

S 1: Sustainable Development Principles

S 2: Strategic Priorities and Requirements

S 3: Spatial Distribution

HG 2: Delivering the Right Types of Homes

HG 3: Affordable Housing Requirements

E 1 : Design

E 2 : Amenity

E 3 : The Natural Environment

E 4 : Green Infrastructure

E 7 : Hambleton's Landscapes

IC 1 : Infrastructure Delivery

IC 2 : Transport and Accessibility

IC 3: Open Space, Sport and Recreation

RM 1 : Water Quality and Supply

RM 2 : Flood Risk

RM 3 : Surface Water and Drainage Management

RM 4 : Air Quality

RM 5 : Ground Contamination and Groundwater Pollution

Housing SPD (Consultation Draft)

National Planning Policy Framework (NPPF), July 2021

Planning Practice Guidance (PPG)

5.0 Consultations

5.1 Parish Council –

- Aiskew and Leeming Bar nearing size of Bedale with little or no facilities. CIL money will have to help support facilities development.
- Wensleydale Railway concerned about extra use of level crossing by pedestrians, so ask that the developer put in a proper pedestrian crossing with kissing gates.
- Wensleydale Railway also concerned about run off flooding their line.
- Gates at level crossing should remain closed, but don't, so how will the developer confirm that the bollards are put back.
- Lane doesn't just support the house, there is also a riding stables down there, how will deliveries get down to the house?
- The access through Bluebell does not seem the most direct route, why have others been discounted?

- Sycamore and Bluebell already populated and roads quiet / not always wide enough with cars parked on it, as linden only designated off road one space to many houses when we know that many households are two cars.
- Sycamore Ave and Bluebell understood to not yet be adopted? (Residents have confirmed this)
- Who owns Blind Lane?
- If this route into site is the only one, then we would request that a condition is that construction traffic does not use it.
- Can we confirm that the sewer system can take the extra load?
- PC are happy with this land being used for development if the above can be addresses and dealt with.

5.2 Highway Authority – No Objections subject to conditions

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

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

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

5.6 Yorkshire Water – recommend conditions but also additional information

5.7 Natural England – No comments

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

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

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

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

5.12 Environmental Health Officer – Noise Assessment required at RM stage

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

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

- 5.15 Public comments – 19 letters of representation were received from 17 member of the public raising the following issues:
- Increased traffic and highways safety
 - Current access through Bluebell Way is badly designed and not yet adopted
 - Impact on safety of existing residents including children due to changes in nature of the road and its use
 - Wear and tear on Bluebell Way due to increased traffic
 - Blind Lane is preferable to Bluebell Way for access
 - Blind Lane should not be used for access to the development
 - Blind Lane could become a rat run
 - Impact on climate change (development should reduce carbon emissions)
 - Lack of improvement to local services (need for GP and Community Hall, pressure on schools)
 - Does not comply with the strategic objectives in the Core Strategy
 - Impact on biodiversity
 - Large volume of development away from the town centre
 - Impact on residential amenity through noise, pollution, privacy and security
 - Development would tidy up an unsightly site

6.0 Analysis

6.1 The main issues to consider are:

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

Principle

- 6.2 The starting point for this assessment was through the housing land allocations contained in the Local Development Framework along with the resolution of the Planning Committee to approve a housing scheme on this site. These remain a material consideration in the determination of this application. Under the now superseded LDF, the application site was made up of two separate but adjacent housing site allocations - BH2 and BH3. Neither of these two LDF allocations were carried forwarded as allocated sites within the adopted Local Plan.
- 6.3 Policy S3 (Spatial Distribution) includes a settlement hierarchy to inform the distribution of development and locate development in locations that have good access to a range of services and facilities. Bedale with Aiskew is defined as 'Market Town' within the settlement hierarchy, and along with the other four defined Market Towns will (as stated within S3) be the focus of growth within the District due to their size and concentration of services and facilities. However, the Local Plan is clear that the housing delivery of 315 homes per year will be met through the delivery of housing on the allocated sites within the Local Plan. These site allocations are specified within HG1 (Housing Delivery) and are located within the five Market Towns and a small number of the defined Service and Secondary Villages in the settlement hierarchy of S3. As mentioned above, the application site is not wholly or partly within a site allocation in the Local Plan and therefore housing development on this site is not supported by the strategic or housing-related policies of the Local Plan.

- 6.4 It should also be noted that policies HG4 and HG5 of the Local Plan do support 'exception' and 'windfall' housing developments on non-allocated sites in specific circumstances. However, the proposed scheme as submitted and the location of the application site are such that the proposed development would fail to meet all of the relevant criteria to be supported as exception or windfall housing in respect of policies HG4 (Housing Exceptions) and HG5 (Windfall Housing Development).
- 6.5 Planning legislation is clear that to the extent that development plan policies are material to a planning application, the determination of the application must be taken in accordance with the development plan, unless there are material considerations that indicate otherwise. While the proposed development is not supported by the strategic and housing policies of the recently adopted Local Plan, an important material consideration has to be the extremely advanced stage of the application, otherwise in accordance with the former LDF at the point of the adoption of the new Local Plan.
- 6.6 It is worth recalling that the Planning Committee resolved to conditionally approve the current application at the November 2021 meeting, subject to the completion of a Section 106 agreement to secure the affordable housing and management and maintenance of the public open space. It was only due to difficulties in being able to have the Section 106 agreement signed by all of the interested parties before the adoption of the Local Plan on 22nd February that has prevented the planning permission from being issued in accordance with the Committee's resolution. It is understood that the S106 is now ready to be signed. No alterations or amendments have been made to the application since its consideration by the Planning Committee in November. To apply the requirements of the new strategic and housing-related policies of the Local Plan in the absence of weight given to the LDF and former Committee resolution would likely result in a recommendation of refusal of a development that the Planning Committee has already resolved to approve, albeit under the policies and allocations of the now superseded LDF (with only limited weight given at that time to the policies of the then emerging Local Plan).
- 6.7 To determine the application in accordance with the strategic and housing-related policies of the Local Plan would result in an otherwise sustainable and acceptable housing development being refused, and one which already benefits from a Committee resolution to approve. This would not be in the spirit of paragraph 38 of the NPPF which expects LPAs to approach planning decisions in a positive and creative way, and which states that decision-makers should seek to approve applications for sustainable development where possible.
- 6.8 In conclusion, it is therefore recommended that Members give significant weight to the advanced stage of the application and to the previous Committee resolution to approve planning permission for this proposed scheme as important material considerations in the overall planning balance when considering the application within the context of the newly adopted Local Plan.

Access and Highways Safety

- 6.9 IC 2 (Transport and Accessibility) of the Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 6.10 The access arrangements for the proposals have been based on the allocation policy of the now superseded LDF which indicated that access to the development should be taken from the adjacent development via Bluebell Way. Ownership issues and proximity to the mini roundabout at Sandhill Lane have resulted in Blind Lane being discounted as the preferred main access point.
- 6.11 Blind Lane is a private road providing access to two properties located on the south eastern side of the Wensleydale Heritage Railway Line. The applicant has agreement with the owners of Blind Lane that the private road be retained across the extended Bluebell Way, affording access only to those two properties. During the life of the application the method of controlling the access to blind Lane has been altered. Originally gates and fixed kerbing (preventing any turning) were proposed. This was then altered to two sets of drop-down bollards and fixed kerbing to the north and south of the Bluebell Way extension.
- 6.12 The final proposal is a single set of manually operated drop-down bollards and fixed kerbing on the northern section of blind lane only. Access can therefore be gained from the southern part of Blind Lane through to Bedale Road via Bluebell Way and vice versa. This allows for unexpected visitors, post and deliveries etc to these properties whilst retaining the right of access over Blind Lane but discouraging its general use by residents of the new development. It is anticipated that the northern section of Blind Lane will be accessed through the bollards by keyholders for example for movement of larger agricultural vehicles.
- 6.13 A Public Right of Way runs along the south western boundary of the application site, linking Bedale Road to Love Lane. The existing alignment of the Public Right of Way will be retained and a new pedestrian link will be gained from Bluebell Way.
- 6.14 North Yorkshire County Council Officers were consulted and returned the following final commentary: The proposal to develop land to east of Blind Lane takes advantage of the possible link from the Linden Homes development to the west of Blind Lane. The applicant wishes to extend Blue Bell Way into the proposed site. The highway authority does not object to this proposal as it has been shown by the developer that the existing road network has spare capacity to extend the residential development into the adjoining land. The junctions at Blue Bell Way/ Sycamore Ave and Bedale Road/Sycamore Ave have visibility splays which meet the requirements set in Manual for Streets design standards of at least 2.4m by 43m in both directions. The developer has shown that large vehicles can enter and leave the site along Sycamore Ave and Blue Bell Way in the construction phase although the contractor will have to take control of any delivery to ensure access is possible.

6.15 The Highways Officer has recommended a number of conditions relating to detailed layout and plans, verge crossing specifications, visibility splays, parking, removal of permitted development rights, travel plan delivery, and a construction management plan. Overall, and subject to these aforementioned conditions, it is considered that the proposed development would comply with the requirements of Policy IC 2 of the Local Plan.

Drainage

6.16 Policy RM 3 (Surface Water and Drainage Management) of the Local Plan relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.

6.17 Paragraph 167 of the National Planning Policy Framework states that: When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

6.18 Paragraph 169 states: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should: a) take account of advice from the lead local flood authority; b) have appropriate proposed minimum operational standards; c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and d) where possible, provide multifunctional benefits.

6.19 Paragraph 80 of Planning Practice Guidance indicates that generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

Particular types of sustainable drainage systems may not be practicable in all locations.

6.20 The Geo-environmental report submitted with the application indicates that the site is unsuitable for infiltration/soakaway drainage due to ground conditions. The Flood Risk Assessment submitted with the application indicates that in order to connect to Bedale Beck, the nearest waterbody, the drainage system would need to cross a considerable amount of third party land and has therefore been deemed unfeasible.

6.21 Survey of the site has identified an existing surface water drainage system. This system connects to an offsite system to the east. Whilst it has not been confirmed where the ultimate discharge point is the applicant has argued that the existence of the system, which has drained the site so far, is sufficient to show that the site could be adequately drained. In addition, there is also an option to connect to existing systems at Badger Hill Drive and Elm Tree Lane (subject to agreement).

6.22 The Lead Local Flood Authority were consulted and have agreed that the information submitted is sufficient for this stage of the development and that the remaining information can be secured by conditions. Conditions are recommended relating to detailed design, run off rates, storage, maintenance, outfall

destination/impact on network and exceedance flow routes. Subject to the aforementioned conditions, the proposed development would be in accordance with the requirements of Policy RM 3 of the Local Plan.

Housing Mix (Types, Sizes and Tenures) Affordable Housing and National Space Standards

- 6.23 Policy HG3 (Affordable Housing Requirements) and the Council's Housing SPD (consultation draft) requires that the affordable homes are pepper-potted throughout the site. As the application is in outline with access only considered this will be dealt with at Reserved Matters stage. There is a requirement in Policy HG2 (criteria g) for all homes to meet the National described Space Standards (NDSS) Although no details have been provided with this application to suggest that the national space standards would be met, this is not unexpected given that the application is at outline stage. It is recommended that a condition is imposed which requires the detailed design of the dwellings to meet the NDSS.
- 6.24 Through discussions with Registered Providers operating in the area the Council's Housing Officer has indicated that the offer should include good size two bedroom bungalows, 4 or 8 one bed quarter houses, 3 – 4 four bed houses and a mix of two and three bed houses. This is in general accordance with the requirements of Policy HG2 (Delivering the Right Type of Homes of the Local Plan. Following discussions between the Case Officer, the Council's Housing Officers and the agent, a tenure split of the affordable units has been provisionally agreed of 70% social rent and 30% intermediate tenure (which will be secured through a Section 106 agreement) unless evidence can be provided for an alternative split. This in turn should be supported in writing by the Registered Provider to whom the homes will be transferred.
- 6.25 The supporting statement indicates that affordable housing can be provided on site subject to viability. The agent has indicated that 30% is proposed in line with the requirement of Policy HG3 (Affordable housing Requirements) of the Local Plan. This (along with a tenure mix mentioned above) will be subject of a Section 106 agreement should it be resolved to approve planning permission.

Amenity

- 6.26 Policy E2 (Amenity) of the Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 6.27 The justification for the allocation at this site indicates that "these sites are proposed for development because the redevelopment of the pig farm and hatchery for housing will improve the residential amenity of the area and minimise the need to develop more open greenfield sites".
- 6.28 An indicative plan has been submitted with the application showing how the proposed dwellings could be accommodated within the site. Given the density outlined above at 32 dwellings per hectare, it is considered that the dwellings could

be sited within the site in a manner which would provide a suitable level of amenity to future occupiers.

- 6.29 The Council's Environmental Health Officer was consulted and they have recommended that a noise assessment be submitted with any Reserved Matters application. The assessment should detail how the proposed properties will be protected from the impact of noise from the railway line. The Environmental Health Officer considered that given the proximity of nearby residential development to the railway line it would be unreasonable at this stage to require this work to be done at outline stage. Overall, the proposals are considered to comply with the requirements of Policy E2 of the Local Plan.

Open Space

- 6.30 Appendix E of the Local Plan indicates that amenity greenspace, a play area and facilities for young people are required on site.
- 6.31 A financial contribution towards improvement of existing provision may be considered appropriate where existing provision lies within the walking distance guideline of the development and providing the quantity standard is achieved.
- 6.32 Approximately 200m to the north is the Cherry Grove/Kingfisher Drive recreation grounds. This includes open green areas, playing fields and various play equipment. As the development site is separated from these facilities by Bedale Road it is considered acceptable that on site provision be made for a LEAP. Given the proximity to the existing recreation grounds a contribution towards the maintenance of this area may be acceptable to address the requirements for amenity space and facilities for young people generated by the development. In this case as the application is in outline and the layout has not been designed a condition is recommended requiring the submission of a scheme for the provision of open space.

Biodiversity and Green Infrastructure

- 6.33 In accordance with paragraph 180 of the NPPF, Policy E3 (The Natural Environment) of the Hambleton Local Plan expects all development to demonstrate the delivery of a net gain for biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated. The application site is within an area designated in the Proposals Map of the Hambleton Local Plan as a green infrastructure corridor. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 6.34 An Ecological Appraisal was carried out by Smeeden Foreman Limited and the subsequent report submitted in support of the application. The report includes a desk study of relevant information including designated nature conservation sites and existing records of protected species, an initial site survey (extended phase 1

habitat survey) and species-specific surveys in respect to bats. The report indicates that there are no statutory or non-statutorily designated sites located within 2km of the application site.

- 6.35 The report indicates that the principal habitats within the application site are generally considered to be of low conservation value, predominantly comprising species poor semi-improved grassland, buildings and associated areas of hard standing. The trees, areas of scrub and hedgerows within the site are considered to be of some conservation value, as these provide suitable habitat for breeding and roosting bird species, bats and small mammals such as hedgehogs.
- 6.36 Potential for foraging/commuting and roosting bats was identified and the site was subsequently surveyed. It was found that bat use of the site was generally low with activity limited to the eastern and western boundaries. Activity was predominantly common and soprano pipistrelle, with very limited use by Myotis and brown long eared bats.
- 6.37 Initial building inspections found no signs or evidence of roosting bats in any of the buildings. Subsequent emergence/re-entry surveys of the buildings found no evidence of roosting bats with a low number of bats recorded commuting/foraging within the vicinity of the buildings.
- 6.38 Two trees on the site have been identified for removal and were therefore subject to emergence surveys. No roosts were found, however, it is recommended that these are re-surveyed prior to felling. It is also recommended that if any other trees are identified for removal that these also be surveyed prior to works.
- 6.39 No Species of birds which are protected by Schedule 1 of the Wildlife and Countryside Act 1981 were recorded within the site. In addition, no nests were noted within the buildings on the site. As all wild birds are protected during breeding it is recommended that any site clearance works take place outside of breeding season (March – August inclusive). It is also recommended that the building be re checked for nests prior to demolition.
- 6.40 Breeding tawny owl were identified using trees north of site during the 2020 bat transect surveys. Activity was recorded to the north of the piggery site, calling from conifer trees and demonstrating defensive behaviour at a nest site. Audible calls from juvenile birds were confirmed by the surveyor. Tawny owl are an Amber-listed species of conservation concern. It is recommended alternative nest provision is provided within the new development by installation of a nest box upon a suitable retained tree on site.
- 6.41 One badger record was provided within 2km of the site but no signs of badger were recorded within or adjacent to the site during the survey. Due to the presence of suitable habitat in the surrounding local area it is anticipated that badger may access the site for foraging and commuting purposes. Precautionary working methods are therefore recommended to be adopted during construction works to prevent accidental harm or injury.

- 6.42 Yorkshire Wildlife Trust were consulted and requested the submission of a Biodiversity Net Gain Assessment. This was subsequently submitted and included the use of the DEFRA Biodiversity v2.0 Metric. Based on the indicative layout the development is likely to result in a 7.85% loss for habitat units and 32.63% gain for hedgerow units.
- 6.43 The Metric does not count biodiversity enhancements with respect to species (such as bird and bat boxes) and therefore biodiversity net gains attributed to these enhancements are not reflected within the measurable results obtained from the Metric. Additional measures including permanent bat box provision, gaps below fencing to maintain connectivity for hedgehog and a range of bird boxes for species of known conservation concern (house sparrow, starling, house martin and tawny owl), whilst not reflected within the calculation, could contribute to biodiversity gains within the site.
- 6.44 In this case, given the outline nature of the application, it is recommended that a condition be included requiring the submission of a scheme detailing the measures to be included in the design which result in measurable net gains for biodiversity. Providing this condition is imposed, it is considered that the proposals would meet the requirements of E3 of the Local Plan. Furthermore, a detailed landscaping scheme can be required as part of any reserved matters submission that enhances the role of the site as part of a green infrastructure corridor, in accordance with Policy E4 of the Local Plan.

Planning Balance

- 6.45 The application seeks outline consent for up to 88 dwellings on a site previously allocated for housing in the now superseded LDF. Although the application site is not an allocated site within the newly adopted Hambleton Local Plan and is not supported for residential development by the Local Plan's strategic and housing-related policies, it is recommended that the advanced stage of the application and the Planning Committee's previous resolution to approve his scheme are important material considerations that should be given significant weight within the planning balance.
- 6.46 The development will result in the loss of an existing employment site, however, as the proposal is for housing on an allocated site, it is considered that the loss is outweighed by the benefits of providing additional housing. As part of the proposal, affordable housing will be provided at a rate of 30%, in line with Policy HG3 of the Local Plan. Overall, the proposed development is considered to meet the requirements and expectations of the policies of the Hambleton Local Plan, the NPPF and the PPG except in the case of the principle of developing the site for housing where material considerations indicate otherwise.

7.0 Recommendation

- 7.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is

the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
(a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing by the Local Planning Authority before any part of the development is brought into use.
5. The development must not be brought into use until the access to the site at Bluebell Way has been set out and constructed in accordance with the "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements: The access must be formed to give a minimum carriageway width of 5.5metres, and that part of the road extending into the site must be constructed in accordance with Standard Details issued by the local highway authority. All works must accord with the approved details.
6. There must be no access or egress by any vehicles between the highway and each property application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
9. The development must be carried out and operated in accordance with the approved Travel Plan named REPORT NO 20536-002 and received by Hambleton District Council on 18.12.2020. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
10. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. restriction on the use of Blind lane access for construction purposes; 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 4. the parking of contractors' site operatives and visitor's vehicles; 5. areas for storage of plant and materials used in constructing the development clear of the highway; 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; 8. protection of carriageway and footway users at all times during demolition and construction; 9. protection of contractors working adjacent to the highway; 10. details of site working hours; 11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate; 12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development; 13. measures to control and monitor construction noise; 14. an undertaking that there must be no burning of materials on site at any time during construction; 15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works; 16. details of the measures to be taken for the protection of trees; 17. details of external lighting equipment; 18. details of ditches to be piped during the construction phases;
11. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible.

The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

12. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to 5.65 L/S. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
13. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
14. Development shall not commence until a scheme for the accommodation of additional flows impacting upon the drainage network have been submitted to and approved in writing by the Local Planning Authority, including further survey and investigation of the existing drainage system to confirm wider connectivity. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.
15. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

17. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
 - a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
18. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.
19. Prior to commencement of development hereby approved a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the issues raised in Network Rails response dated 28.01.2021 in relation to surface water drainage and the adjacent railway line are to be addressed. The development shall thereafter be carried out in accordance with the approved strategy.
20. Prior to the commencement of development hereby approved a construction management plan detailing safety procedures for development adjacent to a railway line shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. The management plan shall include, but not be limited to, details relating to the fail safe operation and storage of cranes, plant, vehicles and materials.
21. Prior to the occupation of the development, hereby approved, details of a trespass proof fence shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, type, appearance, colour, positioning, timing for installation and details of future maintenance of the fence. The fence shall be constructed prior to the first occupation of the development and shall be thereafter retained in accordance with the approved details.
22. If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The method statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan.

23. No trees or shrubs shall be planted within 10m of the Network Rail boundary fencing to the south of the site unless a scheme is first submitted to and approved in writing by the Local Planning Authority detailing, but not limited to, the species, siting and future maintenance of the planting. Any planting within the 10m buffer zone shall be carried out and maintained in accordance with the approved details.
24. Prior to commencement of the development hereby approved a Biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using the latest DEFRA or Natural England biodiversity metric. The development shall thereafter be carried out in accordance with the approved details.
25. No trees shall be removed until a further inspection for bats has been conducted by a suitably qualified Ecologist and the results submitted to and approved in writing by the Local Planning Authority. Should any bat roosts or evidence of such be found within trees proposals in relation to the roosts shall be submitted for approval in writing to the Local Planning Authority along with the findings. Thereafter the development shall be carried out in accordance with the approved details.
26. Site clearance works including vegetation and building demolition shall be undertaken between September and late February to avoid the bird nesting season (March-August) otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged.
27. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter
28. The development hereby approved shall comply with the requirements and expectations of Policies HG2 and HG3 of the Local Plan and the latest version of the Housing SPD on housing size(s), type(s) and tenure(s) or otherwise with an identified local need in the Bedale sub-area, which has first been agreed with the Local Planning Authority.
29. The design, scale and layout of the development as submitted as part of any subsequent reserved matters submission shall ensure that each residential property meets the current National Described Space Standards with sufficient drawings and information submitted with the application to demonstrate compliance.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
6. In the interests of highway safety.
7. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
8. To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
9. To establish measures to encourage more sustainable non-car modes of transport.
10. In the interest of highways safety and public amenity.
11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
12. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
13. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
14. To accommodate flows in storm events and allow for future maintenance
15. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
16. In the interest of satisfactory and sustainable drainage.
17. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

18. In order to allow sufficient access for maintenance and repair work at all times.
19. To ensure that the development does not cause drainage/flooding issues on the adjacent railway line in the interest of public safety.
20. In the interest of public safety and the safe operation of the railway line.
21. In the interest of public safety in discouraging trespass on the railway line.
22. In the interest of public safety and the safe operation of the railway.
23. In the interest of public safety and the safe operation of the railway.
24. In the interest of biodiversity.
25. In the interest of biodiversity.
26. In the interest of biodiversity.
27. In order to comply with the requirements of Appendix E of the Local Plan.
28. To ensure that the proposed development meets local need for housing and to ensure that the proposals accord with Local Plans policies HG2 and HG3.
29. To ensure that the proposed development meets the current National Described Space Standards in accordance with Policy HG2 of the Local Plan.

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Parish: Bedale
Ward: Bedale
2

Committee Date: 9 June 2022
Officer dealing: Mr Andrew Cotton
Target Date: 2 May 2022

21/03058/FUL

Construction of 75 dwellings and associated infrastructure.

At: Part OS Field 3541, Bedale, North Yorkshire

For: Yorvik Homes Ltd.

1.0 Site description and proposal

- 1.1 Planning permission is sought for the construction of 75 dwellings, associated access, infrastructure and landscaping.
- 1.2 The revised proposal would deliver a development of approximately 25 dwellings per hectare. 23 of the dwellings (30.67%) are identified as affordable housing, with the balance of 52 dwellings would be for sale on the open market on a site of 2.96 hectares. The affordable dwellings are distributed through the site and are designed to appear indistinguishable from the market dwellings.
- 1.3 The proposed dwellings are predominantly two-storey in height with some featuring rooms in the roof space, providing a mix of one, two, three and four bedroom dwellings. 9 (12%) bungalows have been included.
- 1.4 Proposed architectural details include: entrance canopies/porches, brick chimneys, decorative soldier courses and feature bay windows. All dwellings would have private amenity space in the form of rear gardens and there would be space for refuse/recycling storage.
- 1.5 Access is proposed from South End, pedestrian links would be created through the retention and improvement of the Public Right of way from Natrass walk.
- 1.6 The site presently consists of grassland, used for grazing and boundaries are made up of a mixture of fencing, hedgerows and trees.
- 1.7 The proposed development is located on the south-east edge of Bedale. The site forms part of the AIB 2: South of Lyngarth Farm Bedale, of the Hambleton Local Plan. Policy AIB 2 states that the site is allocated for housing development of 60 homes. The Site Statement sets out key principles for the development of the site as follows:

i) Access and Highways

Principal vehicle, cycle and pedestrian access to be taken from South End (B6285), with additional access from development to the northwest (Tornado Close and/ or Mosquito Garth). Works are required to extend and improve pedestrian links, including the right of way along the southwestern boundary, access to Natrass Walk and provision of pedestrian access to Bowe Crescent.

ii) Flood, drainage and water management

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

iii) Biodiversity and landscaping

A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Existing boundary features should be retained and habitats protected from adverse impacts, such as obtrusive light. Additional planting will be required along the south eastern boundary to screen the site from view from the south and east.

iv) Heritage

The site is considered to have archaeological potential, particularly for later prehistoric and Romano-British settlement and an archaeological assessment will be required.

v) Other planning considerations

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

vi) Utility provision

It is recommended that early consultation is made with Northern Gas Network and Northern Power Grid and the relevant Water Authority in order to identify undertakings which may be required for the development.

vii) Design, landscaping, open space provision and green corridors

Development statement outlining the proposals will be required to be accompanied with a planning application and show how the development will successfully integrate with the surrounding area and the neighbouring residential area. The statement will also address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking and carefully consider the existing properties on adjacent streets to the north west.

1.8 Surrounding the site are existing residential properties, open land and the sewage treatment works located across South End Road to the north east of the site.

1.9 The application has been screened under the Environmental Assessment Regulations 2011 and in the opinion of the Local Planning Authority does not constitute EIA development.

2.0 Relevant Planning History

2.1 21/02314/FUL - Construction of 80 residential units with associated access, infrastructure (pumping station & electrical substation) and landscaping - Pending Determination

3.0 Relevant Planning Policies

3.1 The relevant policies are:

National Planning Policy Framework

Policy S1 – Sustainable Development Principles

Policy S2 – Strategic Development Needs

Policy S3 – Spatial Distribution

Policy HG1 – Housing Delivery (part c (iii) AIB 2: Land south of Lyngarth Farm, Bedale)

Policy HG2 – Delivering the Right Types of Homes

Policy HG3 – Affordable Housing

Policy E1 – Design

Policy E2 – Amenity

Policy E3 – Natural Environment

Policy E4 Green Infrastructure

Policy IC1 – Infrastructure Delivery

Policy IC2 - Transport and Accessibility

Policy IC3 – Open Space, Sport and Recreation

Policy RM2 – Flood Risk

Policy RM3 – Surface Water and Drainage Management

Affordable Housing Supplementary Planning Document, Adopted April 2015

Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011

Size Type and Tenure Supplementary Planning Document, Adopted September 2015

Sustainable Development Supplementary Planning Document, Adopted April 2015

4.0 Consultations

- 4.1 Bedale Town Council - do not want to make substantive comments on the application but raise the following points: The application is a great improvement on those submitted previously, and the Town Council is grateful to the applicants both for taking our previous comments into consideration when drawing up the current plans, and for continuing to consult the Town Council during the process; The Town Council would like further information on how the "discount for sale" units will work, both logistically with their relationship to affordable rental units, and contractually in terms of whether the discount element remains after the initial sale; The Town Council would like to see the footpath link to the adjacent Bedale Meadows estate restored to the plans; The Town Council would like to see a clearer picture of how the play area would be shielded from the existing footpath at the SW corner of the site.
- 4.2 Highway Authority - The proposed access point onto the B6285 is considered acceptable to serve the number of dwellings proposed given an increased road width has been provided up to the point where an internal loop road starts. An additional private driveway, serving 4 plots, is also proposed with access direct onto the B6285. It is proposed to reduce the speed limit from the current 60mph at the access points to 40mph. Visibility splays in line with the requirements for 40mph are available at the main access and private driveway. It is recommended provision of a gateway feature, footpath along the site frontage and street lighting are also provided to help reinforce the lower speed limit. A trip distribution and assignment

assessment have been undertaken which has confirmed that beyond the site access the development is expected to generate fewer than 30 trips during the peak hours and is therefore not expected to lead to a significant increase in congestion on the local network. The internal road layout proposed for the site is in accordance with the NYCC residential design guide. The level of parking proposed also meets the minimum requirements expected by NYCC. The proposed change of speed limit on the B6285 will require a Traffic Regulation Order which should be funded by the developer. It is recommended a sum of £5000 be secured in a Section 106 Agreement. There are no local Highway Authority objections. Conditions recommended.

- 4.3 Public Rights of Way - No objections subject to informative.
- 4.4 Environmental Health -No objection subject to construction management plan condition.
- 4.5 Yorkshire Water - No objections subject to conditions.
- 4.6 Lead Local Flood Authority -First response: The LLFA recommends that the applicant provides further information before any planning permission is granted by the LPA.
- Full network calculations are required to confirm attenuation size and the application of the required allowances for climate change, urban creep and CV value.
- 4.7 Lead Local Flood Authority - Second Response: The applicant has demonstrated a reasonable approach to surface water management and the LLFA have no objections subject to conditions.
- 4.8 Planning and Housing Manager - First Response - The applicant is proposing 75 new homes of which 23 will be affordable. This equates to 30.67% which is slightly above the Council's new Local Plan requirement of 30%. The affordable homes will contribute towards meeting the need for affordable homes in Bedale and the surrounding area as evidenced in the Council's Strategic Housing Market Assessment (SHMA) and Housing and Economic Needs Assessment (HEDNA). Affordable housing house type and tenure mix: The Council's new Local Plan requires an affordable housing tenure mix of one third social rent, one third affordable rent and one third affordable home ownership. This equates to 7 or 8 homes for social rent; 7 or 8 homes for affordable rent; and 7 or 8 homes for affordable home ownership (providing the total is 23 affordable homes). The proposed layout plan identifies 8 x two-bed houses for discount sale, which adequately meets the requirement for affordable home ownership provided that the discount applied, to initial and subsequent sales, is 50% of the open market value (based on evidence from Table 52, page 83 of the Council's Strategic Housing Market Assessment). The proposed layout plan also identifies a further 15 affordable homes of unknown tenure: 8 x two-bed houses, 5 x three-bed houses and 2 x two-bed bungalows. No one-bed affordable homes are proposed despite evidence of a significant need for one bed homes in the SHMA and Housing Register. The Council's draft new Housing Supplementary Planning Document (Table 3.1, page 10) seeks an affordable house type mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed

homes. It is therefore recommended that 5 of the 8 two-bed homes of unknown affordable tenure are changed to one-bed houses. These 5 x one-bed houses should be for social rent. The 2 x two-bed bungalows should also be for social rent. The 3 x two-bed houses and 5 x three-bed houses should be for affordable rent. Open market house type mix: The 52 open market homes proposed provide a mix of 10 x two-bed houses and 2 x 2 bed bungalows = 12 x two-bed homes (23%); 24 x three-bed houses and 5 x three-bed bungalows = 29 x three-bed homes (56%); 11 x four-bed (21%). The Council's draft new Housing Supplementary Planning Document (Table 3.1, page 10) seeks a market house type mix of 5-10% one bed homes, 40-45% two bed homes, 40-45% three bed homes and 0-10% four bed homes. Whilst the proposed open market house type mix varies from the recommended District-wide proportions it does provide, in my opinion, a reasonable mix of different property types for the Bedale area (the bungalow provision is particularly welcome).

4.9 Planning and Housing Manager - Second Response: As amendments are in line with my recommendations, I am supportive of this. However, the level of discount proposed for the discount for sale homes is only 40% compared to my recommendation of 50% based on affordability evidence held by the Council (my response should have referred to the Housing and Economic Needs Assessment (HEDNA) rather than the Strategic Housing Market Assessment). Whilst I appreciate that marginally more than 30% affordable housing is proposed (30.67%) this does not outweigh the significant effect of reducing the discount from 50% to 40% for prospective buyers. For example based on an open market value of £200,000 this would result in the discounted price being £20,000 more (£120,000 compared to £100,000). Table 52 on page 83 on the HEDNA shows an indicative discount requirement of 45% for 2-bed dwellings. As affordability has worsened since the report was published in 2018 the Council is seeking a discount of 50% in its draft new Housing Supplementary Planning Document which is currently out for consultation. Given that this has yet to be adopted I could support a discount of 45% in this instance but not 40%. *(Officer comment the applicant has agreed with the housing managers request for 45% Discount.)*

4.10 Designing out Crime Officer - No comments to make on this proposal.

4.11 Swale and Ure IDB - No comments to make site is outside the IDB area.

4.12 Third party representations - 1 letter of support received summarised as follows:

- It would be good to see the 'discounted for sale' houses dispersed throughout the development and with a wider variety of house types, rather than restricting to one type and on one row

5.0 Observations

5.1 The Hambleton Local Plan Policy HG1 Part c (iii) AIB 2, allocates this site for housing development. The site forms part of the Council's housing land supply and as such its development for housing will positively contribute to local housing supply. The principle of housing on this site is accepted.

5.2 The main planning issues to consider in the determination of this application are therefore matters relating to:

- The mix of new housing;
- Design and density;
- Highway matters and car parking;
- Residential amenity;
- Drainage and flood risk;
- Ecology;
- Trees and Landscaping;
- Public Open Space;
- Affordable housing and viability;

The mix of new housing

- 5.3 The application proposes a mix of one, two, three and four bedroom dwellings in short terraces, detached and semi-detached form. With respect to affordable housing the Council's draft new Housing Supplementary Planning Document (Table 3.1, page 10) seeks an affordable house type mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes.

Affordable housing mix.

Type	Target %	No. Proposed	Proposal %
One Bedroom	20-25	5	21.7%
Two Bedroom	50-60	13	56.6%
Three Bedroom	10-20	5	21.7%
Four Bedroom	0-5	0	0%

- 5.4 The above table demonstrates a policy compliant range of affordable dwelling sizes. With regards to the market dwellings the Council's draft new Housing Supplementary Planning Document (Table 3.1, page 10) seeks a market house type mix of 5-10% one bed homes, 40-45% two bed homes, 40-45% three bed homes and 0-10% four bed homes.

Market housing mix

Type	Target %	No. Proposed	Proposal %
One Bedroom	5-10	0	0
Two Bedroom	40-45	12	23%
Three Bedroom	40-45	29	56%
Four Bedroom	0-10	11	21%

- 5.5 Policy HG2 of the Local Plan also requires the provision of 10% two bedroom bungalows to reflect the needs of the ageing population in the district. This application would provide 9 bungalow dwellings which would equate to a 12% provision and as such is compliant with the requirements of Policy HG2.

- 5.6 The proposed mix provides a majority of two and three bedroom dwellings accounting for 79% of the mix. The housing manager considers that whilst the proposed open market house mix varies from the recommended District-wide proportions, as set out above, it does provide a reasonable mix of different property

types for the Bedale area. The proposed mix is considered to meet the need for the range of family homes required in this locality and it includes provision of 12% bungalows to meet the needs of older people. These figures are in line with policies HG2 and HG3 of the Local Plan.

- 5.7 In order to create an inclusive development the Council would not support the grouping of affordable units together. Affordable properties should be 'pepper potted' though the site amongst open market properties. The layout plan shows that the affordable dwellings would be spread throughout the site, mostly in short runs. Confirmation has been sought as to whether the affordable properties would meet the minimum floor space requirement as set out by the SPD Affordable Housing. The applicant has confirmed that the units meet the Nationally Described Space Standards (NDSS).
- 5.8 It is concluded that the proposed development is in accordance with relevant policy with regard to affordable housing delivery and size, type and tenure.

Design and Density

- 5.9 Policy E1 of the Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. Furthermore Site policy AIB 2 of the Local Plan, proposes the site can accommodate up to 60 dwellings. The number of dwellings proposed in the allocation is achieved through the application of a general gross density figure against the estimated developable area, while this provides a reasonable guide, detailed analysis of the site constraints and opportunities can often lead to a different figure.
- 5.10 Additionally it should be noted that in terms of density, the minimum range of 30 dwellings per hectare is no longer quoted within national planning policy. Identification of the appropriate density for the site involves an understanding of the characteristics of the area; the desirability of achieving high quality, well designed housing, the current and future level and capacity of infrastructure, services and facilities; the desirability of using land efficiently and current and future levels of public transport.
- 5.11 The application site covers an area of 2.96 ha and the revised development of 75 dwellings gives a density of approximately 25 dwellings per hectare. This is less dense than the recently built out site to the north which has a density of 31 dwellings per hectare. On balance, this is considered an appropriate density which is broadly consistent with the aims of allocation AIB 2 and reflects the local context.
- 5.12 The revised scheme achieves greater separation distances between properties and the use of bungalows avoids problems of overlooking and overshadowing and the open space and pedestrian links (PROW) introduce some permeability into the site. The layout is considered to be in-keeping with the character and context of the local area. The drawings show defensible space around properties and boundary treatments would be conditioned to address the issue of risk of crime. The Public Open Space would be located to the south/south-eastern edges of the site which also helps to provide a smoother transition between built form and the open agricultural land beyond and provides a buffer between the existing housing to the

west. The open space would be overlooked by a number of the proposed dwellings. The NY Police Designing out Crime Officer has reviewed the proposal and wished to make no comments on the proposal.

- 5.13 The design of the house types (mainly two-storey) reflects the more traditional elements of Bedale's built environment and the palette of materials would reflect the local vernacular and the proposal is considered acceptable in this respect. In combination with the more traditional two storey properties, the use of single storey bungalows results in a more varied street-scene, avoiding the monotony of a row of two storey dwellings with no variation. Architectural features include chimneys, feature bay windows, entrance porches and window cill and lintel detailing, to add interest to the street scene and skyline. A condition can be imposed to secure precise details of external materials to ensure full integration.
- 5.14 The majority of existing hedges, including that to the frontage, which screens the development, would be retained. A condition securing tree protection measures should be applied.

Highway Matters

- 5.15 Policy IC2 of the Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.16 The scheme proposes a main vehicle and pedestrian access from South End.
- 5.17 The Highway Authority is satisfied with the proposal subject to the inclusion of conditions relating to detailed plans of road and footway layout, constructions details of adoptable road and footways, delivery of offsite highway works, parking provision, travel plan, travel plan delivery, and a construction management plan. The allocation was made on the understanding that South End could accommodate the traffic associated with a development of approximately this scale and it is considered that South End is capable of accommodating the traffic arising from the 75 dwellings now proposed. The location of the access is considered to be acceptable and visibility splays accord with requirements. The access has adequate room for both refuse vehicles and fire vehicles to manoeuvre within the site as required. The layout of the site includes a full loop which is considered sufficient to offer alternative access in case of emergencies.
- 5.18 In terms of amenity it is accepted that vehicle movements on South End will increase, but it is not considered that they would increase to such a level that they would have a significant detrimental impact upon the amenity of neighbouring residents. The developer has requested to introduce a 40mph speed limit restriction on South End, NYCC Highways has raised no issue with this.
- 5.19 With respect to parking, each property would have its own off-street parking in accordance with the adopted Parking Standards. Pedestrian links to South End and the retention and upgrading of the existing Public Right of Way (PROW) which runs from north to south through the western end of the site will ensure good pedestrian

permeability. A condition requiring the provision of the footpath along the frontage of the site should be applied to ensure accessibility.

- 5.20 It is considered that the proposed development will have no significant detrimental impact on road safety and that the proposed road and footpath layout is appropriate and in compliance with Local Plan policy.

Residential Amenity

- 5.21 Policy E1 of the Local Plan requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), vibration and daylight.
- 5.22 The Local Planning Authority advocates indicative separation distances of 14m from side to rear elevations of dwellings and 21m from rear to rear elevations of dwellings. Notwithstanding the usefulness of this guideline these standards should not be slavishly adhered to, but appropriate judgement should be used on a case by case basis.
- 5.23 The nearest neighbours along the northern boundary of the site provide for a minimum interface distance of approximately 8m between side gable elevations. The rear elevation of the existing bungalow fronting south end would have a minimum interface distance of 17.4m to the rear elevations of plots 5-6 , however both the existing property and proposed properties at plots 1-6 are bungalows and as such this interface distance is considered acceptable. The new dwellings would be positioned so that significant adverse loss of privacy or overlooking to existing neighbours would not arise.
- 5.24 The proposal achieves an acceptable level of separation between the properties and shows all the properties with adequate levels of private amenity space.
- 5.25 A sewage treatment plant is sited across the road to the north; however, it is some distance away and screened by mature plants and trees. The proposed properties would be set back within the site behind a wide margin, the frontage hedge would be retained and there are existing properties in closer proximity. It is not considered that the amenity of future occupiers would be adversely affected in this regard.

Drainage & Flood Risk

- 5.26 Policy RM2 – Flood Risk and Policy RM3 – Surface Water and Drainage Management seek to ensure that new development will be protected from flooding, will not result in flooding elsewhere and will be provided with suitable and effective drainage.
- 5.27 A Flood Risk Assessment was submitted with the application. The site is located within Flood Zone 1 and as such the development should not suffer from river flooding.
- 5.28 Additional information has been sought and submitted in respect of surface water drainage. The applicants have been working to positively resolve this issue and have submitted additional and updated drainage details. Yorkshire Water have commented raising no objection subject to conditions. The LLFA have commented on the updated information raising no objection and recommending conditions.

Ecology

- 5.29 Policy E3 of the Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E3 also requires that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.30 Given the site's location and existing agricultural use, the proposal is not considered to affect any statutorily protected sites or landscapes. A Preliminary Ecological Appraisal (PEA) was undertaken by Brooks Ecology. The report makes further recommendations for ecological opportunities for the site to achieve net gain.
- 5.31 In light of the findings of the PEA a condition is recommended to secure the implementation of the ecological enhancements proposed and submission and approval of a biodiversity management plan.

Trees and Landscaping

- 5.32 An Arboricultural Assessment which includes an Arboricultural Survey, Arboricultural Impact Assessment, Tree Protection Measures and New tree and Hedgerow Planting details have been submitted in support of the application. The majority of the trees and hedgerows to the boundaries of the site are to be retained, albeit with some minor pruning. Some hedgerow removal is required to facilitate the development, although this is limited to the creation of the main site access, the creation of the access to the private drive and the substation access. The removal of two category c trees is also proposed to facilitate the development.
- 5.33 Detailed Landscape proposals have been submitted with the proposal which sets out a robust landscaping plan which incorporates a good amount of tree planting; native hedge planting; shrub planting; amenity grassland; and flowering amenity grassland. The landscape plans are considered to be robust and suitable for the site and as such a condition is recommended to ensure the landscaping is implemented.

Public Open Space

- 5.34 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.
- 5.35 Under the SPD 5072 sq. m of public amenity space would be required for this scheme including an equipped children's play area. Some 6,175 sq. m of open space is to be provided for amenity purposes, far in excess of the requirements of the SPD.
- 5.36 The main area of Public Open Space in to the south and west of the site is well located, suitably overlooked and contains an equipped play area as required by the

SPD. A management company (not the Town Council) would be set up to maintain the on-site open space.

- 5.37 Taking all the above into consideration, the proposal therefore is considered to meet the requirements of Policy CI3 and the SPD.

Planning Balance

- 5.38 The development would provide new homes on a site allocated in the Local Plan for the provision of housing and meeting the three strands of sustainable development: economic, social and environmental.
- 5.39 The proposed layout and design as amended is considered to meet the requirements of the allocation and create a suitably designed and laid out development which will fit within the existing built framework of Bedale without significant detrimental impact on the character of the area, highway safety or local residential amenity.
- 5.40 It is considered that the proposed housing mix and affordable housing provision is acceptable and weighs positively in the planning balance.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) 23 affordable dwellings within the development in accordance with the Council's Affordable housing SPD; (ii) appropriate management of on-site open space;
 - (b) any outstanding consultations; and
 - (c) 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 drawings numbered:
 - 21:5501:1000 2BA (AS-OP)
 - 21:5501:1014 Swale (OP)
 - 21:5501:1002 3BA (AS-OP)
 - 21:5501:1021 Type H (AS)
 - 21:5501:1020 Friargate (OP)
 - 21:5501:1016 3B (OP)
 - 21:5501:1011 Spurriergate (AS)
 - 21:5501:1010 Fishergate (OP)
 - 21:5501:06 Garage details
 - 21:5501:1005 Stonegate (2 bed) (AS-OP)
 - 21:5501:1004 5B (AS-OP)
 - 21:5501:1023 B6 (AS-OP)
 - 21:5501:1007 Stonegate (2 bed) (AS-OP-AS-OP)

21:5501:1008 Coppergate (AS-OP)
21:5501:1003 3BA (AS-OP-OP)
21:5501:1006 Stonegate (AS-AS-OP)
21:5501:1012 Spurriergate (OP)
21:5501:1013 Swale (AS)
21:5501:1017 4B (AS)
21:5501:1025 Wensley (AS)
21:5501:1015 3B (AS)
21:5501:1022 Type H (OP)
21:5501:1019 Friargate (AS)
21:5501:1009 Fishergate (AS)
21:5501:1001 2BA (AS-AS-OP)
21:5501:03 Boundary Treatments Sheet 1 of 2
21:5501:04 Boundary Treatments Sheet 2 of 2

as received by Hambleton District Council on 31st December 2021 unless otherwise agreed in writing by the Local Planning Authority and drawings numbered:

21:5501:01 – E Proposed Site Layout
21-5501-101A – Landscape Proposals Sheet 1 of 2
21-5501-102A – Landscape Proposals Sheet 2 of 2
21-5501-1027 – Type C (AS-OP)

as received by Hambleton District Council on 4th April 2022 unless otherwise agreed in writing by the Local Planning Authority.

3. The external surfaces of the development shall not be constructed other than of materials, samples of which shall be submitted to and approved in writing by the Local Planning Authority prior to their use on the site.
4. No dwelling shall be occupied until the boundary walls, fences, hedgerows and other means of enclosure associated with it have been constructed in accordance with the details approved in accordance with drawings no:21:5501:04 and 21:5501:03. All boundary walls, fences, hedgerows and other means of enclosure shall be retained, and no part thereof shall be removed without the prior consent of the Local Planning Authority.
5. 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 fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
6. No part of the development shall be occupied after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plans ref: 21-5501-101A – Landscape Proposals Sheet 1 of 2 and 21-5501-102A – Landscape Proposals Sheet 2 of 2 received by Hambleton District Council on 04.04.22 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
7. Prior to any above ground works detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground

levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
9. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. 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. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.
10. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.69 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
11. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
12. Notwithstanding details hereby approved, no above ground works shall commence until a detailed biodiversity management and enhancement plan, complete with a programme of implementation, has been drafted and submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

13. The development shall not be commenced until the tree protection measures as set out in the Arboricultural Assessment ref: Rev A are installed. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.
14. Notwithstanding any details approved, a plan and details to show how hedgehog movement will be provided for between gardens/private amenity space and the surrounding land within that phase, shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include suitable holes (13cm x 13cm) at ground level in close boarded fences and walls, appropriate signage and their locations. The approved details shall be incorporated into each property before it is occupied and thereafter, shall be maintained for the intended purpose and the hedgehog holes and signage shall not be blocked or removed.
15. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the LPA shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.
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 on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
17. 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.
18. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - a) Provision of footway that extends from the proposed private driveway access onto the B6285 in a westerly direction and connects with the existing footway network on the B6285. The footway should be a minimum of 2m wide, except adjacent to the existing properties fronting the B6285 where a reduced minimum width of 1.2m may be provided. Where the boundaries of

the public highway allow, a minimum carriageway width adjacent to the new footway on the B6285 of 6m should be provided. Works to be provided prior to first occupation.

b) Provision of street lighting on the B6285 from the site access that connects to the existing system of lighting to the West of the site. Works to be provided prior to first occupation.

c) Provision of a gateway feature on the B6285 to include new speed limit signage, town name plates, red surfacing and roundel on carriageway. Works to be provided prior to first occupation.

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.

19. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
20. 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: -
 - agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
 - a programme for the delivery of any proposed physical works;
 - effective measures for the on-going monitoring and review of the travel plan;
 - a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
 - 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.

21. 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.
22. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

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

1. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. the parking of contractors' site operatives and visitor's vehicles;
3. areas for storage of plant and materials used in constructing the development clear of the highway;
4. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
5. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
6. protection of carriageway and footway users at all times during demolition and construction;
7. a detailed method statement and programme for the building works; and
8. 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 Hambleton Local Plan.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings.
4. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Hambleton Local Plan.

5. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme in accordance with the Hambleton Local Plan.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with the Hambleton Local Plan.
7. To protect the amenity of the neighbouring residents and to ensure accordance with Policies E1 of the Hambleton Local Plan.
8. In the interest of satisfactory and sustainable drainage.
9. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
10. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
11. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site
12. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
13. To ensure that appropriate measures are implemented for the protection of retained trees during the construction of the development in accordance with the relevant policies of the Hambleton Local Plan.
14. To ensure that the development facilitates the movement of hedgehogs within the development in accordance with Policy E3 of the Hambleton Local Plan.
15. 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.
16. 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.
17. 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.
18. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
19. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
20. To establish measures to encourage more sustainable non-car modes of transport.

21. To establish measures to encourage more sustainable non-car modes of transport.
22. In the interest of public safety and amenity.

Parish: Northallerton
Ward: Northallerton North & Brompton
3

Committee Date : 9 June 2022
Officer dealing: Janeske Delport
Target Date: 15 April 2022
Date of extension of time (if agreed):

21/02867/FUL

Application for change of use of car park spaces and land located next to building to site 2No. front opening containers, clad in softwood to create a workshop.

At: Northallerton Joinery, 2 Binks Close, Standard Way Business Park, Northallerton

For: Mr S Mee

The application is brought to Planning Committee as the application site is owned by the Council

1.0 Site, context and proposal

- 1.1 The application site is located in the car parking area to the west of the Northallerton Joinery, at the end of Binks Close. The site is within the Standard Way Business Park located west of Darlington Road, Northallerton.
- 1.2 The area surrounding the application site comprises commercial/ industrial buildings within the Standard Way Business Park with the railway and open fields directly to the west.
- 1.3 The proposal is for the use of two front opening containers as storage space on a temporary basis, to be used in conjunction with the existing joinery business. The containers would be located within the parking area to the west of Northallerton Joinery. The applicant has stated in the application form that storage space is required for the storage of raw building materials and machinery used as part of the business. The proposed containers would be 6.06 x 2.44m in extent and 2.6m high. Materials proposed would include soft wood cladding to the external parts of the containers, painted green to match the colour of the surrounding buildings. The applicant has confirmed that a time period of 5 years for planning permission for the temporary structures is acceptable and that the proposed operating hours would be 7:30am to 06:00pm, Monday to Friday.

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.

Local Plan Policy E1: Design
Local Plan Policy E2: Amenity

Local Plan Policy EG6: Commercial Buildings, Signs and Advertisements
Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy IC2: Transport and Accessibility
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – No comments.
- 4.2 Economic Development Officer – No comments.
- 4.3 Highways North Yorkshire - No objection .
- 4.4 Network Rail - No objection subject to condition.
- 4.5 Neighbours – No objections.
- 4.6 Site notice posted 10/03/22 – No objections.
- 4.7 Landlord - An observation was received from the landlord which is Hambleton District Council and supports the application.

5.0 Analysis

- 5.1 The main issues to consider are; i) principle of development; ii) design and impact on the character of the area; iii) impact on neighbouring amenity and iv) impact on highways safety and parking

Principle of development

- 5.2 Policy EG6 (Commercial Buildings, Signs and Advertisements) advises that a proposal for a new commercial building will only be supported where it:
 - a) accords with any masterplan or design code that covers the site.
- 5.3 The application site is located within the Standard Way Business Park which is earmarked in the Local Plan as a Key Employment Location. The proposed development would be for an additional storage area as part of the existing Northallerton Joinery business on site. The principle of development would be supported subject to other considerations being acceptable.

Design and impact on the character of the area

- 5.4 Local Plan Policy E1 states that:
 - all development should be of high quality and should integrate successfully with its surroundings in terms of form and function.
 - all development should promote high quality design and that proposals will be supported where it responds positively to its context, respects and contributes positively to the local character in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials and landscaping.
 - a proposal will be supported where it makes efficient use of the site consistent with achieving a high quality design particularly in relation to public

realm, open space, green corridors and layout, and the protection of local character and amenity.

- 5.5 Policy EG6 (Commercial Buildings, Signs and Advertisements) advised that a proposal for a new commercial building will only be supported where it:
- respects the character and appearance of the area, being of appropriate design with regards to materials and colour,
 - would not be the dominant feature of any location leading to an excessive, visually cluttered or overbearing appearance,
 - does not interfere with footpath or highway safety or cause any other safety hazard, and
 - does not cause obtrusive light or other adverse impacts on amenity.

- 5.6 The proposed temporary containers would operate as part of the existing business and would therefore integrate successfully with its surroundings in terms of form and function. The containers would be timber clad and painted green to match the external appearance of surrounding buildings. The proposal responds positively to its context and would not be a dominant feature or be visually intrusive due to the choice of external materials which would be aesthetically acceptable within its context. It is considered that the proposal would not have an adverse impact on the character or appearance of the surrounding area and accords with Local Plan Policies E1 and EG6.

Impact on neighbouring amenity

- 5.7 Local Plan Policy E2 states that all proposals should maintain a high standard of amenity for all users and occupiers, including future occupants and existing occupants and users of neighbouring land and buildings, in particular those in residential use. All proposals should ensure adequate availability of daylight and sunlight and should not result in significant overshadowing and the need for artificial light. Proposals should maintain acceptable separation distances and should not be overbearing and should not result in overlooking causing loss of privacy.
- 5.8 The application site falls within an existing business park and is not within a residential area. The proposal would therefore not have an adverse impact on the amenity of any neighbouring properties and accords with Local Plan Policy E2.

Impact on highway safety and parking

- 5.9 Local Plan Policy IC2 (Transport and Accessibility) advised that proposals will only be supported where it can demonstrate that appropriate parking provision is incorporated taking account of:
- highway safety and access to, from and in the vicinity of the site,
 - the needs of potential occupiers, users and visitors, now and in the future
 - opportunities for shared provision, where locations and patterns of use allow
- 5.10 The containers are proposed within the existing parking area of the Standard Way Business Park, to the west of Northallerton Joinery. Three car parking spaces in total would be lost to accommodate the two containers. It should be noted that there are adequate parking spaces available within the surrounding area which are shared between neighbouring businesses as and when needed. The Local Highways Authority has been consulted and has no objection against the loss of

three parking spaces. The manager of the HDC elements of the Business Park has confirmed that there are no significant parking issues in the locality. It is considered that the proposal would not have an adverse impact on highway safety and accords with Local Plan Policy IC2.

Planning balance

- 5.11 The proposal responds positively to its context, respects and contributes positively to the local character in terms of form, scale, layout, height and visual appearance and would not have an adverse impact on the character or appearance of the area, neighbouring amenity or highways safety. The proposal accords with Local Plan Policies S1, EG6, E1, E2 and IC2 and is therefore recommended for approval.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and/or details received by Hambleton District Council on 03/12/21; unless otherwise agreed in writing by the Local Planning Authority.
3. Within three months of the installation of the storage containers, timber cladding painted green matching the adjacent buildings shall be applied. This shall remain in place for the lifetime of the development unless otherwise agreed in writing with the local planning authority.
4. The containers hereby approved shall be used only for storage in connection with Northallerton Joinery unless otherwise approved in writing by the local planning authority.
5. 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.

Contact details for Asset Protection are supplied below and we would draw the developers' attention to the attached guidance on Network Rail requirements.

6. The temporary permission hereby granted is valid only until 09/06/2027 and the building(s) and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.

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) E1 and E2.
3. To ensure the external appearance is in keeping with the surrounding area in accordance with Development Plan Policy E1.
4. To allow the local planning authority to assess any alternative uses that might arise in the future and subsequent noise and disturbance in accordance with Development Plan Policy E2.
5. The safety, operational needs and integrity of the railway.
6. The building is not considered to be visually acceptable or constructed of suitable materials for permanent retention on this site, in accordance with the Hambleton District Wide Local Plan Policy BD2.

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Parish: Rudby
Ward: Hutton Rudby
4

Committee Date : 09 June 2022
Officer dealing : Aisling O'Driscoll

Target Date: 17 December 2021
Date of extension of time (if agreed):

21/02530/REM

**Reserved matters application attached to Planning Application 20/00121/OUT-
construction of 1no. dwellinghouse as amended by drawings received 01.02.2022
(Floor Plans and Elevations) and 07.02.2022 (Site Layout).**

**At: Land North of Hill Top Blue Barn Lane Hutton Rudby North Yorkshire
For: Mr Clarke.**

**The application is brought to Planning Committee following a resolution to defer
the matter for a site visit and further information.**

1.0 Update

- 1.1 The application was considered at the March Planning Committee and was deferred to allow a site visit to be undertaken. Additional information was requested with regard to:
 - The dimensions of the proposed development
 - The proximity to the Trans-Pennine Ethylene Pipeline
- 1.2 Since Planning Committee the issue of Nutrient Neutrality has also been raised and the applicant has submitted additional information on this issue.
- 1.3 The applicant has submitted a dimensioned drawing to be presented to Members, to better understand the scale of development proposed. At the Committee visit the corners of the proposed development had also been pegged out on the site to assist with the understanding of the dimensions of the property.
- 1.4 The site falls within the Tees River catchment and is caught by the issue of nutrient pollution resulting from the impact of nitrogen on the River Tees and Cleveland Coast Special Protection Area. The identified cause of the eutrophication of the River Tees is excess nitrogen that is finding its way into the River Tees catchment from agriculture, surface water run-off and sewage works. At this time new development must not result in any additional nitrogen being emitted into the catchment.
- 1.5 In order to be able to approve the development, Members must be satisfied that the development is neutral in its nitrogen impact and the development assessed against the Habitat's Regulations.
- 1.6 In this case the protected site is the Tees Ramsar and SPA site and Natural England has specifically cited the issue of nitrogen impacting of the site and causing the growth of blanket weed across the mudflats, which is impacting on plant and wildlife as a result.

- 1.7 The proposed development could impact by way of introducing additional nitrogen to the catchment and as such is considered to fall within scope. On this basis it must be demonstrated that either the proposal results in a net 0 nitrogen impact or that sufficient mitigation can be put in place to offset the net additional nitrogen from the site.
- 1.8 A Nitrogen Calculator has been developed by Natural England for use by Local Planning Authorities, Developers and others, to calculate the nitrogen load from proposed development.
- 1.9 The calculator takes into account the existing and proposed land uses along with the performance of the sewage disposal methodology, be it a local sewage works or a package treatment plant.
- 1.10 In discussion with Natural England it is clear that it is appropriate to use the certificated performance of a specific treatment plant in assessing the nitrogen output of the plant.
- 1.11 In this case the site is currently a cereal field, which would have resulted in relatively high levels of nitrogen run off owing to fertiliser being spread on the field. As such the removal of the agricultural use results in a reduction in nitrogen.
- 1.12 If the new development is simply connected to mains drainage, the reduction in nitrogen from taking the field out of agriculture, is not sufficient to offset the nitrogen generation from foul and surface water from the proposed development. As a result, the applicant has sought an alternative to mains drainage, using a particularly high performing package treatment plant. When tested through Natural England's Nitrogen Calculator, this demonstrates that overall, the development results in less nitrogen emitted from the site than the current situation.
- 1.13 Officers have discussed this with Natural England and are satisfied that the certification of performance of the treatment plant from the supplier is sufficient to allow us to assess the application under the Habitats Regulations.
- 1.14 On application of the performance of 10mg Total Nitrogen / litre within the calculator, taking into account the benefit of taking the parcel of land concerned out of cereal production, the calculator demonstrates that the proposed development achieves a net 0 nitrogen output.
- 1.15 It is therefore considered that the requirements of the Habitat Regulations have been achieved and it has been proven that the development will have no additional nitrogen impact on the protected site.

2.0 Site, Context and Proposal

- 2.1 The application site is located at the western edge of Rudby to the North side of Blue Barn Lane and to the west of the existing dwelling "Hilltop". The site is bordered to the south by hedgerow and to the east by fencing and hedging. To the north and west are open fields.
- 2.2 Blue Barn Lane is predominantly residential in character with two housing developments to the south side and further individual dwellings extending the built

form to the west. To the east and south east is the remainder of the settlement of Rudby with Hutton Rudby further to the south.

- 2.3 The site has outline consent with all matters reserved for a single dwelling. The permission is conditional that the dwelling be no more than one and a half stories in order to limit the overall height of the proposed development to protect the character and appearance of the area. This application is a reserved matters application considering access, layout, scale, appearance and landscaping.

3.0 Relevant Planning History

- 3.1 20/01349/OUT - Outline application with all matters reserved for the construction of 2no. dwellings - Refused and dismissed at appeal
- 3.2 20/00121/OUT - Application for Outline Planning Permission with all matters reserved for the construction of 1no. dwellinghouse - Granted

4.0 Relevant Planning Policies

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

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S5: Development in the Countryside

Local Plan Policy HG5: Windfall Housing Development

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM2: Flood Risk

National Planning Policy Framework

5.0 Consultations

- 5.1 Parish Council - Rudby Parish Council recommend refusal on the basis that the proposed design does not comply with the IPG in relation to the character and appearance of the area and on safety grounds in relation to the proximity to the Trans-Pennine Ethylene Pipeline and increased occupancy of a larger dwelling.
- 5.2 SABIC - Should planning consent be granted, we would require to be consulted by the developer prior to construction commencing on the site to agree a method statement and ensure that our standard conditions for work in close proximity to the pipeline are met. The developer would need to get approval from ourselves for any fencing activities within 50m of the pipeline.
- 5.3 EHO Contaminated Land - No comments
- 5.4 EHO - No objection

5.5 Public Comments - As the proposal was advertised several times 24 letters of objection were received from 11 individuals raising the following issues:

- Proposal is outside of the scope of the outline permission
- Design of the dwelling
- Scale of the dwelling
- Similar scale to the previously refused application for 2 dwellings
- The height of the proposed dwelling is similar to a two storey dwelling contrary to the outline condition requiring maximum 1.5 storeys
- Scale out of character to the plot/area
- Increased pollution from additional cars due to size of dwelling
- Overdevelopment of the plot
- Proximity to the southern boundary
- Large bulky design out of character with the area
- Property is similar in height to a two storey dwelling when the outline stipulates 1.5 storeys
- Impact on neighbour amenity
- Overlooking/loss of privacy
- Limited amenity space for the proposed dwelling
- Impact on the character of the area
- Proximity to the Trans-Pennine Ethylene Pipeline
- One large dwelling will have similar occupancy to the two smaller refused dwellings next to the Ethylene pipeline
- Proximity of pool and drainage excavations to the Ethylene Pipeline
- Potential subdivision of a large property adjacent to the pipeline
- Weight to be given to the Local Plan
- Does not meet the criteria set out in the IPG
- Drawings are poor quality/inaccurate
- Orientation of the driveway to Blue Barn Lane
- Draft neighbourhood plan shows need for smaller properties
- The applicant did not engage with neighbours prior to application
- Sabic has made recommendations on the types of trees that can be planted
- Loss of view/spoils the view across the fields

6.0 Analysis

6.1 The outline permission was granted for a single dwelling with all matters reserved. This application therefore considers the remaining matters of access, appearance, landscaping, layout and scale. The main issues to consider therefore are: design and impact on the character of the area, amenity, and highways safety. It should be noted that the outline application was considered under the LDF and Interim Policy Guidance. On the 22nd of February 2022 the Local Plan was formally adopted and therefore this Reserved Matters application must be considered against the new policies of the Local Plan.

Design and Impact on the Character of the Area

6.2 Policy E1 of the Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.

6.3 Condition 10 of the outline permission states: The development hereby approved shall be for a dwelling of not more than one and a half storeys. Accommodation may

be included within the roof form. The reason for the condition was to limit the overall height of the proposed development to protect the character and appearance of the area. The proposal is for a large single dwelling with dormer windows to the front and rear. The height of the dwelling at 7.3 metres is above that of a typical bungalow, however, it has been designed to appear as a 1.5 storey dwelling. This height is due mainly to the size of the footprint which directly impacts the pitch of the roof and the overall height.

- 6.4 During the life of the application several amendments were made to the design of the dwelling to address issues of massing and impact on the area. The front elevation now shows the main part of the dwelling at 7.3m with the integral garage offshoot, with accommodation over, to the eastern side measuring 6.2m to the ridge. The higher part of the dwelling therefore will read as the main dwelling with the garage stepping down as an ancillary offshoot. In this way the massing of the property as viewed from Blue Barn Lane is reduced from the original submission.
- 6.5 Whilst the proposed dwelling is large and includes 5 bedrooms with large dressing areas/ensuite bathrooms it is considered that the overall scale and mass would not be so harmful to the character of the area that it would warrant a refusal of planning permission.
- 6.6 The dwelling is to be finished in render with grey pvc windows and slate colour clay roof tiles. Dwellings on Blue Barn Lane feature a mix of materials including brick, render, artificial stone and concrete roof tiles. It is considered, therefore that the finished exterior will reflect the palette of materials in the immediate area.
- Amenity
- 6.7 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 6.8 The layout plan shows areas of garden to the rear and western side of the proposed dwelling. The rear area measures approx. 6mx5m and the western area a minimum of 10mx7m area. The whole garden to the west measures approx. 178sqm, however, some of this space is awkwardly shaped due to the triangular shape of the plot. In any case the plot provides sufficient outdoor amenity space for future residents.
- 6.9 The eastern elevation faces the neighbouring property 'Hilltop'. The only windows on this elevation are two rooflights which serve bathrooms. In this regard it is considered that the proposal will not result in an unacceptable loss of privacy for the neighbouring dwelling.
- 6.10 Local residents have commented that the proximity of the proposed dwelling to the road will have a negative impact on the privacy of the bungalows on the southern side of blue Barn Lane. In this case, however, it is considered that the properties are separated by land which is open to the public i.e. Blue Barn Lane, and therefore the addition of a dwelling on the opposite side of the road would not result in an unacceptable loss of privacy for the neighbouring dwellings. Separation distances are considered acceptable.

- 6.11 Local residents have also raised concern with regard to the proximity to the Trans-Pennine Ethylene Pipeline which runs through the field to the north of the site. Concerns raised relate to the excavations required for the pool and drainage as well as the increased size of the dwelling and therefore the number of people in proximity to the hazard. In relation to the excavation of the site, this will be closely monitored by the operators of the pipe who have requested a method statement to be agreed in advance. A condition is recommended to secure this.
- 6.12 With regard to the uplift in the number of people residing within the inner zone of the pipeline local residents argue that the Inspector refused consent for two dwellings on the basis of the increase in the number of people within the hazard zone. Residents argue that there is little difference between the potential occupancy levels of two 3 bedroom properties and one 5 bedroom property. In this case it is considered that one larger household would not result in the same level of risk as that of two smaller households.

Highways Safety

- 6.13 Policy IC2 of the Local Plan indicates that a proposal will only be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 6.14 During the life of the application the Highways Officer requested that the proposed gates be moved further back into the property. This amendment was made and the Highways Officer raised no further objections to the scheme. Two conditions were recommended, however, these were already included in the Outline permission and therefore are not required.

Planning Balance

- 6.15 Whilst the proposed dwelling is large it is considered that the impact on the wider area would not be so harmful as to warrant the refusal of planning permission. It is considered that the overall height and form of the proposed dwelling is acceptable in this location and the development will have no significant adverse impact on neighbouring amenity.

7.0 Recommendation

- 7.1 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 two 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):
Proposed Site Layout EC-2021-05-DO21 Rev P11 received 07.02.2022
Proposed Floor Plans and Elevations EC-2021-05-DO20 Rev P17 received 01.02.2022

3. Prior to commencement of development a fence/barrier shall be installed along the northern boundary of the site. The fence shall remain in place for the duration of the construction phase.

4. The development shall be constructed of/ finished in the approved materials only namely:

Walls: Webber Render in Chalk White

Roof Covering: HP 10 Huguenot for cladding in slate details of which were submitted on 18.02.2022

5. A construction method statement shall be prepared, submitted and approved prior to the commencement of development to take account of the proximity of the site to the Trans-Pennine Ethylene Pipeline.

6. No trees shall be planted within the site unless the species and location of planting has first been approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

- 1 To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and in the interest of proper planning.
3. In order to ensure that work vehicles and materials do not encroach on the pipeline in the interest of safety.
4. In the interest of visual amenity.
5. In order to ensure that the development does not result in damage to the Trans-Pennine Ethylene Pipeline that may result in harm to the population or environment.
6. In order to ensure that only appropriate species are planted due to the proximity of the Major Accident Hazard Pipeline.

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Parish: Sessay
Ward: Sowerby and Topcliffe
5

Committee date: 9 June 2022
Officer dealing: Mr A Cotton
Target date: 16 February 2022

21/03028/FUL

Construction of 4 dwellings and associated works

At: Land adjacent to Butter Hill View, Sessay, YO7 4FE

For: Mulgrave Developments Ltd

This application is referred to Planning Committee due to public interest

1.0 Site, context and proposal

- 1.1 The application site comprises a 0.39-hectare piece of agricultural land to the eastern side of Main Road, Sessay. The site lies beyond the settlement limits of Sessay. Immediately to the south of the application site lies Butter Hill View which was granted outline and then reserved matters planning permission for 6 dwellings in 2015 and 2016 under planning references 15/00408/OUT and 16/02364/REM. To the west, on the opposite side of Main Road lies residential development which is within the settlement limits of Sessay. To the north and east of the application site lies open fields. The site is generally flat and absent of trees or hedgerows except for a low-level boundary hedge fronting onto Main Road.
- 1.2 This application seeks full planning permission for the construction of 4no. dwellings. The proposal has been amended throughout its lifetime resulting, the removal of one dwelling from 5 to 4, a slightly amended layout and changes to the mix of dwelling sizes to incorporate some smaller family units. The proposal is a mix of 1no. 2 bed unit, 2no. 3 bed units and 1 no. 4 bed unit.
- 1.3 Access to the site would be taken from Main Road through the creation of 1no. new access point.

2.0 Relevant planning policies

- 2.1 To the immediate south of the application site:

15/00408/OUT - Outline application for residential development - Permitted June 2015

16/02364/REM - Reserved matters application for six dwellinghouses and associated garages (considering access, appearance, layout and scale) relating to outline planning permission 15/00408/OUT for residential development – Permitted July 2016

3.0 Relevant planning policies

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

S1 – Sustainable development principles
S2 – Strategic priorities and urban requirements
S3 – Spatial distribution
S5 – Development in the countryside
HG2 - Delivering the right type of homes
HG5 – Windfall housing development
E1 - Design
E2 - Amenity
E3 - The natural environment
IC2 – Transport and accessibility
RM1 – Water quality, supply, and foul drainage
RM2 – Flood risk
RM3 – Surface water and drainage management

Supplementary Planning Document - Size, type and tenure of new homes –
adopted September 2015

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Wish to see the application refused raising the following concerns:

- Sewage and drainage problems relating to capacity of sewage network;
- Insufficient parking proposed; and
- Garages shown forwards of current building line.

Sessay Parish Council have subsequently advised that they are still concerned that there is inadequate infrastructure in place in Sessay to adequately deal with the current level of sewerage, and that further developments in the village of Sessay should be put on hold and not granted approval until the matter is resolved and Yorkshire Water can give that assurance.

4.2 Natural England – No comments to make.

4.3 Highways -No objection subject to conditions

4.4 Ministry of Defence – No safeguarding objection

4.5 Street naming and numbering – An application would be required.

4.6 Yorkshire Water –Initial objection received on 8 February 2002 relating to the requirement for the layout to be amended to indicate the full extent of diverted water main including the diverted pipes stand-off distance of 5m either side of the pipes centre line.

Revised comments received 9 May 2022 -Company records indicate a water main crosses the red line site boundary. The presence of the main may affect the layout of the site It is recommended that no obstruction encroaches within 5 metres on either side of the main i.e. a protected strip width of 6 metres. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water

Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive.

No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the water main i.e. a protected strip width of 10 (ten) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker in order to allow sufficient access for maintenance and repair work at all times.

A 9 inch Cast Iron main crosses the site and will need diverting at the customers expense. A water main diversion plan has already been drawn up and approved to divert the main with a new 250mm HPPE main as per consultation X021458.

This diversion also requires a 10metre easement (5 metres either side from the centre of the main) to protect and allow access to the main for future maintenance and repair. No development should encroach within this easement.

A connection to these 5 new dwellings can be made to the 90mm HPPE.

Waste Water- If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

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. (In the interest of satisfactory and sustainable drainage)

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority. (To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network)

It is noted from the submitted planning application that surface water is proposed to be drained to watercourse, which we fully endorse. The developer is strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority/Internal Drainage Board with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure. a.) As surface water from the site is not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change, further consultation with Yorkshire Water will be required. 2.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water they should contact YW. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Code for Adoption - a design and construction guide for developers' as supplemented by Yorkshire Water's requirements.

4.7 Public comments – Five objections received raising the following points, in summary:

- Concern over position of two garages forward of the building line;
- Loss of view;
- Loss of privacy/overlooking;
- Noise and disturbance;
- Additional traffic;
- No need for additional housing in the village;
- Concern over flooding and drainage/sewage capacity issues; and
- Why is an additional field access required.
- Moving the line of the garages will not solve waste water problems

5.0 Analysis

- 5.1 The main issues for consideration in this case relate to (i) the principle of development (ii) affordable housing (iii) character, appearance and design; (iv) residential amenity; (v) highway safety; (vi) flood risk and drainage; and (vii) ecology

Principle of development

- 5.2 The application site lies outside of the Development Limit boundary of Sessay which is identified as a Service Village under policy S3. As Sessay is defined as a Secondary Village this means it is a sustainable place for new development. The settlement boundary extends much further north on the eastern side of Main Road. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria a-e are met. Criteria a-e are set out below:

a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and

b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

c. represent incremental growth of the village that is commensurate to its size, scale, role and function;

d. not result in the loss of open space that is important to the historic form and layout of the village; and

e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

- 5.3 The applicant carried out a site search considering previously developed land which is commensurate with the size of the development within the settlement boundary of Sessay. No suitable or visible sites were able to be identified. The applicant has satisfied criteria a.
- 5.4 With regard to criteria b the applicant proposes a mix of dwellings predominantly comprising 2 and 3 bed units which is in accordance with both the Council's

Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA).

- 5.5 When considering the site both individually and cumulatively with surrounding approvals, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement which would not result in the loss of open space that is important to the historic form and layout of the village and is not considered to have a detrimental impact on the character and appearance of the village, surrounding area.
- 5.6 Sessay is predominantly a linear settlement, with a distinctive and established form of development fronting on to both sides Sessay Garth. It is considered that the proposal is reflective of this established form and vernacular and would extend the length of the development on the eastern side of the road by a modest extent. Development on the western side of Sessay Garth extends much further to the north than that located on the eastern side. It is considered that the proposed development would infill a small section of this gap, but would not extend the built confines of the village beyond its established extent into open countryside. A large section of undeveloped land on the eastern side of the road (to the immediate north of the application site) would remain undeveloped, which would continue to aid the transition between the developed confines of Sessay and the open countryside beyond. As such the proposal is considered to accord with criteria c-e of Local Plan policy HG5, although it should be noted criterion e is discussed in more detail in the character, design and appearance section below.
- 5.7 Therefore it is considered that the principle of a new dwelling within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

Affordable housing

- 5.8 Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 4 or less units in a designated rural parish. Sessay is considered a designated rural parish and the proposal is for 4 units therefore the proposal in itself does not trigger an affordable housing requirement. Policy HG3 does also allow the council to consider housing developments which form part of a wider development cumulatively. It has been considered as to whether this application should be assessed in combination with the development immediately to the south as all the land was at one time within the ownership of the same landowner and the sites are adjacent to each other.
- 5.9 However, a considerable amount of time has passed since the site to the south was granted permission and was built out by a developer with no known association with the applicant of this site. Outline planning permission for the site to the south was granted in 2015, seven years ago. Furthermore neither this site nor the site to the south were sold as one parcel of land for residential development. The applicant's agent advises that the applicants were not involved with the development of the land to the south, which has been built out in full by Daniel Gath Homes and were not active in Hambleton at the time of the grant of planning permission. The applicant's agent advises that the applicant was not privy to any of the details concerning this application and that they are dealing with the application site in isolation.

- 5.10 It is considered that this is reasonable evidence to demonstrate that it is reasonable that the site should not be considered cumulatively with the site to the south when considering affordable housing requirements.

Character, appearance and design

- 5.11 Criterion e of Policy HG5 considers impact to the character and appearance of both built form of the settlement but also to the open countryside.
- 5.12 The development comprises the construction of 4 dwellings which would be considered small in scale. The site is adjacent to the Development Limits of Sessay with the settlement boundary running much further north on the western side of Main Road which comprises residential dwellings. It would not therefore appear independent of the village. It is considered that the proposal responds well to the form and character of the village being predominantly linear in form and as such the proposal would meet the requirements of criterion e of HG5 and would accord with the aims of sustainable development. It is noted that the plans have been amended to move the proposed garages back into the site behind the building line.
- 5.13 The site is an agricultural field, which has some relationship to the built form of the village, given the development to the western side of Main Road and to south. It is considered that the proposal would not be detrimental to the natural environment in this manner. The submitted plans demonstrate the site can accommodate 4no. dwellings with suitable amounts of private residential amenity space and parking sympathetic to the existing character of the settlement. The submitted details shows the site is capable of accommodating dwellings which reflects the plot size to dwelling ratio found within the local settings.
- 5.14 The proposal comprises 4 dwellings which would all be two storey in height, due to slight variations in design the proposed ridge heights would vary with plots 1 and 4 being lower than plots 2 and 3. The proposal includes a mix of property sizes which range from 2 to 4 bedrooms however the floor area of all properties is skewed towards the larger size. The applicant has identified that this is dictated by their target market which is aimed at retirees and downsizers who are looking to reduce the number of bedrooms but still want a larger habitable space to entertain and live. Overall, the scale of the dwellings proposed is considered acceptable and whilst comprising large floor plates, offers a range of dwelling sizes in line with the thrust of policy HG2 and the size type and tenure SPD. It is also considered that the proposal meets the standards set out in the NDSS.
- 5.15 In terms of the design and materials of the proposed dwellings, the applicant has indicated a material palette consisting of brick, pantile and slate. The proposed properties would be constructed in brick with either slate or pantile roof covering. Artificial stone heads and cills and dummy chimneys finished in matching brick with clay pots form part of the design of the dwellings. Considering the materials palette of the village and the location of the site the proposed materials palette is considered to be acceptable.
- 5.16 Boundary treatments would comprise of 1.2m post and rail fencing to the frontage of the site and 1.8m high timber fencing to the rear. The existing mature frontage boundary hedge is proposed to be retained and supplemented (which lies outside of the visibility splay). Landscaping often helps new dwellings integrate into their setting. Landscaping is shown to some degree on the proposed site layout, which in

a broad sense is acceptable. However a condition requiring more specific details (planting type, species, number etc) to be submitted and implemented prior to occupation of the first dwelling is recommended. It is noted on the submitted layout within the supporting text that the existing boundary hedge (within the required visibility splay) is proposed to be replaced with new native species hedging set behind highway visibility splays and hedgerow lying outside the visibility splay retained. It is recommended that a new native species hedge is implemented to the frontage of the site outside the visibility splay and the remaining hedgerow retained and this is conditioned accordingly within the general landscaping condition (condition 4).

- 5.17 Given the above it is considered that this scheme is able to comply with policy E1 of the Hambleton Local Plan.

Residential amenity

- 5.18 The application is for residential development of 4 dwellings. The proposed site plan shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties to the south and west. Concerns raised regarding loss of residential amenity (privacy, overlooking, noise and disturbance) are noted. Existing dwellings are site across the main road and to the south of the site. It is considered that this is an appropriate distance away to ensure that privacy between existing and proposed dwellings would not result in significant loss of amenity to existing residential dwellings. Condition 10 also requires details of construction and delivery hours to be approved by the Local Planning Authority in order to seek to minimise noise and disturbance to reasonable hours. Adequate provision of private amenity space is set out for each dwelling. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.19 It is proposed to access the site from one entrance off the main road onto a private drive. Electric vehicle charging points would be provided for all properties. The Highway Authority has not raised objection to the proposed development. A number of conditions are recommended in relation to details of measures to mitigate surface water run off onto the highway, construction of the agricultural track, construction of the site access, provision of visibility splays, provision of access, turning and parking areas, and construction management plan details.
- 5.20 It is not considered that the vehicle trips generated from a development of 4 units would be so significant that it would result in highway safety or operation concerns. With regard to parking which is noted as a concern by the Parish Council each plot would be provided with 2 in curtilage parking spaces as well as a double garage. A visitor parking bay would also be provided. As such it is considered that adequate provision is made for the parking of cars within the site for four properties.

Flood risk and drainage

- 5.21 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding. The capacity of the existing sewers and surface water drainage problems in the area has been raised as a concern through public consultation exercises and Policy

RM1 states proposal will only be permitted where (b) there is or will be adequate water supply and treatment capacity in place to serve the development.

- 5.22 A drainage feasibility report was submitted with the application which sets out a strategy for dealing with foul and surface water for the development. It is proposed that foul water domestic waste from the development would be discharged to the public sewer network, for which formal approval would be required from Yorkshire Water Services. A pre-planning enquiry was submitted to Yorkshire Water regarding the discharge of foul waste water from the development. Yorkshire Water advised that foul water from the development should discharge to the existing 150mm foul water sewer located in Sessay Garth to the west of the site. Based upon a development of 5 dwellings (which is now reduced to 4 dwellings) and with a peak flow rate of 4000 litres per dwelling per day, in accordance with Sewerage Sector Guidance Appendix C – March 2020, the peak foul water flow from the development site would be less than 1 litre per second.
- 5.23 The submitted drainage feasibility report advises that in respect of surface water the shallow groundwater levels negates the use of infiltration as a viable method of surface water disposal. There were indications from the initial phase 1 geo-environmental report that infiltration may be hampered by shallow groundwater and/or underlying low permeability clay. The second preferred option would be to discharge the surface water run-off from the development to a watercourse. There is an open watercourse (Old Beck) located to the north of the development, to which the surface water run-off from the recent residential development adjacent to the site to the south outfalls. An existing surface water drainage pipe traversing the development site discharges into this watercourse. It is therefore proposed the surface water run-off from the application site is discharged into this watercourse via this existing drainage pipework.
- 5.24 There is an existing cast iron water main which crosses the site (to its north eastern side) and requires diversion. Yorkshire Water have advised that under separate consultation, a diversion plan has already been drawn up and approved to divert the main with a new 250 mm diameter HPPE main. This diversion also requires an easement of 5 metres either side from the centre of the main i.e. a protected strip width of 10 metres to allow access for future maintenance and repair. No new buildings should encroach within this easement. A previously submitted proposed site layout did not indicate the full extent of the diversion works and, in addition, the specified 'easement' is noted as a 6 metre strip. The plans have now been amended to maintain a stand-off distance of 5 metres from the pipe's centre-line i.e. a protected strip width of 10 metres and the full extent of the diversion route. This requires an access from the main road into the field at the southern end of the side adjacent the dwellings to the south of the site to provide for diversion, easement, maintenance and repair as well as agricultural access. This is recognised in YW's revised consultation response. Conditions recommended by YW in their revised consultation response are recommended to be imposed on any grant of planning permission.
- 5.25 YW have also separately commented stating that with respect to the objection comments regarding the local sewerage system, that they consider this to be an operational matter to be dealt with separately from planning legislation. YW advise that, as noted in the parish council comments, there is continuing dialogue with YW and NYCC to seek to resolve foul water issues, bearing in mind the statutory sewer records only show foul sewer network in the vicinity of the site. Foul water flows are

negligible compared to surface water flows, and in times of storm, if road gullies are not cleaned out on a regular basis, they can easily get blocked up and surface water on road and including off peoples properties/land etc. will end up overloading sewer network. It is recommended that both parish council and residents should continue to keep in touch with YW to report any more incidents. From the above comments received from YW it is considered that they are content that the sewerage network has appropriate capacity to accommodate the proposed development.

- 5.26 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Local Plan. Therefore subject to the imposition of the recommended conditions the proposal is acceptable with regards to flood risk and drainage.

Ecology

- 5.27 A preliminary Ecological Appraisal (PEA) has been submitted in support of the proposal. The PEA considers the site is of moderate ecological value but at the lower end of the scale as such the development of the site is not considered to have a detrimental impact upon local flora and fauna. The PEA concludes that there would not be a significant impact to protected species or habitats as a result of the proposed works. A number of mitigation and enhancement measures are recommended. It is considered that a condition to ensure the implementation of the enhancement measures identified in the PEA would achieve biodiversity net gain in line with Local Plan Policy E3.

Conclusion

- 5.28 Due to its size and location the site is capable of accommodating the proposed dwellings without unacceptable harm to the surroundings or the amenities of neighbours, the environment or highway safety and is able to comply with the above policies.

6.0 RECOMMENDATION

- 6.1 That 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 location plan refs:

1240.16 Double Garage - Proposed Plans and Elevations
1240.17 Enclosure Detail 01
1240.18 Enclosure Detail 02
1240.01 Proposed Location Plan

as received by the Local Planning Authority on 22 December 2021 and plan refs:

1240.05.D Proposed Site Layout
1240.06.B Proposed Streetscene
1240.10.A Plot 3 & 4 Proposed Plans

1240.11.A Plot 3 & 4 Proposed Elevations
1240.12.A Plot 4 Proposed Plans
1240.13.A Plot 4 Proposed Elevations
1240.14.A Plot 1 Proposed Plans
1240.15.A Plot 1 Proposed Elevations

as received by the Local Planning Authority on 09 March 2022 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to their first use on site details of the materials to be used in the construction of the walls and roofs of the proposed dwellings and detached garages, as well as all surfacing details shall be submitted to and approved in writing by the Local Plan Authority. The development shall the be constructed using only the approved materials.
4. Prior to any above ground development, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. This should include, but not be limited to the retainment of the existing frontage hedging as far as possible, taking into account required visibility splays and implementation of a native species hedgerow to the frontage of the site behind visibility splays. 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 situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development must not be brought into use until the accesses to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

6. The development must not be brought into use until the agricultural access has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E70 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- The final surfacing of any private access within must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details..

7. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
8. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43.00 metres measured along both channel lines of the major road from a point measured 2.40 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details 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.
10. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;
 5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
 6. Construction and delivery hours of operation.
11. Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs. The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

12. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary ecological appraisal prepared by Dryad Ecology ref 187-01 - Main Street - Sessay - PEA report - 05.docx.
13. Foul and surface water drainage of the site shall be designed and implemented in accordance with the strategy contained within the drainage feasibility report prepared by Alan Wood & Partners ref JAG/CD/JF/46403-RP001.
14. The permission hereby granted is restricted to four dwellings only.
15. The site shall be developed with separate systems of drainage for foul and surface water on and off site. Full details of these separate systems and their points of discharge shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of development and implemented thereafter in accordance with the approved details prior to the occupation of the 1st dwelling.
16. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details which shall be submitted to and approved by the Local Planning Authority. This shall include discharge rate in order to prevent blockages and future maintenance issues, appropriate flow control device, required volume and location of surface water storage. The required details shall be submitted for approval prior to commencement of development and implemented in accordance with the approved details prior to the occupation of the 1st dwelling.
17. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the water main i.e. a protected strip width of 10 (ten) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

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 and to ensure the development is compatible with the immediate surroundings of the site and the area as a whole.
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 Policy E1 of the Local Plan.
4. In order to soften the visual appearance of the development and provide enhancement of the surrounding area and ensure the site achieves biodiversity net gain in accordance with policy E3 of the Local Plan.

5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users
7. In the interests of highway safety.
8. In the interests of highway safety.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
10. In the interest of public safety and amenity
11. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
12. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
13. To ensure adequate and suitable drainage of the site in accordance with Policy RM1 of the Hambleton Local Plan.
14. In order to ensure precision and clarity regarding the number of dwelling the planning permission relates to.
15. To ensure adequate and suitable drainage of the site in accordance with Policy RM1 of the Hambleton Local Plan.
16. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with Policy RM1 of the Hambleton Local Plan.
17. In order to allow sufficient access for maintenance and repair work at all times in accordance with Policy RM1 of the Hambleton Local Plan.

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**Parish: Thirkleby High and
Low with Osgodby**

Ward: Raskelf and White Horse
6

Committee Date: 9 June 2022

Officer dealing: Mr Connor Harrison

Target Date: 19 October 2021

Date of extension of time (if agreed): 13th June 2022

21/02103/MBN

**Prior Notification (Class Q) for the Conversion of an Agricultural Building to form 1
no. Dwellinghouse.**

At: OS Field 8400, Vicar Hill Lane, Little Thirkleby.

For Mr and Mrs Ellis

1.0 Site, Context and Proposal

- 1.1 The site is located within the Open Countryside.
- 1.2 The building that is subject to this application is a large portal framed building located to the south of Little Thirkleby. It is accessed from Vicar Hill Lane and the current access is located to the east of the site. The site is prominently located on a hill overlooking Back Lane to the south.
- 1.3 This prior notification concerns the conversion of the building to a single dwelling under permitted development rights set out in Class 3, Part Q of the General Permitted Development Order. Initially the proposal was to create two dwellings but this was altered to a single dwelling.
- 1.4 The proposed new dwelling will have a floorspace of 415m² (approximately 91m² of which will consist of covered parking) and will be 4.4m to the eaves with a ridge height of 6m (North Elevation). The associated amenity space (residential curtilage) will be approximately 190m² in size.
- 1.5 The building is currently constructed of a steel frame partially clad with grey sheeting and Yorkshire boarding with the roof being comprised of fibre cement sheeting. The proposed elevations are to be composed of a mix of sheeting and timber boarding, with fourteen openings being created to form windows and doors and the insertion of one rooflight.
- 1.6 This application follows a refusal of permission for an agricultural worker's dwelling on the site due to the "lack of a functional requirement for the existing or proposed livestock enterprise".
- 1.7 It has not been established how the site is used as part of a wider agricultural unit and it is unclear as to what the proposed use of the remaining land would be if the application were to be approved and development implemented.

2.0 Relevant Planning History

- 2.1 19/00057/FUL - Proposed construction of an agricultural dwelling – REFUSED.
- 2.2 07/00086/COU – Caravan on Land – REFUSED (Enforcement).

- 2.3 06/00176/COU – Caravan on Land – REFUSED (Enforcement).
- 2.4 04/00192/COU – Static Caravan – REFUSED (Enforcement).
- 2.5 95/50880/AN - Prior notification to construct a general purpose building – APPROVED.

3.0 Relevant Planning Policies

- 3.1 The application has been applied for under the terms of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 3.2 This application is therefore applied for under prior notification and the policies of the Local Plan do not apply to this scheme, Order refers to the requirements of the National Planning Policy Framework.

4.0 Consultations

- 4.1 Parish Council – No response.
- 4.2 Neighbours and Site Notice – No responses.
- 4.3 Environmental Health – No objections.
- 4.4 Contaminated Land – No objections.
- 4.5 Yorkshire Water – No response.
- 4.6 RAF Linton-on-Ouse – No response.

5.0 Analysis

- 5.1 Part 3, Class Q of the General Permitted Development Order (GPDO) allows for the following:

Q. Development consisting of—

- (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and or
- (b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

In order for a building to benefit from the above permitted development rights it must first qualify as an "agricultural building" - the Legislation defines this as "a building (excluding a dwellinghouse) used for agriculture and which is so used for the purposes of a trade or business; and "agricultural use" refers to such uses." The site must also have been used solely for agricultural purposes.

- 5.2 There is a history of agricultural related development on the site and surrounding land, however the extent and dating of the site in relation to an agricultural use required further information on how the building was used and so supporting evidence was requested from the agent to support the position of the applicant. It is noted that in the cases ranging from the years 2006-2019 it is mentioned that agriculture is not a main income for the applicant who also works as a landscaper and designer of equestrian courses.
- 5.3 In response to this request photographs were also provided demonstrating an agricultural use as late as November 2020 as well as information providing figures relating to the applicant's livestock holdings from 2013 onwards. This is further supported by figures supplied as part of the submitted information for 19/00057/FUL which indicate that the building has been in agricultural use within the past decade. Details were provided in February 2022 that stated the following:
- "Ewes come to Little Thirkleby in March for lambing and stay in the shed until lambed/weaned, then turned out onto the land opposite until early May when they are moved elsewhere on the holding over the summer (Coxwold) and then sold in November."
 - "Store lambs are purchased in September and (subject to weather) are grazed and then brought to Little Thirkleby for finishing and sale (between December to February)."
 - "Cattle come to site in November and are housed up to the end of July once calving completed, then returning to Sowerby until autumn."
- In addition to this, various receipts relating to livestock were provided.
- 5.4 The structure in question is sited on 4 acres of land within a wider agricultural holding of 79 acres. Where the remainder of the holding belonging (or tenanted) to the applicant is located has not been provided and so it is not possible to independently verify that the proposal can meet the requirements of Class Q.
- 5.5 Whilst the historic use of the site is not disputed the council has, through a site visit, found items which would indicate that the site and the building has been used for storage relating to the applicant's other (non-agricultural) businesses. This statement is supported by photographs which match those taken by the officer during the site visit, and which give some indication of varying uses within the site – domestic items, logging materials and equipment, and material relating to the other businesses were present within the site and the building.
- 5.6 The agent provided some further information on this basis, stating that it is not unusual for farmers to collect items and store them within an agricultural site. It is agreed that this is not an unusual feature within a farmyard, but this habit is usually within the setting of an active farmyard and so an element of doubt over the use of the site is not normally established. Further to this, the agent indicated that the agricultural use of the site has diminished since the 2019 application, adding to the element of doubt expressed by the Council.
- 5.7 With all prior notifications the burden of proof is with the applicant and an opportunity was given to the agent and applicant to provide evidence to prove the

ongoing use of the building as part of a business or trade. Whilst the agent has responded to the Council's queries, the evidence that has been given to the Council does not prove on the balance of probability that the sole use of the site has been agricultural, though it is accepted that there is a historic agricultural use within the site. It has not been possible to check the status of the agricultural business through the supplied company name and so the use of the building as part of an agricultural business could not be verified.

- 5.8 Outside of the question of use, it is considered that the prominence of the site within the immediate landscape and the design of the building would result in an "undesirable" development. Whilst the Council did not identify a harmful landscape impact as part of 19/00057/FUL, this was predicated on the agricultural character of the site being retained through the retention of the agricultural buildings. It is considered that having a large, prominent dwelling which features a large amount of glazing to the south and west elevations – in addition to any further domestication through garden furniture, formal planting, etc. - would result in an incongruous addition within the rural scene, particularly when not paired with attendant agricultural structures.
- 5.9 Whilst the PPG does not list landscape impact within its assessment of "undesirable" development, a recent appeal decision (APP/W4705/W/20/3254772) identified that harm to the surrounding countryside ran contrary to the requirements of Paragraph 174 of the NPPF. A landscaping plan to mitigate this impact has not been submitted, though the agent has indicated a willingness to accommodate this within their supporting statement.

Planning Balance

- 5.10 The wording of the relevant sections (Class Q[a] and Q.1) of the GPDO is clear in that a "site" (the building and land within the proposed curtilage) cannot be converted through a Class Q application where it has not been solely in agricultural use. It is considered that the presence on site of items that relate to other activities undertaken by the applicant (horse jumps, logging and landscaping machinery) in addition to the apparent disuse of the building (where equipment had trees growing through them due to inactivity) cast a reasonable amount of doubt on the ability of the site to comply with the legislation.
- 5.11 This doubt has not been sufficiently addressed through the material provided by the applicant and their agent. It is therefore considered that the application should be refused under Schedule 2, Class 3, Paragraph W3(b) as the Local Authority has determined that the developer has provided insufficient information to enable the authority to establish whether the proposed development fully complies with the legislation.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason.

1. The building and land the subject of this application do not meet the requirements of Schedule 2, Class 3, Paragraph W3(b) (Class Q[a] and Q.1) of the Town and Country Planning (General Permitted Development) Order 2015 as amended as on the balance of probability the site has not been used solely for agriculture.
2. The conversion of the building would result in undesirable impact upon the character and appearance of the countryside contrary to the requirements of Paragraph 174 of the NPPF.

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Parish: Topcliffe
Ward: Sowerby and Topcliffe
7

Committee Date: 9th June 2022
Officer dealing: Mr Connor Harrison
Target Date: 10th May 2022
Date of extension of time (if agreed): 16th June 2022

22/00657/FUL

Change of use of land for the temporary (5 years) siting of an agricultural workers mobile home, associated parking and new sewage package treatment plan.

At: South Lodge Piggeries, Station Road, Topcliffe

For: DK & JI Sanderson

The application is presented to the planning committee given that the applicant is related to a member of the council

1.0 Site, context and proposal

1.1 The site is located within the Open Countryside.

1.2 The proposed location of the development is within land associated with South Lodge Piggeries, located approximately 1.7km to the north-west of Topcliffe and to the immediate east of the A167. The application site lies within an established agricultural business (piggery). The business operates as a 3 stage pig rearing and finishing unit (weaners, growers and finishers), and includes weaner (2,000 piglets), grower (1000 pigs) and finishing (1000 pigs) accommodation. The buildings are fully controlled environment buildings, operating with a powered ventilation system and automated feeders and drinkers. At any one time there are 4,000 pigs housed on site.

1.3 The Labour for the business at South Lodge Piggeries is provided by two full time further workers. Further workers are drafted in a peak periods, for roles such as emptying slurry tanks and power washing the buildings between batches of pigs. The proposal seeks permission for the temporary siting of a mobile home to house an agricultural worker associated with the management of the piggery. In addition to the siting of the mobile home there would be associated development consisting of car parking area and the provision of a package treatment plant. The period of time that the applicant seeks to retain the mobile home on site for is five years. There is currently no accommodation for workers at south Lodge Piggeries.

1.4 The mobile home would be measure 15m in length and 6.1m in width (total floor space - 91.5m²). The height to the ridge will be 4m and the eaves height will be 2.9m.

2.0 Relevant planning history

2.1 95/51680/O - Outline application for the construction of an agricultural workers dwelling –withdrawn (principle agreed but withdrawn following lack of S106 Agreement).

2.2 76/0845/FUL - Renewal of consent for the stationing of a residential caravan – permitted.

- 2.3 74/0579/FUL - Details of the construction of detached bungalow and garage – permitted.
- 2.4 74/0476/FUL - Use of site for stationing of caravan for agricultural workers – permitted.
- 2.5 74/1048/OUT - Outline application for construction of agricultural Workers Bungalow – permitted.

3.0 Relevant planning policies

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

Policy S1 – Sustainable Development Principles
Policy S3 – Spatial Distribution
Policy S5 – Development in the Countryside
Policy EG7 – Businesses in Rural Areas
Policy HG4 – Affordable Housing
Policy E1 – Design
Policy E2 – Amenity
Policy E4 - Green Infrastructure
Policy E7 – Hambleton’s Landscapes
Policy IC2 - Transport and Accessibility
Policy IC3 – Open Space, Sport and Recreation
Policy RM1 – Water Quality, Supply and Foul Drainage

The National Planning Policy Framework (As Amended) 2021

4.0 Consultations

- 4.1 Parish Council – No response.
- 4.2 Neighbours and Site Notice – No responses.
- 4.3 Environmental Health – No objections.
- 4.4 NYCC Highways – No objections.
- 4.5 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. Therefore, the Environmental Health Service has no objections to the application but would recommend restriction of occupancy to agricultural workers only, due to the nature of farming activities which can give rise to odour and noise.” Informative provided relating to need for Caravan Site Licence.

5.0 Analysis

- 5.1 The main issues to be considered are: i) principle of the proposed use within the location and having regard to the provision of accommodation for an agricultural worker; ii) impact upon the character and appearance of the countryside; iii) impact upon the amenity of the inhabitants of the proposed mobile home and iv) other matters.

Principle of the development

- 5.2 The proposed mobile home is intended as an addition to an existing site with a clear and functioning agricultural use. The site is located outside of a defined settlement as defined in Policy S3 and is therefore subject to the tests of Policy HG4(i)-(m) which sets out an exception test for rural workers dwellings. In addition, Paragraph 80(a) of the NPPF requests that an “essential need for a rural worker...to live permanently at or near their place of work in the countryside” be demonstrated within the application.
- 5.3 A statement has been provided detailing the labour requirements for the related agricultural enterprise which would be 3.3 full time workers. This has been calculated by multiplying two figures against each other: the number of pigs present on site (4000) by the amount of man days per pig place (0.25), producing a total of 1000 man days for the site, which has then been divided by the 300 working days expected of an agricultural worker. Justification has also been provided for the requirement of a 24-hour presence on site, relating largely to ensuring the welfare of the livestock. This includes regular checking, administration of medication, management of young pigs (feeding and ensuring that they take to solid food for the first time) and making sure livestock aren't fighting. It is considered, due to the scale of the agricultural business, that it is likely that there is a functional need for accommodation on the site and that it would not be possible to guarantee the 24-hour monitoring of the stock without 24 hour presence on site.
- 5.4 Policy HG4(k) and (l) requires that records are provided to demonstrate the long-term viability of the business and that there is a lack of appropriate accommodation to be found elsewhere in the area that would serve the same purpose as the proposed accommodation. Whilst financial records are not currently available, the business appears to have been in the family ownership for around 25 years according to council records. Given the length of time that the business has been operating, in combination with the volume of livestock present on site, it is considered that the business is likely to remain viable. It is recommended that a condition be imposed on any grant of planning permission linking the siting of the mobile home to the presence of the business on site, necessitating removal of the mobile home should the business for any reason cease operations on the site.
- 5.5 The agent has provided information stating that the need for the mobile home stems from the need for a worker to be within sight and sound of the livestock accommodation. Given this constraint, and with the nearest settlement (Topcliffe) being a reasonable distance from the site, it is considered that the siting of accommodation within close proximity of the agricultural buildings is reasonable in this instance.

- 5.6 It is therefore considered that the requirements of Policies S3 and HG4 (i-m) have been met and that it has been demonstrated that an “essential need” for accommodation on the site in accordance with Paragraph 80 of the NPPF.
- 5.7 The development of rural businesses is supported by EG7 as well as by Paragraph 84(b) of the NPPF which states that planning decisions should enable the "sustainable growth and expansion of all types of business in rural areas" and "the development and diversification of...rural businesses".
- 5.8 The proposal is considered to fall under EG7(d) (“other proposals specifically requiring a countryside location”), with the presence of a stockman on site deemed to be beneficial to the running of the enterprise. The proposal is therefore deemed to represent acceptable further development of the current agricultural business under the terms of both local and national planning policy.

Impact on the character and appearance of the countryside

- 5.9 It is acknowledged that mobile homes are of a design, form and scale pertaining to their function and thus careful consideration is required to be had to their appropriateness within a countryside setting, including the impact of any domestic paraphernalia. In this case the proposed mobile home is considered to be appropriate in scale, form and design in view of its proposed use as necessary accommodation and its location and siting within the agricultural holding. Whilst clearly domestic in form, its relationship to the existing buildings would be apparent through its position within the gated compound. Its siting set-back from the road and towards the farm allows for it to be easily read in relation to the nearby agricultural structures.
- 5.10 The proposed mobile home is not considered to be detrimental to the character and appearance of the locality. It is considered that the proposed scheme, including potential for domestic paraphernalia would have a neutral impact on the wider area, due to the siting of the proposed mobile home behind the established planting to the west and the inclusion of the mobile home into the wider agricultural scene provided by the site when viewed from other directions. It is recommended that a condition requiring that any mobile home to be placed on site should be a shade of dark green to ensure a further reduction to the landscape impact of the proposal.
- 5.11 Whilst the mobile home would be visible from the adjacent highway, it is considered that the view would be fleeting and that the mobile home would be subsumed into the agricultural scene described above.
- 5.12 As such, the long-range visual impact and impact on wider views of the countryside would be limited. A further condition requiring the retention of the hedge to the west of the site is recommended to be imposed on any grant of planning permission to ensure that adequate screening is maintained for the duration of the mobile home’s lifetime on site. The mobile home would therefore not have a detrimental impact on either the immediate environment or on long-distance views and is therefore in accordance with the guidance outlined in Policies S1, S3, S5, E1, E7.
Impact upon the amenity of the inhabitants of the proposed mobile home

- 5.13 Environmental Health have advised that they do not have any concerns with regards to the proposal. They have, however, recommended that a condition be imposed on any grant of planning permission limiting the occupation of the mobile home to workers who are associated with the agricultural business. This is considered to be a reasonable approach – however, it is proposed that this condition is amended to allow for dependents, etc. to be resident on the site, in line with the standard agricultural workers dwelling condition.
- 5.14 The proposal itself provides adequate provision for the maintenance of residential amenity. The floorspace provided by the mobile home is comparable to an average three-bedroom house and the rooms all appear to be compatible with the Nationally Describes Space Standards. In addition, there is considered to be adequate provision of private external amenity space. Whilst the position of the accommodation is very close to a pig farm it is considered that the particular circumstances of this application mean that concerns regarding odour and noise are not given the weight they would usually receive given that a 24 hour presence is required on site. It is considered that the proposal meets the requirements of Policy E2.

Other matters

- 5.15 There is the provision of parking on site in front of the mobile home. The number of spaces (two) that have been allocated are sufficient to accord with NYCC Highway's parking standards for a two-bedroom property in a rural area and NYCC Highways do not offer any objections to the proposal. It is considered that the application meets the requirements of Policy IC2.
- 5.16 The proposal includes the siting of a package treatment plant to deal with foul sewage. The details provided indicate that the proposed system is capable of dealing with waste from one house with up to four bedrooms and so is acceptable for use within this plot. As such, the proposal would not have an adverse impact on the quality of the water resources or surface/groundwater in the area and is therefore consistent with Policy RM1.
- 5.17 The site is within 1km of the Swale Green Corridor. The proposal would have a neutral impact on the green infrastructure – neither enhancing nor damaging the area. As such, it is consistent with Policy E4.

Planning Balance

- 5.18 It is considered that the proposal complies with Local Plan Policies S1, S3, S5, EG7, HG4, E1, E2, E4, E7, RM1, IC2 and the NPPF. It is held that the development is in a suitable location and will not have an adverse effect on the character and appearance of the surrounding area, highway safety, residential amenity and is acceptable in relation to all other matters.

6.0 Recommendation

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

1. The temporary permission hereby granted is valid only until for a period of 5 years from the date of this decision and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) and details received by Hambleton District Council on 15th of March 2022 and the 7th of April 2022.
3. The occupation of the dwelling shall be limited to a person solely or mainly employed by the business known as 'South Lodge Piggeries' and any dependants. Should the said business cease to operate then the caravan, resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition.
4. Within 1 month of the date of this decision a scheme (including a timescale for completion) for the external colour treatment of the mobile home and materials to be used for car parking hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the development shall be implemented in accordance with the agreed details and timescale and thereafter retained.
5. The existing hedge sited to the west of the site shall be retained in its entirety and maintained as such as long as the mobile home hereby approved is in situ.

The reasons are:-

1. The site lies in the countryside where the construction of new dwellings is strictly controlled. The business to which the mobile home relates to an existing agricultural enterprise, and the temporary consent enables the Local Planning Authority to review the agricultural justification for someone to be available at most times at or near their place of work, in accordance with Hambleton Local Development Framework Core Strategy Policy HG4.
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 Local Plan Policy(ies) S1, S5, E1, E7.
3. The Local Planning Authority would wish to carefully examine any independent use of the building to assess whether the development would be acceptable in terms of policy, access and amenity.
4. In the interest of the visual amenity of the development in accordance with Local Plan Policies S5, E1 and E7.
5. In the interest of the character and appearance of the area in accordance with Local Plan Policies S5, E1 and E7.

Parish: West Tanfield
Ward: Tanfield
8

Committee date: 9 June 2022
Officer dealing: Ann Rawlinson
Target date: 17 June 2022

22/00998/REM

Application for approval of reserved matters (appearance, landscaping, layout and scale) for approved application 20/02791/OUT for the construction of 5No. dwellings.

At: Land on Thornfield Road, Thornfield Road, Nosterfield, North Yorkshire
For: Mulgrave Developments Ltd

This application is present to Planning Committee as the outline planning application was considered by the planning consultative panel in conjunction with the Chief Planning Officer and the previously refused reserved matters application was considered by the planning committee

1.0 Site, context and proposal

- 1.1 The application site is located at the north-western edge of Nosterfield on the northern side of the B6267, close to the Thornborough Henges scheduled monument complex. The site is broadly triangular in shape and approximately 0.9 hectares in size. The site currently forms agricultural land used for grazing and is enclosed by hedging. There is an informal layby to the front of the site adjacent Thornfield Road. Existing two storey dwellings front onto Thornfield Road opposite the site with single and two storey dwellings fronting Flask Lane to the west of the site.
- 1.2 The main part of the village is located to the south of the B6267 with the main part of the village street running in a north south direction. The buildings in the northern part of the village front onto a triangular green. The built form of the village is reflective of its historic form. The only real anomaly to this is the more modern council housing located at the eastern edge of the village, fronting onto the southern side of the B6267, directly opposite the site.
- 1.3 Following the grant of outline planning permission in February 2021 considering scale and access for the construction of five detached dwellings, and the refusal of a subsequent reserved matters application in April 2022, this application is a re-submission of the required reserved matters application which seeks to address concerns set out in the previous reason for refusal and seeks approval for reserved matters including:
 - (a) the siting, design and external appearance of the building, including a schedule of external materials to be used;
 - (b) the landscaping of the site (including tree survey, method statement and tree protection measures); and
 - (c) the layout of the proposed buildings and spaces including parking and any external storage areas.

- 1.4 The previously reserved matters application was refused permission in April 2022 as concerns were raised that the layout, scale and design would have a harmful impact upon the character and appearance of the locality and neighbouring dwellings contrary to Policies E1 and E2 of the Hambleton Local Plan.
- 1.5 The previously proposed dwellings were arranged in a crescent form, roughly perpendicular to Thornfield Road, with an indicative area of open space to the west. This was considered at odds with properties to the southern side of Thornfield Road who front onto the main road and was not considered to be in keeping with, or reflective of the existing form and grain of the village whereby properties front onto the main road. This previous layout subsequently also resulted in the siting of a large gable elevation close to the front elevation of neighbouring properties sited on Flask Lane.
- 1.6 Taking into account the reason for refusal of the previous reserved matters application the scheme has been re-designed to show all five dwellings sited in a straight line fronting onto Thornfield Road, close to the front, southern side of the site.
- 1.7 The revised proposals show that the existing field access gate to the eastern site of the site would be retained forming a pedestrian access onto Flask Lane. The existing informal parking area to the front of the site would be retained. New tree planting is shown to the eastern boundary of the site and all existing hedging would be retained and enhanced with supplementary hedging and trees. Behind the existing hedge would be open space and private driveways to service the dwellings as well as fire engine turning head directly adjacent the access point. 1.2m high metal fencing would be incorporated to the front of properties, 1.8m high fencing to the rear, directly adjacent to each dwelling, with post and rail fencing extending to the rear garden areas and around the perimeter of the site. Electric charging points would be provided to each garage.
- 1.8 The proposal incorporates 1x 2 bedroomed unit, 2x 3 bedroomed units and 2x 4 bedroomed units, all 2 stories in height with private drive leading to a double garage. The vehicular and pedestrian access to the front of the site remain as already approved under the outline permission. The scale of proposed development is in line with that approved by condition 10 of the outline planning permission which restricted development for up to 5 dwellings only.

2.0 Relevant planning history

- 2.1 07/03451/FUL - Construction of a workshop and creation of a new vehicular access – Withdrawn December 2007.
- 2.2 20/02791/OUT - Outline application (some matters reserved) for the construction of 5 No detached dwellings – Approved February 2021.
- 2.3 20/02791/DCN - Discharge of conditions attached to Planning Consent
20/02791/OUT-Outline application (some matters reserved) for the construction of 5 No detached dwellings - Pending determination.

- 2.4 22/00035/REM - Application for approval of reserved matters (appearance, landscaping, layout and scale) for approved application 20/02791/OUT for the construction of 5No. dwellings – Refused on 13 April 2022 for the following reason:

‘The proposed development by virtue of its layout, scale and design would have a harmful impact upon the character and appearance of the locality and neighbouring dwellings contrary to Policies E1 and E2 of the Hambleton Local Plan’.

3.0 Relevant planning policies

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

S1 – Sustainable development principles
S2 – Strategic priorities and urban requirements
S3 – Spatial distribution
S5 – Development in the countryside
HG2 - Delivering the right type of homes
E1 - Design
E2 - Amenity
E3 - The natural environment
IC2 – Transport and accessibility

Supplementary Planning Document - Size, type and tenure of new homes – adopted September 2015

National Planning Policy Framework

4.0 Consultations

- 4.1 It is noted that at the time of writing this report the consultation period has not yet expired. The consultation period expires on 1 June 2022. Any additional consultation responses and necessary required assessment will be presented to members on the update sheet and at the planning committee meeting.
- 4.2 Parish Council – No comments received to date as yet.
- 4.3 NYCC Highways Authority – The details surrounding previous refusal were not Highway related and as such the previous conditions as set within 22/00035/REM still stand. The details within the CEMP are ok, I note that there is some text within the Transport Management section that mentions vehicles waiting to access and egress the site. Based on the size of the development site, there is no reason for vehicles to be waiting within the public highway and should the developer consider that deliveries are going to pose an issue, I would welcome the provision of a vehicle holding area within the site, in order to ensure waiting construction traffic kept clear of the B6267. With reference to the drainage proposal, I can confirm these details are satisfactory. No objection subject to imposition of conditions.

Officer comment: It is noted that the comments relating to Transport management above are in relation to conditions set out within the outline planning permission and thus it is appropriate that these are addressed within the discharge of conditions application relevant to each condition.

4.4 Natural England – No comments.

4.5 Yorkshire Water – No observation comments are required from Yorkshire Water on this reserved matters application. Noted that no foul and surface water drainage proposals have been submitted. Detailed drainage proposals for the development can be dealt with as part of a future discharge of conditions planning application in this instance for Conditions 8 and 9 from the granted decision notice dated 19th February 2021.

Officer comment: For clarity it is noted that condition 8 imposed on the outline permission is as follows: The site shall be developed with separate systems of drainage for foul and surface water on and off site. Condition 9 also reads as: No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

4.6 Street Naming and Numbering - SNN application already submitted on hold awaiting planning any planning approval.

4.7 Public comments – One letter have been received objecting to the proposal and raising the following comments:

- No change has been made to the positioning of the houses
- Close proximity of house no. 5, 6m in height, 16m from the front elevation (main living room window) of a single storey property.
- Overpowering effect on visual amenity, light and privacy and devaluation of property.
- Request that a site visit is made by committee members to stand in the garden and look towards the siting of house no. 5 to fully appreciate how close it is.

It should be noted that the previously submitted refused layout was also available for public viewing on the council's public access system, as the applicant sought to amend this proposal. This was rectified and a further re-consultation undertaken so that the previously refused plans were not shown as part of this revised proposal.

5.0 Analysis

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

Design and visual amenity

5.2 The resubmitted proposed layout now depicts properties fronting onto the main road site in a horizontal line. This amendment to the proposed layout now clearly reflects the existing character and form of Nosterfield and responds to the existing village grain. The properties are sited slightly back into the site which reflects those on the opposite side of the road and also ensures appropriate separation distances are

provided for and allows for the retention of the important existing well established mature hedgerow and a strong building line frontage.

- 5.3 Given the robust tree planting proposed in the eastern section of the site as well as the retention of existing hedgerows, which would provide some screening when approaching the village from the east, and the open space provided to the front portion of the site, the layout is considered acceptable and is considered to address the concerns identified in the previous reason for refusal.
- 5.4 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of stone, brick, pantile, slate and a mix timber and metal boundary enclosures. The proposed properties would be constructed in stone with a natural slate roof covering. The detached garages to the rear would be brick with a rustic clay pantile to distinguish them from the main properties and would help break up the amount of stonework on the site. Considering the materials palette of the village and the location of the site the proposed materials palette is considered to be acceptable. The details of exact materials would be secured via condition 3 imposed on the outline planning permission. Design detail of the dwellings include artificial stone cills, heads and quoins and dummy chimneys finished in matching stone with clay pots which contributes to a high quality appearance of the design of the dwellings.
- 5.5 The proposal comprises of five dwellings, in line with the outline permission which would all be two-storey in height which is considered appropriate in the context of the site's surroundings. Due to slight variations in design the proposed ridge heights would vary with dwellings identified on the submitted plans as nos. 2 and 4 being lower than nos. 1, 3 and 5. The proposal includes a mix of property sizes which range from 2 to 4 bedrooms, with a larger proportion of 2 and 3 bedroomed properties. Overall, the size of the dwellings proposed is considered acceptable to its location and whilst comprising larger floor plates, offers a range of dwelling sizes, including family dwellings, in line with the thrust of policy HG2 the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) and thus in line with the requirements of condition 15 of the outline planning permission. The proposal would meet the requirements of the Nationally Described Space Standards.
- 5.6 Given that the dwellings have larger floor plates and are two stories in height, as well as the provision of long gardens it is considered necessary and appropriate to impose a planning condition restricting permitted development rights to ensure that the integrity of the layout, design and appearance of the dwellings and site is retained and to ensure appropriate residential amenity.
- 5.7 In terms of visual amenity the proposed layout, scale and appearance of dwellings and garages as well as the use of boundary treatment and materials are considered to be acceptable and reflective of the form of the locality and character and appearance of the village. The proposal accords with policy E1 of the Hambleton Local Plan.

Residential amenity

- 5.8 Policy E2 of the Hambleton Local Plan seeks to protect the amenity of existing occupiers and provide adequate amenity space and privacy for future occupiers of developments.

- 5.9 The proposed dwellings would have ample front and rear gardens. The revised layout moves the dwellings significantly further away and further forward/south from residential properties on Flask Lane, given that they are now proposed to be sited in a horizontal line along the main road which addresses previous concerns regarding proximity of dwellings close the frontages of dwellings sited on Flask Lane. Dwellings would still be located at a comfortable distance from existing dwellings sited on the opposite side of Thornfield Road, given the provision of open space, retention of hedging, road, footpath and the relatively long front gardens of those dwellings on the opposite side of the road. It is considered that the layout shown on the amended plans successfully provides adequate amenity for future occupiers and the relationship between existing and proposed dwellings is comfortable and would not result in loss of privacy, overlooking, light or loss of outlook.
- 5.10 It is considered the proposed scheme demonstrates a layout and design which is acceptable in residential amenity terms and would accord with the requirements of policy E2 of the Hambleton Local Plan.

Landscaping

- 5.11 Policy E3 of the Hambleton Local Plan seeks to ensure proposals demonstrate delivery of biodiversity net gain. Policy E1 (b) seeks to ensure the use of appropriate landscaping and tree planting within schemes. A sites biodiversity value can be increased through the implementation of a robust landscaping scheme when comprising a good mix of native planting and native trees.
- 5.12 The proposed landscaping includes significant tree planting within the eastern portion of the site which would act as a visual buffer between the development and the open countryside beyond. Tree planting is included to the front of the site within the area annotated as open space as well as an annotation to note that the existing hedgerows would be retained and enhanced through additional native tree and hedgerow planting.
- 5.13 It is considered necessary to ensure the retention of the existing mature hedgerow which bounds the site in order to retain the character of existing landscape features, to assist in assimilating the proposed development into its surroundings and to ensure biodiversity value is retained. This requirement is recommended to be conditioned accordingly. Furthermore appropriate tree protection measures during construction should be provided for and specific details of type, height and species of trees and shrubs should be approved and implemented. It is noted that there is already a requirement for the later secured through condition 11 of the outline planning permission.
- 5.14 It is considered that the details shown on the proposed site plan are sufficient to determine that the scheme can be developed with the implementation of a robust landscaping scheme, to ensure that biodiversity at the site is improved and existing landscape features preserved and enhanced respecting the rural location of the site. The proposal is considered to comply with policy E3 and E1(b) of the Hambleton Local Plan.

Other matters

- 5.15 It is noted that Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 4 or less units in a designated rural parish. Nosterfield is considered a designated rural parish and the proposal is for 5 units therefore the proposal would, if it was an application for outline planning permission or an application for full planning permission trigger an affordable housing requirement. However the principle of 5 dwellings on this site in the granting of outline planning permission on the site in February 2021 was established prior to the Hambleton Local Plan coming in to force and this application seeks permission for the reserved matters only. As such affordable housing provision cannot now be sought as part of the reserved matters application.

Planning balance

- 5.16 The proposed layout now fronts on to the main thoroughfare (Thornfield Road), responding to the established form and grain of the village and allows for the provision of 5, 2 storey dwellings of a range of sizes. The design and scale of the proposed dwellings are considered acceptable to the character and appearance of their setting and would not harm existing residents' amenity whilst affording future occupiers' adequate amenity. The proposed landscaping scheme appears robust and would, through the retention of hedging and addition of trees and shrubs and the use of native species, enhance the site's biodiversity. It is considered that the proposal is acceptable and in accordance with the Hambleton Local Plan.

6.0 Recommendation

- 6.1 That subject to any outstanding consultation responses received the application be **GRANTED** subject to the following condition(s)

1. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan refs:

1238.05 C Proposed site layout
1238.06 B Proposed street scene
1238.15 Double garage - proposed plans and elevations
1238.17 Enclosure 01 -1.2 metal railings
1238.18 Enclosure 02 -1.8m close boarded fence
1238.19 Enclosure 03 -1.2m post and rail fence
1238.20 Rev. A Plot 1 proposed plans
1238.21 Plot 1 Rev. A proposed elevations
1238.22 Plot 2 Rev. A proposed plans
1238.23 Rev. A Plot 2 proposed elevations
1238.24 Rev. A Plot 3 proposed plans
1238.25 Rev. A Plot 3 proposed elevations
1238.26 Rev. A Plot 4 proposed plans
1238.27 Rev. A Plot 4 proposed elevations
1238.28 Rev. A Plot 5 proposed plans
1238.29 Rev. B Plot 5 proposed elevations

as received by the Local Planning Authority on 26 April 2022.

2. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.
3. No further development must re-commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 2. the parking of contractors' site operatives and visitor's vehicles;
 3. areas for storage of plant and materials used in constructing the development clear of the highway;
 4. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
4. No part of the existing boundary hedge surrounding the whole of the perimeter of the site shall be uprooted or removed and no part of the hedge shall be reduced below a height of 2 metres. The existing hedgerow around the whole of the perimeter of the site shall be retained and maintained at a height of not below 2 metres in perpetuity.
5. No further development shall take place 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, any works to trees and hedges, the positions and height of protective trees and hedge 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. Any and all works to trees shall be carried out in accordance with British Standard 3998 (Tree Work). The development shall be undertaken in accordance with the approved details.
6. 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, including any alterations to roofs or building nor shall any structure, including any boundary treatment not already approved as part of this permission 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.

Reasons:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Plan.
2. In the interests of highway safety.

3. In the interests of highway safety and amenity.
4. To provide adequate safeguards for the protection of hedges and trees on site to be retained, to soften the visual appearance of the development and provide any appropriate screening to adjoining properties, the retain the character and appearance of the locality and retain the biodiversity value of the site.
5. To provide adequate safeguards for the protection of hedges and trees on site to be retained, to soften the visual appearance of the development and provide any appropriate screening to adjoining properties, the retain the character and appearance of the locality and retain the biodiversity value of the site.
6. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.

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