

Committee Administrator: Democratic Services Officer (01609 767015)

Tuesday, 23 August 2022

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 1 September 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: 361 921 084 817 # For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes

1 - 6

To confirm the minutes of the meeting held on Thursday 4 August 2022 (P.7 - P.8), attached.

2. Apologies for Absence.

3. Planning Applications

7 - 72

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. Exclusion of the Public and Press

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting during consideration of item 5 on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Act.

5. 21-02217-FUL - Wheatsheaf House, Winton, Northallerton

73 - 80

6. 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, 4th August, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	P A James	Councillor	M S Robson
------------	-----------	------------	------------

Apologies for absence were received from Councillors J Noone and A Wake

P.7 Minutes

The Decision:

That the minutes of the meeting of the Committee held on Thursday, 7 July 2022 (P.5 - P.6), previously circulated, be signed as a correct record.

P.8 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) 22/00924/FUL - Proposed Residential Conversion of Existing Church Premises, Construction of Energy Hub Outbuilding, New Site Access, Car Parking, Turning, Site Boundary Works and Amenity Areas at St Andrews Church, Todd Lane, Great Fencote for Mr Ian Shipley

Permission Granted subject to additional conditions set out in the supplementary information update list.

In addition there was an amendment to condition 8 in respect of visibility splays and an amendment to condition 11 as set out in the supplementary information update list.

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

(Councillor Chris Walker spoke on behalf of Kirkby Fleetham with Fencotes Parish Council objecting to the application.)

(Alison Booth on behalf of Kirkby Fleetham with Fencotes History Group spoke objecting to the application.)

- (2) 21/01362/FUL - Proposals for the installation of a solar photovoltaic array/solar farm with associated infrastructure at OS Field 6800, Fence Dike Lane, Scruton for Lightrock Power Ltd

Permission Refused. The Committee had concerns that the proposal would result in the loss of grade 2 best and most versatile agricultural land. The Committee was not satisfied that this loss could be justified and was therefore not supported by the Council's policies which encourages the siting of large scale solar farms on previously developed and non-agricultural land. The Committee felt that there were suitable sites within the district with lower classified land status and had concerns that there would be a negative cumulative impact if this application was approved.

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

(Chris Sowerbutts (on behalf of the applicant) and Rory Clarke spoke in support of the application.)

(Councillor Syd Nye spoke on behalf of Scruton Parish Council objecting to the application.)

(Harry Shepherd and Morris Daley spoke objecting to the application.)

In accordance with paragraph 14.5 of the Council Procedure Rules, Councillor B Griffiths requested a recorded vote on the motion, Members present were recorded as voting as follows:

For the motion of refusal: Councillors P Bardon, M A Barningham, D B Elders, Mrs B S Fortune, B Griffiths, K G Hardisty, A Robinson and M Taylor (8)

Against the motion of refusal: Councillors B Phillips and D A Webster (2)

Note: Councillor P A James and Councillor M S Robson left the meeting at 11.51am.

The meeting was adjourned at 11.51 am and reconvened at 1.30pm.

- (3) 20/01687/OUT - Outline planning application with access to be considered (all other matters reserved) for residential development (Use Class C3) of up to 145 homes, engineering and site works, car parking, access, landscaping, drainage and other associated infrastructure at Land North of Mowbray Road East Side of Stokesley Road Northallerton for Church Commissioners for England

Permission Granted subject to additional conditions relating to foul water drainage and site levels.

(The applicant's agent, Nolan Tucker, spoke in support of the application.)

(Councillor Paul Cornfoot spoke on behalf of Northallerton Town Council raising concerns regarding aspects of the development.)

(Mr Mathers spoke objecting to the application.)

- (4) 21/02482/FUL - Construction of 17 dwellings and associated highway works at Land rear of The Manor House, Main Street, Linton On Ouse for Mulberry Homes Yorkshire

Defer for further information. The Committee requested further information to be provided in respect of the matters outlined in paragraph 5.44 of the officer's report and additional information to be provided on the affordable housing tenure (social rent), the removal of a horse chestnut tree, an assessment of housing need, details on boundary treatment and a density report on the siting of the proposed dwellings.

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

- (5) 22/00166/FUL - Demolition of existing structures and construction of 9 dwellings and associated parking and landscaping at Land to the south of Station Road, Thirsk for Frontline Estates Ltd

Defer for further consideration of the size and type of the proposed dwellings on Plots 8 and 9 to seek to lower the height of the dwellings and reduce the proximity to the bungalow on Olivette Crescent.

(Sue Bolton spoke objecting to the application.)

Note: The meeting was sojourned at 3.26pm and reconvened at 3.36pm.

- (6) 21/02712/FUL - Construction of 3 detached dwellings with garages and access at Part OS Field 1745, Back Lane, Tollerton for Messrs' N & M Ramsden & Foster

Permission Granted

(The applicant's agent, Ken Wood, spoke in support of the application.)

- (7) 22/01061/REM - Application for approval of reserved matters considering appearance, landscaping, layout and scale (in addition the size, type and mix) following outline approval 21/01762/OUT (allowed on appeal) for Application for Outline Planning Permission with some matters reserved (considering access and landscaping) for a development of 5no dwellings at Part OS Field 0038, Foss Syke Lane, Sandhutton for Mr Wheatley

Permission Refused with additional reasons in relation to site levels and drainage.

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

(Councillor Ian Corner spoke on behalf of Sandhutton Parish Council objecting to the application.)

- (8) 22/00004/TPO2 - Hambleton District Council (Stillington Parish) Tree Preservation Order 2022 No 4. at Weddells Cottage, Main Street, Stillington

To be varied and confirmed

The meeting closed at 4.23 pm

Chairman of the Committee

This page is intentionally left blank

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 1 September 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 1st September 2022

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	21/00966/REM Aisling O'Driscoll Brafferton Page 11	Proposal: Amended plans Received- Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings. At: OS Field 0046 Brafferton to West Moor, Brafferton For: Faulkner RECOMMENDATION: APPROVE
2	21/01579/FUL Aisling O'Driscoll Husthwaite Page 23	Proposal: Development of 8 dwellings, access road and associated infrastructure. (Amended Plans received to show the retention of Cote House, amended access and design amendments). At: Land South of Spring Garth, The Nookin, Husthwaite For: c/o Agent Paul Butler RECOMMENDATION: REFUSE
3	21/02338/FUL Craig Allison East Cowton Page 43	Retrospective change of use of potato store to aggregate bagging depot, with no alterations to existing buildings. At: Greenford Haulage & Aggregates Depot, Unit 5, Dalton Gates, Dalton on the Tees For: Mr James Ford, Greenford Haulage & Aggregates Limited RECOMMENDATION: APPROVE
4	22/01263/FUL Nathan Puckering Snape with Thorp Page 51	Construction of a garden room to the rear elevation of the dwelling. At: Snape Castle Barn, Snape For: Mrs Hanson RECOMMENDATION: REFUSE
5	22/01264/LBC Nathan Puckering Snape with Thorp Page 55	Listed Building Consent for the construction of a garden room to the rear elevation of the dwelling At: Snape Castle Barn, Snape For: Mrs Hanson RECOMMENDATION: REFUSE

Item No	Application Ref / Officer / Parish	Proposal / Site Description
6	22/01350/FUL Marc Pearson South Kilvington Page 59	Full planning application for the change of use of an agricultural field to a private dog walking field with associated fencing and car parking. At: Land opposite Southend and Linton House, Stockton Road, South Kilvington. For: South Acres Ltd RECOMMENDATION: APPROVE
7	22/01740/FUL Nathan Puckering Danby Wiske with Lazenby Page 65	Application for change of use of land to domestic and the construction of replacement farmhouse. At: Park Hills Farm, Danby Wiske For: Mr and Mrs Wilson RECOMMENDATION: APPROVE
8	21/02217/FUL Craig Allison Winton, Stank & Hallikeld Page 73	Retrospective planning permission for the change of use of agricultural land to domestic for the retention of a mobile home used solely as ancillary accommodation. Renew access gates At: Wheatsheaf House, Winton, Northallerton For: Mrs G Norton RECOMMENDATION: APPROVE CONFIDENTIAL ITEM Not to be disclosed in public agenda pack

Parish: Brafferton and Helperby

Ward: Raskelf and White Horse

1

21/00966/REM

Committee Date : 1 September 2022

Officer dealing : Aisling O'Driscoll

Target Date: 5 August 2021

Date of extension of time (if agreed):

Amended plans Received- Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings.

**At: OS Field 0046 Brafferton To West Moor Brafferton North Yorkshire
For: Brafferton Manor Farmers.**

1.0 Site, Context and Proposal

- 1.1 The application site is located outside the former settlement boundary of Brafferton. Along with Helperby it is identified as being a service village. The site itself consists of a roughly rectangular plot on the northern side of the village of Brafferton and is currently used as grazing land. The site is accessed from Boroughbridge Road. The site is bounded to the north by The Old Parsonage and to the south by Brafferton Manor. A modern development of approximately 8 dwellings is located on the west side of Boroughbridge Road. The area of land subject to this Reserved Matters application is circa 1.31 hectares in size. The eastern boundary of the site opens onto the remainder of the agricultural field.
- 1.2 Outline permission was granted at appeal, for the construction of up to 28 dwellings and means of vehicular access. This is the reserved matters application for scale, appearance, landscape and layout. The applicant submitted a signed Planning Agreement dated 1 November 2018 under Section 106 of the Town and Country Planning Act 1990. This agreement ensures 50% of the total housing units on site are affordable housing.
- 1.3 During the life of the application a number of amendments were made to the layout. The final iteration shows a main access road to adoptable standard off Boroughbridge road heading north into the site. The access road splits within the site to provide access to the southern boundary, also to adoptable standard. Dwellings are accessed either directly off the main access or via private shared access roads. An area of green space, including the roadside trees, has been left to provide considerable setback from Boroughbridge Road with four dwellings creating a linear frontage.

2.0 Relevant Planning History

- 2.1 An outline planning application was submitted to Hambleton District Council in May 2016 under reference number 16/01142/OUT and was refused in October 2017. The applicant lodged and appeal against the Council's decision and this was allowed by the Inspector in November 2018 under reference no. APP/G2713/W/18/3198941.

- 2.2 The Outline approval includes a number of approved plans, which are secured by Condition, and are relevant to the Proposed Development. These are:
- Site Location Plan (scale 1:1250);
 - Illustrative Plan of Development Site (scale 1:500);
 - MFB 01 - Proposed Access Drawing;
 - Topographical Survey by Ryedale Land Survey

2.3 20/00643/REM – Refused 09/2020

1. The proposed housing mix fails to comply with the requirements of the Local Development Framework policies CP8 and DP13, and the adopted Size, Type and Tenure of new homes Supplementary Planning Document (September 2015). The proposal does not provide 60-65% two and three bedroom homes. The scheme significantly overprovides on the number of four plus bedroom homes, and does not provide any two bedroom open market bungalows. In addition, the proposed scheme does not achieve the aim of achieve a housing mix across all types of housing development, as the small units are the affordable homes and the large units are the open market units.
2. The proposal is considered to result in a poor level of privacy and residential amenity for future occupants of the dwellings. In addition, some have insufficient or no garden, insufficient separation distances and have overlooking windows, are too close to site boundaries such that the limited aspect of those dwellings is not safeguarded for the future. Occupants of the proposed dwellings are likely to experience poor levels of residential. Some of the proposed dwellings fail to meet the space standard requirements of the Nationally Described Space Standards and overall the proposal fails to respond to the challenge for high quality design in the Local Development Framework policies CP17 and DP32 and the National Design Guide.

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 S1: Sustainable Development Principles
Local Plan Policy S2: Strategic Priorities and Requirements
Local Plan Policy S7: The Historic Environment
Local Plan Policy HG1: Housing Delivery
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy HG3: Affordable Housing Requirements
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy E5: Development Affecting Heritage Assets
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM2: Flood Risk

4.0 Consultations

4.1 Parish (Brafferton and Helperby) – object:

- Layout: The Council objects to the 2 roads through the development being drawn to imply further developments to come east and south of the Site. These roads would suggest that this is a plan for the future which would fly in the face of the District Council's recently issued Local Plan which shows no major development planned in Brafferton & Helperby Parish in the period to at least 2036.
- The Council remains convinced that the location of the site entrance is badly chosen as it is close to a double bend with poor sight lines. In the same area consideration is needed to provide safe crossing into St Peter's Close where pedestrians with young children will wish to route between the site and St Peter's primary school. Furthermore, despite OS Field 0046 being within the 30 mph limit local residents report a proportion of traffic decelerating late as they enter and accelerating early (before passing St Peter's Close) as they leave the village. There is consequently a growing need for a chicane at or before the 30 mph sign.
- Appearance: Brafferton & Helperby sits within a Conservation Area which recognises its slow development over hundreds of years into a distinctive and charming village. At a recent parish council meeting attended by a number of parishioners this development was described as 'dull', with buildings being variations on one single architectural vision and each built from a limited palette of materials. While acknowledging that planning decisions of this nature are beyond its powers this Council sincerely hopes that this development is not the precursor of more similar large scale developments to come.

4.2 NYCC Highways – The highway conditions recommended for planning application reference 16/01142/OUT mostly remain applicable and have been updated and included here. A SuDS system for highway drainage will need to conform to this authority's current guidance. The Local Highway Authority recommends that the following conditions are attached to any permission granted.

4.3 NYCC have provided a response to concerns raised about the access:

The planning history for the development of 28 dwellings on land to the east of Boroughbridge Road, Brafferton commenced in May 2016 with the submission of an outline planning application reference 16/01142/OUT which sought approval in detail for access to the land. Visibility splays in accordance with national guidance are available from the proposed site access and the existing road, a classified road known as the C87, is suitable for the proposed development. The Local Highway Authority assessed the application at the time and recommended planning conditions be included if the application were approved. This outline application was considered by the Planning Committee of Hambleton District Council in October 2017 and planning permission was refused on non-highways related grounds.

The applicant appealed the decision and a planning hearing reference APP/G2713/W/18/3198941 took place in October 2018. The Appeal Inspector allowed the appeal and thereby the suitability of access to the site was approved. Highway safety was considered by the Inspector and the following statement is included in the decision notice- "In reaching my decision I have also had regard to the concerns raised by local residents relating to highway safety concerns, but I am satisfied that the proposal would not have an unacceptable impact on highway safety or that the residual cumulative impacts on the existing road network would be severe."

The current planning application, reference 21/00966/REM, is for the approval of the matters reserved from that outline application, ie. landscape, appearance, layout and scale only. This application will utilise the approved access and therefore there are no highway related grounds for objection to this application nor reason to request its relocation.

The C87 road in the vicinity ranges in width from 6.5metres to 5.5metres which is sufficient for two large vehicles to pass and it would not be appropriate to introduce a priority traffic system as suggested.

- 4.4 NYCC Lead Local Flood Authority - The applicants drainage consultant sent some additional percolation testing information across earlier this week that is ambiguous and is showing discrepancies in the supplied information so far. The LLFA are going to have to insist on a return to the site to carry out testing with a representative from ourselves in attendance to confirm that infiltration is possible on the site. As mentioned before, although the LLFA do not object to this reserved matters application, we cannot recommend approval based on the current layout and the position of the soakaways based on the test results supplied.

Officer Note: An update on this will be provided to Members at the meeting.

- 4.5 Yorkshire Water - Yorkshire Water has no objection to the approval of this Reserved Matters application.
- 4.6 HDC Housing - In consultation with Broadacres the identified Local need for affordable housing is:
- 4 x 1 bed quarter houses
 - 4 x 2 bed houses
 - 4 x 2 bed bungalows
 - 1 x 3 bed house
 - 1 x 4 bed house
- 4.7 Hambleton District Council Waste and Street Scene – Bin collections points are identified, all ok with layout
- 4.8 Public Notice – 12 letters of representation were received from 8 members of the public raising the following issues:
- Development out of keeping with Brafferton Conservation Area
 - Mature trees should be retained to preserve the rural/green approach
 - Abruptly ending road at site boundary suggests further development
 - Loss of views of the hills and white horse
 - Loss of mature trees

- Overlooking
- Headlights from cars exiting will impact on properties opposite
- Increased traffic and therefore air pollution
- Impact on local infrastructure, service and utilities
- Impact on the Conservation Area
- No need for houses in the area
- Scale and density of development
- Loss of agricultural land
- The village has no bus and only a butchers shop
- Wrong site for housing
- Impact on bats
- Inappropriate boundary treatment
- Maintenance of landscaping
- Loss of habitat and hedgerow
- Flood impact
- Noise from traffic entering or leaving the site

Following amendments the application was republicized and the following additional issues were raised:

- Not energy efficient, brick homes that belong in towns and cities
- Parking facilities
- Road safety
- The access should be moved
- Design of the properties is unattractive and out of keeping with the character of the village
- Site looks cramped with small gardens
- Unneighbourly/hostile layout
- Impact on the electricity supply
- People on an average salary cant afford these homes
- Bat and bird boxes should be conditioned
- The affordable housing does not meet the requirements of HG3

5.0 Analysis

The principle of the development of the site has been set by the appeal decision. As such the matters now for consideration are:

- Affordable Housing and Housing Mix
- Design
- Heritage
- Landscape and Ecology
- Amenity
- Transport Issues
- Flood Risk and Drainage

Affordable Housing and Housing Mix

- 5.1 The affordable housing offer was secured at outline stage via S106 legal agreement. The agreement requires 50% affordable provision which represents 14 dwellings. The tenure was agreed so that 70% would be provided for Social Rent and 30% as Intermediate Rent or sold as Intermediate units. The agreement includes details of provision, timings and criteria for occupation.
- 5.2 The layout shows the location of the 14 affordable units. The distribution of these around the site is considered acceptable. Although the quantum of affordable housing was agreed at outline stage the mix of dwellings was not and this should now be based on up-to-date evidence.
- 5.3 HG2 identifies that 'all new residential development' should seek to deliver 'a range of house types and sizes' that 'reflect and responds to' needs identified within the latest Strategic Housing Market Assessment (SMHA). The Housing SPD was adopted on 26 July 2022. The SPD supports the Hambleton Local Plan and seeks the provision of affordable housing; a change in the types and sizes of homes built in the district; and more choice in tenure so that all residents can access a decent home that they can afford and which suits their needs.
- 5.4 The SPD states that although there will be some demand for large homes, the main need is for a supply of housing that is affordable to those on modest incomes. The SPD sets out the following target mix separately for market and affordable homes:

House Size	Mix	
	Market Housing	Affordable Housing
1 bedroom	5-10%	20-25%
2 bedrooms	40-45%	50-60%
3 bedrooms	40-45%	10-20%
4+ bedrooms	0-10%	0-5%

- 5.5 The proposed mix for Market and Affordable housing is detailed in the following table:

House Size	Market Housing Proposed	Market Housing Target	Affordable Housing Proposed	Affordable Housing Target
1 bedroom	0%	5-10%	0%	20-25%
2 bedrooms	21.4%	40-45%	85.7%	50-60%
3 bedrooms	64.2%	40-45%	14.2%	10-20%
4+ bedrooms	14.2%	0-10%	0%	0-5%

- 5.6 As can be seen above the affordable housing leans heavily towards 2 bedroom homes while the market housing leans more towards 3 bedroom homes. The Council's Housing Officer has indicated that the following mix for the affordable housing units would be preferred:

- 4 x 1 bed (quarter house)
- 4 x 2 bed houses
- 4 x 2 bed bungalows
- 1 x 3 bed house

- 1 x 4 bed house

5.7 Whilst this has been acknowledged by the applicant, amendments to the offer have not been forthcoming. This mix is based on specifically identified need coming from the housing waiting list. The most onerous element of this is for single bedroom accommodation which is not being provided within the proposed mix.

5.8 All of the house types exceed the requirements of the NDSS. The table below shows the internal areas of the dwellings which are a reasonable size for the house types. The affordable house types are D, E and H.

House Type	Size type	NDSS	GIA	No of Units
A	3B6P	102 m ²	135 m ²	3
B	2B3P	70 m ²	96.78 m ²	3
C	3B6P	102 m ²	125.4 m ²	6
D	2B3P	70 m ²	73.32 m ²	10
E	3B4P	84 m ²	92.52 m ²	2
F	4B7P	115 m ²	155.32 m ²	2
H	2B3PSS	61 m ²	64.54 m ²	2
				28

Design

5.9 The reserved matters of appearance, layout and scale are considered against Local Plan policy E1 which 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.

Appearance

5.10 The scheme includes a large variety of house types, providing a range of open market and affordable homes, in a variety of size, scale and appearance. The properties have been designed specifically for the site and seek to use appropriate design features in the area. The properties are a mixture of one and two storey, brick properties, with individual detailing on house types to add variety to the streetscene. A number of properties also benefit from garages, either detached or adjoined the dwelling.

5.11 All properties also benefit from private garden space to the front and rear of properties with beech hedging proposed to the front of a number of properties and native hedge planting to the rear.

5.12 The majority of the proposed dwellings will be constructed from brick in order to match the local vernacular and reflect the closely related Conservation Area. There will be a combination of roofing materials in the form of interlocking tiles, which are common within the village. All windows will benefit from UPVC doors and windows. The design of the proposed dwellings is considered to be acceptable.

Layout

5.13 The proposed layout is not reflective of Brafferton and Helperby. However, consideration is given to the Inspectors decision notice which states:

- 5.14 *As an undeveloped site, the land makes a positive contribution to the open countryside and there is no doubt that the transformation to built development would change that character. However, located between The Old Parsonage and Brafferton Manor, the site represents a gap site in what becomes a relatively built up frontage on the approach into the village. As depicted on the indicative plan, it is noted that a number the proposed dwellings would be set back from Boroughbridge Road, with a relatively small number of units running in a linear formation adjacent to the roadside.*

Accordingly, there would be awareness of the proposal when passing both The Old Parsonage and Brafferton Manor; however, this would be limited to those dwellings adjacent to the roadside. Furthermore, views of the proposed development would also be limited from the north of site. Whilst an issue for reserved matters, the appellant contends that the proposed materials would be reflective of the surrounding character of red brick and pantile roof slates.

Accordingly, the proposal would be broadly in keeping with the general grain and form of development in the immediate street scene. Moreover, it would, appear as infilling between The Old Parsonage and Brafferton Manor in a logical form.

- 5.15 Whilst concern is raised in third party observations about the character of the layout and its relationship to the character of the village, the layout of the development would still largely reflect the above assessment and is therefore considered to be in line with the Inspectors decision and is considered acceptable.

Scale

- 5.16 The proposed scale of the development, in terms of numbers is in line with the maximum development allowed by the outline permission. However, officers consider that given the location the density is relatively high and the scheme would benefit from a reduction of between 2 to 4 dwellings. Whilst this has been put to the applicant who has not sought to amend the scheme, it is recognised that the proposals otherwise comply with the requirements of the outline planning permission.
- 5.17 The proposed dwellings will generally be two storeys, with a small number of single storey bungalows. The existing properties within Brafferton and Helperby are two storeys in height and as such it is considered that the scale is generally appropriate.
- 5.18 The proposed development's layout and scale is not considered to wholly fulfil the requirements of Local Plan Policy E1. However, the proposed development would make a significant contribution to affordable housing which would outweigh the concerns which primarily affect the internal layout of the site.
- #### Heritage
- 5.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 5.20 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence

and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

- 5.21 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.22 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.23 The application site is located outside of, but partially adjacent to the Brafferton and Helperby Conservation Area and there is a requirement to ensure that the development does not adversely impact the setting of the Conservation Area. The outline planning permission has established the principle of constructing new dwellings in this location, and the appeal decision notes that the significance of the Conservation Area is "derived from the wide cobbled streets which meet the church and the existence of relatively strong building frontages with clusters of dwellings to the rear". The Inspector also notes that there is a change in character of the Conservation Area to the north of Raskelf Road, which is in proximity to the application site. The Inspector noted "the Conservation Area lacks strong building frontages and more modern style development is evident".
- 5.24 The proposed development will be set back from the public road and will be somewhat screened by existing mature trees and a new hedgerow. This set-back will soften the impact of the development on the surrounding area. The individual property designs are of traditional character.
- 5.25 The materials are a mix of red and buff brick with modern interlocking tiles as well as concrete double pantiles. The proposed red brick is appears acceptable subject to samples, however, the buff brick does not relate well to the character of the area which is predominantly red brick. Buff detailing is visible on the Manor House and a small number of buildings on Helperby Main St. There are no other examples of buff brick in the area. It is considered that the construction of entire dwellings in buff brick would therefore be incongruous in the setting of the conservation area. It is recommended that a condition be imposed relating to the submission of alternative materials. It is considered that the proposed development will have a harmful impact on the significance of the Conservation Area. This harm is considered to constitute less than substantial harm and given significant weight in the consideration of the application. Development can only be approved if the identified harm is sufficiently off-set by public benefits.

Landscape and Ecology

- 5.26 The indicative layout plan that was approved at outline indicated broad landscape principles such as the provision of a landscaped boundary to the east of the site, which is currently open and backs onto open countryside. In addition, the existing landscaping around the north, west and southern boundaries were to be enhanced. The current layout shows a hedgerow to the eastern boundary.
- 5.27 A condition for a revised ecological assessment was conditioned at outline stage. The development will need to be able to provide for the recommendations of that survey prior to the commencement of development.

Amenity

- 5.28 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.29 As mentioned above, the scheme would benefit from a reduction in units. Alternatively, some of the dwellings which are above the NDSS figures could be reduced to create more space about buildings. Some of the dwellings do not have a good relationship with their neighbours in terms of separation distances and overbearing relationships. For example plots 16 and 19 are 11m apart albeit rear elevation to rear corner. There is 7m between the rear corner of plot 2 and the side elevation of plot 28. Plot 28 is a single storey dwelling and therefore the overlooking between windows should be limited, however there may still be some overbearing impact on outdoor amenity space. The separation distance between properties on the main access road is approximately 18.5m. Some of the gardens are slightly limited or awkward in shape.
- 5.30 The overall impact is that the development is somewhat cramped. Some of the plots will be quite enclosed and there is some concern that the layout is more urban than the surrounding rural settlement character. Nonetheless the outline approval is for 28 dwellings and a number of amended plans have been submitted in an attempt to ease these concerns. It is considered that the proposed layout is now acceptable in amenity terms and would not warrant refusal on these grounds.

Transport Issues

- 5.31 The location of the vehicular access to the site remains fixed as this was approved at outline stage, and the main estate road remains as indicated on the indicative layout plan, albeit the extent and positioning of the primary road has been amended as shown in the submitted site layout plan.
- 5.32 The proposal would not have an unacceptable impact on highway safety or the residual cumulative impacts on the existing road network would be severe. Therefore, the proposed development would fulfil Local Plan policy IC2.
- 5.33 Conditions have already been attached to the outline application for engineering drawings, carriageway and footway construction, visibility splays, off site highway works.

Flood Risk and Drainage

- 5.34 There are concerns from the Lead Local Flood Authority, however a condition was attached to the outline to provide a foul and surface water scheme.

Planning Balance and Conclusion

- 5.35 The principle of the development of 28 houses, including 50% affordable housing was established through the outline approval. There remains some concern that the proposals result in a slightly cramped layout, given the relatively rural location and proximity to the Conservation Area. However, the building designs are considered appropriate and any identified harm is considered to be adequately offset by the public benefits, particularly through the provision of affordable housing.
- 5.36 It is considered that the development is reasonably in line with the outline approval and the requirements of Local Plan policy in other respects.

6.0 Recommendation

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

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 Roof plans siteplan 1250, TAH-BRAFF-03 rev J - ROOF PLAN 1250 Received 22.08.2022
Proposed Roof plans siteplan 500, TAH-BRAFF-04 rev J - ROOF PLAN 500 Received 22.08.2022
Proposed Footprints siteplan 500, TAH-BRAFF-05 rev J - FOOTPRINT 500 Received 22.08.2022
Proposed Footprints siteplan 250, TAH-BRAFF-06 rev J - FOOTPRINT 250 Received 22.08.2022
Proposed Basic Roof plans siteplan, TAH-BRAFF-08 rev-I - Basic ROOF PLAN Received 22.08.2022
HOUSE - A-LH, TYPE-A-LH rev-B Received 13.06.2022 HOUSE-BRH, TYPE-B-RH rev-C Received 13.06.2022
HOUSE - C-RH, TYPE-CRH rev-B Received 13.06.2022
HOUSE TYPE D, TYPE-D - rev-D Received 13.06.2022
HOUSE - E - ELEVS, TYPE- E - ELEVS rev-C Received 13.06.2022
HOUSE - E - PLANS, TYPE- E - PLANS rev-C Received 13.06.2022
HOUSE - F-RH, TYPE-F-RH ELEVS rev-B Received 13.06.2022
HOUSE - F-RH, TYPE-F-RH PLANS rev-B Received 13.06.2022
BUNGALOW - H -RH, TYPE-H -RH rev-B Received 13.06.2022
3. Notwithstanding the details submitted and the approved plans above, no above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. The garages hereby approved shall be used solely for the housing and parking of motor vehicles and storage of cycles and notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order 1995, or subsequent amending Order, no subsequent alteration shall be undertaken.
6. Notwithstanding the approved plans details of the southern boundary treatment of Plot 27 shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The details shall include but not be limited to arrangements for the protection of the tree to the south of the plot during installation and details of how the choice of boundary treatment will minimise impact on the roots and therefore the health of the tree.
7. No above ground construction shall commence until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.

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 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 Policies S1, S5, E1, E5 and E7.
4. 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, E2 and E5.
5. 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, E2 and E5.
6. In the interest of protection of the tree
7. In the interest of visual amenity.

Parish: Husthwaite
Ward: Raskelf & White Horse

Committee Date : 01 September 2022
Officer dealing : Aisling O'Driscoll
Target Date: 12 August 2021
Date of extension of time (if agreed): 11 July 2022

2

21/01579/FUL

**Development of 8 dwellings, access road and associated infrastructure.
(Amended Plans received to show the retention of Cote House, amended access
and design amendments).**

**At: Land South of Spring Garth, The Nookin Husthwaite North Yorkshire
For: C/O Agent**

1.0 Site Description and Proposal

- 1.1 The proposal is for the construction of eight dwellings, access road and associated infrastructure. The scheme has been amended through the course of the application to retain Cote House at the front of the proposed development. The Local Highway Authority has visited the site with the applicants and considers the proposed access to be capable of accommodating the development thereby enabling the retention of Cote House. The development includes the demolition of a number of outbuildings and agricultural buildings located within the curtilage of the application site.
- 1.2 At the front of the site is Cote House (a non-designated heritage asset), an extensively altered 19th century house with associated outbuildings and yard areas behind. To the east and southeast is pastoral grassland which is currently in equestrian use. To the immediate north are two dwellings, Spring Garth and The Old Garden, which date from the 1980s. Beyond these are historic properties fronting the High Street. To the south and east is agricultural land/open countryside. The land rises relatively sharply to the south and a public footpath traverses the southern field. Boundaries are of mixed character comprising hedges and trees as well as domestic curtilage boundaries to the north and south of Cote House. The western section of the site falls within the Husthwaite Conservation Area and the Site adjoins the boundary of the area to the south. A number of designated built heritage assets fall within proximity to the Site.
- 1.3 The proposal now comprises:
 - 1 x 2 Bedroom Bungalow
 - 1 x 2 Bedroom House
 - 4 x 3 Bedroom Houses
 - 1 x 4 Bedroom Houses
 - 1 x 5 Bedroom Houses
 - Refurbishment of Cote House x 3 Bedroom Home.
- 1.4 The applicants have submitted the following:
 - Built Heritage Statement Rev P03
 - Archaeology Assessment
 - Phase I Geo-Environmental Risk Assessment/Trial Hole Investigations
 - Arboricultural Impact Assessment

2.0 Relevant Planning History

- 2.1 EH5 South of Prospect Cottages, Husthwaite (0.65ha) This site was included in the LDF development limit for Husthwaite, and is adjacent to the north east extent of the application site. This site was allocated for housing, for release in Phase 2 (2016 – 2021). The allocation was not carried forward into the Local Plan.
- 2.2 14/02294/OUT - Outline application for development of 20no dwellinghouses,at land to the South of Prospect Cottages, Husthwaite. Granted 05/10/2015.
- 2.3 18/02100/REM - Application for approval of reserved matters (access, appearance, landscaping, layout & scale) following outline approval 14/02294/OUT for the development of 20 houses at land to the South of Prospect Cottages, Husthwaite Granted 08.04.2019. Expired 08.04.2022.
- 2.4 19/01139/FUL - Construction of detached dormer dwelling with attached garage as per amended plans received by Hambleton District Council 30th July 2019 and 16th August 2019 at Bank Cottage The Nookin Husthwaite North Yorkshire YO61 4PY. Granted 20.09.2019

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 S1: Sustainable Development Principles

Local Plan Policy S2: Strategic Priorities and Requirements

Local Plan Policy S3: Spatial Distribution

Local Plan Policy S5: Development in the Countryside

Local Plan Policy S7: The Historic Environment

Local Plan Policy HG1: Housing Delivery

Local Plan Policy HG2: Delivering the Right Type of Homes

Local Plan Policy HG3: Affordable Housing Requirements

Local Plan Policy HG5: Windfall Housing Development

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E6: Nationally Protected Landscapes

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC1: Infrastructure Delivery

Local Plan Policy IC2: Transport and Accessibility

Local Plan Policy RM1: Water Quality, Supply and Foul Drainage

Local Plan Policy RM2: Flood Risk

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM4: Air Quality

Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council (Husthwaite) – This Council wishes to see the application refused for the following reasons:
- Highway safety. The access is dangerous in this location and the area is congested with cars and the proximity of the bus stop and business users
 - The development would cause overlooking and overshadowing
 - No details about street lighting
 - Development will increase carbon footprint
 - emergency and refuse vehicles will find it difficult to access the site addition,
 - that there is no footway within the development which, with such a narrow access road, would be dangerous for pedestrians accessing / exiting the new development
 - The Parish Council note that there is no mention of any contribution to community facilities and infrastructure
 - The site is situated within or adjacent to Husthwaite Conservation Area and all of the proposed new dwellings are outside of the Husthwaite Development Limit but the Parish Council have seen no exceptional circumstances
 - There are three Grade II listed buildings in close proximity to the proposed site and the development of the field would significantly affect the area.
 - A geophysical survey of the site is completed prior to any planning approval being granted as per the recommendations in the Archaeology Assessment.
 - No evidence of functional need for this development.
 - There are no shop, post office, doctors' surgery, local employment or reliable transport connections and, with a number of permitted schemes yet to be completed (28 to be precise).
 - Wish to see a more appropriate and sympathetic small scale development close to Cote House with a focus on smaller 2/3 bedroomed properties, affordable housing or bungalows suitable for an older / aging population.
 - There is a great possibility of surface water run-off into the existing properties at the bottom of The Nookin. Parish Council would like assurances that suitable mitigation and protection measures for surrounding properties and land will be provided.
 - Should planning permission be approved, the Parish Council would like assurances construction management are applied including hours of operation.
- 4.2 NYCC Local Highway Authority – No objections, subject to conditions the road serving the proposed development is to remain a private road. The Local Highway Authority engineer has visited the site and reviewed the visibility splays and the swept path analysis for larger vehicles following the revisions to the scheme.
- 4.3 NYCC Lead Local Flood Authority – No objections Should planning permission be granted, the applicant should provide detailed drainage designs and maintenance responsibilities to the LPA. The second revision of the drainage strategy offers some improvements and mitigates risk to properties off site. The construction comments should cover the concern from residents about underground springs.

- 4.4 NYCC Archaeology – A Geophysical survey is required to characterise the archaeological potential of the site and where anomalies are revealed a trial trench excavation may also be necessary to reveal the full significance of any features. This should be carried out prior to decision so that the layout can be influenced by the results.
- 4.5 Yorkshire Water – No objections recommends conditions.
- 4.6 HDC Design and Maintenance – Awaiting advice on drainage matters at the time of writing.
- 4.7 HDC Waste and Street Scene – Concerns about the access width, lack of passing places and turning points. A meeting was held with the waste and Street scene manager. The application has been amended to include additional visitor parking and passing places. The layout has been amended and conditions discussed with the Highway Authority to maintain the parking area clear for turning points and alter the position of garages.
- 4.8 HDC Contaminated Land – No objections, recommends conditions.
- 4.9 HDC Conservation and Design Officer - It is considered that the proposal would lead to the lower end of less than substantial harm to character of the conservation area. Which would therefore require a public benefit to outweigh this harm.
- 4.10 Historic England – The proposal would erode the positive contribution the application site makes to the character and appearance of the conservation area, resulting in harm to its significance. Albeit the harm would be less than substantial, it would still be material. Historic England therefore has concerns regarding the application on heritage grounds. They consider that the application does not meet the requirements of the NPPF, in particular paragraph numbers 130, 194, 199, 200, 202, 203 and 206.
- 4.11 North Yorkshire Fire and Rescue - No objection/observation to the proposed development.
- 4.12 RAF MOD – No safeguarding objections to the proposal.
- 4.13 The Georgian Group - The Georgian Group objects to the demolition of Cote House. The total loss of this historic building would impact negatively on the conservation area.
- 4.14 The application was advertised by press notice, site notice and neighbour notification letters. These have all expired.
- 4.15 Public Comments – 63 letters of representation have been received, however, some members of the public have commented more than once due to amendments to the scheme. The comments are summarised as follows:
- Residential Amenity – Overlooking, will result in refuse bins on the street, will result in noise, light and air pollution, access a nuisance, access not suitable for wheelchairs, loss of stables.

- Flood Risk and Drainage – Does not deal with it sufficiently, would cause additional flood risk from surface water and natural springs.
- Highway – Traffic surveys conducted at wrong time, access not safe, no footpath, too close to bus stop, visibility splays inadequate, cause additional traffic, would conflict with nearby bus stop, too much parking, will lead to parking on the street, won't be able to accommodate refuse bins and larger vehicles, does not meet the Highway Authority guidance, congestion on the access.
- Principle - The principle of the development is not acceptable and the LDF has already allocated a site, Lack of infrastructure in the village, not incremental growth.
- Layout – Too dense, ignores linear character of the settlement.
- Climate Change - The application does not include any proposal to reduce the carbon footprint of the development
- Character and appearance – Not in keeping with the village, harmful to appearance and character of the countryside, loss of open space, loss of greenfield, not locally distinctive
- Heritage assets - Harmful to the Conservation Area and its setting, Cote House should be restored instead of demolished, close to Howardian Hills AONB and National Park, will affect the setting of listed buildings,
- Ecology - Will result in tree and hedgerow loss, no evidence of bio-diversity net gain, Harmful impact on wildlife.
- Adequacy of submission

Following amendments to the scheme the following additional issues were raised:

- Cote House is now to be sold off for a third party to develop
- Concern that Cote House will be extended and have a negative impact on neighbouring amenity
- Insufficient details provided, no comparison between plans, lack of detail on boundary treatments, sections, many aspects have changed and there is a lack of new measurements on levels, traffic movements or comments on the impacts to The Nookin,
- Does not show the 40 metres of boundary wall that is 5 metres high in places.
- The removal of the outbuildings will eliminate a walled garden for the neighbouring property significantly affecting their privacy and amenity
- Pedestrian safety, no footpath
- Entrance and access road is not wide enough and no consultation with emergency services
- Proposed dwellings appear to sit 3m above the Nookin resulting in loss of light and views
- 30 new properties have permission or have been built already
- Development is not required, five new dwellings at Highthorne Lane
- Site was rejected in call for sites
- A fresh application should be required following changes
- Access is on a bend, and traffic survey/assessment not updated since amendments
- There are derelict buildings to the west of The Nookin
- Does not fit with the linear pattern of the settlement
- Loss of important green space
- Previous approval at Highthorne lane negates the need for further windfall development in the area.

- Mature trees and hedgerows need to be protected
- Plot 8 is not feasible without damage and extensive pruning to mature trees

4.16 The above consultations and comments are summarised. All comments and can be reviewed in full on the case file.

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Housing Matters
- Heritage
- Design, Landscape and Biodiversity
- Amenity
- Transport and Accessibility
- Flood Risk, surface water and drainage management
- Contaminated land

Principle

5.2 The purpose of Local Plan policy S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development.

5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG5 : Windfall Housing Development.

5.4 Policy S3 sets out the settlement hierarchy. Husthwaite is classed as a Service Village within the Easingwold sub area. Such villages are expected to see some development commensurate with their size, character and the concentration of services.

5.5 Policy S5 states that the countryside is defined as land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3: Spatial Distribution. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.

5.6 The application site is not allocated for housing development and is by definition in the countryside. Housing development in the countryside can be supported where the proposal satisfies the Council's windfall housing policy HG5 which states that a proposal for housing development on a site adjacent to the built form of a defined village, will be supported where certain conditions are met.

5.7 The application site is irregularly shaped and has boundaries with various other properties. This largely includes 'Spring Garth', 'The Old Garden', 'Ashmount' and 'Damson Garth' to the north of the site. To the west are further properties including

'Black Bull', 'Field House', 'Holly House' 'Cote House' (which is part of the application site), 'Mulberry Cottage' and 'Stonewold' to the west. It is considered these properties and land are closely grouped and visually well related buildings within the main part of the settlement and comprise the immediate built form. A recently approved dwelling (4 bed detached dormer dwelling) is also due west of the site at land at Bank Cottage and is currently under construction.

- 5.8 The application site is adjacent to the built form of a service village. Housing development on this part previously developed and part greenfield site can be considered in principle as a 'windfall site'. The acceptability of the proposal is required to be considered against the provisions of policy HG5 a-e and other site specific and relevant policies in the Local Plan.

Housing Matters

- 5.9 Criterion a) of HG5 requires proposals for housing development on a site adjacent to the built form of a defined village to demonstrate that a sequential approach to site selection has been taken showing that there is no suitable and viable previously developed land available within the built form of the village. The Council's brownfield land register does not hold any records of previously developed land in Husthwaite. There are no known alternative brown field sites within the built form of the village.
- 5.10 Criterion b) of HG5 seeks to ensure that proposals 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. Similarly, HG2 identifies that 'all new residential development' should seek to deliver 'a range of house types and sizes' that 'reflect and responds to' needs identified within the latest Strategic Housing Market Assessment (SMHA). The Council's latest SHMA is dated October 2016. The evidence therefore needs to be considered flexibly and each development that comes forward should be judged on its own merits.
- 5.11 The Housing SPD was adopted on 26 July 2022. The SPD supports the Hambleton Local Plan and seeks the provision of affordable housing; a change in the types and sizes of homes built in the district; and more choice in tenure so that all residents can access a decent home that they can afford and which meets their needs.
- 5.12 The SPD states that although there will be some demand for large homes, the main need is for a supply of housing that is affordable to those on modest incomes. The SPD sets out the following target mix separately for market and affordable homes:

House Size	Target Mix	
	Market Housing	Affordable Housing
1 bedroom	5-10%	20-25%
2 bedrooms	40-45%	50-60%
3 bedrooms	40-45%	10-20%
4+ bedrooms	0-10%	0-5%

Housing SPD 2022 target housing mix for Market and Affordable housing

- 5.13 As can be seen from the table above the target mix is heavily weighted towards 2 and 3 bedroom homes. The affordable housing mix then leans more heavily towards 1 and 2 bedroom homes.

5.14 Details of the proposed housing mix and sizes are as follows: -

- 1 x 2 Bedroom Bungalow Plot 8
- 1 x 2 Bedroom Home Plot 1
- 4 x 3 Bedroom Homes Plots 2,3,4,5
- 1 x 4 Bedroom Home Plot 6
- 1 x 5 Bedroom Home Plot 7

5.15 Of this 1 x 2bed and 1 x 3bed properties (Plots 1 & 2) are offered as affordable housing giving a 50% split in mix. Local Plan Policy HG3 requires 30% provision of affordable housing which in this case would equate to 2.4 dwellings. The remaining 0.4 of a dwelling could be secured as a commuted sum via S106 agreement.

5.16 Of the remaining 6 market dwellings the mix is set out against the target in the table below:

House size	No of Units	Percentage	Target
1 bedroom	0	0	5-10%
2 bedrooms	1	16.6%	40-45%
3 bedrooms	3	50%	40-45%
4+ bedrooms	2	33.3%	0-10%

Proposed Market Housing Mix

5.17 12.5% of the proposed homes (or 1 dwelling) will be bungalows.

5.18 All of the proposed homes will exceed the Nationally Described Space Standards. It should be noted however, that, whilst exceeding the NDSS, which is a minimum requirement, is not to be discouraged, in this case the market housing 3 bedroom properties are significantly larger than the values given within the NDSS for the dwelling types as shown in the table below.

Plot No	House Type	NDSS sqm	Gross Internal Area sqm
3	3Bed 5Person	93	154
4	3Bed 5Person	93	154
5	3Bed 5 Person	93	162
6	4Bed 8Person	124	274
7	5Bed 8Person	128	274
8	2Bed 4 Person bungalow	70	97

Comparison of dwelling floorspace against NDSS requirements

5.19 Policy HG2, the SHMA and the Housing SPD emphasise an urgent need for smaller and more affordable dwellings for those on modest incomes. The average household income in England is in the region of £53,000. Assuming no other financial debts or obligations/dependants this would allow a mortgage of approx. £232,000. A deposit in the region of 10% would give a total budget of approx. £257,000.

5.20 The smaller of the 3 bed properties as proposed have a GIA of 154 m2 or 1657sqft. The average price per square foot across the district sits in the region of £280, although properties currently for sale in Husthwaite vary from £273-£405 per square foot. A 2 bedroom character property in Husthwaite with 912sqft sold in April 2022 with a price of £290 per square foot (£265,000). Using the most conservative price

of £273 (£2938 per sqm) the smaller 3 bedroom properties would be valued at £452,361, well above what the average household could afford.

- 5.21 Whilst it is acknowledged that two affordable dwellings will be provided to a registered social provider, and these sit closer to the NDSS measurements, the market dwellings will sit at the lower end of affordability. An income over approx. £90,000-£100,000 would be required. Policy HG5 allows for additional housing beyond allocations to come forward where a mix is provided in accordance with the District's needs. Policy HG2, HG5, the SHMA and the Housing SPD are all clear that smaller 2 and 3 bedroom market homes for those on modest incomes are needed.
- 5.22 The Council has a 9.9 year supply of housing land against a required minimum supply of 5 years, including a 5% buffer. The near 10 year supply of housing land has existed since September 2015. Delivery has also been high since 2014-15 with completions of new homes significantly in excess of the target (315 new homes per annum). In the first quarter of 2022-23, the latest period for which figures are available, 134 new homes were completed against a target of 79 new homes. This strong supply of housing land and strong delivery of new homes places the council in the position of not requiring additional 'windfall' sites to secure new homes to meet or boost housing delivery. The needs of the existing population and those migrating into the District are being met through the planning policies of the council.
- 5.23 The applicant's agent has put forward an argument that, Cote House was originally due to be replaced with a new 3-bedroom house, in doing do this would have thus reduced the percentage provision of 4-beds within the scheme (it would have been 2 of 9, rather than 2 of 8). As Cote House is remaining now, and is a 3-bedroom house, if it was still included within the mix percentages then this would work more favourably in respect of the SHMA's indicative requirements. There will be 78% 1, 2, and 3 bedroom homes within the scheme overall.
- 5.24 Windfall housing should therefore provide a range of choice, meeting local needs, such as for downsizing and smaller more affordable homes as outlined at paragraph 5.68 of the justification for policy HG5 and the Housing SPD.
- 5.25 Criterion c) of HG5 requires that the proposal represents incremental growth of the village and that it is commensurate to its size, scale, role and function. It is considered that 8 dwellings can be considered small scale in the context of the wider village. It is acknowledged that there has been a number of smaller schemes that have been granted permission in the village, but cumulatively they equate to a small proportion of the existing households in the village.

Heritage

- 5.26 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.27 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Husthwaite Conservation Area.

- 5.28 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 5.29 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.30 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.31 Paragraph 200 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.32 Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.33 Local Plan Policy E5 states that where a heritage asset is identified, a proposal will be required to assess the potential for adverse impacts on the significance of the historic environment. Where investigations show that impacts on heritage assets or their settings, whether designated or not, are possible, a heritage statement will be required. The heritage statement must be proportionate to the asset's importance and contain sufficient detail to understand the potential impact of the proposal on their significance. Heritage statements should:
- a. assess all heritage assets and their settings that would be affected, describing and assessing their significance and special interest;
 - b. set out how the details of the proposal have been decided upon describing how all adverse impacts will be avoided as far as possible, or if unavoidable how they will be minimised as far as possible;
 - c. detail how, following avoidance and minimisation, the proposal would impact on the significance and special interest of each asset;
 - d. provide clear and convincing justification for the proposal, especially where there is harm to the significance of a heritage asset or its setting, so that the harm can be weighed against public benefits; and

e. identify ways in which the proposal could make a positive contribution to, or better reveal the significance of, affected heritage assets and their settings.

A proposal will only be supported where it ensures:

- i. those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved;
- j. those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals;

- 5.34 Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.35 Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where a balanced judgement has been undertaken and the scale of any harm or loss to the significance of the heritage asset is justified.
- 5.36 Criterion d. of HG5 states that windfall development will not result in the loss of open space that is important to the historic form and layout of the village.
- 5.37 Husthwaite is a small rural village with a long linear form and a historic core centred on the 12th century Church of St Nicholas. To the south of the church is a small village green and an additional important village street, the Nookin. Husthwaite Conservation Area boundary tightly relates to the historic limits of the village and includes later 19th century development (for example Cote House and outbuildings) along The Nookin.
- 5.38 The pattern of medieval burgage plots, as articulated by the building lines running back from the street frontages, informed later 17-19th century village development, and remains clearly visible in the character and appearance of the village today. The legibility and demarcation of these individual burgage plots make an important contribution to the significance of the conservation area.
- 5.39 Despite areas of later 20th century development and selective infill, the historic limit of the village is relatively unchanged. Husthwaite continues to enjoy a close relationship with the adjacent open arable and pastoral fields backing onto the burgage plots. This relationship between the historic buildings, adjacent fields and wider rural landscape setting contributes greatly to the significance of the conservation area.
- 5.40 The non-designated heritage asset, Cote House, is a characterful 19th century two-storey brick-built dwelling fronting onto The Nookin. To the rear, a row of outbuildings runs away from the street frontage and respects the historic form of ancillary development along the plot boundary. Whilst altered in the later 19th and 20th centuries, the historical character of Cote House remains intact and the house

and outbuildings make a positive contribution to the significance of the conservation area.

- 5.41 Historic England have objected to the scheme on a number of grounds. Originally this included the loss of Cote House. Following amendments to the scheme to retain Cote House, Historic England provided updated comments. The main points of objection now relate to the principle of development of the site and the loss of the historic outbuildings.
- 5.42 With regard to principle Historic England state that *“development of the application site would result in a fundamental change in its character from rural agricultural small-holding and open pastoral fields to modern suburban housing development. The proposed residential development would be very intrusive and would envelop historic buildings along The Nookin. Their historic peripheral position at the village edge, which forms a key part of their significance and the special interest of the conservation area, would be eroded. Such an approach would diminish the ability to appreciate the heritage interest of numerous designated and non-designated historic buildings, and would considerably alter their relationship with the village and wider countryside”*.
- 5.43 In addition to the above comments from Historic England it is noted that a public right of way cuts into the field adjacent to the application site giving an uninterrupted and elevated view of the application site with the settlement beyond. The Tower at the Church of St Nicholas is visible from this vantage point above the village roofscape. This public right of way links to the site of a former medieval village near Thornton Lane to the south east and High House, a Grade II listed building. Given that the Church dates from the 12th century it is reasonable to assume that the footpath may represent an historic route between settlements at that time. Whilst the development will not impact directly on the Church or public right of way it is considered that the development will be an intrusive addition in the wider setting of the Church and have a harmful impact on the way in which the public perceive and interact with this Grade II* listed church and the route between two historical sites. This relationship results in less than substantial harm.
- 5.44 The second point of objection is the loss of historic ancillary outbuildings. As detailed above the outbuildings contribute to the legibility of past development of the village. The applicant argues that the outbuildings have been significantly altered over time and that little remains of the original buildings. Officer site visits have confirmed that alterations have indeed occurred, however, the southern elevation of the most westerly building appears to be intact in its original form. In any case the objection is to the outright loss of the buildings and the significance they hold in revealing the historic form and layout of the settlement and not in their individual architectural merit.
- 5.45 A structural report was submitted by the applicant which recommends that the outbuildings be carefully demolished. The main text of the survey, however, recommends that on the most westerly building, which appears to be the older one shown on historical mapping, the roof requires replacement and that there is evidence of some structural movement. No plans have been provided with the report and the photographs supplied are not numbered so as to enable easy connection to the text. It is considered that it has not been demonstrated clearly that the most westerly outbuildings could not be salvaged. Historic England note that the

development would represent a missed opportunity to put these heritage assets into viable uses consistent with their conservation.

- 5.46 Historic England also state that *“the proposal would, therefore, greatly erode the positive contribution the application site as a whole makes to the character and appearance of the conservation area, resulting in harm to its significance. We do not consider clear and convincing justification in terms of public benefit has been provided. While the harm arising from the application to the conservation area would be less than substantial, it would still be material”*.
- 5.47 The site was previously considered in the call for sites as part of the development of the Local Plan, however, it was discounted on the grounds that, amongst other comments, *“Loss of this open area and its subsequent development could harm elements which contribute to the significance of the Conservation Area and could affect setting of Grade II Listed Buildings on the northern edge of the site”*.
- 5.48 Historic England note that whilst the historic interest of the house and outbuildings have been compromised through insensitive past alterations, this does not justify an additional layer of harm or loss. New development should be sympathetic to local character and history and maximise opportunities to better reveal the significance of the heritage assets on site.
- 5.49 It is considered that the development will result in less than substantial harm to the significance of the Conservation Area and the setting of both nearby Listed Buildings and the Conservation Area. As noted above both national and local policy require that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.50 The applicant has outlined the following public benefits of the scheme:
- Refurbishment of Cote House
 - Delivery of housing including affordable housing
- 5.51 A list of identified improvements for Cote House has been provided and is detailed below. Some of these may require planning permission in their own right.
- Chemically injected damp proof course and localised tanking where required
 - Mechanical ventilation to all bathrooms and kitchen areas
 - Fully re-tiled roof structure, to all parts of the original roof structure, Welsh slate to be used on the front of the farmhouse, and clay pan tiles to the rear. Existing ridge tiles will be salvaged and re-use. Lead flashing to be re-done to all chimney stacks, re-new lead valleys, structural checks to the existing roof structure would be carried out, and any timber that show signs of timber decay to be replaced
 - The original part of the rear [projection] of Cote house will be rebuilt, the bricks salvaged and re-used, any extra bricks needed would be matched by Alne brickyard, in line with the structural report.
 - The rear chimney stack to be re-built
 - The two chimney stacks to the original part of Cote house to be locally repaired and re-pointed

- The right hand side gable end to be locally repaired and re-pointed
- Lintel over the front door to be replaced.
- Front elevation to be re-pointed alongside other required local repairs.
- Replacement of all guttering with Brett Martin Cascade guttering, fall pipes to fall vertically and not wrap around the building as they do at present.
- Remove the existing garage and replace with a two-story extension in line with the submitted CGI images
- Remove the poorly constructed 1980's extensions, rear garaging and side garage.
- Any new brickwork to use bricks to be sourced from Alne brickyard, sample panels to be erected on site.
- New timber doors and windows throughout, traditional sliding sash windows to the front elevation, more traditional front door in line with the submitted CGI images. All windows and doors sourced from Norton joinery at Malton.
- Traditional dry-stone wall to be erected to the front of the site, with full landscaping scheme to the front and rear.
- Internally a full re-modernisation of Cote House will take place, to include a full re-wire, plastering, insulation of external walls internally. Plus, all the modern internal finishes required as well..
- Air source heat pumps to be used to provide renewable energy.
- Due to the comprehensive nature of the work, it would also need to achieve the technical requirements of the latest building regulations

1. The Council's Conservation Officer has indicated that bringing Cote House back into use would be considered a public benefit of the scheme. In this case, however, there is no evidence to suggest that the dwelling has fallen out of use or that it is in such a state of disrepair that it could not be brought back up to liveable standards without the proposed development. Indeed, the applicant has stated that they do not make the argument that the proposed development is enabling development. The photographs of the interior do show some structural issues in the rear projection and later extensions. However, the main part of the house appears to have been decorated in modern trends and the Council's records indicate it was recently used as a dwelling (at least in 2019). There is nothing to suggest that the house could not or would not be sold as a standalone property and refurbished as any older dwelling would be. The applicant's agent argues that the 'market' hasn't delivered the refurbishment over the last few decades, and thus there is no confirmation/guarantee that this will ever happen, and in the meantime the building is falling more into disrepair, thus decreasing the chances of the market undertaking the work (as the costs of the work will increase further) and alongside this the decreasing state of the building will also have an increasingly harmful impact on the character of the conservation area.

5.52 Whilst a scheme for the refurbishment of the property could be secured by S106 or condition, parts of the desired alterations such as demolition of unsympathetic extensions would require a further application for planning permission and could not be secured in this way.

5.53 It is considered therefore that the benefits of refurbishment of Cote House are limited and are not wholly reliant on the proposed development, to be achieved.

5.54 With regard to the benefits of the provision of housing, as discussed in the Housing Matters section above, the scheme will provide 2 affordable dwellings and a commuted sum in line with local policy. This is a requirement of any development regardless of harm and given the Council's position in relation to five year housing land supply it is considered that the benefits of providing housing in this case are not considered to be sufficient to outweigh the harm identified.

5.55 The proposal does not therefore comply with criterion d. of HG5, Policy E5 nor the National Planning Policy Framework.

Design, Landscape and Biodiversity

5.56 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.

5.57 Criterion HG5 e) requires that the proposal would not have a 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.

5.58 As previously noted the proposed development will largely be visually contained by surrounding woodland, landscape form and built development and will not impact upon the wider countryside character. The designs of the homes reflect those within the village and are visually acceptable.

5.59 The layout of the site is generally rural in character reflecting a rural complex. However, Husthwaite is a linear settlement with some small scale, infill and limited back-land development. The form and siting of the development is at odds with the predominantly linear character of the settlement. It occupies an area of open space that makes a significant contribution to the settlement's rural character.

5.60 The Howardian Hills AONB, lies adjacent to Husthwaite and the North York Moors National Park in relatively close proximity. The overall scale of the development is small and it would be seen against the backdrop of the existing village. Therefore, the proposed development due to landform and existing buildings in proximity is not considered have an unacceptable impact upon the AONB or National Park and would accord with Local Plan policy E6 and E7.

5.61 Tree cover within the site is limited to small trees around Cote House and farm buildings, and larger trees and outgrown hedges around the periphery of the paddock. The original proposal showed loss of trees and hedgerows around the site to allow for the development. There may be subsequent improvement to allow for further retained trees as a result of the amended scheme, and it is not considered to result in significant tree loss. The proposed schemes do show the potential for new tree planting, and the applicant has agreed to a condition to show a biodiversity net gain which would fulfil the requirements of Local Plan policies E3 and E4.

Amenity

5.62 Policy E2 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylighting.

- 5.63 The layout has been designed to mimic a cluster of buildings in a courtyard style. This has resulted in a close relationship between the dwellings. However, to balance this the individual dwellings were designed to ensure that there would be no amenity issues, with the main living spaces of the new homes being orientated to the rear to look over the garden areas and not the front courtyard. For example the study and utility of plots 3 and 4 face onto the playroom/dining room, study and living room of plot 7.
- 5.64 Neighbouring properties are sited away from the proposed development at satisfactory distances. There is a significant land level difference of 7 metres between the highest point of the site and the road level at the Nookin. The level of the site rises up to the east away from The Nookin and therefore the level difference at the boundary of the application site is more relevant. As an example the separation distance between Stonewold and the boundary of the application site is approx. 35m and the land level difference approx. 2-3m. In addition to this plots 3, 4 and 5 have substantial gardens which further adds to the separation between buildings. Due to these large separation distances it is considered that the dwellings will not have a significant impact on neighbouring amenity.
- 5.65 Plot 8 is a bungalow and therefore the impact on neighbouring amenity is limited. Plots 1 and 2 are sited approx. 4m from the neighbouring boundary with Mulberry Cottage. There is, however, an intervening outbuilding in the garden of Mulberry Cottage which limits any impact through being overbearing. The removal of the outbuildings along the boundary with Mulberry Cottage will also remove a substantial boundary treatment for their, now, walled garden. This will have a significant impact on the privacy and amenity of the residents. It is considered, however, that an appropriate boundary treatment could be provided along this boundary and it would be appropriate to secure this as part of a boundary treatment scheme delivered by condition.
- Flood Risk, surface water and drainage management
- 5.66 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. Foul water will discharge to public foul sewer network. This is acceptable to Yorkshire Water who have not raised capacity as an issue for them.
- 5.67 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding.
- 5.68 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. A Flood Risk and Drainage Assessment is submitted with the application detailing how the site will be drained of surface and foul water without increasing flood risk elsewhere.
- 5.69 The surface run-off from the site (from roofs/roads) is designed to be at a rate that does not increase run-off onto areas located outside of the application site. As required by NYCC guidance and national planning guidance. The indicative SuDS layout outlined on Page 10 of the SuDS Strategy Report identifies that surface water will be captured and stored in an 'offline cellular storage system', the volume of

which is identified using the aforementioned calculations, prior to it being released into the existing drain/sewer at a rate which mimics that of the existing site/field. However, as an engineered system is being provided, which catches and directs surface water directly to where it needs to go, there will be a degree of betterment in terms of surface water management.

- 5.70 The future operation and regulation of the public sewers in the village is a matter for Yorkshire Water, it is the developer's responsibility to restrict surface water flows into the sewer as described above.
- 5.71 A soakaway test relates to investigating whether surface water could be drained via permeability through the ground/soils of the site, meaning an engineered solution wouldn't be needed. These tests confirmed that the required percolation rate to drain the site could not be met and as such the proposals will deliver new sewers and underground storage attenuation.
- 5.72 The existence of the Spring has been addressed through a proposed cut-off trench located on the site's western boundary, which is designed to intercept any surface water from 'exceedance events', in order to balance subsurface flows within the site and likely provide some betterment. The diagram enclosed in Page 12 of the report identifies how any water which runs to the western boundary of the site will be intercepted, captured, and redirected to the site's drainage system. Again, for the avoidance of doubt this would only ever be in exceedance level events. There will be some betterment due to the fact that the existing field/site doesn't have any method of interception, meaning any overland flows due to exceedance events or the spring would not be intercepted, whereas the development would.
- 5.73 The applicants state that development sites do not generate more surface water they only create more impermeable areas, which is why they need to deliver engineered drainage solutions to re-direct and store the water (at a rate to mimic the existing site) before it is released to the appropriate discharge point.
- 5.74 The proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied. Conditions have been proposed in line with the consultee recommendations.

Transport and Accessibility

- 5.75 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. The road serving the proposed development is to remain a private road and consequently the Local Highway Authority has no objections and recommends conditions.
- 5.76 The access into the site has been designed taking into account advice from the Highway Authority. They have reviewed the swept path analysis for larger vehicles. The advice is that the access is safe. Although there is no footpath proposed from the main site to road, this is a small housing scheme likely to be mainly used by residents and not the wider public. There are passing places on the access and thus conflict between pedestrians and vehicles is unlikely to be a significant issue that would make the proposal unacceptable.
- 5.77 Each unit has at least 2 parking spaces, and plots 3 to 8 have garages. Alongside the 2 passing places 3 visitor parking spaces are proposed. A condition has been attached to prevent garages being converted. The turning head could be marked to remain clear for use at all times.

5.78 The cumulative impacts on the highway network would not be severe. Highway safety, access and Parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan policy IC2.

Contaminated land

5.79 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. The Phase 1 Assessment did not identify any specific potential risks from contamination. The report did recommend further investigation to confirm the absence of a significant risk to human health or sensitive receptors from contamination.

5.80 In light of this information, the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment. This can be secured by condition and therefore the proposed development will fulfil the requirements of Local Plan policy RM5.

Planning Balance and Conclusion

5.81 The proposal is not considered to comply with parts b., d. and e. of Policy HG5. The mix does not meet the needs of the district as outlined in the HEDNA, SHMA and Housing SPD as there is over provision of larger less affordable homes. In addition, it is considered that the development will result in the loss of open space that is important to the historic form, layout, character and setting of the settlement.

5.82 The proposal is considered to result in less than substantial harm to the Conservation Area and the setting of the Conservation Area and nearby listed buildings. The proposal identifies public benefits of the scheme through the refurbishment of Cote House and more generally the provision of housing development through provision of 2 affordable dwellings, contribution to local economy during construction, and the beneficial impact of additional dwellings to the village through use of services etc. The public benefits put forward by the applicant are not considered to outweigh the harm in this instance.

6.0 Recommendation

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

1. The proposal does not meet the requirements of Local Plan Policy HG5(b), Policy HG2(f), the requirements of the SHMA and Housing SPD as the proposed units do not represent a sufficiently appropriate mix of sizes and the scheme does not sufficiently provide for smaller homes within the District the need for which is identified in the above policy and guidance.
2. The proposal does not meet the requirements of Local Plan Policy HG5(d), Policy E5 and paragraphs 200 and 202 of the National Planning Policy Framework as the proposed development would result in less than substantial harm to the Huthwaite Conservation Area and the setting of the Conservation Area and nearby listed buildings without clear and convincing justification. The identified public benefits of the scheme do not outweigh the harm in this instance.

3. The proposal does not meet the requirements of Local Plan Policy HG5(e) because, due to its siting, the proposed development would have a detrimental impact on the character of the village and would result in the loss of an open space/countryside that makes a significant contribution to the character and setting of the village.

This page is intentionally left blank

Parish: East Cowton
Ward: Appleton Wiske and Smeatons
3

Committee Date :
Officer dealing :
Target Date:

1 September 2022
Mr Craig Allison
2 June 2022

21/02338/FUL

Retrospective change of use of potato store to aggregate bagging depot, with no alterations to existing buildings.

**At: Greenford Haulage & Aggregates Dept, Unit 5, Dalton Gates, Dalton on Tees
For: Mr James Ford**

The proposal is presented to Planning Committee due to the development being of significant public interest

1.0 Site, Context and Proposal

- 1.1 The application site is located on the north west fringe of the District adjacent to the administrative boundary of Richmondshire District Council. The site is accessed off a C-Road which then subsequently serves a single track road to the application site. Surrounding the site are a number of other light industrial businesses and a caravan storage site. There are no public rights of way in and around the site and the site is not readily visible from any public vantage points.
- 1.2 The applicant seeks retrospective planning permission for the change of use of a building and surrounding land as an aggregate bagging depot which is operated by Greenford Haulage Limited. This is operated by Greenford Haulage which operates a mixed fleet of tippers, general haulage and bagged aggregate vehicles. There is another company linked to the site which is James Ford Ltd which is a construction company specialising in construction and ground works. However, the application is associated with Greenford Haulage which employs 5 members of staff.
- 1.3 The business operates in terms of tippers leaving the site between 5am and 6am each morning. These lorries are typically destined for a quarry to collect material for onward delivery to customers, either locally or further afield. Later in the day, normally after customer deliveries are complete, returning tipper trucks will backload aggregates from local quarries to the applicant's yard as stock for the bagging plant. Bagged aggregate vehicles take the bagged material that is produced by the bagging plant for onward delivery to builder's merchants throughout the North East and Yorkshire.

2.0 Relevant Planning History

- 2.1 85/0806/FUL - Construction of a building for use as a potato store – Approved 22 March 1985

3.0 Relevant Planning Policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of

the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

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

Local Plan Policy S1 – Sustainable Development Principles
Local Plan Policy S5 – Development in the Countryside
Local Plan Policy EG7 – Businesses in Rural Areas
Local Plan Policy E1 – Design
Local Plan Policy E2 – Amenity
Local Plan Policy E7 – Hambleton’s Landscapes
Local Plan Policy IC2 – Transport and Accessibility
Local Plan Policy RM1 – Water quality, supply and foul drainage

National Planning Policy Framework

4.0 Consultations

4.1 East Cowton Parish Council have commented on the application and raised the following concerns with the application:

- The access from the site is directly onto a 90 degree bend on an unclassified road
- Lorries operating from the site are long, heavy and slow when manoeuvring
- Their length of lorry means when negotiating the access from the direction of Dalton on Tees they need the full width of the road to move and turn
- Risk to road users especially because of the existence of a blind bend.
- Operations at the site involve a number of lorries leaving at 5:30am and this causes a nuisance element.

4.2 North Yorkshire County Council (Highways) has raised no objections to the application.

4.3 Network Rail has been consulted on the application and have made no observations in regard to the application.

4.4 Dalton on Tees Parish Council have commented on the application and have stated that the application should be refused for the following reasons:

- The access to this business is on a very sharp double blind bend and the large wagons are unable to turn into West Lane without swinging right onto the wrong side of the road.
- This is resulting in mud on the road which is extremely dangerous to road users.
- Wagons entering and leaving the premises as early as 5:00am which is disruptive to residents of West Lane.

4.5 North Cowton Parish Council have objected to the application with their comments summarised below:

- Concerns are raised in terms of the number of vehicles coming and going to the site
- Concerns raised over the operating times of the business
- The site is open to members of the public so extra traffic is entering the site
- The road seems unsuitable for the number and size of vehicles involved

4.6 A site notice was posted and neighbours were consulted on the application. Six letters of objection have been received in regard to this application with their comments summarised below:

- The access to this site is from the unclassified country lane linking the A167. Between the A167 there are three 90 degree corners and a narrow offset railway bridge. The lorries used by Greenford are exceptionally long and cannot negotiate any of these obstacles without using the whole road
- The access point itself is a particular danger as it is situated at one of these sharp bends
- Greenford lorries use the site all day from as early as 5am and this causing disturbance to local residents.
- Given that this a distribution site which is supplying businesses and building sites throughout the North East then a location closer to the A1 and A66 would be preferable rather than a site in the middle of nowhere

5.0 Analysis

5.1 The main issues to consider from this application include:

- the principle of development
- the impact of the development on the character and appearance of the area
- the impact of the development on highway safety
- and the impact of the development on neighbouring residential amenity

The Principle of Development

5.2 In determining application's, decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 states that the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.

5.3 The site is located outside any defined settlement and therefore Policy S5 is applicable. The Policy states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.

5.4 Policy EG7 of the Council's Local Plan states employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:

- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
- b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or
- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
- d. other proposals specifically requiring a countryside location.

- 5.5 In this instance, the development has re-used an existing building on the site which was previously used for the storage of potatoes. No alterations have been made to the building and it is of sound construction. The proposals meet the requirements of criterion b of policy EH7 and as such it is considered that the development is acceptable in principle subject to other material planning considerations.
- 5.6 Furthermore, it is noted that the general operations of the wider site are more akin to operations within an Industrial Estate rather than within the open countryside or an agricultural environment.
- 5.7 Clarity was sought from the applicant in terms of research into other sites within the area. The applicant's second choice location was Metcalfe Farm in Leyburn. The company had an existing working relationship with this company. However, the site had no internal space so all activity would have taken place outside which would not have allowed the applicant to undertake certain aspects of their existing operation. The other issue with this site was access to major road networks. The distance to their existing customer base was also a considerable additional distance which would have resulted in more deliveries and a greater number of vehicle movements.
- 5.8 The third choice was a piece of vacant land at Faverdale Industrial Estate, Darlington. Geographically the location would have been the preferred location. However, the site was several acres in size and arguably far too large for the applicant's operation. After enquiries into the site the purchase price of the land reflected the enormity of the site. The applicant spoke to the land agent about various options including a lease agreement for part of the site but the vendor wanted a sale on the whole site in its entirety. This site also lacked any indoor space and would not have allowed the applicant to undertake certain aspects of their current operation.
- 5.9 Therefore, the applicant opted for West Lane, Dalton Gates. The location had formerly been a manufacturing site for STC Plastics and has a long history of vehicle movements to and from the site. The site is suitably sized with enough operational space without being too large, and with a shed to ensure the operations can be undertaken. Geographically the site is well located with good transport links to the A1 and A66. It is therefore considered that the proposed development is in accordance with the Council's Local Plan Policies, in terms of the principle of development.

The Impact on the Character of the Surrounding Area

5.10 Policy E1 of the Local Plan states that all developments 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. All development should have a regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future.

5.11 The National Planning Policy Framework supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 132 sets an expectation that applicants engage with the local community in drawing up the design of their schemes:

"Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot."

5.12 Policy E7 of the Local Plan states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; and takes account of areas that have been identified as being particularly sensitive to/or sensitive for certain forms of development.

5.13 The area is defined within the character assessment as within Character Area 1, known as the Cowton Hills. Key characteristics of this area are that it is undulating in the west and south of this area giving some sense of enclosure. Low levels of settlement and infrastructure, mainly comprising minor roads with the East Coast Main Line railway crossing the floodplain in the east. Glimpsed long-distance views to the North York Moors looking east, and to the Yorkshire Dales to the west.

5.14 The site is occupied by a building being used as an aggregate bagging depot, no external changes have been made to the building and it is considered to have no impact on the character and appearance of the area. Furthermore, the site is not readily viewable from any public vantage point and results in no significant lasting impact on the character or appearance of the countryside and the undulating nature of this area. It is therefore considered that the development is in accordance with Hambleton Local Plan Policies E1 and E7.

Impact on Highway Safety

5.15 Policy IC2 of the Hambleton Local Plan states the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that highway safety would not be compromised, and safe physical access can be provided to the proposed development from the footpath and highway networks.

- 5.16 North Yorkshire County Council (Highways) have commented on the application and raised no objection to the proposal. As noted by the level of objection to the application, the majority of the concerns raised in representations have included concerns in regard to the access and the use of the nearby roads. Further clarity has been sought from the Highways Authority in regard to these points.
- 5.17 It has been raised in representations that West Lane is too narrow to accommodate large vehicles. However, it is noted that the road has a centre line and national standards state that a centre line cannot be applied to a road narrower than 5.5 metres. On site measurements indicate that the road meets/exceeds this standard. It is widely accepted that 5.5 metres is sufficient for two HGVs or an HGV and a car to pass comfortably. Therefore, it is difficult to conclude that West Lane is too narrow, accepting that the applicant operates large HGVs.
- 5.18 There are a number of different land uses along West Lane that generate HGV traffic including several farms, Croft Racing Circuit, a garden centre, a timber supplier and other light industrial uses. The Highways Authority has no recent records of injury-causing collisions along this road to suggest there is a road safety issue.
- 5.19 Moorhouse Bridge is maintained by Network Rail, it does not currently have a structural weight limit (which would be expected if it is unsuitable for HGVs at the legal limit of 44 tonnes) nor are the County Council aware of any plans to introduce such a weight limit. Furthermore, Network Rail were consulted on this application and raised no objections to the development.
- 5.20 The visibility available at the existing access has been assessed as falling below the standards set out in the Design Manual for Roads and Bridges. However, due to its history of use (including a caravan storage facility and other businesses served by the same access) and low traffic speeds expected at that point on West Lane due to the road alignment a refusal on highway grounds would be difficult to sustain. Therefore, it is considered that the proposed development does not cause a severe impact to highway safety and the proposed development is in accordance with Policy IC2 of Hambleton's Local Plan.
- Impact on Residential Amenity
- 5.21 Policy E2 of the Council's 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. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.
- 5.22 Various comments have been received in regard to traffic movements off site early in the morning. These movements are predominately tipper trucks leaving for quarries, to load with aggregate to be delivered to customers both locally and nationally. These vehicle movements are covered under the applicant's Goods Vehicle Operators License that was obtained in November 2020, which states that the site should have no more than 13 vehicles and six trailers. Furthermore, other early vehicle movements on/off site can be attributed to neighbouring businesses who share the same address. A number of businesses operate within the yard and

make a number of deliveries throughout the day and night. Another business who shares the same access road, albeit into a separate site, accounts for the majority of weekend and bank holiday vehicle movements due to the delivery and collection of caravans from the caravan storage facility.

- 5.23 Comments have also been received stating that HGV's travel past residential properties along West Lane as early as 5:00am and this is causing harm to residential amenity. However, the access to the site does not serve any residential properties. Properties in the wider area are otherwise located on a public road. Therefore, imposing a condition restricting hours of operation would not prevent the operator from driving on the public road at 5:00am. As the site is not near any residential properties it is considered that the development does not result in any significant impact on amenity and as such is in accordance with the Council's Local Plan Policy E2.

Nutrient Neutrality

- 5.24 The site falls within the River Tees catchment and is caught by the issues of nutrient pollution resulting from the impact of nitrogen on the River Tees and Cleveland Coast Special Protection Area and Ramsar sites. 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.
- 5.25 In order to be able to approve the development, it must be satisfied that the development is neutral in its nitrogen impact and the development assessed against the Habitat's Regulations.
- 5.26 In this case the protected site is the Tees Ramsar and SPA site and Natural England has specifically cited the issue of nitrogen impacting on the site and causing growth of blanket weed across the mudflats, which is impacting on plant and wildlife as a result.
- 5.27 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 zero nitrogen impact or that sufficient mitigation can be put in place to offset any additional nitrogen from the site.
- 5.28 As this is an employment site it has to be established where the current employees main residence is to demonstrate that there is not a net gain in nitrogen. The applicant has stated that all owners and employees are local people and are from Darlington, Scorton, Brompton on Swale and Catterick. Some of the areas where the employees live is outside of the catchment area and therefore there is potential for a net increase in nutrient neutrality. However, as this is an existing building and was previously used by STC Plastics as a manufacturing plant it has current facilities already installed to existing foul drainage on the site, it is considered that there is no net increase in nitrogen from this development and on this basis the requirements of the Habitats Regulations are met.

Planning Balance

- 5.29 The application is for a change of use of an existing building and surrounding land for the running of an aggregate bagging depot. No external changes have been made to the existing building and the operation is considered to cause no harm to the immediate character of the area. It is considered that the access to the site is acceptable from a Highway perspective and is not considered to result in a severe impact on highway safety. It is therefore considered that the development is in accordance with the Council's Local Plan Policies and the overarching principles of the National Planning Policy Framework.

6.0 Recommendation

That subject to any outstanding consultations the application be **GRANTED** for the following reason(s):

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Location Plan received by Hambleton District Council on the 14 December 2021; and Photos of the Elevation of the building; received by Hambleton District Council on 20 January 2022; unless otherwise approved in writing by the Local Planning Authority.
2. There shall be no more than thirteen (13) heavy goods vehicles and six (6) trailers kept on the site at any one time.
3. There will be no maintenance of heavy goods vehicles (other than in emergency to maintain the legality of a vehicle) on the site at any time.

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 Local Plan(ies) S51 and S5
2. In order to control the use of the site to ensure that it does not expand further into the countryside in accordance with Policy S5 and EG7.
3. In order to control the use of the site to ensure that it does not expand further into the countryside in accordance with Policy S5 and EG7.

Parish: Snape With Thorp

Ward: Tanfield

4

Committee Date: 1 September 2022

Officer dealing: Mr Nathan Puckering

Target Date: 18 July 2022

Date of extension of time: 2 September 2022

22/01263/FUL

Construction of a garden room to the rear elevation of the dwelling.

At: Snape Castle Barn Snape Bedale North Yorkshire

For: Mrs Hanson.

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

1.0 Site, Context and Proposal

- 1.1 Snape Castle Barn is a converted barn located approximately 75m east of Snape Castle, located in the village of Snape. The grade II listed C17th dovecote is located within the wider site just to the south of the dwelling and is now used as general storage. Prior to the early 21st century, Snape Castle Barn along with the range of other buildings directly to the west, including the listed former stables, all formed part of an agricultural unit. Owing to this relationship and ownership at the time of listing in 1966, all of the buildings are considered to be grade II curtilage listed due to the dovecote and former stables. The site is also within the Snape Conservation Area and the Thorpe Perrow registered park and garden.
- 1.2 The building itself has an L plan layout with two storeys. It was built using rubblestone with a grey slate roof. The conversion of the building itself has been relatively sympathetic, and the character of the old barn is still evident. Due to it being set back from the road and being located behind the impressive dovecote, unusually the dwelling isn't the focal point of the site and takes up a more understated role in the built hierarchy.
- 1.3 This application is seeking permission for the construction of a garden room on the rear elevation of the building. These are designed and constructed by a company specialising in this type of structure. On the most part the structure is timber, although the roof structure is mostly aluminium, with a roof lantern feature. After concerns were expressed regarding the design of the addition and the level of change to the character of the rear facade, slight changes were made by way of reducing the pitch of the roof and the removal of some decorative mouldings.
- 1.4 Owing to the historic relationship and common ownership at the time of listing of the grade II dovecote and range of former barns to the west, this building is considered to be curtilage listed and thus is given all of the protection that a listed building would have. Accordingly, an application for listed building consent has been submitted and runs concurrently with this application for planning permission.

2.0 Relevant Planning History

- 2.1 20/02896/FUL & 20/02897/LBC - Construction of an attached single storey double garage with boot room to front (south) elevation of the dwellinghouse - Granted (extant but not implemented)

2.2 22/01264/LBC - Construction of a garden room to the rear elevation of the dwelling - Pending Consideration

3.0 Relevant Planning Policies

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set 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 S1: Sustainable Development Principles
Local Plan Policy S7: The Historic Environment
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E5: Development Affecting Heritage Assets
National Planning Policy Framework

4.0 Consultations

4.1 Parish Council - No comments received.

4.2 Site Notice & Neighbour Notification - No comments received.

5.0 Analysis

5.1 The main issues in this instance are:

- Design
- impact on the adjacent heritage assets, including the setting of the nearby listed buildings and the character and appearance of the Snape Conservation Area.

Due to the siting of the extension relative to the neighbouring dwellings, the residential amenity of the neighbours will not be impacted and therefore this will not be assessed below.

Design

5.2 Policy E1 of the Local Plan concerns design and requires all development to 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. It then goes on to list a number of design principles that help to achieve this overriding aim, some specifically related to domestic extensions, such as ensuring extensions respect the scale, massing and materials of the original dwelling and will not cause unacceptable harm to its character.

5.3 As noted in the introductory section of this report, the conversion of the barn has been relatively sympathetic. A lot of the original openings have been retained, and although two large, glazed arches have been introduced, on the whole the elevations have retained an uncomplicated and plain appearance. This defines the overall character and appearance of the building.

- 5.4 The proposed garden room is not in-keeping with this overall defining character. Its design has several complex features, such as the roof lantern, the bulky facias, and the rather thick pilaster-like elements. These equate to an extension which is fundamentally different in character and appearance to the host building. This is in direct conflict with the requirements of policy E1 of the Local Plan.
- 5.5 Furthermore, the substantial appearance of the garden room and its siting on an otherwise simple façade, and the fact it will almost fully cover one of the first-floor windows, will completely alter the massing of this aspect of the building and further interrupt the uncomplicated, almost symmetrical nature, of the building's rear elevation. This again will be to the detriment of the overall character and appearance of the host dwelling and thus constitute a breach of policy E1 of the Local Plan.

Heritage Issues

- 5.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.8 Notwithstanding the problems with the design of the extension itself, it would be sited in a relatively low-profile location insofar as any public vantage points are concerned. It will not have a material impact on the character and appearance of the Snape Conservation Area or the wider setting of the dovecote. Due to the slightly fractured relationship between Snape Castle Barn and the other buildings to the west, resulting from the dividing up of the wider site when the buildings were converted, the extension also would not have a material impact on the setting of these buildings.
- 5.9 As a result, the development would not have a harmful impact on the nearby heritage assets and the Conservation Area, and this does not form a reason for refusal on this occasion. However, this does not offset the harm caused to the character of the host building through the design of the extension itself and therefore refusal is recommended due to conflict with policy E1 of the Local Plan.

Planning Balance

- 5.10 The proposed development is considered to result in less than substantial harm to the significance of the listed building. Giving that harm great weight and importance in the Planning Balance as required by the National Planning Policy Framework, it is concluded that there is no public benefit resulting from the proposals that would offset the identified harm. As such the proposed development is considered to fail to meet the tests set out in the National Planning Policy Framework and the adopted Local Plan.

6.0 Recommendation

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

The reasons are:-

1. Due to its inappropriate design, the proposed garden room will result in less than substantial harm to the significance of the host dwelling. The proposed development is considered to be in direct conflict with the traditional, understated and simple design of the barn conversion. It therefore conflicts with policy E1 and E5 of the Local Plan and the requirements of the National Planning Policy Framework.

Parish: Snape With Thorp

Ward: Tanfield

5

Committee Date : 1 September 2022

Officer dealing : Mr Nathan Puckering

Target Date: 18 July 2022

Date of extension of time (if agreed): 2 September 2022

22/01264/LBC

Listed Building Consent for the construction of a garden room to the rear elevation of the dwelling.

At: Snape Castle Barn Snape Bedale North Yorkshire

For: Mrs Hanson.

The application is brought to Planning Committee at the request of a Member of the Council.

1.0 Site, Context and Proposal

- 1.1 Snape Castle Barn is a converted barn located approximately 75m east of Snape Castle, located in the village of Snape. The grade II listed C17th dovecote is located within the wider site just to the south of the dwelling and is now used as general storage. Prior to the early 20th century, Snape Castle Barn along with the range of other buildings directly to the west, including the listed former stables, all formed part of an agricultural unit. Owing to this relationship and ownership at the time of listing in 1966, all of the buildings are considered to be grade II curtilage listed. The site is also within the Snape Conservation Area and the Thorp Perrow registered park and garden.
- 1.2 The building itself has an L plan layout with two storeys. It was built using rubblestone with a grey slate roof. The conversion has been undertaken in a relatively sympathetic manner and the character of the old barn is still evident. Due to it being set back from the road and being located behind the impressive dovecote, unusually the dwelling isn't the focal point of the site and takes up an understated role in the built hierarchy.
- 1.3 This application is seeking permission for the construction of a garden room on the rear elevation of the building. This is to be constructed by a company specialising in these types of structures. On the most part the structure is timber, although the roof structure is mostly aluminium, with a roof lantern feature. After concerns were expressed regarding the design of the addition and the level of change to the character of the rear facade, slight changes were made by way of reducing the pitch of the roof and the removal of some decorative mouldings.
- 1.4 An application for planning permission has been submitted alongside this application for listed building consent.

2.0 Relevant Planning History

- 2.1 20/02896/FUL & 20/02897/LBC - Construction of an attached single storey double garage with boot room to front (south) elevation of the dwellinghouse - Granted (extant but not implemented)
- 2.2 22/01263/FUL - Construction of a garden room to the rear elevation of the dwelling - Pending Consideration

3.0 Relevant Planning Policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set 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 S1: Sustainable Development Principles
Local Plan Policy S7: The Historic Environment
Local Plan Policy E1: Design
Local Plan Policy E5: Development Affecting Heritage Assets
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council - No comments received.
- 4.2 Historic England - Did not wish to offer any advice.
- 4.3 Council for British Archaeology - The CBA recommend that this application is withdrawn and revised in a way that would reduce the level of harm caused to the significance of the curtilage listed building. A revised scheme should be informed by the agricultural character of the site as opposed to imitating 18th century stylistic grandeur that is out of keeping with historic farm buildings.
- 4.4 Yorkshire Gardens Trust - The Gardens Trust and Yorkshire Gardens Trust have no objection to the construction of the garden room as proposed, and trust that the paint finish will be of a subdued and sympathetic colour for this historic setting. However, as we noted in our letter of 16th August 2020 (20/01545/FUL), that although views from the property are important, it is equally important that reciprocal views from the registered park and garden are also conserved. As the room will have year-round use, (Statement at 7.1) we do have some concerns about light being shed and if possible, it would be beneficial to have some additional trees planted that would soften the views of the extension and the lighting, from the registered park.
- 4.5 Conservation Officer - Although it is concluded that no public benefit could be identified to outweigh the harm caused it is noted that there lies an extant permission for a single storey extension in the same location granted under planning application reference 20/01546/LBC and 20/01545/FUL decision date 18/09/2020. This extant permission would allow for a more modern structure attached to this curtilage listed building and this design is more preferable to the one proposed. The one proposed is considered to be an alien feature to the northern elevation and does not take into account the aesthetics of the host dwelling.
- 4.6 The Society for the Protection of Ancient Buildings & The Ancient Monuments Society were both consulted but submitted no comments.
- 4.7 Site Notice & Neighbour Notification - No comments received.

5.0 Analysis

- 5.1 The main issue to consider is the impact on the significance of the Listed Building.
- 5.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.3 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 5.4 Any harm identified must be given great weight in the determination of the application.
- 5.5 The significance of the listed building in question is mainly derived from its historic and architectural interest. It historically formed an agricultural unit along with the other buildings to the west and despite this use having clearly ceased some time ago, there is still some historic interest to be derived from this relationship.
- 5.6 The architectural merit of the building is also a major contributing factor to its overall significance.
- 5.7 As noted in the introductory section of this report, the conversion of the barn has been relatively sympathetic. A lot of the original openings have been retained, and although two large, glazed arches have been introduced, on the whole the elevations have retained an uncomplicated and plain appearance. This defines the overall character and appearance of the building.
- 5.8 The proposed garden room is not in keeping with this overall defining character. Its design has several complex features to it, such as the roof lantern, the bulky facias and the rather thick pilaster-like elements. These equate to an extension which is fundamentally different in character and appearance to the host building.
- 5.9 It is noted that an accepted approach to extending listed buildings is often to have a contrasting style to the historic features of the building, to clearly delineate old and new. However, in those instances the design tends to be contemporary to present a high-quality modern addition. In this case, the extension does not achieve this aim and rather has the character of a traditional conservatory that one would expect to find on mid-C20th dwellings or larger stately homes.
- 5.10 The substantial appearance of the garden room and its siting on an otherwise simple façade, and the fact it will almost fully cover one of the first-floor windows, will completely alter the massing of this aspect of the building and further interrupt the uncomplicated, almost symmetrical nature, of the building's rear elevation. This again will be to the detriment of the overall character and appearance of the listed building.

- 5.11 This is considered to equate to less than substantial harm to the significance of the listed building by way of the harm to its architectural merit. The NPPF and policy E5 of the Local Plan dictates that in order for this to be acceptable, it must be outweighed by public benefit. On this occasion there will be no public benefit arising from the scheme to offset the identified harm. As such, it is not considered to be acceptable.
- 5.12 Throughout discussions with Officer's, the applicant and agent have referred to the fact there is extant permission for an extension in the same place, but this cannot be implemented due to the approved design in actuality being unable to be constructed. This is noted but cannot be used to justify a harmful addition to the listed building. In any event, every application must be assessed on its own merits. It should be further noted that the earlier permission was approved under the now defunct Local Development Framework.
- 5.13 Refusal is recommended on the basis that the development conflicts with policy E5 of the Local Plan and the NPPF.

6.0 Recommendation

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

The reasons are:-

1. Due to its inappropriate design that is in conflict with the character of the listed building, the development would harm the architectural merit of the heritage asset. This will equate to less than substantial harm to the significance of the listed building that will not be outweighed by any public benefit. The proposal is therefore in direct conflict with policy E5 of the Local Plan, as well as section 16 of the NPPF.

Parish: South Kilvington
Ward: Bagby & Thorntons
6

Committee date: 1st September 2022
Officer dealing: Marc Pearson
Target date: 22nd August 2022
Extension of time:

22/01350/FUL

Full planning application for the change of use of an agricultural field to a private dog walking field with associated fencing and car parking.

At: Land Opposite Southend And Linton House, Stockton Road, South Kilvington
For: South Acres Ltd - Dog Walking.

This application is referred to Planning Committee because the site is owned by a Member of the Council.

1.0 Site, context and proposal

- 1.1 The application site is located on the west side of Stockton Road to the south of South Kilvington. The site is currently a large field enclosure defined by mature hedgerows with occasional trees. Vehicle access is achieved via the existing field access and comprises a cross-over across the wide grass verge, footpath and cycle path. The surrounding context is defined by agricultural land and to the east on the opposite side of Stockton Road are two residential properties that face towards the site.
- 1.2 The proposal is to provide a dog walking facility within the field enclosure. Access to the proposal would utilise the existing access point that would lead to hard a surfaced parking area within the north-east corner of the field enclosure. The proposal also includes 1.8m high fencing around the perimeter of the enclosure to provide a secure dog walking facility. The proposal would be managed via an on-line booking system where 1 person can book the field for sole use for a 1-hour slot. The applicant confirmed during the application process that no more than 6 dogs can be brought into the field by any single booking. Access to the field would be via a locked gate that can be accessed via code once the online booking is complete.

2.0 Relevant planning and enforcement history

- 2.1 No planning history for this site.

3.0 Relevant planning policies

- 3.1 The relevant policies are:
Local Plan Policy S1 - Sustainable Development Principles
Local Plan Policy E1 - Design
Local Plan Policy E2 - Amenity
Local Plan Policy EG8 – Visitor Economy
Local Plan Policy CI2 - Transport and Accessibility
Local Plan Policy RM2 - Flood Risk
National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 South Kilvington Parish Council – Object as summarised below:

- Consider the location of the proposal on the curtilage of the village is not suitable.
- The fencing is not attractive.
- Concern about the increase traffic across the footpath/cycle paths
- Creating a car park/hardstanding on greenbelt land does not benefit the village.
- The owners are not in the village (based in Darlington) - so there any financial benefit resulting from this business activity will not be kept in the village.
- There are a number of dog walking routes within the area.

4.2 Environmental Health –

4.3 NYCC Highways – No objection but recommends condition regarding the vehicle access design.

4.4 MOD (RAF) – No safeguarding concerns.

4.5 Environment Agency – No objection subject to standing advice

4.6 Swale & Ure Drainage Board – No response received at the time of writing.

4.7 Natural England – No response received (expired 18.7.2022).

4.8 Yorkshire Wildlife Trust – No response received (expired 18.7.2022).

4.9 Yorkshire Water - No response received (expired 18.7.2022).

4.10 Site notice and neighbour notifications - 16 observations have been received objecting to the development as summarised below:

- Loss of agricultural land
- Concern about increase in traffic and safety of turning into the site
- Crossing footpath/cycle route
- Other dog field enclosures within the vicinity
- Impact on wildlife and biodiversity
- Sufficient dog walking routes in the vicinity
- Concern about possibility of further structures/buildings within the field
- Concern that the site could be classified as brownfield land and therefore suitable for housing or other purposes such kennels, camping mobile homes in the future.
- The proposal would have no benefit to the village
- Noise concerns from dogs barking and whistles blowing
- Business hours of 6am to 9pm are unreasonable – concern about dogs barking and car doors shutting
- Access to parking: this would need to be across the much used footpath/cycle route and would be dangerous.
- Applicant resides 10 miles away this development cannot be properly marshalled.
- Not allocated in the Local Plan

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Design and external appearance
- Residential amenity

- Flood risk
- Highways
- Biodiversity

Principle

- 5.2 Policy S5 supports development in the countryside where that development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource.
- 5.3 Where it can be demonstrated that the proposed use requires a countryside location, Policy EG7 is supportive of Employment generating development.
- 5.4 The proposal for a leisure use is considered to be acceptable in this location. The application site is within easy walking distance of South Kilvington and Thirsk and as such represents a sustainable location for this type of development.
- 5.5 Third party concerns about the future change of use should the application be approved are not relevant. All proposals are assessed on the planning merit of the proposal subject to the application.
- Design and external appearance;
- 5.6 Policy E1 of the Local Plan concerns design and requires all development to 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.
- 5.7 The proposed boundary fence would sit in-board of the existing boundary hedgerows and would therefore be largely screened from views along Stockton Road. Given the height of the proposed fencing it considered appropriate to attach a condition that would require all hedgerows to maintain to a height no lower than 2m in height.
- Residential amenity
- 5.8 Policy E2 of the Hambleton Local Plan requires all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.9 It is noted there are residential properties opposite the application site on the east side of Stockton Road. Concern has been raised regarding the associated noise and disturbance. During the application process the applicant confirmed the operation of the site as noted in paragraph 1.2 above. On this basis it is considered the proposal could be appropriately controlled via a site management plan that would be controlled through a condition. Environmental Health has been consulted and provided initial comments, which raised questions about the management of the site. Further response will be provided to Committee through the Committee update.

Flood Risk

5.10 The western edge of the application site is located in Flood zone 2. The Environment Agency raise no objection based on the proposal being a water compatible development. On this basis the proposal is acceptable.

Highway matters

5.11 Policy IC2 states that development will only be supported where it is demonstrated that highway safety is not compromised and there is safe access to the highway network.

5.12 NYCC Highways raise no objection to the proposal subject to a condition regarding the design of the access point. It is noted that a number of observations raise concerns about the increase in traffic and crossing the footpath and cycle path. The applicant has confirmed that it is likely that the one car per hour would utilise the site and that is also possible that one booking may invite another dog user that may result in two vehicles per one hour booking. On this basis given the low volume of traffic and the potential for users to walk to the application site the proposal raises no highways concerns.

Biodiversity

5.13 Policy E3 requires that all development demonstrate delivery of a net gain for biodiversity. The proposal does not include any proposal to demonstrate a net-gain for biodiversity. Nevertheless, given the limited change on site, officers consider that this could be achieved via suitably worded condition to provide a net gain for biodiversity and can comply with Local Plan policy E3.

Planning Balance and Conclusion

5.14 The proposal accords with the overarching policies contained within the Hambleton Local Plan and represents sustainable development. It is considered that the proposals are acceptable in principle and are of an appropriate design that would not impact upon the amenity of the neighbouring properties or raise any flood risk concerns. It is considered that the proposed development complies with the relevant Local Plan policy in terms of design, amenity, highways, biodiversity, flooding and is otherwise in accordance with local and national policy requirements

6.0 Recommendation

6.1 That the application is **APPROVED** subject to the imposition of 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 site layout, access gate, post and rail fence details received 27th June 2022 and boundary fence details received 1st June 2022, unless otherwise approved in writing by the Local Planning Authority.
3. The approved development shall operate 7.00 am – 7.00pm unless otherwise approved in writing by the Local Planning Authority.
4. The approved development shall not be brought into use until a Management Plan detailing the management of the site is submitted in writing to the Local Planning Authority for approval. The management shall include (but not limited to), details to

control a maximum dogs of 6 per hour, noise mitigation (use of whistles shouting by dog owners) and complaints procedure. The approved details shall be retained thereafter.

5. No external lighting shall be installed at the approved development.
6. The approved development shall not be brought into use until details to demonstrate a biodiversity net gain through landscaping and wildlife measures have been submitted in writing to the Local Planning Authority. The approved details shall be retained thereafter.

The reasons for the above conditions are: -

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Hambleton Development Plan Policies E1 and E2
3. To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs, and in accordance Hambleton Development Plan Policies E4 and E7
4. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Hambleton Development Plan Policy IC2
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 in accordance with Hambleton Development Plan Policy IC2
6. To ensure that the future health of trees within the site and biodiversity requirements of the Local Plan are met.

This page is intentionally left blank

Parish: Danby Wiske With Lazenby

Ward: Morton-On-Swale

7

Committee Date : 1 September 2022

Officer dealing : Mr Nathan Puckering

Target Date: 22 September 2022

Date of extension of time (if agreed):

22/01740/FUL

Application for change of use of land to domestic and the construction of replacement farmhouse.

At: Park Hills Farm Danby Wiske Northallerton North Yorkshire

For: Mr & Mrs Wilson.

The application is brought to Planning Committee owing to a lack of compliance with the Council's policy on replacement dwellings.

1.0 Site, Context and Proposal

- 1.1 Park Hills Farm is a rural dwelling, agricultural and equestrian unit located around 0.4km west of Danby Wiske, just off the road which leads to Streetlam. The agricultural side of the operation extends to approximately 100 acres and is a mixed-use farm with the grazing of sheep and the production of hay and haylage. There is also a group of stables on the site, along with a large outdoor menage.
- 1.2 The buildings on the wider site are mainly limited to the northern-most section, with some backing onto the road to the north. The farmhouse is sited just to the south of this range of buildings. It is a pebble dashed, two storey building with an internal floor space of approximately 160sqm. The existing dwelling is of a considerable age and due to its very narrow design (5.2m wide) and penetrating damp, does not meet modern living standards in terms of both space standards and energy efficiency.
- 1.3 This application is seeking permission for the demolition of this dwelling and the construction of a replacement. The replacement will be a more typical modern dwelling. It will be north facing, with a garage protruding from the north-east corner, which along with the boundary wall will create an enclosed driveway to the front of the property. The main two storey section of the dwelling will be adjoined by a lower two storey section, with a gable end protruding from the rear. This effectively creates a T plan layout. As part of this application, a larger garden would be created to the rear by the change of use of part of the existing paddock. Internally, the dwelling's layout has been designed to be fully accessible for a wheelchair user due to a recent change in circumstances for the applicant and this now being a requirement for them that the existing dwelling cannot accommodate.
- 1.4 The building will be constructed in brick, although the exact specification has not been provided. It will have a slate roof. There are other details within the design worthy of note, such as the brick quoin detail, the stone heads and cills and the stone watertables on the roof. All windows are to be upvc.

2.0 Relevant planning & enforcement 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 S1: Sustainable Development Principles

Local Plan Policy S5: Development in the Countryside

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC2: Transport and Accessibility

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council - No objections.

4.2 NYCC Highways - No objections subject to standard condition relating to parking provision.

4.3 Northern Gas Networks - Please contact National Grid for comments on this application.

4.4 National Grid - There are no National Grid assets affected in this area.

4.5 RAF Safeguarding - No objections.

4.6 The Environment Agency, Natural England, Yorkshire Wildlife Trust, Yorkshire Water and Street Naming & Numbering were consulted but submitted no comments.

4.7 Site Notice & Neighbour Notification - 1 letter of support from neighbour.

5.0 Analysis

5.1 The main issues to consider in this instance are:

- the principle of a replacement dwelling in this location
- design & the impact on the character and appearance of the countryside
- the impact on protected species and biodiversity
- residential amenity
- highway safety

The Principle

5.2 Policy S5 of the Hambleton Local Plan relates to development in the countryside and more specifically sets out the requirements for replacement dwellings in such locations. It is supportive of replacement dwellings when the following requirements are met:

- the building is of permanent and substantial construction
- the replacement is a high quality design which enhances the immediate setting
- any increase in floorspace is 'limited' and the proposal must be 'proportionate' to the building it replaces

- 5.3 The dwelling that stands at the moment suffers from damp issues and is not up to modern standards in terms of energy efficiency, although it is considered to be of a permanent construction. Therefore, policy S5 would support its replacement subject to the proposal meeting the other requirements of Local Plan policy.
- 5.4 The development proposed would incorporate improvements to both the area to the front of the dwelling and to the rear. At present, the front of the existing dwelling is an area of concrete hardstanding which allows for access to the stables and other buildings to the east. Some of this area would be walled off and would become part of the domestic curtilage of the dwelling. This would provide more of a delineation between the dwelling and the agricultural unit, undoubtedly improving the setting of the building to the front.
- 5.5 Similarly, to the rear an area of the paddock will be incorporated into the domestic garden. A landscaping scheme has not been submitted as part of this application, but discussions have taken place between Officer's and the agent, and it has been agreed that a suitable pre-commencement condition covering this matter be included, mainly relating to biodiversity, which will be discussed in greater detail in a subsequent section. Nevertheless, the incorporation of a section of standard paddock into the domestic garden with an appropriate landscaping scheme will also help to ensure the development leads to an enhancement to the setting of the building.
- 5.6 The design of the replacement dwelling will be discussed in greater detail in the next section but for the purposes of the requirements of policy S5, Officers are content that the design is of a high quality. On the whole, the development is in line with point 2.
- 5.7 With regards to point 3, as already mentioned, the internal floorspace of the existing dwelling is approximately 160sqm. The GIA of the replacement dwelling is 339sqm (excluding the garage). This is an increase of 179sqm. It would not be possible for one to reasonably argue that this is a "limited" increase in floorspace and therefore the development falls foul of point 3 and would not fully comply with policy S5.
- 5.8 In this instance, the Planning Statement argues that one must consider the potential to extend the dwelling under permitted development rights. It is noted that this could be a reasonable fallback position and the applicant could feasibly extend the dwelling and construct several outbuildings outside the control of the Local Planning Authority and that this should be given weight in this assessment. Given the present state of the existing building, the sustainability issues in terms of energy consumption, and its overall unattractive appearance, it is considered to be in the best interest of all parties to replace the building with something that is up to modern standards rather than work with what is there. This would also help to achieve the aims of policy S1 in terms of ensuring development works towards tackling the issue of climate change, albeit to a minor extent.

- 5.9 Furthermore, due to the inconspicuous location and the extensive screening from the other buildings, a larger dwelling can be incorporated without equating to harm in terms of design, landscape impact or on the character of the countryside surrounding the site. As a result, when all things are considered with this proposal, i.e. the background context and the potential fallback position, whilst the increase in floorspace is beyond "limited" and it does not therefore fully comply with policy S5, with the benefits of the development by way of an improvement in the sustainability and appearance of the replacement dwelling relative to the existing, on balance Officer's would assert that the development is acceptable in principle.

Design & Impact on the Countryside

- 5.10 Policy E1 of the Local Plan concerns design. This requires all development to 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. It goes on to list a number of design principles that help to achieve this overarching aim. These include respecting and contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 5.11 As already discussed, policy S5 relates to development in the open countryside. Generally, this seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource.
- 5.12 Overall, the design of the new dwelling is considered to be acceptable. Whilst it is slightly unusual in that it does not have a clear principal facade with the traditional appearance of a rural dwelling that one would expect, it is still a proposal which works well within the constraints of the site and equates to a high quality dwelling. The materials that have been proposed are generally acceptable. A suitable condition so the specifics can be agreed at a later date is recommended. Subject to that, Officers are content that the design complies with policy E1.
- 5.13 The siting of the dwelling behind the existing buildings to the north means that it will effectively be invisible from the road frontage. Whilst views are more open to the south, the nearest public vantage point in this direction is a PROW some 400m away. Therefore, views are not readily available, and the landscape impact of the development will be negligible. In any event, this is an established site and the increase in the size and scale of the new dwelling is not such that it would materially increase its visibility and it would still be seen against the backdrop of the rest of the unit. On this basis, the character and appearance of the countryside will be preserved.

Protected Species and Biodiversity

- 5.14 Policy E3 of the Local Plan now requires all development to demonstrate a net gain in biodiversity. As part of this application, an Ecological Impact Assessment which includes an assessment of the likely impact on protected species and a baseline calculation for biodiversity has been provided. This concludes that the impact on most protected species, namely badgers, nesting birds, great crested newts and other reptiles will be negligible/low. The initial assessment identified a bat roost and

a high likelihood of bats being present. Two bat activity surveys were subsequently carried out, the results of which being that common pipistrelle were confirmed to be roosting on site within the rotting wooden fascia to the north western gable and under the soffit board to the western gable end. As well as roosting within the building, a number of other species were found to be using the site for foraging. Thus, the potential impact on bats is considered to be high.

- 5.15 Due to the confirmed presence of these bats, prior to works being carried out, a European Protected Species (EPS) mitigation licence will need to be obtained from Natural England. This process will require the applicant to employ a suitably qualified ecologist to prepare a Method Statement. Overall, it has been demonstrated that the impact on bats has been fully considered as part of this application and through this licensing process it will be ensured no harm arises as the scheme moves forward.
- 5.16 Other general mitigation measures to completely ensure all other species are protected both during construction and moving forward are set out in section 5 of the report and a condition ensuring these are fully implemented is recommended.
- 5.17 The Ecological Impact Assessment also sets out a biodiversity net gain calculation. This shows that the development will currently lead to a net loss in biodiversity. That said, there has been no professionally prepared landscaping scheme submitted to accompany this application. Given the change of use of the paddock and the amount of land available to work with, Officers are content that subject to a condition requiring a landscaping scheme and management plan to be submitted that demonstrates a biodiversity net gain, it can be ensured that the requirements of policy E3 are met.

Residential Amenity

- 5.18 Policy E2 of the Hambleton Local Plan requires all development 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. In this instance, there are no neighbours who will be impacted by the redevelopment of the site. Whilst it is noted that the dwelling will be in the centre of the agricultural unit which is by no means desirable from an amenity perspective, it is simply replacing an existing dwelling and thus will not lead to a net increase in units nor introduce a new dwelling in proximity to the farm operations. On that basis, refusal on the grounds of amenity would be difficult to justify.

Highway Safety

- 5.19 Policy IC2 of the Local Plan concerns transport and accessibility. A lot of this policy is not relevant to this relatively small-scale development, however, it still dictates that an assessment is carried out to show the highway network can safely accommodate the proposal. The existing access that serves both the wider agricultural unit and the existing dwelling will be utilised. The Local Highways Authority has assessed this as being acceptable. The proposal is acceptable on highway safety grounds and is considered to meet the requirements of Policy IC2.

Planning Balance

- 5.20 The Hambleton Local Plan is generally supportive of replacement dwellings in the open countryside subject to meeting several requirements which are set out in policy S5. The proposal in this case has been shown to meet most of these requirements in that it will be a high quality replacement dwelling that takes the opportunity to enhance the setting of the building. That said, due to the increase in the size of the proposed dwelling, the development falls foul of the final requirement of policy S5 in that it is not a 'limited' increase in floor space.
- 5.21 Notwithstanding, there is the fallback position of the applicant being able to extend the dwelling to quite a large extent under permitted development which would be completely outside of the control of the Council. This will lead to the applicant having to work with the existing building, which is unattractive, impractical, unsustainable and inefficient. This would not be a desirable situation for all parties. When it is considered that the granting of this permission would lead to the applicant constructing a high quality replacement dwelling incorporating modern sustainability measures, the harm arising from the conflict with policy S5, which would be small in any event due to the increase in floorspace not creating any concerns in terms of design or landscape impact, is outweighed.
- 5.22 Given there are no other issues in terms of amenity, highway safety or the ecological impact, on balance Officer's recommend this application is granted.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S573(PL):003, 005, 006, 007 and 008 received by Hambleton District Council on 28.07.2022 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
 4. Prior to the demolition of the existing dwelling, a Landscaping Scheme and Management Plan which demonstrates the deliverability of biodiversity net gain must be submitted to the Local Planning Authority for approval. This must then be implemented in full.

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

6. The mitigation and enhancement measures outlined in section 5.0 of the Ecological Impact Assessment submitted to Hambleton District Council on 12.08.2022 must be implemented in full. Where relevant, this also means before and throughout the construction phase.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

4. To ensure the scheme leads to a biodiversity net gain, as per the requirements of policy E3.

5. To ensure the development sits comfortably within the site and does not lead to any harm to the character and appearance of the countryside; as required by policies E1 and S5 of the Local Plan.

6. To ensure the natural environment is protected, as required by policy E3 of the Local Plan.

This page is intentionally left blank

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank