

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 21 September 2022

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 29 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: 849 613 5# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes 1 - 4
To confirm the minutes of the meeting held on 1 September 2022 (P.9 - P.12), attached.
2. Apologies for Absence.
3. Planning Applications 5 - 112
Report of the Deputy Chief Executive.

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

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

Agenda Item 1

Minutes of the meeting of the Planning Committee held at 1.30 pm on Thursday, 1st September, 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
	B Griffiths		M G Taylor
	J Noone		D A Webster

Also in Attendance

Councillor	P A James	Councillor	Mrs I Sanderson
	M S Robson		S Watson

Apologies for absence were received from Councillors Mrs B S Fortune, K G Hardisty and A Wake

P.9 Minutes

The Decision:

That the minutes of the meeting of the Committee held on Thursday, 4 August 2022 (P.7 - P.8), previously circulated, be signed as a correct record.

P.10 Planning Applications

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

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

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

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

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

The Decision

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

- (1) 21/00966/REM - 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 for Faulkner at OS Field 0046 Brafferton to West Moor, Brafferton

Defer for further consideration of the application in response to concerns raised regarding the housing mix, design and layout of the site.

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

(Nigel Dennison spoke on behalf of Brafferton and Helperby Parish Council objecting to the application.)

Note: Councillor M S Robson arrived at the meeting at 1.46pm.

- (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) for c/o Agent Paul Butler at Land South of Spring Garth, The Nookin, Husthwaite

Permission Refused

(The applicant's agent, Paul Butler, spoke in support of the application.)

(Cameron Smith spoke objecting to the application.)

Note: Councillors P A James and M S Robson left the meeting at 2.28pm

- (3) 21/02338/FUL - Retrospective change of use of potato store to aggregate bagging depot, with no alterations to existing buildings for Mr James Ford, Greenford Haulage & Aggregates Limited at Greenford Haulage & Aggregates Depot, Unit 5, Dalton Gates, Dalton on the Tees

Defer to obtain further information on the site and its usage, the use of neighbouring sites and for a comprehensive highways report.

(Neil Tucker spoke objecting to the application.)

- (4) 22/01263/FUL - Construction of a garden room to the rear elevation of the dwelling for Mrs Hanson at Snape Castle Barn, Snape

Permission Granted subject to there being no alteration to the first-floor window height in the host building. The Committee was satisfied that the proposed design would not have a harmful impact on the architectural merit of the heritage asset.

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

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

Note: Councillor Mrs I Sanderson arrived at the meeting at 3pm.

- (5) 22/01264/LBC - Listed Building Consent for the construction of a garden room to the rear elevation of the dwelling for Mrs Hanson at Snape Castle Barn, Snape

Permission Granted. The Committee was satisfied that the proposed design would not have a harmful impact on the architectural merit of the heritage asset.

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

Note: The meeting adjourned at 3.13pm and reconvened at 3.24pm.

Councillor M S Robson arrived at the meeting at 3.24pm.

- (6) 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 for South Acres Ltd at Land opposite Southend and Linton House, Stockton Road, South Kilvington

Permission Granted subject to an amendment to condition 3 to vary the operating hours to 7am-9pm, an amendment to the wording of condition 4 to require compliance with the Management Plan once approved, and an additional condition regarding maintenance of boundary hedgerows.

(The applicant, Matt Bell, spoke in support of the application.)

(Nicky Dowell spoke objecting to the application.)

Note: Councillor M S Robson and S Watson left the meeting at 3.52pm.

- (7) 22/01740/FUL - Application for change of use of land to domestic and the construction of replacement farmhouse for Mr and Mrs Wilson Park Hills Farm, Danby Wiske

Permission Granted subject to a requirement that the existing dwelling is removed.

(The applicant's agent, Steve Barker, spoke in support of the application).

Note: Councillor Mrs I Sanderson left the meeting at 3.58pm.

P.11 Exclusion of the Public and Press

The Decision:

That under Section 100A(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the item of business at minute no P.11 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act as the Cabinet was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

P.12 21-02217-FUL - Wheatsheaf House, Winton, Northallerton

- (8) 21/02217/FUL - 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 for Mrs G Norton at Wheatsheaf House, Winton, Northallerton

Permission Granted subject to an additional condition that requires the removal of the mobile home if it is unoccupied for 6 months or more.

The meeting closed at 4.20 pm

Chairman of the Committee

Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 29 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 29th September 2022

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	20/02047/OUT Andrew Cotton Snape Page No: 9	Application for Outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue. At: Prices Paving And Tiles Limited, The Manor House, Snape, DL8 2SZ For: Prices Paving & Tile Ltd RECOMMENDATION: APPROVAL
2	20/02464/FUL Andrew Cotton Welbury Page No: 31	Construction of 2no detached dwellings for use as short-term holiday lets with associated parking spaces At: Land to the rear of the Duke of Wellington, Welbury For: Mr Stephen Watson RECOMMENDATION: REFUSAL
3	22/00321/FUL Helen Laws Scruton Page No: 41	Application for the erection of a steel framed building for use as a light industrial workshop, utilising existing access as amended by plans received by Hambleton District Council on 24 May 2022 At: Field House Equestrian, Field House, Hamhall Lane, Scruton For: R Wright RECOMMENDATION: APPROVAL
4	21/02458/FUL Nathan Puckering Potto Page No: 55	Change of use of an agricultural building to a dwelling and associated works, including demolition of single-storey outbuildings At: Agricultural Building, Land Adjacent to Rawcliffe, Potto For: Mr & Mrs R Hill RECOMMENDATION: APPROVAL
5	21/02482/FUL Naomi Waddington Linton on Ouse Page No: 65	Construction of 19 dwellings and associated highway works (amended details received 22.08.22 and 23.08.22) At: Land rear of The Manor House, Main Street, Linton On Ouse For: Mulberry Homes Yorkshire RECOMMENDATION: APPROVAL

Item No	Application Ref / Officer / Parish	Proposal / Site Description
6	22/00509/MRC Naomi Waddington Knayton Page No: 91	Removal or variation of condition 4 from previously approved application 16/01716/FUL - Change of use of agricultural land and the construction of a replacement dwellinghouse with associated parking and landscaping At: Foxhall Farm, Knayton, Thirsk, For: Mr Julian Potter RECOMMENDATION: APPROVAL
7	20/02700/CLP Marc Pearson Hutton Sessay Page No: 99	Application for a Lawful Development Certificate for a proposed permanent use of play area for the siting of up to 18 static caravans without restriction on the layout of the land or number of caravans sited on it At: White Rose Caravan Park, Hutton Sessay YO7 3BA For: W Harrison RECOMMENDATION: APPROVAL
8	21/02011/MRC Marc Pearson Hutton Sessay Page No: 103	Application to vary condition 2 of 97/50736/M (2/97/074/0001Y) to allow for up to 30 static caravans to be sited on land (OS Field 4775) comprising part of the approved caravan site which is currently used for touring caravans, also to vary condition 2 to allow for the proposed static caravans to operate all year round, and to vary condition 3 to allow for the caravans approved and sited in OS Fields 3900, 4700, 5190 and 5376 to operate all year round. At: White Rose Caravan Park, Hutton Sessay YO7 3BA For: W Harrison RECOMMENDATION: APPROVAL

Parish: Snape With Thorp

Ward: Tanfield

1

Committee Date : 29 September 2022

Officer dealing : Mr Andrew Cotton

Target Date: 15 December 2020

Date of extension of time (if agreed):

20/02047/OUT

Application for Outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue.

**At: Prices Paving And Tiles Limited The Manor House Snape North Yorkshire
For: Prices Paving & Tile Ltd.**

1.0 Site, Context and Proposals

1.1 This planning application is in outline for access only for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue.

1.2 Given the nature of the application being outline for access with all other matters reserved for future consideration, the submission included limited plans consisting of a location plan, site access layout and illustrative site layout plan. Accompanying these plans and in support of the proposal the following documents have also been received:

- Design, access and landscape statement
- Planning and heritage statement
- Statement of community involvement (SCI)
- Transport Statement (TS)
- Preliminary ecological appraisal (PEA)
- Archaeological assessment
- Preliminary assessment of land contamination (PALC)
- Phase I land contamination assessment (Phase I)
- Flood risk assessment (FRA)
- Surface water management report
- Vacant Building Credit Statement (VBCS)

1.3 The site is previously developed land adjacent to the village on the southern side of the main village street with countryside beyond. The site is owned and operated as a commercial premise by Prices Paving and Tile Ltd.

1.4 The 1.36 hectare sites extends the south, forming a roughly rectangular shape, with the only access from the north off The Avenue. The building to the west of the access currently comprises a residential unit fronting The Avenue with the rear section of the building used as an office associated with the existing use of the site. The building to the east of the access is Wesleyan Methodist Church.

- 1.5 The majority of the site is hard surfaced and is used for a mix of customer parking, servicing, storage and display of new and reclaimed items for sale. The southwest of the site is occupied by large modern metal clad storage units.
- 1.6 The norther most part of the site lies within the Snape Conservation Area; there are no listed buildings within the immediate vicinity.
- 1.7 The site is liable for 30% affordable on the part of the site within extent of the previous allocation and 100% affordable outside of this. The applicant has agreed to provide a total of 6 units affordable out of the 32 units proposed.

2.0 Relevant Planning History

- 2.1 04/02265/FUL – Construction of an industrial unit. Granted 31.01.2005
- 2.2 13/02318/FUL – Change is use from manufacture, storage and distribution to storage and distribution. Granted 15.01.2014

3.0 Relevant Planning Policies

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

Policy S1 – Sustainable Development Principles
 Policy S2 – Strategic Development Needs
 Policy S3 – Spatial Distribution
 Policy HG2 – Delivering the Right Types of Homes
 Policy HG3 – Affordable Housing
 Policy E1 – Design
 Policy E2 – Amenity
 Policy E3 – Natural Environment
 Policy E4 - Green Infrastructure
 Policy E5 – Development Affecting Heritage Assets
 Policy IC1 – Infrastructure Delivery
 Policy IC2 - Transport and Accessibility
 Policy IC3 – Open Space, Sport and Recreation
 Policy RM2 – Flood Risk
 Policy RM3 – Surface Water and Drainage Management

Housing Supplementary Planning Document, Adopted July 2022
 Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011
 Size Type and Tenure Supplementary Planning Document, Adopted September 2015
 Sustainable Development Supplementary Planning Document, Adopted April

2015

National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)

4.0 Consultations

4.1 Snape and Thorpe Parish Council –

1. *Background*

This application has been submitted at a time when, due to Coronavirus, it has not been possible for the Parish Council to hold an open meeting to consult the residents of the Parish on this matter.

The recent consultation process by Price's Pavings has fallen short in not contacting the whole village community. The Parish Council has attempted to rectify this by the circulation of a newsletter drawing attention to the planning application and then by sending to all households the intended Parish Council comments to be made on this application.

185 households were sent the Parish Council's proposed comments and 76 (41%) responses were received representing 37% of the parish electorate. Approximately 50% of households in the village responded. All but one of the responses supported the Parish Council's comments. This response rate indicates the strength of feeling in the community which needs to be recognised by HDC. Should HDC wish to have sight of the summarised responses please contact Sarah Lowe, Clerk.

2. *Particular areas of concern to the Parish Council*

Number of houses

- A development of 32 houses is inappropriate for the size of our community and would impact adversely on the character of the village. There is no justification given for this number of properties. A maximum of 20 would be more realistic and would be in line with the HDC's own document – 2016 Hambleton Local Plan Preferred Options Consultation report. This plan was drawn up by HDC involving much effort and resources so it is unclear why this would not now be followed. The Parish Council would only support a development of up to a maximum of 20 properties on the site.

Flood Management

- Without the full confirmation of what drains are on site it is unclear how firm conclusions can be made about the flood management on site. We are concerned about the proposal for a drain 450mm in diameter giving rise to considerable drainage from the site onto the road and stream which is already very prone to flooding during wet weather. The flooding on the proposed development site may be managed but there is no indication of how flooding elsewhere in the village will be controlled given that significant housing to the east is at a much lower level than this proposed development and is already at risk. The Parish Council is currently discussing, with NYCC, the flood risk at Marina bridge in the centre of the village where flooding of this area and onto Meadow Lane has occurred from the beck in the recent past.

- We are concerned that building on a zone 3a area is proposed given all the risks this will involve for such housing.
- The measures for housing to have no carpeted or habitable rooms on the ground floor does not seem possible for the bungalows proposed on the site.
- The measures proposed involve significant regular maintenance. It is very unclear how this will be achieved and policed to ensure protection of the site and housing and limited impact on the rest of the community post development and for the expected 80 year duration of the housing.

Sewerage system

- Inclusion of grey water in the flow into the sewage is not acceptable and should not be allowed to happen. The current sewage system cannot cope now during periods of wet weather. Raw sewage already rises in gardens on Ings Lane. HDC is already aware of these inadequacies as it is an issue raised by the Parish Council each time a new property is proposed in the village. Yorkshire Water is already aware but nothing is done. This can only be improved by either a much bigger combined drain or a new top water drain. The proposed developments should not be permitted without a demonstrable plan prepared to address current and future problems.

Contamination of the site from its prior use

- The site has been a commercial site for some time. It is considered that contaminants associated with a wood tanning plant and asbestos dump may be present alongside the already noted asbestos in the buildings. There may be a disused vehicle fuel tank close to Manor House as well as the vehicle fuel close to the main building at the south of the site.
- The safe removal of these contaminants must ensure the safety of local residents especially those in very close proximity.

Roads and Traffic

- There is not sufficient width in the proposed egress from the site for two cars to cross safely alongside a footpath wide enough for a wheelchair/pushchair.
- There is not sufficient space for two cars to pass outside The Old Vicarage/Pennybeck to the west of the egress from the site; this is already causing damage to the road verge/village green
- The transport infrastructure is not as claimed in the supporting documentation. There is a limited bus service on 3 days per week and the rural road system is not conducive to cycling or walking as a means of accessing schools/amenities etc outside the village. Cars will be used by the residents of this development on a system that cannot cope presently with cars passing each other safely in the village. The assessment of less than one car every 3 minutes during peak times moving off/on the site is questionable especially as this assessment is based on traffic in urban areas.

- There is no footpath to the immediate west of the egress so safety for pedestrians is an issue.

3. *Errors*

There are numerous errors in the submissions made in support of the application which need to be rectified before the Planning Committee consider this application fully. For instance, the Transport Statement states there are two public houses in the village. There is only one. There is reference to two bus stops in the village – there is only one official stop.

4. *Assumptions*

A number of assumptions are made; for instance in the Flood Risk Assessment it states “It is believed that there are existing drainage networks within the site serving the office building and warehouse, but a drainage survey to confirm this are yet to take place. It is also believed that there are existing public sewers and water mains within The Avenue to the north of the development site, due to the close proximity of residential dwellings”. This surely undermines the flood risk plans put forward in this document as they are made on assumptions only.

5. *Conclusions*

The lack of an opportunity for full and meaningful consultation due to the virus has meant that the Parish Council has had to make a concerted effort in a short timescale to consult local residents on an application which will have a significant impact on the community. The response received and described above is evidence of the strength of feeling from parishioners.

The Council makes the following observations:

- The Snape with Thorp Parish Council refuses this application in its present format.
- The Council would give consideration to a smaller development of a maximum of 20 properties with affordable housing and a mixture of house sizes.
- The Council would want the erroneous information on which conclusions have been reached to be corrected and conclusions accordingly revised before HDC gives consideration to this or any further application.
- The Council would want to see the opportunity for any revised application to be available for full and meaningful consultation with the whole community.
- The Council could not accept a development of housing on this site without a demonstrable plan being developed involving HDC, NYCC and Yorkshire Water which ensures that the flood risks are controllable and will not impact elsewhere on the rest of the community and that the sewage system is capable of dealing with the new demand on it from such a development.

4.2 NYCC Highways – No objections subject to conditions.

4.3 NYCC Lead Local Flood Authority (LLFA)- No objection subject to conditions.

4.4 Environment Agency (EA) – 16/8/2021 The modelling, hydrology and report submitted have now all been signed off and agreed. We are now able to remove our objection as the entire site is now shown to lie within flood zone 1.

- 4.5 Yorkshire Water - No objection subject to conditions regarding the separation of foul and surface water, details of surface water outlet. It is noted that Yorkshire Water state that surface water can not be discharged to the public sewer in any circumstances.
- 4.6 Environmental Health (Contaminated Land) - No objection subject to conditions
- 4.7 NY Police – No objection. Advice and recommendations provided through design out crime report.
- 4.8 Street naming and numbering – No application required.
- 4.9 Public comments – a total of 24 representations have been received, mainly objecting to the proposed development, with only 2 representations in support. A number of the objections support a smaller scale of housing on the site but are concerned about the large scale of the proposals.

Objections

- Concern over flooding
- Not convinced by the EA change of position
- It is not clear how surface water will be managed
- This site does flood
- The site is approximately 1m above neighbouring levels and as such has the capability of flooding neighbours
- Harmful impact from increased traffic in the area
- Electricity supply will not cope with additional load
- A smaller development should be considered a 23% increase in the village is too much
- The layout of the road in the vicinity is not suitable for the formation of the access into the site
- Access between two buildings is not wide enough
- There has been little consideration of the Conservation status of the village
- Sewage system does not cope, at present and this will only make it worse
- Concern about inaccuracies in the applicant's submission
- Snape is a linear village and this proposal is harmful to the character of the settlement
- Concern about the future management of SUD features
- Not clear about the impact on Prices Paving as a business
- Inadequate footpaths to and from the development for access to the school
- Site contamination could impact on residents and neighbours
- Not a sustainable location owing to a lack of public transport
- Additional disturbance in the village will harm the tourism industry on which a number of residents rely
- The proposals are not cycle friendly

Support

- The village needs new housing

- Affordable housing is essential for the village
- The development site is ideal, being in the middle of the village and not green space
- This development will bring some life into the village

5.0 Analysis

5.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows:

- Principle of development;
- Affordable housing provision, housing mix and quantum of development;
- Impact on heritage and the character, appearance and visual amenity of the area;
- Highway safety and access;
- Flooding and drainage;
- Impact on neighbour amenity;
- Ecology;
- Land contamination; and
- Open space, sport and recreation.

Principle of Development

5.2 At the time the application was submitted the northerly portion of the site was allocated for residential development under Allocation BH8 of the former Local Development Framework. Subsequently a new Local Plan was adopted in February 2022. At the point of the adoption of the new Local Plan the previous LDF allocations cease to be. Given the adoption of the new Plan, the sites former status as an allocated site can no longer be given weight in the determination process although it must be noted that the application was submitted when the allocation was up-to-date planning policy. The Local Authority has an obligation to determine the planning application based on the current adopted Local Plan and the following assessment is based only on adopted policy as a result.

5.3 The application site forms previously developed land within the settlement of Snape. Policy S3 defines Snape as a Service Village meaning it is a suitable place for development in terms of the sustainability of location.

5.4 As mentioned above the application site is no longer allocated for residential development under the new Local Plan. Policy HG5 Windfall Housing Development makes provision for residential housing development within and adjacent to the built form of the settlement. Policy S5 defines the built form of the settlement as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them, as well as setting out exceptions to this (criteria a-e). The site is located relatively centrally within the village and historically has been used and operated as a commercial premises, the former allocation BH8 covered a large portion of the

front part of the site. As such considering the definition set out in policy S5 the site is considered to be partly within the built form of the settlement and otherwise adjacent to it. Accordingly, within the built form of a settlement Policy HG5 supports residential development where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The site is not protected or allocated/safeguarded for another type of development, albeit the front portion falls within the Conservation Area (discussed in more detail in the report below), and as such the proposal takes support from Policies S3, S5, and HG5.

- 5.5 It is considered that the proposal accords with the provisions of policies S1, S2, S3, S5 and HG5 of the Local Plan and as such the principle of development in this location is considered acceptable.

Affordable housing provision, housing mix and quantum of development

- 5.6 Local Plan policy HG3 requires that for residential development of 9 units or more 30% affordable housing should be provided unless a viability appraisal evidences that this is not deliverable. The applicant has submitted a Vacant Building Credit Statement (VBCS) which sets out background and site-specific calculations to seek to demonstrate the amount of affordable housing the site must deliver. The Council's adopted Housing SPD also sets out the criteria and methodology for applying VBC to proposals.
- 5.7 The VBCS calculates that the existing Gross Internal Area (GIA) (as defined by RICS Code of Measuring Practice) is 2,585.77m² with a proposed GIA of 3159.55m². At 30% affordable housing the site would normally be required to provide 9.6 affordable units. Inputting this requirement into the VBC calculation, the required provision is reduced to 1.8 units. The applicant has agreed to a provision of 6 units across the site which would be in excess of the required provision by 4.2 units. The over provision of affordable housing on the site weighs in favour of the proposed scheme.
- 5.8 With respect to Affordable housing the Council's new Housing Supplementary Planning Document (Table 3.1, page 10) seeks an affordable housing mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes with a tenure split of 33% social rent, 33% affordable rent and 33% affordable home ownership (intermediate housing) in accordance Policy HG3 of the Local Plan.
- 5.9 An appropriate mix of housing and compliance with the Council's Housing SPD should be a condition of any approval and is a requirement set out in the recommended conditions.
- 5.10 If the outline application is granted it is recommended that appropriate affordable housing provision is secured by S106 planning obligation.
- 5.11 With regard to the quantum of development, whilst the former allocation was for 20 units on the front portion of the site, as mentioned above this allocation is no longer current policy. The whole site is put forward by the applicant for development and as such must be considered by the Council as a whole against the relevant policies of the Local Plan. It is considered that the

redevelopment of only a portion of the site and the retention of a smaller business on the site, would not be feasible or viable. The Parish has expressed concern with the level of development proposed. Under the former allocation BH8, the allocated land was for up to 20 units which equated to an approximate 30 dwellings per hectare (dph). The application site here is 1.36 hectares. Removing the required open space provision from the calculation and considering a development of up to 32 units would equate to an approximate 26.6 dph. As such it is considered that a development of up to 32 units would be an efficient use of land as encouraged by both national and local policy and a density which is in fact slightly lower than that set out in the former BH8 allocation.

- 5.12 For the reasons set out above it is considered that the site can accommodate a development of up to 32 units.

Impact on heritage, character, appearance and visual amenity

- 5.13 The site is essentially a vacant commercial premises, generally in a poor state of repair. There are no buildings within the site, of architectural merit and which would be worthy of retention as part of the scheme.
- 5.14 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.
- 5.15 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.
- 5.16 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.
- 5.17 Any harm identified must be given great weight in the determination of the application.
- 5.18 The Conservation Area is characterised by mainly residential properties set out in a linear form around the green, which is intersected by the river which runs through the village. Dwellings are mainly stone built. There are a number of listed buildings through the village, with most notably a number of listed buildings to the west of the village associated with Snape Castle.
- 5.19 The site currently contains large industrial scale buildings. The site is considered to currently have a harmful impact upon the setting and character of the Conservation Area. Therefore, it is considered the removal of these

large unsympathetic buildings would be a positive of the scheme and constitute a public benefit. Whilst the design, scale and siting of the proposed residential dwellings is not known at this stage, there is scope within the limitations of the site to accommodate a layout and design which would enhance and preserve the character and setting of the CA. There is some concern about the scale of development in the context of Snape. As noted in representations, 32 units in this location is a significant expansion of the village and notwithstanding the removal of the existing structures the scale of development is considered to result in a harmful impact on the settlement form and as such the significance of the Conservation Area. However, on balance, given the public benefits of the removal of the existing structures and the provision of housing including affordable units, at this outline stage it is considered that based on the information provided the site would be capable of accommodating a development of 32 residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, the harm to the Conservation Area and its setting is considered to be outweighed by the public benefits of the proposals.

Highways Safety, Access and Car parking

- 5.20 The access into the site is narrow, formed between a residential cottage and the Methodist Church. There were issues with the visibility splay at the access, which have now been addressed. North Yorkshire County Council's Highways Officers were consulted on the application and have had protracted discussion with the applicant's highway consultant regarding particularly the provision of adequate visibility splays at the entrance of the site. NYCC Highways are now satisfied with the information and justification provided by the applicant and consider that adequate visibility splays can be provided at the entrance of the site so as not to result in highways safety or operation concerns.
- 5.21 The Highways Officer has concluded that the proposals are satisfactory and recommends a number of conditions and informatives including relating to matters regarding the provision of detailed road and footway layouts; construction of adoptable roads and footways; visibility splays; details of turning, manoeuvring and parking areas and the provision of a construction management plan.
- 5.22 Given the above and considering the application is in outline considering access only, the level of information provided demonstrates that the site can be developed safely and without impacts upon the operation of the highway network for up to 32 units.
- 5.23 The proposal accords with policy IC2 of the Local Plan.

Flooding and drainage

- 5.24 The site was originally shown on the Environment Agency (EA) Flood Maps as within Flood Zones 2 and 3. The applicant and their flood risk consultant has undertaken significant amounts of work under the guidance of the EA, carrying out and submitting hydrological modelling and calculations. The model has been reviewed by a specialist team within the EA and they have approved the model which has resulted in the re-grading of the site as within Flood Zone 1, the area of lowest risk from flooding.

- 5.25 The applicant's agent has provided the following explanation regarding the change from Flood Zone 3 to Flood Zone 1:

"The maps for Flood Zones 1, 2 and 3 are predominantly produced by the Environment Agency and can be seen on their Flood Map for Planning website. When preparing a planning application these maps are used by developers to confirm what proportion of their site is developable, which part should be allowed to flood, and what types of flood mitigation measures should be used. However, in many cases these maps can prove to be inaccurate for detailed planning applications and are in need of refinement.

Specialist consultants use detailed hydraulic modelling techniques to get a more accurate understanding of flood risk on a site. This is plotted onto a plan and provides a more detailed representation of the flood risk on a site. The applicant has undertaken this work for Prices Paving in Snape and this has resulted in an amended flood zone and confirmed to be accurate by the Environment Agencies response."

- 5.26 As the site is within Flood Zone 1 the risk of the site flooding is low. The FRA demonstrates the site can be safely developed without risk from flooding and that suitable flood risk and drainage measures can be designed to accommodate the proposed development.
- 5.27 The LLFA have reviewed the updated information and are satisfied with the detail provided at this stage recommending a number of conditions to ensure an adequate drainage strategy is secured at the detailed design stage. Given that the application is in outline with all matters reserved except for access, for a site which is largely previously developed land in flood zone 1 and as stated above the submitted FRA demonstrates that the site can be safely developed without risk from flooding, it is considered that this information can be secured through appropriately worded planning conditions which request submission of this information at a later stage (pre-commencement of development) once the detailed design is fixed.
- 5.28 Concerns have been raised with regard to the capacity of the sewage network in the area. Yorkshire Water have commented on the application raising no objection to the proposed foul sewer connection stating there is capacity within the network for this development's foul water. Additionally, it is noted that sewage network capacity issues are an operational matter to be dealt with separately from planning legislation and are not permitted to be used to influence decision on the planning application.
- 5.29 The surface water management report submitted sets out that surface water drainage via a combination of infiltration and an existing surface water pipe which crosses the site which is capable of being utilised for the application site's surface water and outfalls into the adjacent watercourse to the south of the site. Discharge into a watercourse is the sequentially most preferable method where infiltration and soakaways have been discounted therefore this method of dealing with surface water is considered acceptable. The Lead Local Flood Authority has agreed this position on the basis of the brown field

run off rate. As such the design of any scheme for Reserved Matters would need to demonstrate how these requirements are to be met.

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

Impact on neighbouring amenity

- 5.31 The application is in outline for access only and as such the layout of the proposed development is not yet fixed.
- 5.32 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate up to 32 dwellings and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site would be developed maintaining suitable privacy distances and as such without having a detrimental impact upon neighbouring amenity.
- 5.33 The development of this site for housing is considered to be acceptable both in terms of the residential amenity of existing and proposed housing.
- 5.34 Any development will likely result in some disruption and localised amenity impact during the construction process. These impacts would be localised, only last for a short period of time and could be suitably mitigated through the developer adhering to a construction management plan and restriction of working hours during construction. It is considered conditions can secure full details of site operation, wheel cleaning and working hours at the site.
- 5.35 The proposal accords with Policy E2 of the Local Plan.

Ecology

- 5.36 A Preliminary Ecological Assessment (PEA) has been submitted in support of the application which identifies that the site has no particular significance to flora and fauna. The PEA concludes that there is negligible value for roosting bats overall with none of the existing buildings proposed for demolition suitable for roosting bats due to their construction. The site does however provide suitable foraging and commuting habitat for bats particularly to the southern end of the site. The site is also of moderate value to nesting birds to the site boundary particularly within the hedges and trees. The value for nesting birds is not restricted solely to the site but abundant in the surrounding countryside to the south east and west.
- 5.37 The PEA recommends retention of all hedgerows and trees on the site, implementation of a sensitive lighting scheme to avoid indirect disturbance of foraging bats, birds and small mammals. The PEA also recommends landscape planting should comprise native species or species of known wildlife value in order to enhance the ecological value of the site. Removal and replacement of the ornamental cherry laurel hedge to the north of the site and replacement with a native hedge to enhance habitat connectivity within

the site. The incorporation of bird and bat boxes/bricks within new properties or on suitable mature trees to be retained within the site in order to enhance habitat availability post development.

- 5.38 It is considered conditions can secure these details being submitted and approved at the appropriate stage. Subject to the implementation of the above measures the site would benefit from a biodiversity net gain post development in accordance with Policy E3 of the Local Plan.

Land contamination

- 5.39 A Preliminary assessment of land contamination (PALC) and Phase I Site investigation report (Phase I) has been submitted in support of the application. The councils Environmental Health officers dealing with land contamination have assessed the information submitted and commented that that there is potential for contamination from previous uses at the site and concurs with the conclusion that a Phase II site investigation and Risk Assessment should be undertaken.

- 5.40 No issues of land contamination have been identified that would preclude the development of this site subject to conditions regarding any remediation requirements. The Environmental Health Officer has raised no concerns about the proposed development in these terms. A suite of conditions are proposed to ensure further investigation and appropriate remediation takes place.

Open space, sport and recreation

- 5.41 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.

- 5.42 As the application is in outline with all matters reserved, at this stage the layout of the site and as such layout of the open space is not known. However, it is calculated that under the SPD a provision of 1046.59 sq. m of public amenity space would be required for this scheme including an equipped children's play area.

- 5.43 On the indicative plan an area of open space is shown to the southern end of the site, which is considered adequate at this stage to demonstrate the site can accommodate this quantum of development as well as provide the required open space provision. Full details of the provision and management of the open space can be secured through a section 106 agreement attached to any grant of permission.

- 5.44 Taking all the above into consideration, the proposal therefore is considered able to meet the requirements of Policy IC3 and the Public Open Space SPD.

Other Matters

- 5.45 Hambleton District Council published a Statement of Community Involvement (SCI) document titled 'Getting Involved in Planning Applications'. This encourages developers to undertake pre-application discussions with both the local authority and relevant stakeholders. Page 3 states that the Council will encourage applicants of major development to carry out an appropriate level

of consultation with the community reflecting the nature and scale of the proposed development.

- 5.46 The applicant carried out community engagement through the form of a leaflet campaign carried out August to September 2020. The method of this engagement and findings are set out in the applicants Statement of Community involvement which was submitted with the application.
- 5.47 Whilst it is noted that the Parish Council have raised concern with the extent and level of engagement it is considered that the applicant has fulfilled their requirement with regard to the Localism Act, NPPF and Hambleton Statement of Community Involvement guidance. The level of engagement although to some extent limited was appropriate to the scale of the development. The applicant has stated they have considered the responses received through this engagement exercise within their submission.

Planning Balance

- 5.48 It is considered that the principle of development on this site is acceptable, given the site's location within a service village and the site being occupied by a range of commercial buildings immediately adjacent the built form of the settlement. Any harmful impact of the development on the setting of heritage assets is considered sufficiently off-set by public benefit. The scale of housing proposed and access to the site is considered appropriate.
- 5.49 The proposed quotient of affordable housing meets the requirements of HG3 when taking into consideration the vacant building credit set out in national policy and the Council's Housing SPD and as such is considered to be acceptable.
- 5.50 The Highway Authority has confirmed that the existing road network can accommodate the development and there are no highway safety or operation concerns with the access proposed.
- 5.51 Matters pertaining to site drainage are considered addressed either through the submission or by conditions set out in the recommendation. The proposed development is considered to result in no additional risk in terms of flooding.
- 5.52 On balance the proposed development of this site for housing is considered acceptable and as such recommended for approval.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations planning permission is **GRANTED** subject to:
- (a) The satisfactory completion of a planning obligation to secure (i) 6 affordable dwellings within the development in accordance with the Council's Housing SPD 2022; (ii) appropriate provision and management of on-site open space; and (iii) any outstanding consultations; and
 - (b) The following conditions:

Conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
 - (a) The layout of the site
 - (b) The siting, scale, design and external appearance of each building, including a schedule of external materials to be used;
 - (c) the landscaping of the site.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan as received by Hambleton District Council on 15 September 2020 unless otherwise agreed in writing by the Local Planning Authority.
4. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
5. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.
6. Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The development shall then be implemented in accordance with the approved details.
7. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.
8. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works

to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

11. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

12. The development hereby approved shall be for no more than 32 dwelling units and shall comply with the size and type requirements of the Council's Housing SPD.

13. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

14. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

15. There must be no access or egress by any vehicles between the highway and the application site until splays detailed in drawing number P21047-0114 are provided giving clear visibility of 36m to the West and 38m to the East measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;

10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. details of the measures to be taken for the protection of trees;
16. details of external lighting equipment;
17. details of ditches to be piped during the construction phases;
18. a detailed method statement and programme for the building works; and
19. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

18. Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs. The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

19. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary ecological appraisal prepared by Naturally Wild ref SHA-20-03 R1 August 2020.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. In the interest of satisfactory and sustainable drainage.
5. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

6. In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
11. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.
12. In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.
13. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
14. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
15. In the interests of highway safety.
16. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
17. In the interest of public safety and amenity.
18. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

19. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

INFORMATIVES

1. If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
2. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
 - 1 x 240 litre black wheeled bin for general waste;
 - 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling;
 - and
 - 1 x 55 litre blue recycling box for glass bottles and jars.

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

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

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

3. To make the proposals acceptable to the Local Highway Authority an amendment to the existing waiting restriction on Thurston Road is required to extend onto Darlington Road to include the frontage of the development This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the Consolidation Order 2013 at Thurston Road, Northallerton have been submitted to the Local Highway Authority. The approved details will be required to undergo the legal process required, including any public consultation -, at the applicant's expense. Subject to the successful completion of this legal process the measures will be implemented at the applicant's cost.
4. It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning

submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

5. An explanation of the terms used above is available from the Local Highway Authority.
6. The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments available at https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Interim_guidance_on_transport_issues_including_parking_standards.pdf
7. The applicants attention is drawn to the Design out Crime report ref: 417-1-2020 MR, provided by North Yorkshire Police, in particular the applicant is encouraged to incorporate the advice and recommendations into the detailed design of any future reserved matters application.

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Parish: Welbury
Ward: Appleton Wiske and Smeatons

2

20/02464/FUL

Committee Date : 29 September 2022
Officer dealing : Mr Andrew Cotton
Target Date: 28 December 2020
Date of extension of time: 11 February 2021

Construction of 2no detached dwellings for use as short-term holiday lets with associated parking spaces.

At: Land to the rear of The Duke of Wellington Welbury North Yorkshire
For: Mr Stephen Watson.

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

1.0 Site, Context and Proposals

- 1.1 The application site forms part of the car park and garden to the rear of the Duke of Wellington Public House. The site runs out from the rear of the public house at grade before a relatively steep slope down to the remaining area of the rear garden. The site is bounded to one side by the rear garden of Rosedene and to the other by partially redundant farm buildings. To the rear of the site the area runs out to open countryside.
- 1.2 The application is for the formation of two holiday letting units on the lower ground level to the rear of the public house.
- 1.3 The accommodation now comprises a family lounge and kitchen with drawing room, utility and hot tub room at ground floor and three bedrooms, one with ensuite and a bathroom at first floor. The two properties are laid out in an 'L' plan.
- 1.4 Parking is provided within the new area of the development, with access through the existing car park. 13 spaces are shown retained in the existing rear car park in addition to 6 car parking spaces for the new development. 9 spaces are shown to the front of the public house.
- 1.5 The massing and design of the proposed development has been significantly changed through the course of the application. The massing has been much reduced and now incorporates a variety of height elements with one, one and a half/two storey elements through the development.

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 S5: Development in the Countryside
 Local Plan Policy EG1: Meeting Hambleton's Employment Need
 Local Plan Policy EG2: Protection and Enhancement of Employment Land
 Local Plan Policy EG7: Businesses in Rural Areas
 Local Plan Policy EG8: The Visitor Economy
 Local Plan Policy E1: Design
 Local Plan Policy E2: Amenity
 Local Plan Policy E3: The Natural Environment
 Local Plan Policy E7: Hambleton's Landscapes
 Local Plan Policy IC2: Transport and Accessibility
 Local Plan Policy IC4: Community Facilities
 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
 National Planning Policy Framework
 National Planning Practice Guidance
 National Planning Policy Framework

4.0 Consultations

- 4.1 Yorkshire Wildlife Trust – No comments to make.
- 4.2 Environmental Health (Contaminated Land) – No objections subject to conditions.
- 4.3 NYCC Highways – No objections subject to conditions.
- 4.4 North Yorkshire Police – No objections raised.
- 4.5 Environmental Health - I have reviewed the amendment of the application from previous construction of two residential dwellings, to the amended application of two detached dwellings for use as short-term holiday lets, and I am minded to conclude that my previous concerns still apply.

The holiday let accommodation is under separate ownership to that of the working farm at Oak Tree Farm. There is still likely to be an adverse impact to the occupants of the dwellings through odour, flies and noise from Oak Tree Farm due to the nature and proximity of activities associated with a working farm, particularly the slurry pit and effluent pond which is <40m from the proposed dwellings. I cannot see how this can be overcome to ensure no impact on the occupiers of the dwellings and without potential restriction on Oak Tree Farm from future complaints. I still recommend this application be refused.

- 4.6 Natural England – No Comments.
- 4.7 Parish Council – Welbury Parish Council wishes to object to the plans for the construction of 2 x 5 bedroom dwellings on the land at the rear of the Duke of Wellington public house.
 - We feel the development compromises planning policy DP5 in that if it were to go ahead it may jeopardise the future sustainability of the Duke

of Wellington as an asset of community value by restricting the future use of the site.

- The parish council in conjunction with the Welbury Community Benefit Society has developed a business model which could see the pub and its associated services becoming a sustainable business, in its current form, serving the local community.
- We are unclear as to the exact mechanism where proceeds from the sale of any development of the site would be directly linked to the pub's sustainability. The level of support required can only be accurately assessed by the applicant completing a full business operability study.
- The current access to the rear of the pub is too narrow and constrained to accommodate additional traffic and would not allow service and emergency vehicles to reach the proposed houses.
- The reduction in useable carparking space that would happen as a result of the "neutral access strip" is unacceptable and may lead to further on-street parking congestion.

Following Revisions:

We continue to **Object** to this application on similar grounds to our previous objection which in summary are that we believe the access is too narrow and restricted to allow emergency service vehicles and other delivery vehicles to reach the proposed properties. There is no evidence provided by the applicant as to how the proposed developments rental income would be shared to support the sustainability of the Duke of Wellington public house. The community believe there are alternative uses for the land at the rear of the Duke of Wellington which would better support the sustainability of the pub. The Parish Council maintains its position as a potential acquirer of the property.

4.8 Representations – 12 Representations have been received, 10 objecting to the proposed development. The objections are summarised below:

- Proposals will have no benefit to the public house
- Additional en-suite letting rooms may help the pub
- Access to the rear of the pub is a major issue
- Loss of privacy
- Overshadowing
- Overdevelopment of the site
- Access is not owned by the public house but the neighbouring dwelling
- Noise intrusion
- Inadequate parking – results in overspill
- Difficulty in accessing private access owing to vehicles blocking the road
- Health and safety risks
- Drainage
- Flood risk from well
- Impact on boundary hedge and trees

- Smell and disturbance from neighbouring farm
- Residents of the proposed development will not have a sufficient level of amenity
- This is backland development
- Proposed development does not fit with the local pattern of development
- Failure to comply with local policy requirements
- Development does is not locally distinctive

Support

- Holiday lets are a good idea and will help the pub
- The guests are likely to use the pub and the additional income is much needed

5.0 Analysis

5.1 Having regard to Section 38(6) of the Planning and Compulsory Purchase Act 2004, applying all relevant Development Plan policies, and considering all other policy and guidance (including the NPPF and PPG) and all other material planning considerations, including representations received, it is considered that the main planning considerations raised in relation to the determination of this application are as follows:

- Principle of development;
- Impact on the character, appearance and visual amenity of the area;
- Highway safety and access;
- Flooding and drainage;
- Impact on neighbour amenity;
- Ecology;

Principle of development

5.2 Policy contained within the recently adopted Local Plan is generally supportive of tourism development. In this case whilst the application is considered on its own merit there is a relationship to the existing public house business and as such the examination of the principle of the development also looks at the benefit to the existing business.

5.3 Policy S1 sets out the strategic position and seeks to ensure that development makes a positive contribution to the sustainability of communities and enhances the environment.

5.4 Welbury is a Small Village as set out in the current settlement hierarchy and as such is considered to be a generally sustainable location for development on this scale. The proposals are (subject to discussion on character of the settlement) generally within the settlement. It is considered that the requirements of policy S1 are generally met.

5.5 Policy EG2 seeks to protect areas of land and buildings that are currently in employment use. Policy EG7 is supportive of businesses in rural areas. In this case the development site forms part of an existing employment site,

effectively the garden associated with the public house. The garden is somewhat divorced from the public house by the car park and is not understood to currently contribute significantly to the use of the pub. The provision of holiday accommodation adjacent the public house is considered to constitute a small benefit to the pub as it is likely that occupiers of the development would utilise the services provided by the pub. However, the connectivity is limited as the proposed development would not be in the direct control of the public house.

- 5.6 Policy IC4 seeks to protect and support local services. To this end the applicant has provided their understanding of the likely benefits of the proposals to the Public House. This statement also sets out some of the recent history of the pub and its financial difficulties.
- 5.7 The applicant states that on the basis of their assessment of the need for this type of accommodation, they estimate an occupancy of 75% and suggest that occupiers will use the pub restaurant 50% of the time, resulting in approximately £41,000 additional annual income to the pub. The applicant also suggests that the accommodation will be managed and cleaned through a contract with the pub manager, which will pay in the region of an additional £12,000 per annum into the pub business.
- 5.8 It is envisaged that the additional work generated by the holiday accommodation will allow for additional staff to be employed by the pub, making the overall business more sustainable in the long term.
- 5.9 The benefits cited would be a welcome addition for the public house. However, officers are concerned that there is no mechanism for the effective protection of these benefits in the long term, the holiday offer not being in the control of the pub business in any meaningful way. On this basis it is considered that these benefits can only be given limited weight in the planning balance.
- 5.10 Policy EG8 looks more specifically at the visitor economy and supports development for a new or the extension of existing facilities where it can be demonstrated that:
- the scale, form, layout and design is appropriate to its location and would not unacceptably harm the character, appearance or amenity of the surrounding area or wider countryside;
 - it would not cause unacceptable harm to the living conditions of neighbours or prejudice existing land uses;
 - occupation can be limited to holiday purposes only;
 - a proposal for a new, or an extension to an existing, caravan, camping or holiday chalet
 - site is accessible to local services and public utilities; and
 - where a countryside location is proposed, the development cannot be located within or adjacent to the built form of an identified settlement in the settlement hierarchy, see policy 'S3: Spatial Distribution', and it will be accessible by sustainable travel options.

- 5.11 Matters pertaining to amenity are discussed elsewhere in this report. However, in this case owing to the mainly linear character of the settlement, the proposals sitting in the garden to the rear of the public house constitute back land development. The only significant in-depth development in the locality is that of the adjacent farm. It is considered that the proposed development is harmful to the character and form of the settlement along with local residential amenity and as such is unable to comply with the requirements of Policy EG8
- 5.12 In conclusion, the general principle of this type of accommodation within the village is considered to be supported by the thrust of policy contained within the Local Plan. The issues of concern come largely due to the siting of the development in this location behind the main built form and adjacent to neighbouring lawful uses.
- 5.13 Impact on the character, appearance and visual amenity of the area.
As has been stated in brief, the main character of the settlement is linear. Policy E1 states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. All development should have 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.
- 5.14 The design of the proposed development has changed significantly over time, with a view to create a design more inspired by agricultural forms that might be found in this type of location, behind the main built form. The applicant has sought to retain sufficient footprint and accommodation to make the proposals viable from their perspective.
- 5.15 The massing of the proposals have been reduced and in officer's view the design much improved. However, concern remains with regard to the scale of development in this location to the rear of the main built form of the settlement and it is considered that the development has a harmful impact on the character and appearance of the settlement and as such is unable to comply with the requirements of policy E1.
- Highway safety and access
- 5.16 Policy IC2 seeks to ensure that all development has an appropriate access. In this case, the Highway Authority has raised no objections to the proposed development in terms of its impact on Highway Safety, subject to conditions. It is noted that the access is not in the ownership of the applicant but the neighbouring property, Rosedene. It is understood that the public house has right of access over this land, accessing the car park to the rear of the public house. This is a civil matter for the applicant and the neighbouring owner to consider and is not of itself considered an impediment to development.
- 5.17 The access is very narrow, particularly past the gable end of Rosedene. Given the nature of the site and its relationship to the Public House, vehicle speeds and considered to be likely to be very low and as such unlikely to result in any significant issue in terms of either vehicular or pedestrian access around the premises.

- 5.18 Questions have been raised about the amount and availability of parking on the site. The application shows 6 parking spaces for the two proposed holiday units. The units each have three bedrooms and the proposed parking is considered adequate. Whilst the access through the existing car park, down to the proposed development result in the removal of parking, the improved layout of the car park overall, results in a limited impact in terms of the overall availability of car parking within the site. It is considered, on balance that the requirements of policy IC2 are met.

Flooding and drainage

- 5.19 Concerns have been raised about the local foul drainage capacity and the potential for the development to impact on a neighbouring well. The application is for two additional holiday letting units. This number of units is considered to have a minimal impact in terms of the additional foul flows. Surface water would be dealt with separately and would not contribute to additional flows to the foul sewer. It is considered that should the application be approved, drainage matters could be dealt with by condition.

Impact on neighbour amenity

- 5.20 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.
- 5.21 In this case the application raises a number of questions in terms of amenity and compliance with policy E2.
- 5.22 Concern has been raised in representations about privacy and overshadowing resulting from the development. The revised scheme has significantly reduced the overall massing of the development. The development sits relatively closely to the boundary with the garden of Rosedene and has the potential impact on residential amenity from this perspective. Whilst the proposals do still have a small, measurable impact in terms of overshadowing, this is mitigated by the height and form of the boundary hedge and planting and also the significant scale of the rear garden of Rosedene. The conclusion is that the development would have a limited impact in terms of overshadowing.
- 5.23 In terms of privacy, the design has been controlled in order to limit any direct overlooking and results in no direct impact on amenity in this respect. The development will result in a change owing to the introduction of activity to the area adjacent the neighbouring garden, which would be perceived by a resident of Rosedene. The expectation of this is that holiday makers are slightly more likely to create a noise disturbance that a permanent resident owing to their lack of connection to the village and its residents.
- 5.24 The use of the access past Rosedene will increase as a result of the proposed development. The access runs immediately adjacent to the gable wall of Rosedene and the use of this has the potential to impact on residential amenity through an increase in noise and disturbance.

- 5.25 The access to the rear car park already runs along this route and as such the question would be whether the additional use of the access would result in a loss of amenity, over and above the existing use. Given the narrow nature of the access, the relationship to the neighbours access to their parking and garden, it is considered that the additional use of the access over and above the parking for the public house, in part owing to the change in nature of the use by holiday makers as opposed to those only visiting perhaps at lunch time or for an evening meal, is considered to result in an additional level of impact on the amenity of the neighbouring occupier.
- 5.26 The impact of the proposed development on other lawful uses in the vicinity must be considered. To the east of the site is a farm operation and the operators have raised concerns that their lawful use could be prejudicial to the amenity of occupiers of the development. Had the farm been in the same ownership and control as the application this would have simply been a matter for the operator. However, in this case the issue of Agent of Change must be considered and this has been specifically raised as a concern by the Environmental Health Officer. In short, any complaints raised by occupiers of the development have the potential to result in enforcement against the neighbouring farm in terms of noise or smell disturbance. It is difficult to see how this issue could be mitigated.
- 5.27 In conclusion, the proposed development is considered to have a harmful impact on the residential amenity of the occupier of Rosedene and the lawful use of the neighbouring farm and as such fails to comply with the requirements of policy E2.

Planning Balance

- 5.28 The principle of holiday accommodation is supported in Welbury and the ongoing use of the public house is considered to be a priority. In this case, other than residents of the development utilising the public house's services, there appears to be little connectivity between the proposals and the long term sustainability of the public house. As such little weight is given to the development in these terms.
- 5.29 The development is considered to have adverse impacts in terms of the character and form of the settlement and the amenity of the occupiers of the neighbouring development, both through the change to the occupancy of the area of the application site and the use of the access.
- 5.30 In conclusion, it is considered that the benefits of the proposals do not outweigh the harm. The development fails to comply with the requirements of the Local Plan policy.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **REFUSED**, for the following reasons:

1. It is considered that the proposed development has a harmful impact on the character and form of the settlement and the amenity of neighbouring occupiers. The proposed development does not accord with the requirements of policy E1 and E2 in this respect.
2. The proximity of the proposed accommodation to the neighbouring farm operation is likely to result in complaints on amenity grounds. On the basis of the principle of the Agent of Change, the proposed development is likely to have a prejudicial impact on the neighbouring lawful development. Additionally, the proposed development is considered to have a harmful impact on the residential amenity of the neighbouring residential property at Rosedene and as such fails to comply with policy E2.

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Parish: Scruton

Ward: Morton on Swale

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Committee date: 29 September 2022

Officer dealing: Mrs H Laws

Target date: 7 April 2022

**Date of extension of
time (if agreed):**

22/00321/FUL

Application for the erection of a steel framed building for use as a light industrial workshop, utilising existing access

At: Field House Equestrian, Field House, Ham Hall Lane, Scruton

For: R Wright

This application was deferred at the Planning Committee meeting on 12 May 2022 to allow further information to be submitted.

1.0 Site, context and proposals

- 1.1 The application site lies to the north of the A684 between Leeming Bar and Morton on Swale and is approximately 1km to the south of Scruton village. The site is on the western side of Ham Hall Lane, which is a single-track road between Scruton and the A684.
- 1.2 The application site has been amended through the course of the application. The original site lies to the south of the Wensleydale railway line, is currently occupied by a disused horse walker with the land occasionally used as a paddock for horses.
- 1.3 The application has been amended to try to reduce the impact on the rural landscape by relocating the proposed building to the immediate south of existing buildings on site and to the north of the dwelling at Field House.
- 1.4 The site lies adjacent to farm buildings partly used as a livery business and in part vacant with consent for employment uses. To the north, across the railway line lies Gate House and Ham Hall. To the south of the access to Field House lies The Barn and two holiday units, which are adjacent the application site.
- 1.5 It is proposed to construct a detached building to be used as a light industrial workshop. The proposed business would be for the manufacturing of model ship and aircraft kits. The business is existing and currently operates in Worcestershire. The business would also make use of the building to the front of the site, which benefits from permission for a storage and warehouse permission.
- 1.6 It is stated that the proposed use would fall within the Town and Country Planning (Use Classes) Regulations 2020 Class E (Commercial, Business and Service), which includes in sub-paragraph (g)iii) any industrial process, (which can be carried out in any residential area without causing detriment to the amenity of the area).

- 1.7 The building would have dimensions of 38.53m x 12.34m with a maximum height of 5.03m. The walls and roof would be goosewing grey plastisol coated composite panels with 24no. clear rooflights covering 20% of the roof. An area of hardstanding would be provided to connect an existing area with the roller shutter door proposed in the west elevation of the building.
- 1.8 The scheme does not include a landscaping proposal.
- 1.9 A livery business operates adjacent to the application site. The proposal is to relocate the model manufacturing business, which is family run, to allow the continued operation of, and further investment in, the livery business. The livery business is wholly owned by the model making company which is subject to this application. The applicant and other family members are involved in the livery and would also be active within the manufacturing business.
- 1.10 The business would operate from 8.30am to 5.30pm Monday to Friday and employ up to 7 full time and 2 part-time staff. Some of the machinery within the building would operate continuously.
- 1.11 Vehicle movements, other than staff, in connection with deliveries and collections would be by courier once a day; larger deliveries of raw materials would occur approximately 6 times a year with a maximum weight of vehicle being 7.5 tonnes.
- 1.12 Manufacturing equipment proposed to be used include woodworking equipment such as saws, sanders and CNC routers; hydraulic injection moulding machines; 3D printers; a lathe; and a finishing/polishing machine.
- 1.13 The further information required by the Committee included the following:
- a noise assessment
 - consideration of the re-use of existing buildings rather than a new build structure
 - if a new build is necessary, consideration of relocation further from the neighbouring property
 - consideration of the access onto the A684 and the potential for the need for passing places
 - additional clarity of the business case and linkage between the two businesses
 - foul drainage details
- 1.14 Further information has been received in respect of all these matters and is discussed within the report below.

2.0 Relevant planning history

- 2.1 05/02520/FUL - Change of use of existing building from storage to the manufacturing of sheds. Permission granted 2/2/2006
- 2.2 07/03829/FUL – Change of use of existing light industrial unit to sale of equestrian goods. Permission granted 7/3/2008.
- 2.3 14/02518/FUL - Change of use from retail to retail, storage and distribution uses. Permission granted 10/4/2015.

3.0 Relevant planning policies

- 3.1 The relevant Hambleton Local Plan policies are:

Policy S1 – Sustainable Development Principles
Policy S3 – Spatial Distribution
Policy S5 – Development in the Countryside
Policy EG7 – Businesses in Rural Areas
Policy EG8 – The Visitor Economy
Policy E1 – Design
Policy E2 – Amenity
Policy E3 – The Natural Environment
Policy E7 – Hambleton's Landscapes
Policy IC2 – Transport and Accessibility
Policy RM1 – Water Quality, Supply and Foul Drainage
Policy RM3 – Surface Water and Drainage Management
National Planning Policy Framework

4.0 Consultations

- 4.1 Scruton Parish Council –wish to see the application refused
- 4.2 NYCC Highways – no objections. Highways has been asked to further consider the need for passing places and have concluded that they would not support the formation of passing places.
- 4.3 HDC Environmental Health Officer – following consideration of the noise impact assessments from both Nova Acoustics, on behalf of the applicant and LA Environmental, on behalf of the neighbouring residents of The Barn:

I have considered the comments made by both LA Environmental and NOVA Acoustics regarding the likely impact of the proposals with respect to noise. BS 4142:2014 contains the appropriate methodology for assessing the potential impact of this development and fundamental to that assessment is the existing background noise level. It is noted that there is a significant difference between the measured backgrounds obtained by the noise consultants. It is also noted that the lower levels obtained by LA Environmental are not supported by details of the equipment used, the location of the equipment or calibration of the equipment. However, assuming the equipment is appropriate, appropriately located and calibrated, the more detailed assessment provided by NOVA Acoustics (dated 17/8/22) indicates that, even with the lower background levels, the development could operate without significant impact on the local amenity, provided it is implemented in

accordance with the assumptions upon which the assessment is based. Consequently, conditions would need to be attached should planning permission be granted.

- 4.4 Wensleydale Railway - The development is adjacent an automatic road and rail level crossing which is controlled by lights, any development must not result in the leakage of light which might cause confusion to train drivers; the level crossing is not designed for frequent use by large vehicles, this would be likely to cause significant maintenance issues; the development should be in keeping with the rural nature of the land adjacent the line.
- 4.5 Network Rail - the adjacent railway is operated and maintained by Wensleydale Railway and therefore Network Rail have no observations to make in relation to the proposals. However, this line remains an operational railway and it is important that the scheme does not impact on operational railway safety.
- 4.6 SABIC – the development will not affect SABIC/INEOS high pressure ethylene pipeline apparatus
- 4.7 Public comments – objections have been received from, and on behalf of, the residents of 5 properties within the locality, which are summarised as follows:
- Not an activity that should be located in a rural area
 - Would create unacceptable noise and air pollution
 - Damage would be caused to the single-track road as a result of vehicle movements
 - Use of Ham Hall Lane would be dangerous of other road users such as pedestrians and horse riders
 - Would be better located on an industrial estate
 - Holiday cottage business directly adjacent to the entrance to the application site would be severely impacted by the development in respect of noise
 - Visually incongruous (industrial) with prevailing (agricultural) character of the area
 - Lighting would be visible through the translucent roof panels
 - The site is not served by public transport and is not therefore a sustainable location
 - There is no genuine need for the development
 - The application requests a general Class E use, which would allow permission for a wide-ranging set of uses
 - No noise assessment submitted
 - No ecological assessment
 - The business would be run by family members and would not therefore be employment generating
 - Would not protect the openness and special character of the landscape
 - Contrary to new Local Plan policies including every criterion set out in Policy EG7.
 - There is no functional connection between the manufacture of models and the keeping and stabling of horses.
 - Small machines can be as noisy as large ones
 - There is no assessment of how the possible contribution to the rural economy from the potential 5 additional manufacturing jobs might be offset by the

decline in visitor spending due to the resulting unattractiveness of the holiday cottages

- There is no assessment on the parking and manoeuvring of 5 additional cars close to the private amenity areas of the cottages.
- The building would obscure some existing views of the open countryside.
- The windowless walls and corrugated roof would create an alien industrial presence
- Fails to protect or enhance the openness and special character of the landscape, as required by Policy E7.
- The intrusive presence of this industrial building would be exacerbated by the installation of LED lighting 'throughout' (obviously evident through the numerous roof lights) and the possibility of security lighting in the yard

4.8 Following the re-siting of the development further representations have been received concerned that the development, which would now be approximately 13m from holiday accommodation, will have a detrimental impact on the adjacent holiday cottages in respect of noise and vehicle movements; and, due to the proximity to the livery buildings may adversely affect that business due to the sensitivity of the horses.

4.9 Further objections have been received from the neighbouring residents, which are summarised as follows:

- There are a number of opportunities available for alternative sites in Northallerton and Leeming Bar
- Expansion of business in the future could lead to an even greater impact
- All previous applications on the site have re-used existing buildings rather than new development
- A copy of correspondence between the neighbour and a visitor to the holiday accommodation details works taking place at the application site that led to a disturbance such that compensation was paid.
- On-going concern that noise and disturbance will lead to a loss of residential amenity for the occupiers of the neighbouring dwelling and the holiday cottages.

4.10 Comments have been received from the previous owner of the livery contradicting the information received by the applicant to state that the business was run successfully and with profit for 17 years.

4.11 A review of the initial Nova Acoustics Noise Assessment submitted by the applicant, by LA Environmental, on behalf of the residents of the neighbouring property at The Barn has been received.

5.0 Analysis

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

The principle of the development

5.2 National planning policy is supportive of the planning system's role to promote the development of businesses and contribute to a strong, responsive and

competitive economy. This is reflected at local level through Local Plan Policy, which aims to provide a range of employment opportunities and recognises the contribution of the rural economy. Policy EG7 is specific to business in rural locations, such as the application site, and supports employment generating development in locations outside the main built form of a defined settlement such as this, where it complies with the following criteria:

- 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.

- 5.3 In accordance with the Policy, a new building for a business use would only be supported in this location where there is a genuine need for it to be located in the countryside or it was otherwise in compliance with the above criteria. In terms of operational need, the proposed development would not require a countryside location in which to operate and could be located within a settlement or on an employment site.
- 5.4 The applicant also operates a livery business in this location. The livery has operated for many years prior to the applicant taking over the ownership in September 2021. The applicant's case is that the livery business has been neglected for some time, is running at a loss and requires further investment before it can operate at its full capacity. The applicant, his sister and brother-in-law share the running of the livery business and would also be involved in the day-to-day operation of the proposed model making business. The reasons for wishing the development to be in this location are therefore two-fold: to provide financial support for the livery and for functional reasons - to allow the staff to be available on site to manage both businesses, noting that the livery business is now wholly owned by the model making company.
- 5.5 A representation has been received from the previous owner of the livery (paragraph 4.10 above), disputing its neglect and providing details to demonstrate that the business was operating successfully. Notwithstanding either of the descriptions regarding the state of the business, it would appear that the livery is currently not running as well as it could and from officer's inspection the built fabric requires significant investment in order for the business to be successful.

- 5.6 The applicant is clear that they wish to develop the equestrian use further, but in the absence of the model manufacturing would not be able to afford to invest in the equestrian part of the business. There are no guarantees that subsidising the livery business with the model making business would allow it to flourish but the submission states that it would not be possible to continue the livery business without the financial support of the model manufacturing and therefore the livery business could be closed. The financial support of the livery, by the model making however does not necessitate the businesses being in the same location.
- 5.7 Losing an existing established business would be contrary to the aims and objectives of the NPPF and Local Plan. It is argued by neighbouring residents that the siting of the proposed business in this location would impact significantly on the existing holiday cottage business on the adjacent site, which would also be contrary to the aims of Local Plan policy. This matter is discussed within the later section regarding residential amenity.
- 5.8 The incorporation of all of the proposed business into the existing building (noting that this benefits from a permission for storage) to the front of the site has been suggested. The applicant has advised that this building will be racked, effectively forming two levels of racking, for the storage of packed models and parts for models. This will take up all of the available space within this building. The applicant has also been investigating alternative locations for the model manufacturing and has submitted details of available options, which it is stated, are either too small, too big or too expensive to be viable for the business. Notwithstanding the lack of suitable alternatives, the applicant's case is that it would not be practical to operate the two businesses from multiple locations. For safety reasons workers are unable to operate alone in the model making business due to the machinery; supervision of the horses is required at all times for welfare and insurance purposes; extra costs would be incurred from multiple sites; and an unacceptable amount of time would be taken up as a result of travelling between sites.
- 5.9 The greater site at Field House has had a variety of uses over the years, including storage and distribution, which would continue to be used in association with the proposed model manufacturing business (although not of itself needing planning permission as part of this application). This would effectively incorporate the existing lawful storage use of the building at the front of the site, into the model making business. There are no other existing buildings suitable or available for use as an alternative to a new building as they are either too small or already used in connection with the livery.
- 5.10 One of the buildings that would be too small for the proposed use, and which immediately abuts the neighbouring property, has an authorised use as a soft furnishings workshop, which has the potential to cause disturbance to the neighbouring residents. The applicant is willing to not undertake any industrial use of the building in the future and would agree to a condition requiring the building to be used for no purpose other than as part of the holiday accommodation in the adjacent unit. The building is small in scale and its effective removal from industrial use can only be offered limited weight in favour of the proposals.

- 5.11 Whilst there is some synergy between the businesses, claimed by the applicant, the proposed development would be contrary to Local Plan Policy EG7 criterion (d) as it has not been demonstrated that it specifically requires a countryside location. NPPF paragraph 12 states that “Where a planning application conflicts with an up-to-date development plan ... permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan but only if material considerations in a particular case indicate that the plan should not be followed”
- 5.12 The existing and proposed businesses are employment generators whether or not the staff are family members and would also provide support for other associated businesses that provide materials for the model making and supplies for the livery. This is an important factor in respect of the national and local planning policies for economic growth.
- 5.13 In order to allow the operation of the two existing businesses in the same location, planning permission would need to be granted as an exception, as it remains contrary to Policy EG7. If approved, a condition would be required to ensure that the operation of the model making business (or any activity undertaken within the new building) is tied to the occupancy of Field House.
- 5.14 On balance, it is concluded that the location of the proposed business on this site is desirable for the running of both businesses but not necessarily essential.

Impact on the rural landscape

- 5.15 The NPPF requires the protection of the natural landscape and Local Plan Policy E7 requires development to protect and enhance the distinctive landscapes of the district and take into account its openness.
- 5.16 The site originally proposed for the building, whilst adjacent to an existing group of buildings, would have significantly reduced the gap between the existing buildings and the railway line adding to the built-up nature of this particular area and detracting from the openness of the surrounding landscape.
- 5.17 The revised location to the south of the existing livery buildings, allows the structure to sit within the built form of the Field House complex and the resultant development is considered to have little impact on the landscape character of the area. It is considered that the revised development would not be in conflict with Policy E7, which states that the openness and special character of the District's landscape will be protected and where possible enhanced.

Residential amenity

- 5.18 Local Plan Policy E2 requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including future occupants, as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A Noise Impact Assessment has been prepared on behalf of the applicant and submitted for consideration.

- 5.19 The proposed use of the building would require vehicle movements and the operation of machinery. The locality is a relatively quiet rural location, albeit quite close to the A684 and RAF Leeming. The development also needs to be understood against the background of the former uses of the site, including the storage and distribution elements.
- 5.20 The neighbouring residents of The Barn, who are the operators of the adjacent holiday letting units, have raised significant concerns about the impact on the occupiers of the cottages, in particular through noise disturbance. A review of the Noise Impact Assessment has been undertaken by LA Environmental on behalf of the neighbouring residents, which concludes that the impact of the proposed development would be at the 'Significant Observed Adverse Effect Level' and severely impact on the neighbouring residential and holiday accommodation.
- 5.21 Had the cottages been in the control of the applicant, this would not have been considered an issue owing to the holiday nature of the occupation. However, the NPPF sets out the principle of the Agent of Change, whereby a new development should not have a detrimental impact on an existing lawful use, in this case being the idea of a harmful impact on the holiday business.
- 5.22 It is noted that the original planning permission to convert an outbuilding to a dwelling, now known as The Barn was allowed on appeal subject to a condition requiring the construction of a 2m high brick wall on the northern side of the development, in order to minimise potential amenity problems arising as a result of the proximity of the converted dwelling to the existing barns used at that time for stabling and storage. The brick wall has never been constructed and the Local Planning Authority confirmed in 2005 that its requirement would not be enforced. Such a wall is likely to have served to reduce the impact of the operations to the north of the boundary.
- 5.23 The proposed building is located approximately 10m to the west of the cottages and as such has the potential to severely impact on the holiday use. Policy EG8 requires new development to not prejudice the operation of existing visitor accommodation.
- 5.24 The submitted Noise Assessment has taken into account background noise levels during both daytime and night-time; has considered the method of building construction; has taken into account the machinery to be used within the building; and the distance proposed from the nearest neighbouring property. The report concludes that the operation of the business, including some of the automatic equipment that operates outside working hours, would not give rise to levels of noise that would have an adverse impact at the nearest neighbouring property and holiday accommodation, providing it is built to a specific standard; that all doors and windows are kept closed; and there are no ventilation openings. This matter has been thoroughly considered by the Council's Environmental Health officer who concludes that; *"the development could operate without significant impact on the local amenity, provided it is implemented in accordance with the assumptions upon which the assessment is based. Consequently, conditions would need to be attached should planning permission be granted."*

Highway safety

5.25 Ham Hall Lane is a single-track road with limited passing opportunities. Local Plan Policy IC2 requires development to be located where the highway network can satisfactorily accommodate the traffic generated by the development. The details submitted indicate that there would be minimal vehicle movements associated with the business and the Highway Authority has repeated its response of having no objections. It is agreed that the lane is narrow in width but that it is very open and has places available to allow vehicles to pass one another, whilst the access from the A684 has clear visibility in both directions with adequate space to turn from the A684 to Ham Hall Lane safely. It is considered unreasonable to request the provision of additional passing places given the size of the proposed development.

5.26 It is not considered that the numbers of vehicles associated with the proposed use would adversely affect highway safety.

Foul drainage

5.27 Policy RM1 sets out the requirements in relation to drainage. Foul drainage is proposed to be discharged to a package treatment plant, which is considered acceptable.

Planning balance

5.28 The principle of the development is not supported by policy in this location. However, the development would provide some benefits including the provision of a new business providing local employment, including the suppliers of materials, and helping to financially support an existing business. The business, in part makes use of an existing building on the site which is compatible with Local Plan Policy. The financial and functional synergy between the existing business and the proposed development is given some weight in the planning balance. The benefits are acknowledged and are welcomed.

5.29 It is concluded that there are no suitable existing buildings available at the site and therefore a new building would be required. A question raised by Members is why it could not be sited further from existing residents. There is a balance to be struck between the potential for disturbance and for the impact on visual amenity. Should the building be moved further from the neighbouring property it is more likely to fall outwith the existing grouping of buildings that make up the Field House complex, thereby detracting from the rural landscape.

5.30 The change to the location of the building significantly reduces the impact of the development on the character of the countryside. Subject to the imposition of conditions, the use should not give rise to an adverse impact on the residential amenity of the neighbouring properties. There are no highway safety concerns.

5.31 Overall, on balance it is considered the lack of compliance with policy in terms of the principle of the development on this site is outweighed by the benefits identified and the limited identified harm resulting from the proposals.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered YSB3923-1; 2; 3; 4; 5; and 6; and location and block plan received by Hambleton District Council on 24 May 2022; and floor plan received on 13 September 2022 unless otherwise approved in writing by the Local Planning Authority.
3. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the building shall not be used other than for model manufacturing.
4. The businesses located at Field House Equestrian shall only be operated by the occupier of the associated dwelling on the site, known as Field House.
5. No manufacturing shall take place other than within the building hereby approved.
6. The building hereby approved shall not be constructed other than as follows
 - a) The façades and roof are to be constructed from Kingspan KS1000 RW composite panels, providing a minimum 25.0 dB RW of sound reduction.
 - b) Any translucent light panels in the roof will be constructed from Kingspan Daylite panels or similar providing a minimum 25.0 dB RW of sound reduction.
 - c) All roller shutter doors to be a composite steel construction providing a minimum 22.0 dB RW of sound reduction.
 - d) All pedestrian access doors to be solid core fire doors providing a minimum 45.0 dB RW of sound reduction.Thereafter there shall be no alterations to the building without the written approval of the Local Planning Authority.
7. The building hereby approved shall not be used other than as follows:
 - a) The building shall not be used for the production of materials unless configured as detailed in Figure 2.0, page 11 of the Nova Acoustics report dated 17/8/22
 - b) The CNC room and internal walls shall be constructed as detailed in Section 3 (pages 9 and 10) of the Nova Acoustics report dated 17/8/22
 - c) The CNC machine, injection moulding machine, and Swiss lathe shall not be operated unless located in the rooms shown in Figure 2.0, page 11 of the Nova Acoustics report dated 17/8/22
8. Unless required for immediate access, all roller shutter and pedestrian doors, including internal doors, shall remain closed whilst internal plant and machinery are in operation.

9. There shall be no openings in the roof or facades of the building hereby approved other than as shown on drawing number YSB3923-2.
10. No machinery shall be used outside the hours of 08:30 to 17:30 Monday to Friday (except the Swiss Lathe) and no machinery shall be used on weekends or bank holidays.
11. No plant shall be installed unless mounted on anti-vibration mounts.
12. No external plant shall be installed other than with the prior written approval of the Local Planning Authority.
13. There shall be no deliveries to or from the site other than between the hours of 08.30 to 17.30 Monday to Friday, and at no time on weekends or bank holidays.
14. No forklift trucks or other powered handling equipment shall be used in the warehouse or yard other than in connection with deliveries to the site.
15. No external lighting shall be installed except in compliance with a lighting scheme that has first been submitted to and approved by the Local Planning Authority. The lighting shall then be installed and maintained in accordance with the approved details.
16. The building outlined in green on the document received by Hambleton District Council on 24 June 2022 shall not be used other than for domestic use in connection with the holiday accommodation at Field House, Ham Hall Lane, Scruton.

Reasons

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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. The Local Planning Authority would wish to carefully examine any alternative use of the site to assess whether the development would be acceptable in terms of policy, access and amenity in accordance with Local Plan policies.
4. In order to protect local amenity in accordance with Local Plan Policy E2.
5. In order to protect local amenity in accordance with Local Plan Policy E2.
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16. In order to protect local amenity in accordance with Local Plan Policy E2.

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Parish: Potto
Ward: Osmotherley & Swainby
4

Committee Date: 29 September 2022
Officer dealing: Mr Nathan Puckering
Target Date: 8 December 2021
Date of extension of time 30 September 2022

21/02458/FUL

Change of use of an agricultural building to a dwelling and associated works, including demolition of single-storey outbuildings.

At: Agricultural Building, Land Adjacent To Rawcliffe Cooper Lane Potto
For: Mr & Mrs R Hill.

This application is brought to Members owing to the level of Public Interest in the development.

1.0 Site, Context and Proposal

- 1.1 The site is a rectangular parcel of land located on the western edge of Potto, at the end of a track leading off Cooper Lane. It forms part of a former smallholding that also incorporated a paddock/grassed field area to the west. Within the site is a modern portal framed agricultural building measuring just under 160sqm, which sits alongside some smaller timber buildings that are presently in a state of severe disrepair. To the east of the building, beyond the hedgerow that lines this boundary, is a stable block and paddock, with several detached dwellings that line the track beyond this.
- 1.2 Due to its location on the edge of the built form, the building and site is in a fairly prominent location in terms of the setting of the village. This is mostly due to the public right of way which runs east-west past the site 50m to the south that offers a public vantage point of the western edge of the village which is compounded by the lack of any substantial landscaping around the site.
- 1.3 The site has been subject to several refused applications for the conversion of the building. More recently, the building has been the subject of a prior notification for its conversion under permitted development rights. All of these have been refused, with some also dismissed at subsequent appeals.
- 1.4 This application is for the conversion of the agricultural building to a dwelling. The wider site will be incorporated into the domestic curtilage of the site, with the dilapidated timber buildings demolished. Access will be taken from the existing track that enters the south east corner of the site, with a hardstanding area created for the driveway. The external appearance of the building itself will be altered, with the corrugated profile fibre cement sheeting that currently makes up the upper part of the walls and the roof removed and replaced with timber Yorkshire boarding on the walls and a standing seam natural zinc roof. Windows will be inserted, mostly on the front and rear elevations, with an integral garage also included.
- 1.5 Through the course of the application, the following additional supporting information was submitted & improvements were secured to design:

- A full Landscape Visual Impact Assessment submitted
- An improved structural report assessing the state of the building submitted
- A Landscape Plan
- Simplification of the principal elevation by way of the removal of zinc cladding and rendering to include just the single material - i.e. the timber boarding
- Reduction in the amount of fenestration on the western elevation that is most visible from the PROW

2.0 Relevant Planning and Enforcement History

- 2.1 16/02573/FUL - Demolition of two storage structures and conversion of existing large storage structure into two, semi-detached dwellings - Refused for the following reasons:
The proposed development would be located on the edge of a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, the proposed development does not reflect the existing built form and character of the village and would have a detrimental impact on the natural and built environment. Further, the proposed design is not considered to be of a high quality as required by LDF Policy DP32 and the resultant development will not reflect the local character or distinctiveness and will not enhance its setting. This does not achieve the requirement of enhancing the immediate setting as required by paragraph 55 of the NPPF. The proposal fails to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits. The Development would be contrary to LDF Policies CP1, CP2, CP4 and DP9, DP28 and DP30 along with the Council's Interim Planning Guidance (2015). This application was subsequently Dismissed at appeal.
- 2.2 18/00159/FUL - Revised application for the demolition of 2 storage buildings, alterations and conversion of large storage building to form 2 semidetached dormer bungalows with installation of mezzanine floor, new access driveway, associated work and provision of car parking. - Refused for the same reason as set out above. Also dismissed at appeal.
- 2.3 18/02419/FUL - Revised submission of 18/00159/FUL for demolition of two smaller storage structures and reduction in height & conversion of existing large storage structure into one, single-storey, bungalow dwelling with integral garage and associated external alterations to provide new brick walls and tiled roof externally, new windows & doors, access driveway, gardens/curtilage behind 1 metre high boundary fence and new tree planting line. - Refused for the same reason as set out above. Also dismissed at appeal.
- 2.4 20/02738/MBN - Notification for prior approval for a proposed change of use from agricultural building to 1 dwellinghouse and associated operational development - Refused due to non-compliance with the General Permitted Development Order.

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 S3: Spatial Distribution
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 E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility

4.0 Consultations

- 4.1 Parish Council - Whilst the PC understand the views of the immediate neighbours and their objections, it has been approached by a number of parishioners in support of the redevelopment of this site, the view being that a proposal that is sympathetic to surrounding property would enhance the character of the site, remove an eyesore and be a vast improvement to the current situation on a site that is visible to public rights of way around the village.
- 4.2 NYCC Highways - The visibility splay available at the proposed access to Cooper Lane from the private Cooper Lane Track has been assessed as falling below the standards set out in Manual for Streets. This is particularly the case to the south east where a hedge has been planted in the public highway verge. Cooper Lane at this location is lightly trafficked and traffic speeds are low. The existing building will have an associated use which could lead to vehicular trips with the permitted operation. Therefore, it would be difficult to demonstrate that a minor further intensification of the existing access to the public highway would result in an unacceptable impact on highway safety and a refusal on highways grounds would be difficult to sustain on this occasion.
- 4.3 Environmental Health - No objections.
- 4.4 Environmental Health (Contaminated Land) - No objections.
- 4.5 Teesside Airport Safeguarding - No objections.
- 4.6 Northumbrian Water & The Safety Regulation Group were consulted but submitted no comments.
- 4.7 Site Notice & Neighbour Notification - 17 letters received, 13 in support, 2 in objection and 2 neutral. The following comments were made:

Support

- Something should be done to the building, but it is more desirable that the building be knocked down and the site redeveloped from there.
- Residents wish to see a positive conclusion brought to the derelict building to finally bring closure to the planning history.
- The development would be respectful to the location and village life.
- The applicants are long standing residents of the village, and the proposal would remove the eye sore that is currently there.

Object

- The planning history has made it clear that the building is incapable of operating as a dwelling and a new dwelling on this site would be in conflict with national and local policy.
- The structural report has already been assessed by Inspectors as failing to demonstrate the building is suitable for conversion.
- The conversion of this building will bring about pressure for a new storage building for the machinery that the site is currently used for.
- There is a risk that allowing the principle of residential development in this location will lead to in-filling.
- Concerns with existing infrastructure.
- The proposed design is poor and would be incongruous.
- No details of the impact on protected species has been submitted.
- Highway safety concerns.

Following amendments, a 10-day re-consult period was carried out. At the time of writing, no further public comments had been received, nor any pertinent additional comments from consultees.

5.0 Observations

5.1 The main issues for consideration in this instance are:

- the principle of the conversion
- design
- landscape impact & the impact on the countryside
- amenity
- highway safety/access
- nutrient neutrality
- biodiversity & protected species

The Principle

5.2 Since the refusal of the previous applications, the Council has adopted the Hambleton Local Plan. This now sets out a clear list of requirements for the proposed residential conversion of rural buildings. Policy S5 states that such a proposal will be supported when:

f) the building is:

- i. redundant or disused;
- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and

- iv. structurally capable of being converted for the proposed use; and
- g) the proposal:
 - i. would enhance the immediate setting; and
 - ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

- 5.3 Upon Officer's visiting the site, it was clear that the building was empty and appeared as though it had been out of use for quite some time. On that basis, Officers are content that the building meets requirement f) i. The initial Structural Report that was submitted was scant in detail and did not provide enough information for a judgement to be made as to whether the building is capable of re-use. The building is steel framed, with block work up to about half wall height, with corrugated cladding to the roof and remainder of the walls. The development would retain the lower walls and the steel frame and allow for the re-cladding of the upper walls and roof. An updated and improved report was then submitted which offers much greater detail of the inspections that have taken place of the various structural elements of the building. Ultimately this concludes that, whilst limited repair work may be necessary, the building is in fair-good condition and therefore has the potential to be re-developed. On balance, Officers are content that f) ii-iv are met.
- 5.4 At the moment the building is widely viewed as an eye sore, as set out in a number of the public letters of support. Whilst these types of buildings are common in the rural environment Officers generally concur with this assessment, partly owing to the proximity of the building to the village. It is considered that the unattractive, functional design is presently having a negative impact on the character and appearance of the locality and the setting of the village. This is further compounded by the state of disrepair of the adjoining timber structures which look unstable and derelict. The complete removal of these structures as part of the wider redevelopment of the site is very much welcomed and will enhance the setting of the site. As such, requirement g) i. is met. There is to be no extension to the building and therefore point g) ii. can be discounted.
- 5.5 The above assessment demonstrates that on balance the proposal complies with the requirements of local policy relating to the conversion of rural buildings. On that basis, policy S5 is considered to support the principle of this development.

Design

- 5.6 Policy E1 of the Local Plan relates to the design of development. This requires 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. It then goes on to list a number of design principles which help to achieve this overarching aim. Particularly relevant in this case is the requirement to respond positively to a site's context and drawing inspiration from the key characteristics of its surroundings.
- 5.7 The initial proposal caused concern regarding the overtly domestic appearance of the proposed dwelling, which given the location was considered to be inappropriate. The alterations by way of the simplification of the external appearance in terms of the materials, addressed this issue. The

use of Yorkshire timber boarding throughout the elevations of the building will give the appearance of a rural barn-like building that is much more in keeping with the rural surroundings. It will represent a significant improvement on what is presently there and that is certainly welcomed. It is considered that the design of the conversion constitutes a high quality development and therefore complies with policy E1.

Landscape Impact & Impact on the Countryside

- 5.8 Policy E7 seeks to protect the District's landscapes and requires, amongst other things, development to take into consideration the degree of openness and special characteristics of Hambleton's landscapes. Also relevant in this respect is policy S5 which requires development to recognise the intrinsic beauty, character and distinctiveness of the countryside as an asset. Furthermore, it specifically states that development will only be supported when it would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.9 A professionally prepared Landscape Visual Impact Assessment was submitted to accompany the amended plans. This demonstrates that views of the building are fairly readily available from several adjacent vantage points and the current state of the building is harming the character and appearance of the landscape in the locality. Furthermore, the LVIA informed a new landscape plan which includes a more substantial hedgerow defining the boundary of the site which will include intermittent tree planting.
- 5.10 It is noted that in previous appeal decisions, the Inspectors have taken the view that the conversion of this building would lead to an unacceptable level of domestication of the site and thus be a harmful incursion into the open countryside. Officers were conscious of this previous ruling and initially expressed the concern with the initial proposal that this would have led to the same level of harm. The amended design to some extent addresses this concern, and the improved landscape plan will soften the visual impact of the building, ensuring that the site does not appear overtly domestic but rather a suitable edge of settlement building. This coupled with the improvement to the appearance of the building that will result from its conversion means that on the whole the development is considered to have a positive landscape impact.
- 5.11 To fully ensure that the concern of the domestication of the site is addressed, a condition withdrawing permitted development rights to prevent domestic outbuildings being constructed, as well as other extensions to the dwelling itself, is recommended.

Amenity

- 5.12 Policy E2 of the Local Plan requires 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.
- 5.13 In this instance the site is somewhat detached from the closest dwelling due to a paddock area between it and the nearest neighbour. As a result, the development is considered to have no significant impact on the amenity of

neighbours. Furthermore, the design of the dwelling and the wider site ensures that future occupiers of the development will have ample amenity space. The proposal complies with policy E2.

Highway Safety

- 5.14 It is important to ensure that all development is served by a suitable access that will not compromise highway safety. To assist in this, the Local Highway Authority were consulted. They acknowledge that the visibility is not up to standard at the access onto Cooper Lane and this is noted. However, given the low vehicle speeds on Cooper Lane this development is considered not to compromise highway safety. Indeed, it is important to note that at the moment the access could serve a smallholding with the larger vehicles this would require using the same access. The development will likely prevent this from happening moving forward. On this basis, the proposal is considered acceptable on highway safety grounds.

Nutrient Neutrality

- 5.15 On 16th March 2022 Natural England identified that The Teesmouth and Cleveland Coast Special Protection Area is being adversely affected by nutrient pollution. An immediate requirement is not to issue any further planning approvals that would increase the discharge of nutrients into the River Tees catchment. This site falls within said catchment. Since this first announcement, Natural England have created a 'nitrogen calculator' that allows one to compare the nitrogen output from a proposed development relative to the existing use.
- 5.16 In this case, the building in question has a lawful fallback position of being an agricultural building that could reasonably be brought back into use as part of the smallholding and for example be used for poultry, which has a relatively high nitrate output. On this basis, the agent has provided a completed nitrogen calculator which demonstrates that should the 0.12ha site be brought back into use in this way, as it lawfully could, the proposed conversion to a dwelling will actually lead to a net decrease in the nitrogen output - therefore it would be 'nutrient neutral'. On this basis, Officers are content that there will be no detrimental impact on the SPA and this application can be determined.

Biodiversity & Impact on Protected Species

- 5.17 Policy E3 of the Local Plan now requires all development to lead to a net gain in biodiversity. Furthermore, the impact of development on protected species is also a material planning consideration.
- 5.18 Initially no Ecology Survey was submitted as part of this application. The issue of the potential impact on bats was put to the agent who has clarified that an initial scoping survey of the site was carried out which concluded that due to the construction of the building, any bat roosts would be clearly evident and there were none observed. Furthermore, there were no bat droppings or other signs of bats present. On this basis a full Bat Survey was felt unnecessary. Officer's note this and would agree that on this basis, the likelihood of bats being present is low. However, a Bat Survey confirming this was requested and is to be submitted but at the time of writing had not been received. Notwithstanding, based on the evidence before Officer's at present, it is

considered that the risk is low and therefore this has not been a reason to recommend refusal.

- 5.19 A proposed landscaping plan has been submitted, although there has been no information provided insofar as biodiversity baseline calculations. Nevertheless, Officers are content that given the low biodiversity value of the current site that a net gain will be possible through the landscaping plan and subsequent management of this. Therefore, a condition requiring this to be confirmed is considered to be adequate to cover this issue and thus the proposal complies with policy E3.

Planning Balance

- 5.20 The proposed conversion in this instance is considered to comply with all the relevant requirements of policy S5 and therefore on balance the principle of development is supported by local policy. The present building is in a state of dilapidation that has led to it becoming an eye sore that is not viewed favourably by much of the local community - as demonstrated by the letters of support. Due to it being readily visible the existing building is considered to have a detrimental landscape impact and resultant impact on the setting of the settlement. Its conversion to a suitably designed dwelling that takes into account the rural context will rectify this and ensures compliance with policies E1, S5 and E7. On that basis, approval is recommended.

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 RH/002 Rev A and 2216.01 received by Hambleton District Council on 22.06.2022 & 24.08.2022 unless otherwise approved in writing by the Local Planning Authority.
3. Prior to the clearance of the site, a management plan outlining how a net gain for biodiversity can be achieved through the implementation of the landscape scheme shall be submitted to the Local Planning Authority. This shall then be implemented fully.
4. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved

plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: - The parking of contractors' site operatives and visitor's vehicles clear of the highway; - Areas for storage of plant and materials used in constructing the development clear of the highway; and - Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

7. 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.

8. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 24.08.2022 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

9. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building, nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

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. To ensure the scheme leads to a biodiversity net gain, as per the requirements of policy E3.
4. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
5. In the interest of public safety and amenity.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. 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.
8. In order to help assimilate the development within the rural landscape.
9. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.

Parish: Linton on Ouse
Ward: Easingwold
5

Committee date: 29 September 2022
Officer dealing: Naomi Waddington
Target date: 11 February 2022
Extension of time 27 October 2022

21/02482/FUL

Construction of 19 dwellings and associated highway works (amended details received 22.08.22 and 23.08.22)

At: Land to the rear of The Manor House, Main Street, Linton On Ouse
For: Mulberry Homes Yorkshire

1.0 Update

- 1.1 This application was considered by Members in August 2022 and was deferred as recommended with additional concerns raised by Members.
- 1.2 The report at paragraph 5.44 advised further information was required to demonstrate the following:-
 - i) There is a need for affordable housing in this location.
 - ii) There is no demand for 1 bedroomed affordable homes contrary to the previous research findings such that the policy HG2 and the Councils housing mix requirement set out on the Housing SPD, that anticipate need for 1 bedroom homes is not required in this case; or receipt of satisfactory amended plans including one bedroomed dwellings
 - iii) Receipt of details of noise levels from the pumping station and confirmation from Environmental Health they are satisfied the pumping station will not result in noise issues that would result in a loss of amenity to neighbours, to comply with policy E1.
 - iv) Receipt of a satisfactory Biodiversity Metric test to demonstrate a net gain in both hedgerow and habitat units, to comply with policy E3
 - v) That the Flood Exceedance route draining onto MoD land has been notified to the landowner with certificate B being served.
- 1.3 Officers considered only if all of the above 5 matters could be addressed that the benefit of additional affordable housing that meets local housing needs could outweigh the harm caused by the loss of the important trees on the site frontage and outweigh the conflict with policy E7. Members were updated at the August meeting that HDC's Housing Team confirmed they would be willing to support the scheme without a housing needs survey, subject to inclusion of one-bed units within the scheme, and that a Biodiversity Metric had been received shortly before the meeting and had not been reviewed.
- 1.4 The Committee requested further information to be provided in respect of the matters outlined in original paragraph 5.44 of the officer's report and additional information to be provided on

- a) the affordable housing tenure (social rent),
 - b) the removal of a horse chestnut tree,
 - c) an assessment of housing need,
 - d) details on boundary treatment and
 - e) a density report on the siting of the proposed dwellings.
- 1.5 Following the August Committee meeting a Tree Preservation Order has been served on the Horse Chestnut tree on the western boundary of the field forming part of the application site.
- 1.6 Additional information has been received and a 10 day re-consultation with consultees and neighbours has been undertaken (see updated section 5 below). The additional information received includes the following: -
- i) Revised site plan showing the retention of the Horse Chestnut tree on the western boundary and increase in proposed dwellings from 17 in the original proposal to 19 including 4 x 1 bedroomed units. See updated paragraphs 2.4, 6.15, 6.16, 6.21.6.26 and 6.40 below
 - ii) Details of noise readings from noise monitoring surveys based upon 2 development sites where a similar pump has been installed. See updated paragraph 6.31 below
 - iii) Details of the existing flood flows onto adjacent MOD land, See updated paragraph 6.49 below
 - iv) The revised site layout and boundary treatment details attached show a 450mm high Knee Rail to give additional protection against the perceived risk of vehicles crashing through the new fence. See updated paragraph 6.32 below
 - v) The Local Planning Authority has commissioned a review of the submitted Biodiversity Metric test. See updated paragraph 6.41 below

2.0 Site, context and proposal

- 2.1 The application site comprises existing domestic land located to the west of The Manor House, identified as Manor Farm on the OS map, along with two fields to the rear (north) of The Manor House, extending east to the rear of Manor Farm Cottage. The whole site is bound by the garden of dwellings located on Half Moon Street to the west enclosed by fences. The two fields are subdivided by a fence and together are bound by tall trees to the northern boundary with land and buildings forming part of the RAF Military base beyond. The eastern boundary abuts domestic land and is marked by a hedge, the southern boundary of the field also abuts domestic land and is marked by a wall, hedge and fence. There is a range of domestic and non-domestic outbuildings to the north-west of the Manor House. The Manor House is bound by a brick boundary wall adjacent to the highway has two vehicular access points, one to south-east and one to the south-west. Adjacent to the south-western access within the driveway is a Giant Sequoia tree which is protected by Tree Preservation Order 07/2007. Further west in the adjacent garden a group of trees are protected by Tree Preservation

Order 01/1989. There is a Horse Chestnut tree to the western boundary of the field which has recently been protected by virtue of Tree Preservation Order 12/2022, and three trees are located in the highway verge adjacent to the boundary wall. West of the south-western vehicular access is a bus stop and bus shelter.

- 2.2 Full planning permission is sought for the construction of 19 dwellings in a cul-de-sac. The dwellings would share a single vehicular access point, namely the existing access to the south-west of the Manor House. The protected Giant Sequoia tree along with the tree on the western boundary of the field and one tree in the highway verge are proposed to be felled. Some of the domestic and non-domestic outbuildings to the north-west of Manor House would be removed. The scheme includes an underground pumping station, and public open space with underground attenuation crates below
- 2.3 Documents submitted with the application include Planning Statement, Design and Access Statement, Ecological Appraisal, Arboricultural Assessment, Phase 2 Site Investigation, Flood Risk Assessment, Sustainable Drainage scheme Management Plan, Drainage Philosophy, and Biodiversity Net Gain Report

September Update

- 2.4 The revised scheme proposes 5 open market bungalows comprising 2 x 2 bed and 3 x 3 bed (plots 1, 2, 5, 6 and 14), and 14 affordable homes comprising 4 x 1 bed affordable rent flats (plots 12, 13, 18 and 19), 6 x 2 bed affordable rent houses (plots 4, 9, 10, 15, 16 and 17), 3 x 3 bed shared ownership houses (plots 3, 8 and 11), and 1 x 3 bed discount sale houses (plot 7). Each open market dwelling has a single garage and at least 2 parking spaces, the other dwellings have access to 2 parking spaces, excepting the 4x1 bed units which each have 1 parking space. This is shown in the table below.

No. of Beds	No. of Units	Tenure	No. of Storeys	Plot No.
1	4	Affordable Rent	Ground and first floor flats	12,13,18,19
2	6	Affordable Rent	House	4,9,10,15,16,17
2	2	Sale	Bungalow	5,6
3	3	Sale	Bungalow	1,2,14
	3	Shared Ownership	House	3,8,11
3	1	Discount sale	House	7

3.0 Relevant planning and enforcement history

- 3.1 07/00988/FUL Construction of a dwelling and creation of a new vehicular access as amended by plans as received by Hambleton District Council on 24 April 2007 Refused 18.05.2007 for the following reasons-

"The proposed development is contrary to Policies H8 and BD5 of Hambleton District Wide Local Plan and Core Strategy Policies CP4, CP16 and CP17 as

it would result in the loss of an important open space and a detrimental visual impact upon the character of the area.”

- 3.2 The proposed development would result in the loss of trees on the site and have an unacceptable impact upon trees adjacent to the site which are the subject of a Tree Preservation Order contrary to Policy L13 of Hambleton District Wide Local Plan and Core Strategy CP16.
- 3.3 The Local Planning Authority considers that clear visibility of 70 metres cannot be achieved along the public highway in both easterly and westerly directions from a point 2 metres from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

4.0 Relevant planning policies

- 4.1 The relevant policies are:

National Planning Policy Framework (NPPF)
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 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 E5: Development Affecting Heritage Assets
Local Plan Policy E7 - Hambleton's Landscapes
Local Plan Policy IC1 – Infrastructure Delivery
Local Plan Policy IC2 - Transport and Accessibility
Local Plan Policy IC3: Open Space, Sport and Recreation
Local Plan Policy RM1 - Water Quality and Supply
Local Plan Policy RM2 - Flood Risk
Local Plan Policy RM3 - Surface Water and Drainage Management
Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

5.0 Consultations

i) Original consultation:-

- 5.1 Parish Council – Comments summarised as follows:-

-Bus stop located at the entrance. What do the developers intend to do regarding the bus stop?:
-Contaminated land report inconclusive. No permission should be granted until conclusive information regarding this contamination is obtained.

- 5.2 Highway Authority – Comment some concern has been raised about the proximity of the proposed site entrance to the existing bus stop and the impact of a stationary bus on driver visibility. This would only be a temporary situation and not considered to be a significant impediment to highway safety. It is expected that when a bus is at the stop, a driver emerging from the development site would either move out carefully until they can see oncoming traffic or wait until such time that the bus moves away. Conditions are recommended in relation to the submission of details plans of the road and footway, construction of adoptable roads and footways, visibility splays, parking for dwellings and the submission of a construction phase management plan.
- 5.3 Yorkshire Water – recommend conditions requiring separate systems of drainage for foul and surface water, and submission details to show evidence other means of surface water drainage have been properly considered and why they have been discounted, and the means of discharging to the public sewer network at a pumped rate of discharge not to exceed 5 litres per second.
- 5.4 Environmental Health (contaminated land) - Have assessed the Phase 2 Site Investigation report which identifies potentially harmful contamination in one area of the site and recommends a remediation strategy to address these issues. Therefore, the applicant is required to submit a comprehensive remediation strategy for this site. Conditions are recommended in relation to Submission of a Remediation Scheme, Verification of Remedial Works and Reporting of Unexpected Contamination.
- 5.5 NYCC Heritage Services – No objection
- 5.6 North Yorkshire Police Designing Out Crime - Comment in general, the overall design & layout of the proposed development is appropriate, comments made in relation to the management of the public open space, removal of ambiguous spaces, demarcation of private spaces, and addition of side windows to overlook parking spaces.
- 5.7 HDC Housing Manager - Comment the affordable homes are welcomed to meet a demand in the area, the developer will be required to transfer the affordable homes to a Registered Provider at the Council's agreed Transfer Price, the scheme in line policy compliance is proposing 70.5% affordable, which exceeds the requirement of 30%.
- 5.8 Environmental Health – Request information regarding the pumping station including details of motors, and levels of noise
- 5.9 RAF Linton on Ouse - No response received (expired 03.12.21)
- 5 10 Environment Agency - No response received (expired 03.12.21)

ii) Re-consultation with Parish Council and Housing Manager following receipt of Affordable Housing Statement:-
- 5.11 Parish Council – response awaited

- 5.12 HDC Housing Manager – Comment the submitted Affordable Housing Statement relies on generic information for the whole District rather than a specific demonstrable need in the location, and would like to see a localised need demonstrated in a parish housing needs survey, particularly regarding the size and tenure that was required for the area. Information provided from the Home Choice register advises there are 230 applicants who would consider Easingwold and surrounding villages:-

Aged 17 - 49 years = 142 households

1 bed need = 70

2 bed need = 43

3 bed need = 23

4 / 5 bed need = 6

Adaptations required:

Level access shower / wet room = 1

Wheelchair adapted = 0

Level access / ramped = 0

Aged 50 & over = 88 households

1 bed need = 67

2 bed need = 12

3 bed need = 7

4 bed need = 2

Adaptations required:

Level access shower / wet room = 16

Wheelchair adapted = 4

iii) Re-consultation following receipt of additional drainage information to address Yorkshire Water and Environmental Health comments:-

- 5.13 Yorkshire Water – recommend condition requiring the development be carried out in accordance with the details shown on the submitted plan, "Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 "
- 5.14 Highway Authority - No response received (expired 17.06.2021)
- 5.15 Environment Agency - No response received (expired 17.06.2021)
- 5.16 Environmental Health – Comments as follows:-

I have looked at the various documents and the email trails and have the following observations/comments which outlines our concerns. :We asked for noise data for the pumping station. Apart from a level of 80 dB 1 m from the source (i.e. the pump) quoted in one of the documents there isn't any information relating to external noise levels when the plant is in operation. Given the relatively close proximity of the nearest properties and the low background noise levels in Linton on Ouse, it is reasonable to request for further information to rule out any potential nuisance to residents. In Hambleton we have had a number of complaints relating to pumping stations in the last 18 months, complaints have included vibration and low pitch noise issues. Given the above, we still need assurance that the pumping station once installed and operating will not affect the amenity of future residents. To

date the relevant information/data has not been provided and I'm not in a position to make an informed response

iv) Re-consultation following amended plans received on 22 and 23 August 2022.

- 5.17 Parish Council – No further response received (expired 09.09.22)
- 5.18 Highway Authority – No further response received (expired 09.09.22)
- 5.19 Yorkshire Water – No further response received (expired 09.09.22)
- 5.20 Environmental Health (contaminated land) - No further response received (expired 09.09.22)
- 5.21 NYCC Heritage Services – No further response received (expired 09.09.22)
- 5.22 North Yorkshire Police Designing Out Crime - Suggest that the applicant give consideration to redesigning the internal layout of Plot 19, so that the parking for this flat is capable of being overlooked from a normally habited room. Refer the Authority to comments made in my previous report to cover any aspect of the development that is not subject to the amendments
- 5.23 HDC Housing Manager – Comment The addition a further 2 x 1 bed homes bringing the total to 4 x 1 bed homes is well received given the unprecedented demand for this type of accommodation as clearly evidenced on the housing register. We would however have also welcomed these homes being delivered for social rent as opposed to affordable rent.
- 5.24 Environmental Health – Comments summarised as follows:-
 - Understand that the proposed pumping station will be 'Type 3'.
 - Guidance for 'Type 3' recommends that from the 'edge of the wet well' from habitable dwellings should be 15m.
 - Location of the pumping station has changed
 - Recommend information is supplied to clearly indicate that at least the minimum distance is achieved.
 - The two submitted noise monitoring surveys undertaken by Advantage Pumping Solutions relate to sites in Middlesbrough and Redcar
 - These are not relevant in assessing this site as the background levels in this village location
 - Require information showing the actual noise impact from this type of pumping station when located at this specific location before commenting further on this application
- 5.25 RAF Linton on Ouse - No safeguarding objections
- 5.26 Environment Agency - No response received (expired 09.09.22)
- 5.27 Site notice posted and expired 17.12.2021
- 5.28 Press advertisement Easingwold Advertiser expired 04.01.22

5.29 Public comments - site notice displayed, press advert and neighbours consulted. 2 representations have been received making comments, along with 27 representations from 16 addresses, summarised as follows:-

- i) Neither support or object
 - Sewer capacity, age and condition
 - Sewer blockages on Main Street
 - 80% of housing stock at RAF Linton on Ouse is currently unoccupied, if occupied further strain on sewers
 - Previous village map advised this land could not be built on, why haven't we been informed of change?
- ii) Objection
 - Flood exceedance Flow Route - Has permission being sought for Flood water to flow onto MOD?
 - Flooding occurs in both fields after heavy rainfall. Raised land would increase flood risk to our home
 - Main sewer is a huge problem, often faulty sewerage system, sewers at capacity, frequent blockages
 - Underground springs and former pond
 - Question purpose of pumping station and attenuation crates?
 - Surface water to be discharged to a ditch will flood fields
 - Submission states finished floor level will be set above surroundings levels how will this affect the surrounding properties?
 - pumping station will be sited near a natural spring/pond
 - Noise levels from pumping station
 - Loss of trees, ancient woodland and rookery
 - Harm to landscape
 - What is the point of TPOs if they can be cut down for a small development not essential for housing requirements, just financial gain?
 - East elevation of properties on Half Moon Street is their front not rear
 - Noise pollution, disturbance, damage to surrounding properties
 - Access next to bus stop and streetlight. Bus regularly waits for a long time.
 - No employment in Linton, cars will be used to travel to employment
 - Poor bus service No 29 to York, no transport available to nearest Doctors, Dentist or major supermarkets
 - Poor visibility at access
 - 159 vacant properties in village which may soon be on sale. More than sufficient supply of homes
 - Houses not required until there is a clear indication what the MOD will do with the present housing stock.
 - The village needs affordable housing, existing housing stock should be used, not a greenfield site
 - Some MOD homes are currently for sale that would contribute to affordable housing
 - No valid reason for further 17 houses with impending release of MOD stock
 - Access too close to Half Moon Street

- Loss of privacy
- Light pollution
- Street lights and car headlights will disturb sleep
- Possible damage to previously collapsed bridge by construction traffic between Linton-on-Ouse and Newton-on-Ouse
- Potential harmful land contamination
- Manor House is a prominent attribute, harm to its appearance
- Loss of habitats
- Fences restrict hedgehog movement
- New owners will wish to remove trees to north boundary as too close, these trees absorb water. Will a TPO be imposed?
- Previous refusal for a house on grounds of loss of trees
- Existing boundary treatment between Half Moon Street and site is chain link fencing. No information about additional fencing
- RAF base closing. Linton is no longer a service village
- No benefit to village
- full consultation meeting should be held with the residents to provide clarity and justification
- Has a bat survey been carried out?
- Residents on other side of Half Moon Street have not been consulted
- No commitment to green issues, solar panels, heat pumps, EV chargers
- Developers may need entry to my garden, which may not be permitted
- Development too dense affecting feel of neighbourhood
- Disruption to ancient watering hole
- - Presence of bats
- - Currently 50 houses for sale, a further 103 existing homes on Linton Place (20), Maple Grove (20), White Rose Close, (30) The Paddock (20) and The Green (13)
- - If affordable housing is needed Broadacres should buy some of the houses for sale in Linton Meadows to rent out
- -Utilising existing homes for sale more cost effective than building new houses
- -Disappointed at the lack of notice for this meeting
- -Timing of committee meeting unhelpful for residents who are on holiday or working
- Considering HDC's action on proposed Asylum Centre, consideration should be given to residents' concerns
- Unnecessary development crammed in an open space
- Proposal should delayed until after Local Government Reorganisation
- -Hambleton is ahead of its 5-year plan
- Request 6ft wall along boundary with dwellings on Half Moon Street. A 1.8m timber fence inappropriate, not long term or viable
- -Above boundary wall safer for children playing in garden, prevents vehicles ploughing through
- Who will be responsible to replace the fence?
- -No consideration afforded to residents of Half Moon Street
- -Tough battle to have voices heard, we are the people living in a street which the Developer states "offers nothing the village of Linton-on-Ouse"

Following the reconsultation in August 2022 expiring 09.09.22, four further representations have been received from authors who have already contributed. New issues summarised as follows:-

- Hypocritical of HDC to give permission for the removal of trees 1 & 5 as they have refused permission for the removal of a tree with an existing TPO the opposite end of the village
- Two storey flats invade the privacy of dwellings on Half Moon Street
- Cars squeezed in
- ex-MOD properties on Rightmove have been reduced in price suggesting Linton doesn't need more houses
- Former plot 12 was a bungalow now changed to two storey flats plots 12/13-, and affects privacy
- Effects on tree roots in private gardens
- Linton has a relatively new Housing Association development at the end of Linton Meadows, and partial release MOD stock on Linton Meadows which are affordable homes.
- Is affordable housing required in Linton?
- Linton is well served with affordable housing stock
- Linton has reached saturation point
- Smaller development would be more appropriate
- Harm caused by road to tree 13, heavy vehicles and tarmac would prevent water reaching roots
- Loss of tree nesting sites in cutting back the trees in tree line 1
- Pumping station noise details do not relate to this site
- Pumping station details say noise indistinguishable from any background noise
- We don't have any background noise except birds and bats
- None of our objections have been carefully looked at or investigated
- Money gaining exercise with no regard to safety, flooding, wildlife, trees, noise, damage to existing properties, over used sewage systems, bus stop, access and more...

6.0 Analysis

- 6.1 The main issues to consider are i) Principle, ii) Affordable housing, iii) Housing mix iv) Highway issues, v) Layout and design, vi) Amenity, vii) Biodiversity, landscape and ecology, viii) Flood risk and drainage, ix) Contaminated land, x) Impact on heritage assets, xi) Public open space

i) The principle of development

- 6.2 The purpose of Local Plan 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

- 6.3 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

- 6.4 Policy S3 sets out the settlement hierarchy. Linton on Ouse is identified as a Service Village within the Easingwold sub area. Service villages are expected to see development. This is because they have been identified as having better access to services and the settlement character would be able to accommodate new development. The justification to the policy states at paragraph 3.39 'Delivery of more affordable housing in rural areas is a Council priority. Further development will be supported on sites that come forward during the plan period, known as 'windfall sites'.
- 6.5 Policy S5 relates to development in the countryside and sets out what constitutes the built form of a settlement. Land outside the built form is defined as countryside. The application site is surrounded by built form and gardens relating to built form to all sides. The site is considered to be within the built form of the settlement.
- 6.6 Local Plan policy HG5 provides support for windfall housing development. HG5 states a proposal for housing development within the main built form of a defined settlement will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development, subject to provisions within the policy criteria c-e
- 6.7 Criterion c) requires that the proposal is considered to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that a scheme of 17 dwellings is at the upper end of what may be considered incremental growth in the settlement of the size of Linton on Ouse.
- 6.8 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The site is enclosed by neighbouring development and gardens on all sides. The proposal is not considered to result in the loss of important open space.
- 6.9 Criterion 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. The location of the site is enclosed and has an association with the surrounding built form and avoids detrimental impact to the character and appearance of the village or countryside. There would, however, be a significant change to the character of the locality and streetscene caused by removal of the two mature trees at the site entrance.
- ii) Affordable housing
- 6.10 Policy HG3 requires development for new market housing, to provide 30% affordable housing including a mix of tenures, subject to identified need, consisting of one third each of i) affordable rented ii). social rented; and iii). intermediate dwellings (shared ownership) or other types of affordable home

ownership and for the affordable homes to be dispersed in small clusters across development sites; be externally indistinguishable in terms of design and materials from any market housing on the site; and be transferred at transfer prices set out in Supplementary planning documents.

- 6.11 The submitted proposal exceeds the level of affordable housing required, providing 12 of the 17 units as affordable housing equating to 70.5%. The proposed tenure mix provides 50% affordable rent (6 units), 33% shared ownership (4 units) and 25% discounted sale. (3 units). Whilst this tenure mix differs from the policy the agent has commented that as the policy requires only 30% affordable housing the proposal exceeds the specified tenure mix required for that 30%. The affordable units are dispersed throughout the site. The 5 open market houses are all detached bungalows, whilst all of the affordable units are semi-detached houses/flats. Whilst the affordable semi-detached homes are well designed, their appearance does differ from the open market bungalows
- 6.12 The applicant has submitted an affordable housing statement advising the applicant, Mulberry Homes Yorkshire is the development arm of Broadacres Housing Association, a leading provider of affordable housing in Hambleton. Paragraphs 5.13 and 5.14 read:

‘Information from North Yorkshire Home Choice shows that of the 1,111 households on the Hambleton Housing Register in May 2022, 266 applicants seek a home in the Easingwold and Easingwold rural area within which Linton on Ouse lies. This is equivalent to almost one quarter of the Housing Register. Of these households, some 156 applicants have an assessed need for a one bedroom dwelling; 65 applicants for a two bedroom dwelling; 35 applicants for a three bedroom dwelling; 9 applicants for a four bedroom dwelling, and 1 applicant for a five bedroom dwelling’.

The submitted affordable housing statement also makes extensive reference to two recently allowed appeal decisions (both 2021) for affordable housing at Saxty Way Sowerby and Back Lane Sowerby where the issue of affordable housing need was discussed.

- 6.13 The Council's Rural Housing Enabler has commented the affordable housing statement is too generic, does not identify a specific demonstrable need in the location, and would like to see the local need demonstrated in a parish housing needs survey. A local needs survey should be undertaken so that the proposed dwellings match the local needs.
- 6.14 It is understood a housing needs survey is underway which can take 3 – 4 months to complete, however the applicant has advised that Broadacres have their own information regarding housing need and their own system to allocate dwellings based upon need. The agent is to supply additional information prior to the August Committee meeting to demonstrate there is a need for 12 affordable housing units in this location.

September Update

- 6.15 HDC Housing have confirmed there is no requirement for a housing needs survey to be undertaken as they already have evidence of the housing need in this location. The revised scheme shows of the 14 of the 19 dwellings are affordable units representing 73.7%. In terms of tenure the revised scheme shows of the 14 affordable units 10 are affordable rent, 3 are shared ownership and 1 is discounted sale. The submitted tenure mix of affordable homes still does not comply with policy HG3 requiring one third each of i. affordable rented; ii. social rented; and iii. intermediate dwellings (shared ownership) or other types of affordable home ownership. No social rent homes are proposed Further details are awaited from the agent on this matter

iii) Housing mix

- 6.16 Policy HG2 requires all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure, and supports development where a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing; and all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.
- 6.17 A new Housing Supplementary Planning Document (SPD) has been adopted by Council in July 2022.

Market Housing

- 6.18 For market housing the SPD requires a target range of
5-10% 1 bedroomed homes,
40-45% 2 bedroom homes,
40- 45% 3 bedroom homes and
0-10% 4+ bedroomed homes.
The SPD states at paragraph 3.7 the Council is keen for developers to include 2 bedroomed bungalows in their schemes. and at paragraph 3.9 the target mix for market housing reflects the Council's objective of increasing the number of two and three bedroom homes.
The scheme proposes
2 x 2 bed and
3 x 3 bed market homes
This equates to 40% two bedroomed and 60% three bedroomed. All 5 of the market homes are bungalows. This is considered to broadly accord with the SPD

Affordable Housing

- 6.19 The target mix for affordable housing the SPD is
20-25% 1 bedroomed homes
50-60% 2 bedroom homes,
10-20% 3 bedroom homes and

0-5% 4+ bedroomed homes
The SPD states at paragraph 3.10

‘The mix for affordable housing is weighted towards one and two-bedroom houses reflecting the demand for, and turnover of, one-bedroom homes in this sector and statutory homeless responsibilities of local authorities. However, it is recognised that the need for affordable housing of different sizes will vary by area at a more localised level and over time. In considering the mix of homes to be provided within specific developments, therefore, the mix range should be taken into consideration alongside details of households currently on the Home Choices Housing Register in the local area and the stock and turnover of existing properties’.

The proposed mix of the affordable homes is
7 x 2 bed and
5 x 3 bed,

This equates to 58% two bedroomed and 41% three bedroomed All are two storey houses except 1 x 3 bed bungalow. None of the required 20-25% 1 bedroomed homes are provided.

The agent has indicated verbally there is no evidence of demand for 1 bedroomed houses, particularly post covid when more people are home working, and will supply evidence to support this. This would however appear to contradict the information on Home Choice register, the submitted Affordable Housing Statement refers to the highest proportion of applicants, 156 having an assessed need for a 1 bedroomed property, and the comments received from the Rural Enabling Officer refer to 137 applicants, again the highest proportion requiring a 1 bedroom property. Providing the evidence to be received does support a lack of need for 1 bedroom homes, then the proposal could comply with the policy.

- 6.20 At the close of the report writing period the agent has advised Broadacres has been in discussions with the Councils housing team about the proposed mix and commented the Rural Housing Enabler has offered support to the scheme if it includes some 1 bedroomed dwellings, and that a housing needs assessment won't be necessary. Amended plans are awaited and a further consultation will be undertaken with the Rural Housing Enabler upon receipt and may require wider consultation.

September Update

- 6.21 The revised scheme shows the proposed mix of affordable homes is
4 x 1 bed
6 x 2 bed
4 x 3 bed

This equates to 28.6% one bedroomed homes 42.8% two bedroomed and 28.6% three bedroomed. All are two storey houses except the four flats comprising two at ground level and two at first floor level. This is considered to broadly accord with the Housing SPD.

iv) Highway issues

- 6.22 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 6.23 An existing vehicular access point from the highway is to be widened and used to serve the dwellings. Occupants of The Manor House will retain use of the separate existing vehicular access to the south-east. Parking for the proposed dwellings is provided within the site. The Local Highway have no objections and recommend conditions. Third party representations have commented that buses parked at the bus stop would block visibility. The highway authority have acknowledged this and comment it would only be a temporary situation and not considered to be a significant impediment to highway safety. It is expected that when a bus is at the stop, a driver emerging from the development site would either move out carefully until they can see oncoming traffic or wait until such time that the bus moves away.
- 6.24 Paragraph 111 of the NPPF states development should, only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe. The Highway Authority do not consider there to be an unacceptable impact on highway safety, and neither are the cumulative impacts considered to be severe. Highway safety, access and parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan policy IC2.

v) Layout and design

- 6.25 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. The proposal is a cul-de-sac development which is characteristic of the locality. The village has several cul-de-sac developments extending off both sides of the Main Street. The dwellings are considered to be well designed, and are proposed to comprise a mixture of materials including brick, white render, pantile and concrete slate tile. These materials are used in the locality. Amended plans incorporate some design amendments suggested by the Designing Out Crime officer. A footpath extends from the Main Street into the site. The applicant has been requested to consider a link from the head of the cul-de-sac to the public open space located near the site entrance. The agent has commented the footway runs the entire length of the access road, and the site isn't huge so the public open space is easily accessible to every house. The proposed development will be in accordance with Local Plan Policy E1

September Update

- 6.26 A revised layout has been received showing the previous bungalow at plot 12 replaced with a two storey building for use as two flats, numbered units a12 and 13 and subsequent units renumbered accordingly. The plan shows the retention of the Horse Chestnut tree on the west boundary, and swaps the locations of public open space with underground attenuation crates and the pumping station.

vi) Amenity

- 6.27 Policy E2 states that all development proposals must protect amenity, particularly privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed access and dwellings are an acceptable distance from the facing elevation of the dwellings on Half Moon Street, the closest dwelling, plot 1 on the application site is single storey, and has a bathroom window and partially glazed utility door facing towards numbers 79 and 80 Half Moon Street. There is a front to side separation distance between the proposed bungalow and the two storey elements approximately 13m from No 79 of and 15m from No 80. No 79 has a single storey conservatory facing the site extending to approximately 4.5m of the joint boundary, the conservatory faces towards the recessed area of plot 1 with a separation distance of approximately 13.1m. The scheme proposes to replace the existing mesh fence between the gardens of Half Moon Street and the site with a 1.8m fence. The proposed dwellings are an acceptable distance from the rear of dwellings on Main Street, again the closest proposed dwellings are bungalows, plot 13 has a bathroom window and partially glazed utility door, and plot 12 has a blank gable facing this southern boundary, and a new 1.8m high fence is proposed along this boundary.
- 6.28 Additional information has been received from the agent regarding any noise from the pumping station, advising the 15m distance from habitable dwellings accords with Yorkshire Water/sewerage sector guidance standards. Environmental Health have assessed the details and are unable to make an informed response until the relevant information and data has been provided. This has again been requested from the agent. Subject to the receipt of noise levels from the pumping station and a satisfactory response from Environmental Health, the proposal is not considered to result in a loss of amenity to neighbours due to noise, overlooking, overbearing or overshadowing impacts.
- 6.29 It is also necessary to consider amenity levels to be afforded to future occupants of the proposed dwellings. The internal space and layout of each dwelling complies with the National Described Space Standards. The dwellings have been re-sited very slightly to provide larger rear gardens to plots 7-17, these now range from 8.8 to 10m. This re-siting has reduced the front to front distance between plots 7-11 and 14-17 to approximately 19.5m and between plots 12 and 13 to approximately 18m although the latter are separated by hedges. These separation distances are relatively tight but acceptable in this instance. Following amendments to accord with the Designing Out Crime comments plots 5 and 6 have facing ground floor bedroom secondary windows with approximately 5.5m separation distance. The agent has commented the windows are very small and off-set from each other, intervisibility would be very limited and most likely broken by parked cars, and as secondary windows occupiers can fit privacy blinds if required. Whilst a landing is not a habitable room, facing landing windows between plots 9 and 10 are extremely close, with a separation distance of approximately 0.7m, similarly the gap between facing landing windows of plots 15 and 16 is only approximately 2m. The agent has advised obscured glazing could be fitted to these windows. Having regard to the above, and subject to no objections from Environmental Health regarding the pumping station, the

proposal is considered to afford an acceptable level of amenity future occupants.

September Update

- 6.30 The revised scheme shows a two storey 2 x flat building as units 12 and 13 replacing a previously proposed bungalow in this location. This two storey building is located approximately 4.5m from the northern boundary of the garden to Manor Court Cottage, and has a first floor window serving a landing. The increased height of this unit is not considered to have overbearing or overshadowing impacts upon the dwelling or garden of Manor Court Cottage. Whilst the proposed first floor window serves a landing which not a habitable room, given its proximity to the private garden of Manor Court Cottage a condition is recommended to ensure the window be fitted with obscure glazing.
- 6.31 Details of noise readings from noise monitoring surveys based upon 2 development sites where a similar pump has been installed have been provided. It is necessary to consider the noise implication of the pumping station upon both the existing dwellings and proposed new dwellings. The plan shows the closest new dwellings is located just 9.2m from the pumping station, and its garden immediately abuts the station. A consultation response has been received from Environmental Health who are not satisfied with the submitted noise readings which do not relate to this village location, and request further information.
- 6.32 Residents of Half Moon Street and Members wished to see additional stronger boundary treatment part of the western boundary to prevent vehicles crashing through the proposed 1.8m fence. The revised plan show a short section of 450mm high timber knee rail to give additional protection against the perceived risk of vehicles crashing through the new fence. The agent has been requested to extend this protection and to construct a wall along most of the extent of the boundary to provide noise attenuation as well as protection from vehicles.

vii) Biodiversity, landscape and ecology

- 6.33 Policy E3 The Natural Environment requires all proposals to demonstrate a net gain for biodiversity. Policy E7: Hambleton's Landscapes seeks to protect and enhance the distinctive landscapes of the district and states a proposal will be supported where it seeks to conserve and enhance any existing tree, hedge or woodland of value that would be affected by the proposed development. Should a development, including infrastructure provision, result in the loss, threat or damage to any tree, woodland or hedge of visual, heritage or nature conservation value this would only be acceptable where:
- g). a replanting scheme is agreed and this would include new native trees to form part of landscaping and improve tree canopy, the form of which will be determined by negotiation;
 - h). for larger developments it would include a sustainable tree management programme in order to ensure any new trees, hedgerows or woodland are established
 - i) any new species should provide local distinctiveness within the landscape, and support biodiversity;

- j). any tree planting is the appropriate type of tree for the location, including distance to buildings considering root spread; and
- k). any loss or deterioration of irreplaceable habitats such as ancient woodland and/or veteran trees is justified by wholly exceptional reasons and a suitable compensation strategy is agreed.

The justification advises at paragraph 6.73 'It is essential that the presence of existing trees be considered at an early stage in the development process and that where appropriate, provision is made for new tree planting. Whilst trees can be seen as a constraint, with sympathetic design they can enhance a development. Some specific trees or groups of trees are of particular value such that their removal would have a significant impact upon the local environment and its enjoyment by the public. Paragraph 131 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change and that existing trees should be retained wherever possible.'

- 6.34 The proposal involves the removal of 3 trees, one of which is protected by a Tree Preservation Order and the access road extends close to other TPO protected trees further west. The application is submitted with an Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.
- 6.35 Trees proposed for removal include those identified in the Arboricultural Survey as Trees 1, 5 and 13, along with hedgerow 3. Tree 1 is located outside of the site within the grass verge to the frontage, and is identified as a category B1 mature Sycamore, 10m high, with a life expectancy of 20+ years. Trees 5 and 13 are both category A1 trees. Tree 5 is located within the existing front garden to The Manor House, is a mature Wellingtonia, 28m high with a life expectancy of 40+ years. This tree was protected by a TPO following an earlier application in 2007 which involved removing the tree. Tree 13 is a mature Horse Chestnut located within the field close to the western boundary, 22m high with a life expectancy of 40+ years.
- 6.36 The submitted Impact Assessment comments the removal of tree 1 would have a moderate negative impact on the streetscene, removal of tree 5 would have a substantial arboricultural and visual impact, and removal of tree 13 would have high arboricultural impact. Hedgerow 3 is a small length of low quality Cypress hedging within the front garden. Its removal is not considered to have a harmful impact either visually or arboriculturally. The Method Statement recommends tree protection measures for retained trees. The loss of the three trees which all are considered to make a significant contribution the wider character of the locality is a matter of very great concern and is a material consideration of significant weight in the determination of this application. Overall the removal of the trees is contrary to the provisions of policy E7 as it fails to conserve existing trees of value.
- 6.37 A Biodiversity Metric test has been submitted to calculate the baseline value of the site (before development) and the post-development value in order to calculate the Total Net Unit Change. The metric shows a net gain in hedgerow units, but a loss in habitat units. The agent has been advised a loss of

habitats units cannot be offset by creating hedgerow units. These are treated separately in biodiversity metrics and it is necessary to achieve net gain in both measurements. The agent is currently addressing this issue and further information is expected prior to the Committee meeting

- 6.38 The application is submitted with an Ecological Appraisal. The appraisal finds the proposals will have no impacts on statutory or non-statutory nature conservation designations. Predominant habitat on-site was improved grassland low species diversity. The buildings to be demolished have negligible bat roosting value. Hedge 3 to be removed has little ecological value to wildlife except bird nesting. The three trees to be removed are unlikely to have any significant effect on the ecological value of the site. There is no evidence of badgers or roosting bats, the dominant habitat is to sub-optimal for Greater Crested Newt, the site has moderate suitability for nesting birds, is unsuitable for reptiles, has optimal commuting, sheltering and foraging habitat for hedgehogs. The site was considered to be of overall low ecological value. Mitigation measures are recommended: Heras fencing to protect root zones of trees to be retained; precautionary working in relation to hedgehogs; implementation of a sensitive lighting scheme; a series of bat and bird boxes incorporated into the new development; covering any excavations overnight; maintaining ecological connectivity post-development; installation of bat and bird boxes; and wildlife friendly soft landscaping.
- 6.39 The application is submitted with a landscaping scheme including the planting of 3 trees close to the site access and the adjacent TPO'd trees. In total 20 trees are proposed around the site, along with sections of hedge planting, shrubbery planting within the site, shade tolerant wildflower grassland beneath the tree canopy of the existing trees on the north boundary and meadow grassland to the public open space. The landscaping scheme is generally acceptable. New 1.8 and 1.9m high fencing is proposed to the west, east and part south boundaries of the site. No detail has been provided of the boundary treatment to the east of the driveway to separate the drive from The Manor House. The use of hedging would be a more appropriate treatment for some boundaries. A scheme of boundary treatments will be required by condition.

September Update

- 6.40 The revised scheme shows the retention of the Horse Chestnut tree close to the western boundary, recently protected by a TPO. A revised Arboricultural Impact Assessment advises the new access road is located in close proximity to Tree 13 and could cause damage to underlying root tissue. The encroachment within Tree 13's root protection area (RPA) has been limited to 10% of the trees overall recommended RPA. It is further noted that as the new dwelling is outside of the RPA and that to the west of the tree no constraints are experienced, the reduced RPA can be somewhat compensated for by offsetting in other directions. It is not expected that this encroachment will cause structural damage to the tree and that any lesser damage to underlying roots will be minor and therefore tolerable with regards overall root function. Proposed hedge and tree planting near the tree will not have a significant detrimental impact on the tree and as the trees are outside of the canopy cover no long-term suppression should be experienced.

- 6.41 A revised Biodiversity Metric test has been submitted which to show a net gain in habitat and hedgerow units. This is currently being reviewed and Members will be updated at the meeting.

viii) Flood risk and drainage

- 6.42 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. 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. Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner
- 6.43 The site lies within Flood Zone 1. The submitted Flood Risk Assessment advises the site is at low risk of flooding from tidal, fluvial, sewer, overland, groundwater and artificial sources post development. Impermeable areas will be positively drained via an infiltration drainage system. Finished floor levels are to be set above surrounding levels and surface water directed to on-site attenuation and pumped to an off-site Yorkshire Water surface water sewer at an agreed rate.
- 6.44 Yorkshire water have commented: The submitted 'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 is acceptable. In summary, the report states that a.) Foul water will discharge to public foul via pumping station at a pumped rate of 5 litres per second. b.) Sub-soil conditions do not support the use of soakaways c.) A watercourse exists is remote from the site d.) Surface water will discharge to public surface water sewer via storage and pumping station with a pumped rate of discharge of 5 litres per second
- 6.45 The proposal should not increase flood risk elsewhere off site as the discharge rate is restricted, impermeable areas will be positively drained, and the site allows extreme rainfall events to pass along the site perimeter that is away from residential property. There is a submitted Flood Exceedance Plan based upon a complete drainage system failure showing the flow path partially to the Main Street and mainly through the trees to RAF land beyond. The disposal of water onto land within the RAF Linton on Ouse site is a matter that will require resolution between the developer and the adjoining landowner. This has been queried with the agent and a response is awaited
- 6.46 Subject to conditions the proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied.

September Update

- 6.47 A Flood Routing Plan has been submitted showing the existing flow route which is currently into the RAF base to the north of the site. The agent has advised the 'proposed flow route from the development mimics this and existing flows will be alleviated through the developing of the site and the introduction of positive drainage infrastructure. The route of exceedance flows will therefore not be materially different, and are anticipated to be less as a result of new drainage works'. The existing route shows water from the whole

field exiting the site towards the north eastern corner and then heading north, the proposed flood exceedance flow plan shows water exiting on the northern boundary. The continuation of the existing pattern of overland flow is considered to be an appropriate response and meets the requirements of the Local Plan policy.

ix) Contaminated land.

- 6.48 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. The application is submitted with a Phase 2 Site Investigation report compiled by Solmek Ltd. The report identifies potentially harmful contamination in one area of the site and recommends a remediation strategy to address these issues. In light of this information, the applicant is required to submit a comprehensive remediation strategy for this site. Environmental Health (contaminated land) have been consulted. Conditions are recommended to require the applicant to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

x) Impact on heritage assets

- 6.49 Local Plan policy E5 relates to development affecting heritage assets and policy S7 relates to the historic environment requiring conservation of Hambleton's heritage assets appropriate to their significance. There are no heritage assets within the vicinity of the application site. The village does not have a conservation area, and the closest listed building (Manor Farm Grade II) is approximately 210m to the south-east and the construction of additional dwellings to the rear of The Manor House would not alter the setting or significance of Man Farm. The proposal meets the requirements of policies S7 and E5.

xi) Public open space

- 6.50 Policy IC3 requires a proposal for housing development of 10 or more dwellings to make provision for public open space (POS). The proposal includes an area of public open space above the surface water attenuation tanks noted above. The location of the POS abuts the access to the site access and will require appropriate boundary treatments for the safety of users. The POS is also shown to be enclosed by hedging, maintenance at an appropriate height will be necessary to achieve passive surveillance from new homes. The size (approx. 25m x 15m) is of sufficient size to provide useful open space that can accommodate children's local area for play.

Planning Balance

- 6.51 The application is acceptable in principle.
- 6.52 The proposal results in the removal of 2 trees, identified in the arboricultural survey as T1 and T5 comprising a . category A1 tree and 1no. category B1 tree. Both trees are in good health and contribute significantly and positively to the streetscene. The loss of the trees would result in environmental and social harm. The delivery of 73% affordable housing (being 40% above the

policy requirement) is a significant benefit that creates social gain. It is a matter for the Committee to decide whether the harm from the loss of the trees is outweighed by the benefit of additional affordable housing.

- 6.53 It is considered the 19no. dwellings can be supported under Policy HG 5 (Windfall Housing Development). As noted elsewhere in this report this is subject to the receipt of consultation responses from HDC Housing and Environmental Health to demonstrate that
- i) Confirmation from HDC Housing the proposed affordable housing tenure mix is acceptable, and comments from the agent why there is no provision for social rent
 - ii) Confirmation from Environmental Health they are satisfied the pumping station will not result in noise issues that would result in a loss of amenity to neighbours and would provide a satisfactory level of amenity for future occupants, to comply with policy E1
 - iii) Submission of details showing boundary treatment the west boundary
 - iv) Confirmation from the Councils appointed Ecologist to confirm the submitted Biodiversity Metric testis acceptable to comply with policy E3
- 6.54 Only if all of the above 5 matters can be addressed can the benefit of additional affordable housing that meets local housing needs be considered to outweigh the harm caused by the loss of the important trees on the site frontage and outweigh the conflict with policy E7.
- 6.55 In the absence of this information the application would be recommended for refusal

7.0 Recommendation:

- 7.1 That subject to the receipt of the above information at (sections i-iv of the planning balance), and the satisfactory prior completion of a planning obligation to secure the affordable housing, the application be **GRANTED** subject to the following conditions:
- 1. The development hereby permitted shall be begun within three years of the date of this permission.
 - 2. Compliance with approved drawings – *awaiting final revisions of drawings*.
 - 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. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. drawings
5. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of Main Street from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times
7. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times
8. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
 - i) details of any temporary construction access to the site including measures for removal following completion of construction works
 - ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
 - iii) the parking of contractors' site operatives and visitor's vehicles;
 - iv) areas for storage of plant and materials used in constructing the development clear of the highway;
 - v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
9. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 ", unless otherwise agreed in writing with the Local Planning Authority.

10. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
11. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
12. In the event that unexpected contamination is found at any time when carrying out any approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority
13. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
14. Development shall be carried out in accordance with the recommendations at Section 4-7 of the Arboricultural Impact Assessment and the Tree Protection Plan prepared by Elliott Consultancy Ltd dated August 2022.
15. Development shall be carried out in accordance with the recommendations at Section 5 of the Ecological Appraisal prepared by Naturally Wild dated October 2021.
16. All existing hedges shall be retained to a height of not less than 2 metres above ground level, unless shown on the approved drawings as being removed.
17. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on drawing numbers PP-1-01 6 and LN-1-10 6 received by the Hambleton District Council on 23 August 2022 been planted or seeded in those positions. Any trees or plants which within a

period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

18. Notwithstanding the submitted details the first floor landing windows to plots 9,10, 13, 16 and 17 shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent and that level of obscure glazing shall be retained throughout the life of the development.
19. All boundary fences shall be provided with “Hedgehog gaps” of 130mm x 130mm.
20. Before the first occupation of the seventh dwelling the public open space shown on the site the plan (LIN-IAS-ZZ-01-DR-A-0001 PO6) shall be provided together with boundary fencing, play equipment and a scheme for inspection and maintenance for the public open space, boundary fencing and equipment shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the public open space shall be maintained in accordance with the approved details and scheme.
21. The pumping stations as shown on the site plan (LIN-IAS-ZZ-01-DR-A-0001 PO6) shall be installed and maintained to achieve noise levels that shall not exceed noise levels that have previously been submitted to and approved in writing by the Local Planning Authority.

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22/00509/MRC

**Removal or variation of condition 4 from previously approved application
16/01716/FUL - Change of use of agricultural land and the construction of a
replacement dwellinghouse with associated parking and landscaping**

At: Foxhall Farm, Knayton, Thirsk, North Yorkshire, YO7 4BR
For: Mr Julian Potter

**This item is presented to the Planning Committee at the request of Cllr
Robinson**

1.0 Site, context and proposal

- 1.1 The application is located approximately 1.5km to the east of Knayton, occupies a countryside location and comprises part of an isolated cluster of development, including a modern replacement dwelling, an older original dwelling and a range of former agricultural buildings which are in the process of being converted to a dwelling. These former agricultural buildings are in separate ownership to the two houses. The site is accessed off Moor Road along an access track of some 300m in length. The land is undulating and the modern replacement dwelling and original dwelling are readily visible from Moor Road, with the new dwelling occupying a visually prominent position forward of the original dwelling. There are existing pylons and a telecommunication mast which are prominent in the immediate landscape.
- 1.2 Planning permission was granted in 2016 for the change of use of agricultural land and the construction of a replacement dwellinghouse with associated parking and landscaping. The permission was granted subject to conditions, including condition 4 which reads:-

‘Within three months of the first occupation of the dwelling hereby approved, demolition of the existing house (shown on drawing 2540-03-04A) shall be commenced. Demolition work shall be completed and the land restored to a tidy state within nine months of the first occupation of the new dwelling.’

The reason for the condition reads ‘In order to prevent the proliferation of buildings in the open countryside, to set a reasonable timetable for the demolition of the existing house and to ensure that dwellings in this isolated location, are only provided for the essential need of agriculture.’

- 1.3 The current application proposes the removal of the condition to allow the original dwelling to be retained. The application form advises the development started in 2017, is not yet complete. At the time of the case officers site visit in

March 2022 the replacement dwelling was occupied, although a caravan and detached building used as an office were also on site.

- 1.4 The application is submitted with a supporting statement. This advises the applicant bought the property after the replacement dwelling had been constructed. The original dwelling is said to be structurally sound, could be repaired and renovated to provide a good standard of accommodation, and makes no practical sense to demolish the property in order to comply with the condition. The applicant wishes to create additional living accommodation at the site for family members and prefers to repair and restore the old farmhouse rather than extend the new house or construct a new detached building.
- 1.5 The statement advises the farmhouse makes a valued contribution to the setting of the farmstead, is structurally sound and capable of re-occupation without significant structural work, would not result in isolated or unsustainable development, and the proposals would be more favourable to alternative ways to deliver the additional accommodation through permitted development. The replacement dwelling has the benefit of permitted development rights and could construct a total additional floorspace of attached extensions of 140.65m², as well as a detached building of 40m² totalling 180m² of floorspace. The original farmhouse is smaller than the replacement dwelling and has a footprint of around 91.3m², based on a footprint of 11m x 8.3m (measured externally). Including the first floor accommodation at the same size, this is likely to result in a total floorspace of around 182 m². Permitted development rights would therefore allow the same volume of development with the original farmhouse removed, and the extension of the dwelling under permitted development rights would have greater visual impact than retaining and utilising the old farmhouse. The applicant is happy to accept a condition removing permitted development rights to both dwellings. The applicant states that the proposals are unusual and there are no policies within the development plan that specifically relate to the nature of development proposed.
- 1 6 In addition a structural survey is submitted which advises the building is generally in a good-fair condition with no significant structural defects to note. Remedial works are recommended

2.0 Relevant planning and enforcement history

(i) Application site:-

- 2.1 95/50809/TC Notice of proposed development for erection of 15m mast, three dual polar antennae, 2 dish antenna, one radio equipment cabin Refused 13.12.1995
- 2.2 96/50746/TC Prior notification of a proposal to erect a 15 metre high steel tower, 3 dual polar antennae and a portable cabin Approved 05.11.1996
- 2.3 00/50816/TC Prior approval of additional 2 dual polar antennas, 2 dishes and new equipment cabin Approved 01.11.2000

- 2.4 01/50477/TC Application for prior approval to construct additional UHF cellular screened collinear antennas and two 0.6m link antennas at 12 metres on existing tower and installation Approved 30.04.2001
- 2.5 03/00293/APN Application for prior notification of new hen house Approved 17.03.2003
- 2.6 04/01432/FUL Change of use of existing agricultural building to kennels Approved 26.08.2004
- 2.7 16/00746/FUL Two storey side/rear extension and single storey rear extension to existing dwelling and alterations to existing windows/door Approved 25.05.2016
- 2.8 16/01716/FUL Change of use of agricultural land and the construction of a replacement dwellinghouse with associated parking and landscaping. Approved 06.10.2016

i) Adjacent farm buildings:-

- 2.9 18/02250/MBN Notification for Prior Approval for a proposed change of use of agricultural building to a dwellinghouse with associated operational development Approved 17.01.2019
- 2.10 21/00590/DPN Application to determine if prior approval is required for the proposed demolition of a timber hay barn with corrugated metal roof. Approved 07.04.2021
- 2.11 21/00695/FUL Alteration and rebuilding of stone barns with a glazed link extension to create 1No. residential dwelling and construction of a detached double garage with car port Approved 27.07.2021

3.0 Relevant planning policies:

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

Policy S 1 - Sustainable Development Principles

Policy S 3 - Spatial Distribution

Policy S 5 - Development in the Countryside

Policy HG4: Housing Exceptions

Policy HG5 - Windfall Housing Development

Policy E 1 - Design

Policy E 2 - Amenity

Policy E 7 - Hambleton's Landscapes

Policy CI 2 - Transport and Accessibility

4.0 **Consultations**

- 4.1 Knayton Parish Council – Objects to this application on the grounds that the property was purchased with the knowledge that the original house had to be

demolished and the condition should be met and that this planning application should be taken to committee.

4.2 Site notice posted and expired 01.04.2022.

4.3 Public comments – Site notice displayed and neighbours consulted. No public representations have been received.

5.0 Analysis

5.1 The main issues for the planning application are i) the principle of residential development in this location, ii) residential amenity, iii) access/highway safety/infrastructure/drainage, iv) any necessary planning conditions.

i) The principle of residential development in this location

5.2 The purpose of Local Plan 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 S5 sets out what constitutes the built form of a settlement, land outside it is defined as countryside. The application site does not fall within the built form of Knayton and therefore is in the countryside. 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. The policy offers support to the conversion of existing rural buildings, subject to the following criteria

(f). the building is:

- i. redundant or disused. – The building is disused
- ii. of permanent and substantial construction. The building is stone built.
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required. The proposal would meet this
- iv. structurally capable of being converted for the proposed use. The submitted structural survey suggests the proposal would meet this

(g). the proposal:

- i. would enhance the immediate setting. The removal of permitted development rights to the replacement dwelling would assist in achieving this. Whilst the replacement dwelling was larger than the original dwelling it may have been considered unreasonable to remove permitted development rights when the replacement dwelling was approved as the original dwelling had the benefit of such rights.

- ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building. The removal of permitted development rights to the replacement dwelling and from other works within the curtilage would assist in achieving this.
- 5.5 Policy S5 also refers to replacement building in the countryside, including dwellings, supporting them where of permanent and substantial construction is of a high-quality design, being sympathetic with its surroundings, taking opportunities to enhance the immediate surroundings, only limited increases in floorspace will be supported, development proposals must be proportionate to the building(s) that they replace, and sited least possible adverse impact on the immediate surroundings, the wider landscape and the amenity of the users of existing buildings ne dwellings. The justification advises the Council will remove permitted development rights where it is considered appropriate.
- 5.6 Local Plan policy HG5 provides support for windfall housing development. HG5 states that a proposal for housing development on a site adjacent to the built form of a defined village. The site is neither within nor adjacent to built form and is within the countryside.
- 5.7 Policy HG4 relates to Housing Exceptions advising a proposal for the replacement of an existing dwelling will be supported where the requirements of policy 'S5: Development in the Countryside' relating to the replacement of rural buildings are met
- 5.8 At the time of the consideration of the application for the replacement dwelling in 2016 the case officers report states

“The applicant supports the application with a planning statement, it is stated although habitable, the existing house has been vacant for some 2 years. Following the recent grant of planning permission to extend the house, a detailed inspection was carried out of the existing fabric which revealed a number of structural and other faults. It was therefore more cost effective to demolish the existing house and rebuild the house... The new dwelling now proposed is some 27m2 larger than the existing house plus approved extension... It is necessary to ensure that the demolition of the existing house occurs to ensure that there is not more than one dwelling on the site which has not been justified as needed for the essential needs of agriculture.”

The planning statement submitted with the application refers to structural and other faults and states the approved planning permission for a two-storey side extension was sited over tree stump and builders advised the ground could not be stabilised. A report from an arborist was submitted to advise on the appropriate siting for a replacement dwelling, which comments it is likely that if new foundations are constructed within a similar location to existing regardless of retention/removal of the tree stump, such foundations will have to be a considerable depth to ensure structural stability. The arborist advises new buildings should be sited well away from tree stumps to avoid the need for expensive foundation works to avoid structural damage later. No structural survey was submitted with the application.

- 5.9 Having regard to the policies set out above, and

- i) the details of the submission advising the existing building is structurally sound;
- ii) that the building is proposed to be used as additional living accommodation rather than a separate dwelling;
- ii) that the applicant proposes to surrender permitted development rights for both dwellings, (albeit the original dwelling would become ancillary accommodation rather than a separate dwelling);
- iii) that any extensions to the replacement dwelling constructed as permitted development would be more visually prominent and intrusive in the landscape than the retention of the original dwelling;
- iv) that retention and repair of the existing building would be more sustainable than its removal and construction of extensions;
- v) that the conversion of the existing building receives some support under policy S5;

On balance it is considered the proposal would not circumvent planning policies seeking to prevent the proliferation of buildings in the open countryside, and to ensure that dwellings in this countryside location are only provided for the essential need of agriculture.'

ii) Residential amenity

- 5.10 Policy E2 requires proposals 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. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.11 Since the grant of planning permission in 2016 for the replacement dwelling, planning permission has been granted for the conversion of the courtyard of agricultural buildings to a dwelling, now in separate ownership. The approved conversion buildings are located approximately 15.6m from the east facing elevation of the building proposed to be retained. The location plan submitted with the conversion scheme shows the yard space to front of the dwelling has been subdivided between Foxhall Farm and the barn conversion scheme now known as Spring Farm. Many of the buildings in the single storey west wing of the buildings at Spring Farm are shown as non-habitable rooms although they do have window openings facing towards the application site. The single storey northern wing of Spring Farm has two west facing lounge windows with further windows to this room in its north elevation. The approved west facing windows are positioned immediately further north and at an angle to the facing windows in the building proposed for retention, these appear to be secondary windows to the proposed lounge, and would have a separation distance of approximately 16m. Whilst this is less than the usually recommended separation distance between facing windows of 21m, given the circumstance above, on balance this separation distance is considered acceptable.

iii) Access/highway safety/infrastructure/drainage

- 5.12 These issues are unchanged from the previous approvals for the replacement dwelling and barn conversion and were found to be acceptable, there would be no significant change in the demand upon the highways, power, drainage

or other services from the previously consented uses. There is no policy conflict on any of these issues.

iv) Conditions

- 5.13 The conditions imposed in the planning decision are required to be restated on this new decision where still applicable, along with any new/varied conditions to allow occupation as ancillary residential accommodation and removal of permitted development rights.

Planning Balance

- 5.14 The application site is located outside of the built form of a defined settlement within a countryside location and is not adjacent to the built form. Residential development in this location would be contrary to the principles of sustainable development, and contrary to the provisions of policies S1, S3, and HG5 of the Hambleton Local Plan. However, this must be balanced against the support given by policies S5 to convert an existing building to provide additional ancillary living accommodation and the other circumstances set out in paragraph 5.9 above. On balance the proposal is considered acceptable.

6.0 Recommendation:

That subject to any outstanding consultations the application be **APPROVED** subject for the following conditions(s)

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 2540-03-01A, 02A, 03A, 04A, and 05A received by Hambleton District Council on 28 July 2016 unless otherwise approved in writing by the Local Planning Authority.
2. The development shall be carried out in accordance with the stone detail and natural slate submitted to the Local Planning Authority on 21 September 2016
3. The existing house (shown on drawing 2540-03-04A) shall not be occupied as a separate independent dwelling and shall remain ancillary to the use of the main replacement dwelling known as Foxhall Farm, Knayton; shall form and shall remain part of the curtilage of the main dwelling as a single planning unit; and shall be used as living accommodation only by members of the family, or the occupiers, of the main dwelling living as a single family unit.
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, the ancillary unit of residential accommodation or any building, nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Plan Policies E1 and E2 and National Planning Policy Framework.
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 Local Plan Policies E1 and E2.
3. In order to ensure that the accommodation remains as an annex to the dwelling and is not used for unauthorised permanent residential occupation so as not to breach the provision of the Development Plan policies S1, S3, and HG5
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 and E2.

Parish: Hutton Sessay
Ward: Sowerby & Topcliffe

Committee date: 29th September
Officer dealing: Marc Pearson
Target date: 21 January 2021
Extension of time: 30 Nov 2022

7

20/02700/CLP

Application for a Lawful Development Certificate for a proposed permanent use of play area for the siting of up to 12 static caravans without restriction on the layout of the land or number of caravans sited on it

At: White Rose Caravan Park, Hutton Sessay
For: Mr W Harrison

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

1.0 Site, Context and Proposals

- 1.1 White Rose Caravan Park is an established site located on the south side of main highway in Hutton Sessay. Vehicle access is located off the main highway and the Park comprises static and (approved but recently taken out of use) touring caravans, office building, indoor and outdoor swimming pools, a children's play area located in the centre of site, whilst an amenity area with football goal posts and children's play equipment located at the north-east corner of the site.
- 1.2 The site is defined by hedgerows along its west, east and southern boundaries. Views into the site from main highway are limited to glimpsed views from the pub car park and vehicles entrance. Longer distance views are possible from east and west. Views from the public footpath to west of the application are possible but are restricted by the perimeter hedgerows.
- 1.3 The surrounding context is defined by housing to the north, north-west and north-east and to south, south-west and south-east agricultural land that forms part of the rural setting to the village. Whilst the local village Public House (Horse Breakers Arms) does not form part of the caravan park it has a close relationship and physical pedestrian linkages through its grounds and car park area.
- 1.4 This certificate of lawfulness relates to land at the north-east corner of the complex on land used as open space for the caravan site. During the application process the applicant has amended the site layout for a reduced layout to 12 static caravans and clarification on expansion of the existing play facilities located within the centre of the site. This particular element is proposed to be controlled through the (the provision of a planning obligation) under s.106 in association with the variation of condition application ref. no 21/02011/MRC.

2.0 Relevant Planning History

- 2.1 The site has an extensive planning history and therefore only relevant applications are noted below. The evolution of the site has resulted in a complex planning history with varying levels of control over the seasons of occupation and total numbers of caravans. As a consequence, the considerations of controls relating to the site are unusually complex.
- 2.2 97/50736/M - Variation of a condition to permit an extended period of time for the occupation of static holiday caravans at O.S. Fields 3900, 4700, 5190 and 5376. Approved.
- 2.3 20/02180/FUL - Change of use of an existing play area for the siting of 18no static caravans with associated access. Withdrawn
- 2.4 21/02011/MRC - Application to vary condition 2 of 97/50736/M (2/97/074/0001Y) to allow for up to 30 static caravans to be sited on land (OS Field 4775) comprising part of the approved caravan site which is currently used for touring caravans, also to vary condition 2 to allow for the proposed static caravans to operate all year round, and to vary condition 3 to allow for the caravans approved and sited in OS Fields 3900, 4700, 5190 and 5376 to operate all year round. Pending consideration.

3.0 Relevant Planning Policies

- 3.1 There are no relevant planning policies within the Development Plan in the case of an application for a Certificate of Lawful Use Proposed "CLP", however, guidance within the National Planning Practice Guidance and Case Law are pertinent.

4.0 Consultations

- 4.1 Site Notice expired on 9.2.2021

Eight observations have been received as summarised below:

- Concern for the loss of the children's play area and where will the children play who visit the site.
- Concern that the current overflow car park, which is adjacent to existing housing and garden areas, will be used as a play area
- Concern about the demolition of the buildings on the site and impact from asbestos and presence of bats.
- Concern about impact on sewage
- Concern about flooding and increase in surface water run-off.

5.0 Analysis

- 5.1 The application for a certificate of lawfulness is a legal test. The applicant is required to submit evidence to show, that on the balance of probabilities, the proposed or existing use is lawful either on the basis of planning legislation or through the passage of time. This is not a test against planning policy.
- 5.2 The issue to hand relates to the applicants position that the open space can be used as part of the caravan site to with additional caravans.

- 5.3 Officers have reviewed the submitted information (particularly a number of appeal cases) and consider that the evidence shows on the balance of probability that the existing play area is a lawful part of the caravan site and thus can lawfully be used to site additional caravans as summarised below:
- The application site, whilst including land outside the approved boundaries of the caravan park, has been used for many years as part of a single planning unit used as a caravan site.
 - The land has been used continuously as part of the caravan park for more than ten years.
 - The use of part of the planning unit for recreation/amenity/play area purposes does not limit the use of that land to such purposes. For the purposes of planning law no material change of use will arise as long as the use continues as part of the caravan site within a single planning unit. This change would not represent a material change to the approved land use of the site nor would it be in breach of any planning condition.
 - The main part of the caravan site edged blue and application site within the red edge have been run together both physically and in terms of management with the whole area maintained and operated for the use of visitors coming to the park for use as a caravan site as defined.
- 5.4 On the basis of concerns raised by officers on the increased number of caravans and the loss of open space, the applicant has agreed through negotiation to a reduced number of caravans, with some open space retained and clarification on the expansion of the existing play facilities within the centre of the site.
- 5.5 Officers note that the applicant is willing to agree to a planning obligation to formalise the provision of open space within centre of the site through the associated variation of condition application (ref. no. 21/02011/MRC) and to limit the number of static caravans within the area of the CLP application.
- 6.0 Recommendation:**
- 6.1 That the Certificate of Lawfulness for the use of land included within the application for the siting of up to 12 static holiday caravans is lawful and that a certificate should be issued.

Note that there are no conditions to add in this case.

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Parish: Hutton Sessay
Ward: Sowerby & Topcliffe
8

Committee date: 29 September 2022
Officer dealing: Marc Pearson
Target date: 12 May 2022
Extension of time: 30 November 2022

21/02011/MRC

Application to vary condition 2 of 97/50736/M (2/97/074/0001Y) to allow for up to 30 static caravans to be sited on land (OS Field 4775) comprising part of the approved caravan site which is currently used for touring caravans, also to vary condition 2 to allow for the proposed static caravans to operate all year round, and to vary condition 3 to allow for the caravans approved and sited in OS Fields 3900, 4700, 5190 and 5376 to operate all year round.

At: White Rose Caravan Park, Hutton Sessay
For: Mr W Harrison

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

1.0 Site, context and proposal

- 1.1 White Rose Caravan Park is an established site located on the south side of main highway in Hutton Sessay. Vehicle access is located off the main highway and the site comprises a majority of static caravans with small section of tourers, office building, indoor and swimming pools, a children's play area located in the centre of site, whilst an amenity area with football goal posts and children's play equipment located at the north-east corner of the site. The site is defined by hedgerows along its west, east and southern boundaries. Views into the site from main highway are limited to glimpsed views from the pub car park and vehicles entrance. Longer distance views are possible from east and west. Views from the public footpath to west of the application are possible but are restricted by the perimeter hedgerows. The Environment Agency Flood Zone Map indicates that the site is within Flood Zones 1 and 2
- 1.2 The surrounding context is defined by housing to the north, north-west and north-east and to the south, south-west and south-east is agricultural land that forms part of the rural setting to the village. Whilst the local village Public House (Horse Breakers Arms) does not form part of the caravan park it has a close relationship and physical pedestrian linkages through its grounds and car park area.
- 1.3 During the application process the applicant has amended the site layout of the caravans and provided additional information with regarding to the concurrent application for a Certificate of Lawfulness (20/02700/CLP). The application for the Certificate of Lawfulness makes the case that the open space within the site forms part of the caravan site and can lawfully be used for the siting of holiday caravans. As noted in the accompanying report officers have negotiated a control over the numbers of static caravans that would be located on the site and an expansion of the existing play facilities located within centre of the site. This particular element is proposed to be controlled through the imposition of a s.106 agreement.

- 1.4 The proposal involves the provision of a maximum of 30 static caravans on land comprising part of the approved caravan site which is currently used and licenced for 50 touring caravans in the south-west corner of the complex. As part of the proposal the existing W/C and shower block would be demolished. In addition, the application seeks to vary the existing condition that restricts the occupation of the whole caravan site (excludes December to March) to provide all year-round occupation.

2.0 Relevant planning and enforcement history

- 2.1 The site has an extensive planning history and therefore only relevant applications are noted below.
- 2.2 97/50736/M - Variation of a condition to permit an extended period of time for the occupation of static holiday caravans at O.S. Fields 3900, 4700, 5190 and 5376. Approved.
- 2.3 20/02180/FUL - Change of use of an existing play area for the siting of 18no static caravans with associated access. Withdrawn
- 2.4 20/02700/CLP - Application for a Lawful Development Certificate for a proposed permanent use of play area for the siting of up to 18 static caravans without restriction on the layout of the land or number of caravans sited on it. Pending consideration.

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 RM1 - Water Quality and Supply
Local Plan Policy RM2 - Flood Risk
Local Plan Policy RM3 - Surface Water and Drainage Management
- National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 Hutton Sessay Parish Council

Comments of 28.10.2022 (verbatim)

1. Sewerage – we are having ongoing issues in the village and more static caravans will add to this problem.

2. Traffic, there will be an increase in traffic in the village causing a disturbance to residents of Hutton Sessay, also cars are often parked on the roadside rather than on the caravan site which is a nuisance to residents in the village.

3. *Environmental issues, flooding from local experience due to the size now of the site some fields in Hutton Sessay flood.*

4. *Dog Mess, people staying at the caravan park walk round the village it is noticeable in the 10 months of opening of the park dog mess increases in the village.*

5. *Noise issues also when people are coming and going to the caravan park.*

The park brings no benefit to the village and we feel the increase in static caravans will only bring more problems as described above to the village

Comments of 24.6.2022 (verbatim)

- The application would result in too intensive a use of the site, which would be out of proportion to the size of the local village community. The current winter closure gives permanent residents a two month respite and allows the surrounding footpaths and byways a chance to recover from the heavy dog walking usage.
- The proposed new play area is a fraction of the size of the existing play field and football pitch, and closer to residential properties. The increased noise arising from such an intensively used area would cause an unacceptable loss of amenity for both village residents and occupiers of existing mobile homes.
- The sewerage infrastructure has a fixed maximum capacity and already fails to protect Sessay residents from sewage pollution during periods of extended rainfall. We believe that Yorkshire Water should be asked to confirm that the increased load, from the proposed increase in the number mobile homes, and a move to year-round opening, will not aggravate the existing problems.

4.2 NYCC Highways – No observations.

4.3 Environmental Health – No objection but notes the need for a Caravan Site Licence as required by the Caravan Sites and Control of Development Act 1960.

4.4 Swale & Ure Drainage Board – No observations.

4.5 Environment Agency – No objection based on the Flood Risk Assessment contained within the submitted Planning Statement. The consultation also provides comments on foul and surface water, pollution prevention together with flood warning and evacuation.

4.6 Yorkshire Water – note that a public sewer crosses the site and that landscaping should be avoided. [Officer note: clarification has been sought from the applicant on the alignment of the public sewer.]

4.7 Site notice and Neighbour notification. 14 objections as summarised below:

- Impact on sewage system which is already overloaded and requires pumping out by Yorkshire Water.
- Surface water disposal concerns and request an attenuation system
- Concern about some parts of the wider caravan site flooding.

- All year-round noise and disturbance to the detriment of villages mental wellbeing.
- Concern about the increased use of the Public House (which has many outside events to detriment of the villagers)
- Light pollution
- Traffic impact for additional users/parking on highway/will not be a reduction in vehicle movements.
- Problems with dog fouling and rubbish in village
- Construction noise concerns and noise associated with the delivery of statics to site.
- Concern that the expanded play area is not sufficient.

Some comments have been received to this application relating to the CLP. These are summarised below:

- Concern for the loss of the children's play area and where will the children play who visit the site

5.0 Analysis

5.1 The main issues to consider are:

- i) principle;
- ii) The siting, design and external appearance;
- iii) residential amenity;
- iv) flood risk and drainage;
- v) highway matters;
- vi) biodiversity.
- vii) planning controls relating to both this planning application and the Certificate of Lawfulness applications (conditions and s106)

5.2 Local Plan policy EG8 supports the expansion of existing tourists' facilities subject to the appropriateness of the design that would not impact on the character or amenity of the surrounding area, or cause unacceptable harm to the living conditions of neighbours or prejudice the operation of existing land uses and accessible by sustainable travel options. The proposal to provide static caravans in lieu of touring caravans within an existing tourist facility normally accessed by vehicles is considered to satisfy the requirements of Local Plan policy EG8.

- ii) The siting, design and external appearance

- 5.3 The layout of the proposal has been amended during the application process to provide a greater opportunity for tree planting and landscaping along part of the western and southern boundary and parking spaces identified within the proposed layout. With regard to the size and design of the static caravans it is noted that these are caravans are proposed to be muted colours. The caravans will be c.0.6m above ground and here views might be possible to the upper levels of the caravans from the Public Right of Way to the west above the boundary hedgerows. It is considered the visual impact would be minimal given the presence of the backdrop of the remainder of the caravan park in these views. On the basis of the above the proposal is considered to satisfy the design and landscape requirements of Local Plan policy E1.

iii) Residential amenity

- 5.4 It is noted that a number of public observations relate to the impact of the proposal on the amenity of local residents, particularly given the proposal to provide all year-round occupation on the entire caravan site. Furthermore, comment have been received regarding impact during construction and delivery of the static caravans. Environmental Health has been consulted on the application and raise no concerns. On this basis the proposal raises no amenity concerns and therefore complies with the requirements of Local Plan policy E2.
- 5.5 It is also noted a number of concerns have been raised regarding the noise and disturbance from the Public House. However, this does not form part of this application and in any event is controlled by other legislation beyond planning control. It is also noted that increased patronage of the public house is likely to increase the viability and the service function it provides to the local community. Whilst it is acknowledged that use of Public Houses can cause disturbance Policy IC4 "Community Facilities" resists the local of pubs as they have the potential to host a range of other facilities for local communities.

iv) Flood Risk and Drainage

- 5.6 The Environment Agency Flood Zone Map indicates that the caravan park is situated within Flood Zones 1 and 2 and the caravan park currently operates on this basis. The southern extent of the caravan is identified in Flood Zone 2. Local Plan policy RM2 requires the consideration of flood risk issues and the Planning Practice Guidance provides a matrix for flood risk vulnerability and incompatibility. The guidance classifies sites used for holiday or short-let caravans and camping as "more vulnerable" (subject to subject to a specific warning and evacuation plan) and therefore does not require an exception test. The submission has been accompanied by a Flood Risk Assessment that specifies the flood waring and evacuation plan. The Environment Agency raise no concerns regarding the flood risk issue but note that flood warning and evacuation should be conditioned to any approval. On this basis the proposal is considered to satisfy Local Plan policy RM2 subject to a suitably worded condition.
- 5.7 With regard to foul drainage, it is understood the existing foul drainage system for the entire caravan park is pumped from within the site to connect to the existing foul system in Church Lane (that flows to Dalton Sewage Treatment

Works via a piped system). The downstream system is noted to suffer from overloading at times of rainfall and the introduction of additional foul flows risks pollution in Sessay. The applicant has provided a proposed drainage solution that would provide retention of a percentage of the flow at peak times. This would be retained within a storage vessel located within the on site foul drain network. The storage vessel will outfall into the network in low flow conditions during 10pm-6pm on a daily basis for only the area of this application and the associated CLP and not the whole site. This provides a betterment on the current situation as the outfall from the touring caravans is unrestricted and the outfall from the CLP area is not restricted, and can be supported in principle. A condition can be prepared to require the submission of details of the scheme including telemetry system to prevent pumping commencing at times of high load at pumping stations downstream. On this basis as the issue to avoid pollution and significant harm to amenity of residents is so important, greater detail is required before the decision is issued. Subsequently, it is considered that a condition can be used to require the implementation and future maintenance and management of the drainage system.

- 5.8 A number of public observations relates to concerns about sewage, surface water and flood risk. The majority of the application site sits in Flood zone 2 and the Environment Agency raises no concern given the existing use of the site and change to static caravans. It also noted that a flood evacuation plan should be implemented and this can be controlled via a suitably worded condition.
- 5.9 It is noted that the proposal would not result in increased amount of impermeable surfaces (other than below static caravans) and will not increase the rate of surface water run-off and therefore raises no concerns relating to flood risk or surface water management.

v) Highway matters

- 5.10 The proposal does not generate any additional traffic movements due to the reduction in number of pitches – 30 statics compared to 50 tourers. Whilst it is noted that a number of observations do not concur with this view the proposal does represent a reduction in numbers. It is also noted that public observations relate to on-street parking where there is unrestricted parking and thus raises no concerns. Furthermore, NYCC Highways has been consulted on the application and raise no concerns. On this basis the proposal is considered to comply with Local Plan policy CI2.

vi) Ecology and biodiversity

- 5.11 The amended site layout plan provides the opportunity for further tree planting and therefore on this basis the proposal is considered to be able to provide a net gain for biodiversity and can comply with Local Plan policy E3 subject to the imposition of a suitably worded condition.
- 5.12 It is noted the applicant is willing to agree to a S.106 agreement to cover a number of issues as noted below. The items 1 and 5 are considered to be appropriate to be controlled by a planning obligation. However, items 2, 3, 4

and 6 could be the subject of planning conditions and do not require a planning obligation.

1. Not more than 12 caravans, all of which shall be static units, shall be sited on the land subject to the certificate of lawfulness application reference 20/02700/CLP with no caravans or part(s) of caravans being sited within the area shown edged green, that area being retained for the building on it, access through it and as amenity grassland with tree and shrub planting only.
2. Not more than 30 caravans, all of which shall be static units, shall be sited on the land shown hatched black subject to the planning permission reference 21/02011/MRC. The ablutions block building shall be removed off the site within 12 months of the date of this agreement.
3. All caravans referred to in clauses 1 and 2 shall be sited so as to achieve a minimum separation distance between caravans of 6 metres.
4. All caravans referred to in clauses 1 and 2 above shall be roofed using pressed metal profiled sheeting in colour RAL 7016 (dark grey finish) or dark brown - RAL 8017. The walls to all caravans referred to in clauses 1 and 2 above shall be finished with pressed metal or Conexel wood effect or natural wood with all units on the peripheral/outside rows of caravans adjacent to the boundaries of the caravan park being coloured in code RAL 6021 (Environmental Green) or RAL 8011 (dark brown) colours. If the specified colours are not available, their nearest available BS colour code equivalents will be utilised unless otherwise agreed in writing by the Local Planning Authority. Thereafter, no caravans shall be brought onto these parts of the caravan park other than those that conform to the approved finishes/colours.
5. The existing caravan unit within the area shown edged blue on the plan forming part of this agreement shall be removed and thereafter not be replaced and the land shown edged blue shall be incorporated into the adjacent amenity space for use as a children's play area, such works to be completed within 12 months of the date of this agreement.
6. The foul sewage disposal arrangements serving the development set out in clauses 1 and 2 above shall be such as to result in no foul flows into the public sewer from at least 42 static caravans on the park discharging into the public sewer other than between the hours of 10pm and 6am unless otherwise with the prior written agreement of the local planning authority.

Other matters

- 5.13 Public observations relating to loss of play space are not relevant to this particular application and the issues is dealt with in the concurrent CLP application.

Planning Balance and Conclusion

- 5.14 The proposal accords with the overarching policies contained within the Hambleton Local Plan and represents sustainable development that would provide the opportunity for expansion of an existing leisure facility. Subject to the imposition of conditions and the s.106 the proposal is considered that the proposed development complies with the relevant Local Plan policy in terms of principle design, visual impact, amenity, drainage and flood risk and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation:

6.1 That the application is **APPROVED** subject to receipt of a S.106. and 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 plan received by Hambleton District Council on 8th April 2022 unless otherwise approved in writing.
3. The hedge surrounding the caravan park shall be maintained at a height of at least 2 metres.
4. No more than 30 caravans shall be sited in OS Field 4775 and no more than 41 caravans shall be sited in OS Field 5376 at any one time.
5. The approved development can be occupied in an all year-round basis and the development must comply with the following requirements that:
 - (i) the caravans or cabins/chalets are occupied for the holiday purposes only;
 - (ii) the caravans or cabins/chalets shall not be occupied as a person's sole, or main place of residence;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual caravans/cabins/chalets on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.
6. Prior to any construction works a scheme of foul and surface water drainage including attenuation and pumping systems shall be submitted to and be approved in writing by the Local Planning Authority. The scheme shall be completed in accordance with the approved details before any piped discharge of water and the drainage system shall be operated and maintained in accordance with the approved details throughout the lifetime of the development.
7. The approved development shall not be brought into use until a Flood Evacuation Plan has been submitted in writing to the Local Authority for approval. The approved Flood Evacuation Plan shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority
8. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and

subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

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 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 protect the amenities of the locality in accordance with Hambleton Development Plan Policy E2.
5. To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Hambleton Local Plan policies S1, S3 and EG8.
6. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
7. To ensure that the flood risks are suitably mitigated to protect human health.
8. To ensure that the future health of trees within the site and biodiversity requirements of the Local Plan are met.

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