

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 19 October 2022

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 27 October 2022**

Time **10.00 am**

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

Yours sincerely

J. Ives.

Dr Justin Ives
Chief Executive

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: 829 148 55# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes

1 - 6

To confirm the minutes of the meeting held on 29 September 2022 (P.13 - P.14), attached.

2. Apologies for Absence.

3. Planning Applications

7 - 178

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 1.35 pm on Thursday, 29th September, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	M S Robson	Councillor	S Watson
------------	------------	------------	----------

Apologies for absence were received from Councillors M A Barningham, B Griffiths and J Noone

P.13 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 1 September 2022 (P.9 - P.10), previously circulated, be signed as a correct record.

P.14 Planning Applications

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

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

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

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

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

The Decision

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

- (1) 20/02047/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, DL8 2SZ for Prices Paving & Tile Ltd

Defer to obtain further information on drainage, highways access and eligibility for vacant building credit.

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

(John Duck spoke on behalf of Snape with Thorp Parish Council objecting to the application.)

(David Smith spoke objecting to the application.)

- (2) 20/02464/FUL - 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

Permission Refused subject to an amendment to the reasons for refusal to include reference to policy EG8.

(Julie Armstrong spoke objecting to the application.)

Note: Councillor S Watson left the meeting at 2.42pm.

- (3) 22/00321/FUL - 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

Permission Granted subject to an additional condition to remove Permitted Development Rights.

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

(Sarah Wright spoke objecting to the application.)

- (4) 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 and Mrs R Hill

Permission Granted subject to a condition in relation to boundary treatment.

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

(Catherine Young spoke objecting to the application.)

Note: The meeting was adjourned at 3.36pm and reconvened at 3.47pm

- (5) 21/02482/FUL - 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

Defer with delegation to officers to grant permission subject to outstanding matters relating to biodiversity net gain, drainage, noise implication of the proposed pumping station and acoustic fencing being addressed.

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

- (6) 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, for Mr Julian Potter

Permission Granted

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

Note: Councillor M S Robson arrived at the meeting at 4.08pm.

- (7) 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 at White Rose Caravan Park, Hutton Sessay YO7 3BA for W Harrison

Permission Refused. The Committee had concerns regarding lack of open space, health and safety and detriment to the safety of residents and that the applicant had insufficient evidence to prove use of the site as a caravan park.

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

(Steve Prentice spoke on behalf of Hutton Sessay Parish Council objecting to the application.)

(Guy Musgrove spoke objecting to the application.)

- (8) 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 YO7 3BA for W Harrison

Permission Refused. The Committee had concerns that there was no detailed proposals for foul drainage, and was not satisfied that the proposals would adequately address the issues with Sessay Pumping Station (where sewerage would be sent) particularly at times when the station becomes overwhelmed by excessive rain. The Committee found that the application did not meet Policy IC3 of the Local Plan as the proposal does not include any open space or recreational facilities to support the health and well-being of the occupants of the proposed static caravans. The Committee felt that the proposed removal of the night warden static caravan to use the area to enhance a current play area (swimming pool) was inappropriately located next to the entrance road and would pose a health and safety risk. The Committee also had concerns that the proposal would increase reported issues of dog fouling in the village as the site has no dog exercise area and would extend the impacts all year round. The Committee found that the proposal to allow for year round opening would have a detrimental impact on the amenity of residents in the village. The Committee was also concerned that by allowing the site to open for the three additional months (December – March) the car parking provision would be inadequate. Currently site users park their cars on grass, adjacent to caravans. The Committee was not satisfied, given the number of caravans on site, that sufficient parking provisions would be available during the winter months when adverse weather would prevent cars from parking on grass. The Committee also

found that the application did not meet Policy E1 as the proposed layout of the caravans in two rows with the constructed bases indicating a 5m separation distance created overdeveloped and crowded living conditions and ultimately failed to achieve high standards of design.

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

(Steve Prentice spoke on behalf of Hutton Sessay Parish Council objecting to the application.)

(Guy Musgrove spoke objecting to the application.)

The meeting closed at 5.45 pm

Chairman of the Committee

This page is intentionally left blank

Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 27 October 2022. The meeting will commence at 10am.

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

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at www.planning.hambleton.gov.uk. 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 27th October 2022

Morning session 10am

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	22/00032/FUL Nathan Puckering Kirkby Page no: 13	Conversion of former agricultural buildings to one farm workers dwelling For: Mr and Mrs David Hugill At: Dromonby Grange Farm, Kirkby in Cleveland RECOMMENDATION: APPROVE
2	21/00730/FUL Helen Ledger Great Busby Page no: 21	Change of use and extension of existing agricultural building and land to mixed agricultural and commercial use For: Mrs R Stephenson At: Skate Beck Farm, Great Busby, TS9 5LB RECOMMENDATION: REFUSAL
3	21/02643/FUL Marc Pearson Raskelf Page no: 37	Construction of 6no poultry buildings, associated infrastructure, attenuation pond, new access track and hardstanding For: Mr Henry Dent At: Land north of Hag Lane, Raskelf RECOMMENDATION: APPROVAL
Afternoon session 1.30pm		
4	22/00739/FUL Ian Nesbit Brompton Page no: 51	Application for change of use of land for an additional 6no Gypsy/Traveller pitches comprising 6 no. static caravans, 6no day rooms, 6no touring caravans, and associated works For: Ms C. Bird At: Land to the rear of The Workshop, Stokesley Road, Brompton RECOMMENDATION: REFUSAL
5	22/00011/TPO2 Naomi Waddington Thirsk Page no: 67	TPO three trees, objection received on behalf of owner For: Thirsk Furniture Products Ltd At: Eastern Boundary, Unit B Johnson Way, Thirsk Industrial Park, Thirsk RECOMMENDATION: CONFIRMED

Item No	Application Ref / Officer / Parish	Proposal / Site Description
6	22/00139/FUL Helen Ledger Crosby Page no: 71	Revised application for construction of 2 No. free range egg units with associated hardstandings, feed bins, access roads, attenuation ponds and landscaping (amended scheme of 21/00794/FUL) For: Land east of Pillrigg Lane track and south-east of Moor Lane, Thornton Le Beans At: Mr Steven Tweddle RECOMMENDATION: REFUSAL
7	22/00010/TPO2 Olivia Lamb Knayton Page no: 93	Hambleton District Council (Knayton With Brawith Parish Council) Tree Preservation Order 2022 No 10 At: North of Stone House, Knayton Thirsk RECOMMENDATION: CONFIRMED
8	18/00097/OUT Tim Wood Yearsley Page no: 99	Outline Application (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings For: Newburgh Priory Estate At: High Lions and Oulston (Manor Farm) RECOMMENDATION: APPROVAL
9	18/00144/OUT Tim Wood Oulston Page no: 109	Outline application for the redevelopment of the site for up to 9 residential dwellings (Class C) For: Mr Stephen Wombwell. At: Oulston Hall, Oulston, North Yorkshire YO61 3RA RECOMMENDATION: APPROVAL
10	22/01474/OUT Ian Nesbit Topcliffe Page no: 127	Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively) For: Mr R Bannister (PG Lime Dalton Limited) At: Eldmire Farm, Eldmire Lane, Dalton, YO7 3HE RECOMMENDATION: APPROVAL

Item No	Application Ref / Officer / Parish	Proposal / Site Description
11	22/02301/TPO Tim Wood Sowerby Page no: 165	Works of reduction and maintenance work to trees subject of TPO 1959/07 and removal of two trees. For: Sowerby Parish Council At: The Village Green, Front Street, Sowerby RECOMMENDATION: APPROVAL
12	21/02619/FUL Aisling O'Driscoll Shipton Page no: 169	Demolition of all existing buildings and the construction of 10no dwellings For: Mulgrave Developments Ltd At: Shipton Service Station Main Street RECOMMENDATION: APPROVAL

This page is intentionally left blank

Parish: Kirkby
Ward: Stokesley

1

Committee Date: 27 October 2022
Officer dealing: Mr Nathan Puckering
Target Date: 18 March 2022
Date of extension of time (if agreed): 31 March 2022

22/00032/FUL

Conversion of former agricultural buildings to one farm workers dwelling.

At: Dromonby Grange Farm, Kirkby In Cleveland, Middlesbrough, North Yorkshire
For: M r& Mrs David Hugill.

This application is brought to Members due to the applicant being an elected Member of the Council.

1.0 Site, Context and Proposal

- 1.1 Dromonby Grange Farm is an agricultural unit located to the south of Busby Lane, between Kirkby in Cleveland and Great Busby. A track leads some 535m south off the highway to the unit which comprises a range of typical agricultural buildings, many of which adjoin one another. There is also a small dwelling on the site which is under separate ownership. To the rear of this dwelling, on the north western edge of the built unit, are a range of older brick-built outbuildings which are on the most part dilapidated to the point of partial collapse. The wider unit extends to over 100ha, spread across this site and land in Faceby. The main operation is cattle, with currently up to 420 cattle on the unit.
- 1.2 The surrounding area is generally undulating, although land levels fall away as one heads south from Busby Lane and as such the site is lower than the road to the north. There are numerous agricultural units to both the north and south of Busby Lane between Kirkby and Great Busby, although due to the distance these are set back and owing to the dense landscaping that lines the road, they have a fairly limited landscape impact. A PROW does run west from the village of Kirkby which passes Dromonby Grange Farm around 85m to the north and offers views of the wider unit but due to surrounding trees these are fairly limited.
- 1.3 In the centre of the unit is a small range of buildings which this application specifically concerns. The main element of the range is a stone built two storey barn with a shallow dual pitched slate roof. This is adjoined to the east by a fairly large former wheelhouse which comprises a blockwork and corrugated sheeting lean-to extension that runs the length of the eastern side of the building. To the west is a smaller lean-to outbuilding which adjoins the front of a range of open sided barns.
- 1.4 This application is seeking permission for the conversion of this range of buildings to an agricultural worker's dwelling. The main two storey section will become the core of the dwelling, providing 3 bedrooms with an optional fourth noted on the plans as office space. The aforementioned open sided barns to the west will be partially demolished, with the remainder becoming the main bedroom. External steps behind this will lead up to the first floor of the main barn which will contain the kitchen and living space. The northern half of the wheelhouse to the east will be demolished with a smaller lean-to extension in its place providing a main entrance. Fenestration will be inserted, mainly to the south and west elevations.

1.5 Initially the proposal also included the conversion of a range of brick-built outbuildings to holiday let units, but this was omitted after discussions with Officers and the proposal is now a single agricultural worker's dwelling.

2.0 Relevant Planning and Enforcement History

2.1 00/50769/O - Outline application for the construction of an agricultural worker's dwelling - Refused due to it being believed the other dwelling on the unit was adequate to provide on-site accommodation.

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S5: Development in the Countryside

Local Plan Policy HG4: Housing Exceptions

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

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council - Kirkby Parish Council has no objection to planning application 22/00032/FUL but would request that the farm workers dwelling has an agricultural condition attached, as suggested in the supporting statement.

4.2 NYCC Highways - Given the proposal would actually lead to net reduction in journeys to and from the site, there are no objections.

4.3 Environmental Health - Environmental Health has no objection to this application provided conditions are added that restrict the occupancy of the agricultural workers accommodation to agricultural workers only.

4.4 Environmental Health (Contaminated Land) - No objection subject to condition covering the discovery of unexpected contamination.

4.5 Street Naming & Numbering - Yes, an application would be required.

4.6 Northumbrian Water were consulted but submitted no comments.

4.7 Site Notice - No comments received.

5.0 Analysis

5.1 The main issues for consideration are i) the principle of an agricultural workers dwelling on this unit, ii) design & the character and appearance of the open countryside, iii) amenity, iv) ecology/protected species, v) the impact on the Teesmouth and Cleveland Coast SPA (nutrient neutrality) and vi) highway safety.

The Principle

5.2 The site in this instance is not part of, or adjacent to, any settlement and hence equates to development in the open countryside. Residential development in such locations is generally unsustainable and thus would not be permissible in the context of the Local Plan and the NPPF. Notwithstanding, there is an acceptance that there must be exceptions to this rule, one of which is in the case of rural workers.

5.3 Policy HG4: Housing Exceptions of the Local Plan sets out a criterion against which proposed rural workers dwellings must be assessed. This reads as follows:

- i. there is a clearly established functional need for a continuous on-site presence that can only be met by the new dwelling;
- j. the need relates to a full-time worker;
- k. the rural enterprise has been operational for a minimum period of three years and is demonstrated to be commercially viable and has clear prospects for remaining so;
- l. the need could not be met by another existing dwelling or through conversion of a suitable building on the operational unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned; and
- m. the new dwelling is of a size which is commensurate with the established functional requirement of the enterprise.

5.4 Additional detail has been submitted through the course of the application, in terms of the agricultural operation and the requirement for a new dwelling on the site to support this. Officers requested a statement which addressed the above criteria, and this was submitted by the agent. In terms of general background to the operation, it extends to just over 100ha and is managed from a different site some 15 minutes away from Dromonby Grange - Turtle Hill Farm, Faceby. The main enterprise on this site is cattle breeding and rearing. There are a range of daily tasks that require the applicant to travel from Faceby to Dromonby Grange. These can be summarised as follows:

- Moving the cattle to fresh pasture by relocating electric fencing.
- Operating the feeder wagon to feed the cattle that are housed.
- In summer, the tightly stocked cattle need to be checked twice a day, along with artificial insemination which can take place at any time of the day depending on optimum heat duration. In winter when then animals are all housed, the work is daily supervision, feeding, bedding up as well as the other management tasks of weighing, and sorting for market etc.

5.5 It is accepted that it is not practical nor representative of sustainable practice for one to have to travel 4 miles each way several times a day to carry out these daily tasks at this second site. The applicant has noted that this is often compounded by other

problems which are out of his control, such as extreme weather. Indeed, it has to be noted that ordinarily an operation such as Dromonby Grange alone would be expected to be supported by a dwelling, let alone the operation at Faceby on top of this. In this respect, it is accepted that the cattle operation at Dromonby Grange is large enough to justify the need for permanent on-site dwelling for a worker. As such, requirement i. is met.

- 5.6 Regarding para j., the need relates to a full-time worker who the agent has stated will be a member of the family that currently works on the unit. Thus requirement j. is met.
- 5.7 This unit is a long-established operation that has been in existence as a business for upwards of 30 years. The agent has set out the current investment that is taking place to grow the operation in the coming years. On this basis, it is accepted that the business is operating at a profit that means its medium-term future appears to be secure. In this respect, requirement k. is met.
- 5.8 It is noted that there is an existing dwelling on the site. Indeed, this is the reason previous applications for a rural workers dwelling have been refused - albeit this was over 20 years ago. This was raised with the agent as the initial Location Plan indicated this was still in the ownership/control of the applicant. However, this was confirmed as being an oversight and the plan was corrected. A corrected Location Plan indicates that the dwelling that is immediately adjacent to the site is not available to fulfil the need for on-site accommodation. Any other dwelling in the area that may be available would defeat the object of relocating the worker to this site to avoid travelling several times a day to and from Dromonby Grange and wouldn't provide the same on-site assistance that has been established as required for this operation. Therefore, requirement l. is met.
- 5.9 The proposed rural workers dwelling is a 3-bed unit which it is accepted is fairly large in scale. However, the aim is to provide a long-term family dwelling for a member of the applicant's family to commit to working on the unit indefinitely. As a result, a dwelling capable of accommodating a family is necessary and justified. In any event, one must consider that one of the reasons the dwelling is designed in the proposed way is due to it being a conversion and working with what is already in situ. Overall, the proposed dwelling is proportionate and meets the requirements of para m.
- 5.10 The above assessment demonstrates that the proposed rural workers dwelling is justified when assessed against policy HG4 and therefore the principle of the development is acceptable.

Design & Impact on the Countryside

- 5.11 Policy S5 governs development in the open countryside and outlines that the Council will seek to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. Generally speaking, this will be achieved by only granting permission for development when it can be demonstrated it would not harm the character, appearance and environmental qualities of the area in which it is located.

- 5.12 Also relevant is policy E1 which relates to the design of development. This requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to outline a number of design principles that help to achieve this aim. Most relevant in this case is ensuring inspiration is drawn from the key characteristics of a sites surroundings and respecting and contributing positively to local character.
- 5.13 On the whole, the proposal is for a sympathetic and appropriate barn conversion that will be a high-quality addition to this rural site. The way in which the conversion has been designed means that the external appearance of the building will actually be improved by rectifying some of the lower quality aspects of the building, i.e. the later lean-to extensions, and reinstating what is actually a relatively attractive stone-built barn. In doing so there will clearly be a certain level of 'domestication' of the building and site, but the rural character will still be overtly evident. In this respect, the requirements of policy E1 are met.
- 5.14 In terms of the overall impact on the character and appearance of the countryside, this will ultimately be very low. As noted, there will obviously be a level of 'domestication' but this will be very limited and will be within the confines of an established agricultural unit that means it won't actually be perceptible. The PROW to the north is noted but due to landscaping and the other buildings on the unit, even from this the converted dwelling will not be visible.
- 5.15 All in all, the development will be a high-quality conversion scheme that will have a neutral impact on the wider character and appearance of the open countryside. It therefore complies with policies S5 and E1 of the Local Plan.

Amenity

- 5.16 Policy E2 of the Local Plan states "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."
- 5.17 Clearly the proposal is for a dwelling in the middle of a working farm which ordinarily would present issues in terms of noise and odour which would lead to a conflict with policy E2 that would render the development unacceptable. However, in this case the dwelling is an agricultural worker dwelling that has a functional requirement to be located here. As such, the impact on amenity in this respect is not a reason for refusal on this occasion.

Ecology & Biodiversity

- 5.18 Policy E3 of the Local Plan now requires all development to demonstrate a net gain for biodiversity. No details regarding landscaping have been provided as part of this application. However, this site is in the centre of a working agricultural unit and effectively comprises a set of dilapidated buildings and an area of hardstanding. The biodiversity value is therefore negligible. On this basis, Officers are content that the risk in terms of biodiversity is very low, and this matter can be dealt with through a suitable condition.

5.19 Given the nature and age of the buildings that are to be impacted, an Ecological Impact Assessment was requested to ensure no protected species would be adversely impacted by the conversion and/or partial demolition. This included a visual assessment of the building by an ecologist which identified no evidence of barn owls or bats being present but that there was low risk potential bat roost habitats within the building. To further assess this, an emergence survey was carried out that identified two roosts which will be lost. The applicant is now aware that a Natural England licence will be required prior to works commencing. General mitigation measures are also recommended by way of bat boxes. Measures to protect nesting birds will also be required relating to the timing of the works. A suitable condition covering these matters is recommended. On that basis, the development will not have an unacceptable impact on protected species.

Impact on the Teesmouth and Cleveland Coast SPA (nutrient neutrality)

5.20 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.

5.21 Using this tool, the agent has submitted evidence to demonstrate that the lawful use of using the buildings for livestock would actually have a greater impact in terms of nitrogen output than the proposed dwelling. This is based on a specified package treatment plant being used. In light of this, provided a condition is included requiring the specific package treatment plant to be installed prior to occupation, the change of use to a dwelling will not lead to any additional harm to the Teesmouth and Cleveland Coast SPA in terms of nitrogen than is presently the case.

Highway Safety

5.22 The proposal includes using the existing access from Busby Lane that currently serves the unit. To ensure this is adequate and will not compromise highway safety, the Local Highways Authority was consulted on the proposal. Initially (based on the inclusion of several holiday let units) a speed survey was requested due to the access been deemed as falling below the required visibility standards. When the scheme was amended this was deemed to be no longer necessary and based on the fact vehicular movements will actually be reduced as a result of the development, it has been found to be acceptable on highway safety grounds.

Planning Balance

5.23 Officers are content that the proposed agricultural workers dwelling meets all requirements for such proposals set out in policy HG4 of the Local Plan. Consequently, it gains support in principle from local policy. It has been demonstrated the design of the proposal and subsequent impact on the open countryside are acceptable. Using the Natural England nitrogen calculator it has also been demonstrated that no additional harm will arise insofar as the impact on the Teesmouth and Cleveland Coast SPA. No technical issues or consultee responses

indicate any other concerns with the development. 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 317/15 and 317/12 revision C received by Hambleton District Council on 06.06.2022 unless otherwise approved in writing by the Local Planning Authority.
 3. The package treatment plant identified on the certificate issued by received by Testing Institute for Wastewater Technology received by Hambleton District Council on the 04.10.2022 shall be installed and be fully operational prior to the occupation of the dwelling hereby approved.
 4. 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 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.
 5. 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.
 6. The mitigation measures outlined in section 9 of the Bat, Breeding Bird and Barn Owl Survey prepared by MAB Environment and Ecology and received by Hambleton District Council on 26.07.2022 must be implemented in full. This includes works commencing outside of bird nesting season (March - August).
 7. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

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 nitrogen discharge from the development is at an acceptable level to protect the Teesmouth and Cleveland Coast SPA.
4. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
5. 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.
6. To ensure the protection of protected species.
7. In the interests of ensuring open market dwellings are directed to sustainable locations, as per the aims of policies S1 and HG4 of the Local Plan.

Parish: Great Busby
Ward: Osmotherley and Swainby
2

Committee Date: 27th October 2022
Officer dealing: Ms Helen Ledger
Target Date: 14 May 2021

21/00730/FUL

Change of use and extension of existing agricultural building and land to mixed agricultural and commercial use.

At: Skate Beck Farm Great Busby North Yorkshire TS9 5LB
For: Mrs R Stevenson.

This application is brought to Planning Committee following an earlier deferral of the matter by Planning Committee.

1.0 Update

1.1 The application was considered by Planning Committee in May of 2022. The matter was deferred to allow further consideration of the following matters.

- An assessment of alternative sites
- Potential noise impacts
- Storage arrangements
- Flood risk and safe use of access

1.2 Since the application was considered extensive work has been undertaken by the applicant and their agent, in particular in preparation and review of an acoustic report. The following paragraphs up-date the May Report.

Assessment of Alternative Sites

1.3 The applicant has set out their site assessment methodology including the size, tenure and affordability of the site along with the location, accessibility and amenity issues raised, noting that Agriplus are looking for their own premises to purchase and not lease.

1.4 The following sites on an existing business park have been assessed:

- Land to the East of Stokesley Business Park (STK2)
- Land to the South East of Stokesley Business Park (STK3)
- Existing business premises within Stokesley Business Park
- Other employment sites within the Stokesley area

1.5 The applicant has stated that other locations beyond Stokesley would be unsuitable as they would be too far from their client base.

- 1.6 The applicant has investigated various options with regard to Stokesley Business Park and has sought to establish that the allocations are either unsuitable, owing to their size, form and location or would otherwise not be financially viable for development owing to service charges and rental agreements. Further concern is expressed with regard to STK3 and in particular the likelihood of this land coming forward in the short term, given that STK2 is yet to be completed.
- 1.7 The applicant further argues that the allocations policy for these employment sites seeks development of a high quality and that all buildings should be of a high standard of design and be capable of accommodating high quality business uses and that the Agriplus business is unlikely to conform to these requirements.
- 1.8 The applicant has investigated existing premises within Stokesley Business Park. The applicant remains concerned that the Business Park is not appropriate for their needs and again cites the issues of the impact of their current business on neighbouring occupiers. No suitable alternative sites have been identified on the Business Park. A wider search for sites beyond the Business Park has taken place but has not identified any suitable locations.

Noise Assessment

- 1.9 Planning and Environmental Health met with the Acoustics consultant in the summer to help improve the understanding of the proposal, the detailed specifics and model the worst case scenario. It has been identified that for the majority of the time, through the working day, the noise generated from the site is unlikely to result in any significant adverse impact on residential amenity. The question is whether or not the development would result in a harmful impact, particularly on the occupiers of the caravan site opposite, outside usual working hours, when the background noise levels are much reduced.
- 1.10 The working hours are set out in the noise report as 0800hr to 1800hr Monday to Friday. However, during peak periods, some works within the building could be undertaken outside these hours. Although access to the unit may be required by employees outside of the core hours of the business, no vehicle deliveries will take place outside the hours 0800hr to 1800hr Monday to Friday. Such working hours could be controlled by condition if required.
- 1.11 This noise would be generated through the 24hr call out service operated by the applicant. This service is understood to be in response to the demands of customers who may need urgent repairs, for example during harvest times, August to September. This is not a core part of the business, although this 'worse case' scenario must be considered. Further modelling work in the noise report also considers the impact of noise should the roller shutter doors be open at these times. In the update letter from Saddington Taylor, the Applicant also wishes to advise that emergency call-outs would typically not involve late night vehicle movements either to or from the site, or late night working at the site. A client call-out on an evening would typically involve a vehicle movement from the home address of an Agriplus employee to a farm to inspect, and in the vast majority of cases, to repair the machinery in situ, before the employee returns home. This would not involve a trip to the site to pick up tools as these would be kept within the employee's vehicle.

- 1.12 The applicant describes that there are only in the region of 10 call outs over a typical year. These call outs would not normally result in late night vehicle movements or late night working at the site. No loading or unloading would take place outside normal working hours. That all said the applicant is seeking not to have a restricted condition in order to provide for the flexibility of the business, other than a condition that requires late night working to be undertaken within the building itself and that all external doors should remain shut during such time that work is being carried out. The further research presented from Dragonfly acoustic consultants specifically considers the impacts of day and night operations on the users of the caravan park. It concludes that given the relative ambient background noise levels the use of the site as proposed can occur within the relevant criteria at adjacent sensitive receptors, this is within the Lowest Observed Adverse Effect Level (LOAEL). This is the level above which adverse effects on health and quality of life can be detected.
- 1.13 Given the drop in ambient background noise levels at night modelled from the drop in passing vehicle numbers evidenced from DfT data at night, the report recommends that any operations involving the use of machinery undertaken between the hours of 2300hrs and 0700hrs are completed with doors closed at all times. During the daytime internal operations utilising machinery can be undertaken at any time with up to two roller shutter doors open.
- 1.14 This latest position on the opening hours and external works has been discussed with the Environmental Health officer. The remaining issue is that on occasion very large vehicles that cannot be located within the building and would need to be worked on outside, therefore the environment would be subject to machinery outside day or night. This remains a residual risk in the proposal that noise from tools and equipment of an intermittent nature could occur outside. This has not been assessed in the revised noise assessment. However, this could be restricted and prevented by the use of a planning condition to prevent any work outside and the requirement that large vehicles should be worked on off site, for instance on the premises on which they originate.
- 1.15 It is appreciated that the applicant would prefer not to have a working time restriction however given the nature of the site and the use proposed this will be essential to resolve noise impacts. A planning condition could be used to restrict opening hours from 0800hr to 1800hr Monday to Friday for customers, and any further work on site to be to 21.00 to be by employees only (no external visitors) inside with the doors closed.

Storage Arrangements

- 1.16 The applicant states that the existing site is extremely constrained with limited scope for storage within the building resulting in storage in the yard. The applicant considers that the proposed development is of sufficient size to accommodate all the storage that is currently outside. The yard at Skate Beck would then only contain items awaiting uplift or having just been dropped off. Occasionally a very large item like a combine harvester would have to be worked on in the yard but otherwise all work would take place in the building.

Flood Risk and Safe use of Access

- 1.17 The site is in Flood Zone 2 and 3 and a Flood Risk Assessment has been submitted. The applicant states that as the Council approved the agricultural building (approved under a Prior Notification as Permitted Development) it is unreasonable to now raise the issue of access and safety with regard to the access being in Flood Zone 3 and as such liable to flooding.
- 1.18 The assessments carried out under a Prior Notification do not allow for tests against Local Plan policy as the starting point is that the development is Permitted Development and a formal application for Planning Permission is not required. The application must be considered on its own merit and judged against the requirements of the Development Plan.
- 1.19 The applicant sets out that risks from pollution would be no greater than the existing lawful agricultural use. However, it is considered that the proposed use is materially different from an agricultural use and the risk of pollution is higher as a result. Materials kept on site for example diesel, hydraulic fluid, degreasing agents etc which all could get into the environment as a result of flooding. It is considered that the risk of this could be reasonably mitigated.
- 1.20 The applicant suggests that the impact of flooding a pollution in the building and the yard area, could be mitigated by raising site levels. However, this would not be encouraged within flood zone 3 as it would reduce flood water capacity with the possibility of increase flood risk elsewhere.
- 1.21 The remainder of the report remains as reported to Planning Committee in May.

2.0 Site, Context and Proposal

- 2.1 The site is located to the south west of Stokesley, surrounded by open countryside including an area of woodland and a beck to the north east of the site. At the rear (north west) is the River Leven. At the time of the officer site visit the land directly to the front of the site was being used for sheep grazing. Access is through a gate and via a private track of 114 m from the A172. Elhams Market Garden touring caravan and camping site lies directly to the south across the A172.
- 2.2 The entrance to the site includes gate and stone gate pillars, which has been the subject of enforcement action and are to be replaced with 5 bar gate and timber support posts. Submitted plans show timber gate and posts as described. On the site, enforcement action has been undertaken regarding a number of matters, with the majority of the enforcement notices being complied with. These matters were associated with a former occupier of the site.
- 2.3 An agricultural building (approximately 290 square metres) is on site and was erected with the benefit of permitted development rights. An area of concrete hard standing is located to the exterior of the building. The proposal is to change the use and extend the existing building for a Mixed Agricultural and Commercial use. This would retain the existing agricultural use and add in the commercial use by allowing an existing business currently located on Stokesley Business Park to locate to larger premises. The extension amounts to an increase in footprint by 470.90 sqm

by extending the building in length and width. There is no overall increase in height and a cat slide roof is proposed to increase the width to the south-west elevation.

- 2.4 The applicant is seeking to provide new accommodation for Agriplus Ltd an existing local business operating from Stokesley Business Park which provides new and used agricultural vehicles and machinery sales and repair. The noise report states that the core hours of the business, no vehicle deliveries will take place outside the hours 0800hr to 1800hr Monday to Friday.
- 2.5 The site is within flood zone 3 and has a risk of surface water flooding. A flood risk assessment has been provided.

3.0 Relevant Planning History

- 3.1 17/01889/FUL - Construction of an agricultural livestock building - Refused on 8 January 2018 on the following grounds:

There are concerns with the viability of the proposed business including the likely need for additional development; and the location of the site. These lead to the conclusion that the use would not represent a sustainable form of agricultural development in conflict with section 3 of the NPPF, and development plan policies CP1, CP2 and DP26.

Whilst the principle of new agricultural development in the countryside is supported, insufficient information has been submitted to justify the need and siting of the building in an isolated and prominent position in the countryside. Consequently the need for the development does not outweigh the landscape and visual impact of the building, in conflict with Local Development Framework Policies DP26 and DP30, which are concerned with protecting the character and appearance of the countryside and includes amongst other things that the openness, intrinsic character and quality of the District's landscape will be respected.

The proposal is in an area of flood risk and the submitted Sequential Test fails to adequately demonstrate that the development is required to be located in flood zone 3. Therefore, the proposal conflicts with the Section 10 of the NPPF and Development Plan policies CP21 and DP43, which states that development proposals in areas of flood risk will not be permitted unless a sequential test has been passed.

The application was appealed and was also dismissed by the Planning Inspector

- 3.2 17/00599/APN - Construction of an agricultural building for purpose of storage of equipment, straw and hay - Refused on 7 April 2017 on the following reasons:

The local planning authority needs to be satisfied that the building is 'reasonably necessary for the purposes of agriculture within that unit' in accordance with Part 6, Class A of the General Permitted Development Order 2015 (as amended). The short statement submitted in support of the application has been reviewed and this does not provide sufficient information/detail to satisfy this requirement. The statement makes reference to an 'excess of 100 acres of agricultural land' farmed

by the applicant. However, it is unclear where this is located and how it relates to the site, which is 5.67 hectares in extent.

Therefore, the local planning authority is of the view that the proposed development is not permitted development. This is because it has not been demonstrated that the works are reasonable necessary for the purpose of agriculture within the unit.

- 3.3 16/01864/APN - Application for prior approval for the construction of an agricultural general purpose storage building (Previously submitted application for Prior Notification ref: 16/01513/APN) - Approved 13 September 2016
- 3.4 19/01171/FUL - Change of use of agricultural building to storage of agricultural machinery and plant - Withdrawn

4.0 Relevant Planning Policies

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

- Local Plan Policy S1: Sustainable Development Principles
- Local Plan Policy S2: Strategic Priorities and Requirements
- Local Plan Policy EG7: Businesses in Rural Areas
- Local Plan Policy S5: Development in the Countryside
- Local Plan Policy E1: Design
- Local Plan Policy E2: Amenity
- National Planning Policy Framework
- Local Plan Policy E7: Hambleton's Landscapes
- Local Plan Policy RM2: Flood Risk
- Local Plan Policy RM3: Surface Water Drainage
- National Planning Policy Framework

5.0 Consultations

- 5.1 Great Busby Parish Meeting - Object, the following is a summary of matters raised:
 - The site is in the open countryside, where commercial development is unacceptable.
 - It does not comply with the Council's locational policies
 - It should be located on Stokesley Business Park
 - The noise and lighting will disturb the nearby caravan site at Elhams Market Garden
 - The increased volume of large vehicles turning would be hazardous
 - The single-track lane to Busby is not suitable for heavy goods vehicles
 - The land lies within the River Leven floodplain and is subject to flooding.
 - Could develop into a much larger operation

- 5.2 NYCC Highways - More information was sought on the anticipated traffic movements to assess whether the site can accommodate the manoeuvres required to access the highway. More information was supplied including a swept path analysis. The Highway Authority is recommending that the access to the site is improved to ensure that the vehicles visiting the site can access/ exit the site in a safe manner. This will involve a larger, wider access to accommodate the turning manoeuvres of the larger vehicles that are expected to visit the site. The Local Highway Authority recommends that Conditions are attached to any permission granted to secure this.
- 5.3 Environmental Health - The applicant has not provided any hours of operation. The nearest residential property has been identified as 350m from the proposed site. However, the potential impact on the customers of Elhams Market Garden Caravan Site has not been adequately considered. Customers will be sleeping overnight on the site approximately 190m from the proposed development. The Planning Support Statement comments "The nature of the business can be noisy in comparison to the neighbouring uses and can also generate dust and dirt given the farm vehicles and machinery involved. These environmental impacts have already raised complaints from adjacent businesses" from where the business is currently operating. The A172 is a well-used transport route, however it is anticipated the amount of traffic using the road will fluctuate during the day time, and on a night-time will significantly reduce. Concern raised that the activities from the proposed development could impact the occupiers of the Caravan Site without adequate control from noise. No details provided on lighting, which will also cause disturbance. At the time of writing a further response from Environmental Health is expected following further discussion about potential noise impacts. Members will be updated on this at Committee.
- 5.4 Environment Agency - The development is classed as Less Vulnerable according to table 2 of the Planning Policy Guidance (Flood Risk and Coastal Change) which is acceptable within Flood Zone 3. The Agency does not consider it to have an increased risk of on or off-site flooding, therefore have no objection to this development. We request that the LPA lists the FRA as an approved plan/document, to which the development must adhere. Refer LPA to 'Flood risk emergency plans for new development' to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG. This does not mean we consider that the access is safe, or the proposals acceptable in this regard.
- 5.5 Economic Development officer - Question why the applicant has not considered the allocation of employment land on the business park; this land has been available for sale for many years with planning permission for these use classes already granted. Development of this land would allow further allocations of employment land to the South of this site to be opened up. These options should be explored. Looking at the application there are businesses on the estate that similarly cater for large vehicles such as the coach company and Armstrong Richardson; the estate would seem the logical location for the business and there is land available.
- 5.6 Site notice posted and neighbours notified. 64 representations received, the following is a summary of the issues raised.

Support

- Would allow business expansion
- Easier access for the larger machines and keep them out of town
- Current site not big enough without causing obstruction to highway
- Relocation would prevent an hour plus travel time to the nearest other business
- It will keep a local business local, close to customers and suppliers
- New location easier to travel to, avoids minor roads
- Skate beck farm better suited to the business
- Location provides adequate facilities to load and unload in the safety
- Fear that if a suitable alternative site is not found they may be forced out of this area
- Need someone local to support when machinery breaks down at peak farming time
- if forced to relocate out of the area, it will be detrimental to the productivity and efficiency of many other agricultural businesses in the area
- The business park and adjoining businesses is not suited to this nature of the business
- Agricultural enterprises must be supported by local government for long term security and sustainability
- Probably mean jobs for local people
- No other premises in this area that would be suitable for Agriplus
- Sustainable Long Term Support for the Farming community.

Object

- All commercial businesses should be on an Industrial Estate. Stokesley has such space.
- Note it is the customers supporting this and focus the decision on the correct policy for the area
- How much more agricultural land and our countryside do we have to lose when the council have already provided the more than adequate space for them to trade.
- Will go against Hambleton's investment into the Industrial Estate, to allow this application would go against that
- The highway is not suitable for a venture of this kind as heavy vehicles will turning
- Would be to the detriment of the environment eg noise and more traffic in the area
- This type of development and business venture belongs on an industrial estate and not on agricultural land
- Impact on Elhams Caravan site, noise and disturbance

6.0 Analysis

- 6.1 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: i) the principle of development in this location; ii) flood risk; iii) design; iv) impact on the countryside and local character; v) highway safety; vi) amenity impacts and; vi) nutrient neutrality

Principle

- 6.2 Policy S1 sets out that development needs will be met through sustainable development that supports existing communities, making effective and efficient use of land, supporting social cohesion, minimising the need to travel and promoting sustainable modes of travel; secondly by ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services. Other key relevant principles are:
- d. Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy;
 - e. Protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements;
 - f. Ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed and underused land and buildings, and reclaimed materials;
- 6.3 Policy S2 makes allocations of approximately 77.8 hectares of employment land to meet the needs of businesses within the time horizon of the recently adopted local plan. The strategy focuses economic growth on the established areas of Leeming Bar and Sowerby with some provision provided for in other areas, such as Stokesley. The site sought through this application would be contrary to this strategic approach.
- 6.4 The strategic policies of the development plan would steer development towards allocated sites, the nearest relevant allocations for employment uses being at Stokesley Business Park. The case officer has raised this with the agent who has advised that the applicant has considered this site and discounted it due to being offered the site on a 99 year lease, which together with build costs and service charges was not considered to be a viable option. No specific evidence has been tabled to substantiate this. The agent notes that in the previous local plan employment allocation in Stokesley the aspiration of the landowners was for high quality business and a high quality of design, which they find do not fit with their client's business.
- 6.5 The applicant has supplied a report that considers the principle further and advises that the previous development would allow small scale expansion of rural businesses, in this case the business employs just three people, in this case as the business serves the agricultural sector and thus fits with requiring a rural location. This makes reference to a 2012 approval ref 12/00965/FUL, at Sinderby Station for an agricultural contracting business. This is not considered relevant due to the specific justification for this development and owing to the changes in policy since that time, including the adoption of the Local Plan.
- 6.6 In response to the discussion at the last committee meeting the applicant has supplied more research into alternative sites around Stokesley and beyond. Officers suggested this search should be wider than Stokesley itself and in response the

applicant notes that premises in Guisborough, Leeming Bar, Sowerby and Northallerton would be too far from the established client base and thus are not suitable. The applicant has provided a list of 10 long standing clients and with the exception of one located close to the district boundary in Stockton on Tees, all are within the vicinity of Stokesley and no more than 6 miles away.

6.7 The assessment of alternative sites focuses on Stokesley and firstly considers local plan allocations STK2 and STK3. The limited potential for allocation STK2 is already set out in paragraph 6.4 above. It is also noted that Agriplus Ltd would also like to move away from a business park location to secure better highway access and a more flexible site, they would also aspire to own their own property to provide for future expansion. Allocation STK3 is described as having the same limitations given it is effectively an expansion of allocation STK2. It is noted with the local plan policy EG1 the STK3 allocation should explicitly include industrial processes, general industrial or storage and distribution. STK3 is described as likely not to be available within the immediate timeframe, its implementation to happen following the building out of allocation STK2. The report also examines the following other sites on Stokesley business park which are discounted as follows.

Extracted from Figure 2 – Saddington Taylor letter

Site Name/ Address	Advertised By	Size	Description/ Availability	Suitability
PVH, 1 Ellerbeck Court	Thomas Stevenson	5,948sqft building with additional yard area to rear.	Trade Counter/Worksho p with Yard to rear. Owner unwilling to sell and have new tenant. To Let only.	Current application for Certificate of Lawfulness (Proposed Use) in regard to container storage (ref. 22/01088/CLP). Applicant has spoken to landowner and has been advised that the unit is not currently available.
Maple Leaf, 12 Ellerbeck Court	Realla	5,200sqft office building with yard area	Office building and workshop. No longer available, recently removed from market	Two storey office building not suitable for proposed use. Recently removed from market.
19 Ellerbeck Court	Thomas Stevenson	7499sqft offices	Large office building (two floors) and workshop – currently under offer	Two storey office building not suitable for proposed use. Property currently under offer.

Site Name/ Address	Advertised By	Size	Description/ Availability	Suitability
Resolution House, 18 Ellerbeck Court	Dodds Brown	10,942sqft offices	Large office building offering office space and car parking only. Available to let and possibility to sell.	Two storey office building not suitable for proposed use.
Carlton House, 26-28 Ellerbeck Court	Jackson & Partners	1,550 – 3,100 sqft offices	Modern office building. Available to let only.	Two storey office building not suitable for proposed use. Available to let only.
4 Ellerbeck Way	Jackson & Partners	800-1,850 sqft offices	Modern office building. Available to let only.	Two storey office building not suitable for proposed use. Available to let only.

- 6.8 Other than the first site listed, Ellerbeck Court, all would be unsuitable given the current office use. The first site is found to be unavailable on the terms sought by the applicant and is said to be 3 times what the applicant is currently paying. No evidence has been provided to demonstrate this, however. It is noted that planning application ref: 22/01088/CLP has subsequently been withdrawn and a new full application for a sui generis use ref: 22/01619/FUL granted consent on 12.08.2022 for container storage. The site access is also described as narrow with frequent parked cars which would be likely to cause problems for Agriplus Ltd accessing the site with large agricultural vehicles.
- 6.9 One other site is considered at Whorl Hill Business Centre, Faceby (approximately 5.8 km to the west of Stokesley Business Park) and outside the planning authority being within the North York Moors National Park. This is made up of five small units none large enough to take the requirements of Agriplus Ltd or having sufficient external storage space. It is also very close to non-associated properties and thus it is described likely to have impacts on residential amenity.
- 6.10 The further advice also received describes in more detail the intended use of the site by way of storage and parking of vehicles. In response to officers' concerns over the storage of vehicles and paraphernalia externally the Applicant advises that given the extension proposed at Skate Beck Farm is larger than the internal and external space available at their current site it is anticipated that there is internal storage capacity to accommodate the machinery currently being stored within their open yard area. Thus the external yard at Skate Beck Farm would only be typically used to store machinery that was waiting pickup with the notable exception of combine harvester which would be too big to fit inside the building. They feel any storage would be temporary in nature, well set back from the road, screened by trees to the east and not different to any other agricultural vehicles currently associated with the on-site farming operation.

- 6.11 Policy EG7 on Businesses in Rural Areas states that employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:
- "a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
- b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or
- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
- d. other proposals specifically requiring a countryside location.
- Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area."
- 6.12 It is officer opinion that the use proposed does not specifically require a countryside location. It is noted this proposal extends an existing building rather than providing a new structure and the site is large enough to accommodate the parking required. However, the building is not well related to an identified settlement nor is it located on an employment allocation. The site, being of an open rural character, albeit with a stand of trees to the east, this proposal would detract from this rural countryside character. It is considered that there is alternative, allocated employment land on Stokesley Business Park, which is capable of providing for this development and as such it is considered that an exceptional case for this development has not been made.
- Flood risk
- 6.13 The site is in Flood Zone 3 and a Flood Risk Assessment has been submitted. It is noted that the site is classed as 'less vulnerable' under the Flood risk vulnerability and flood zone 'compatibility' table. Whilst an FRA is required within zone 3a the development would be considered appropriate. There is no requirement to consult LLFA at NYCC as the application is not a major development and the risk identified from surface water is low.
- 6.14 The EA do not consider it to have an increased risk of on or off-site flooding, although note that they do not necessarily consider the access safe. It should be noted that the entirety of the private access road, through to the A172 is within Flood Zone 3 and as such at times of flooding, the access may not be safe to use. It is further noted that the operator works on a 24/7 call out basis and as such, whilst there is no overnight accommodation in the proposals it should be anticipated that the site could be used at any time of the day or night with resultant potential for impact on the operators of the site or visitors to the site resulting in potential impact on emergency services. This factor is considered to weigh against the proposals in the planning balance.

6.15 Committee members raised the potential for pollution arising from the storage of vehicles and machinery on site. In response the applicant advises that such pollution would also be likely in the site's current use and that larger vehicles would have a larger ground clearance. They continue that despite the flood zone 3 category, flooding is not the norm and it does not mean the site will flood and any flooding incidences that did occur are likely to be few. However, officers are reminded that the NPPF chapter 14 advises that the impacts on climate change mean that the increased likelihood of flooding in the future. The aim being sequential test is to steer new development to areas with the lowest risk of flooding from any source. The applicant would be willing to increase ground levels to make any external storage more resilient to the effects of flooding and combine with additional landscaping works to provide additional screening.

Design and impact on the countryside and local character

6.16 Policy E1 requires all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, including respecting and contributing positively to local character, identity and distinctiveness. The policy explicitly requires proposals to respond positively to its context and draw inspiration from the surroundings, to create distinctive, high quality and well-designed places. Further-more that it achieves a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities of neighbours or the wider area or creating other environmental concerns. The policy continues that sites should be accessible for all users by maximising travel by sustainable modes, plus providing satisfactory means for vehicular access, parking, servicing and manoeuvring. Finally, this policy also notes development should achieve a high quality design and the protection of local character and amenity.

6.17 Policy S5: Development in the Countryside seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district.

6.18 Policy E7 seeks to protect and enhance Hambleton's Landscapes proposals will be supported where there is consideration on the degree of openness and special characteristics of Hambleton's landscapes and they conserve and, where possible enhance any landscape features that contribute to local character. It also seeks conservation and enhancement in rural areas which are notable for their remoteness, tranquillity or dark skies.

6.19 The design of the existing building is functional and orientated with the short edge of the linear building to the road. The extension would be constructed using the same profiled metal cladding as the existing, based on an extended steel frame. Whilst the site is set back from the road this would enlarge the building width making it more visible. Given the use proposed and the established building there is little or no ability to add to the local character, identity and distinctiveness. The use would be likely to generate some external parking and on site storage. The storage of large vehicles outside would create an industrial use in the countryside also likely to have an impact on the rural nature of the locality alongside any future advertising on the main road. It is likely that the existing hedge line could, if left to grow, offer some useful screening to help minimise the impact on this flat site 114m from the main

road. However, the paraphernalia and widened access would also have a wider impact on the open flat rural character of the site and surroundings. It is considered that the proposed use, associated extension, storage and parking will have a detrimental impact on the landscape character of the area and fail to meet the requirements of policy E7.

Highway Safety

- 6.20 Thanks to extra research provided by the agent, the Highways Authority are satisfied the access can be improved to accommodate vehicles visiting the site and allow them to access/ exit the site in a safe manner. This will involve a larger, wider access to accommodate the turning manoeuvres of the larger vehicles that are expected to visit the site. The local Highway Authority recommend conditions are recommended to secure these improvements. It is noted the site area is large and there is adequate space for turning. It is considered that the proposed development will have no significant adverse impact on Highway Safety.

Amenity

- 6.21 The site is within the open countryside adjacent the main road, but set back some 114m within the site. Policy E2 requires 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. Part c) requires no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character. The policy also lists obtrusive light as a potential impact.
- 6.22 The Environmental Health Officer specifically was concerned about the potential impact on the caravan and camping site to the south, but also noted the nearest dwelling was 135m away. The agent has submitted a noise assessment to consider the impacts of the development. The assessment advises that the methodology used was agreed with the Environmental Health Officer. It is noted that surveys were done on 30 November and 7 December 2021 from positions at 2m from the roadside to the south and to the north of site, 230m from the carriageway and data is provided for both day and night periods.
- 6.23 The analysis includes using a range of data from the applicant's existing site in Stokesley. It is noted that during the attended portions of the baseline survey, the acoustic environment at both locations was considered to be dominated by noise from road traffic along the A172 to the southeast. The survey covered the times of activities present on the current site including delivery vehicles, roller shutter doors and metal work as well as a cumulative impact. The report concludes impacts are below Lowest Observed Adverse Effect Level.

- 6.24 The acoustics consultant has also advised in respect to operating hours, it is understood that the business does have capacity for 24-hour operation and, as such, section 5.5 of the report details an assessment against the representative background level for both daytime (0700-2300) and night-time (2300-0700) periods to this effect as per the prescribed methodology in the British Standard. Section 5.1.2 of the report, under heading 'Access / Egress Route' also notes "It is understood that the business would receive no more than one vehicle delivery in any given 1-hour period." However, they believe a more appropriate description for the likely scenario would be 'one per day' rather than 'one per hour' but the report is worded as such in accordance with the relevant assessment methodology. The assessment subsequently concludes that the degree of impact from noise is expected to remain below the Lowest Observed Adverse Effect Level in both scenarios.
- 6.25 No details have been provided to cover any potential on site lighting but it is likely some would need to be provided to allow safe use of the site in dark evenings and the 24 hour potential operation. This would have the potential to create some background amenity impact as defined by the policy, although given the distance to the nearest dwelling this may be minimal. However, given the rural nature of the site there is anticipated to be some impact on local character should lighting be introduced without appropriate controls.
- Nutrient Neutrality
- 6.26 In March 2022, Natural England announced that The Teesmouth and Cleveland Coast Special Protection Area is being adversely affected by nutrient pollution. The effect of this is that the Local Planning Authority must not determine any application within the River Tees catchment area that may lead to an increase in the amount of nitrogen being discharged into the watercourse. The site in this case is within the catchment area.
- 6.27 Planning Practice Guidance sets out how a competent authority must decide if a plan or project proposal that affects a European site protected by the Conservation of Habitats and Species Regulations 2017 as amended (known as the Habitats Regulations) can go ahead. The first step in the process is deciding whether a Habitat Regulations Assessment is required. This requires the Local Planning Authority to carry out a screening process. The PPG outlines that this is a simple assessment to check if a proposal:
- is directly connected with or necessary for the conservation management of a European site
 - risks having a significant effect on a European site on its own or in combination with other proposals
- 6.28 As already set out, Natural England have identified that anything within the River Tees catchment area is directly connected with the conservation of a European site. Hence the proposal in this case meets requirement one.
- 6.29 The second requirement is for the LPA to check if there's a risk or possibility of a significant effect based on the evidence.

6.30 In this case the agricultural use and building is already in place and the intensity of the agricultural use will reduce as a result of the development, which will see a significant proportion of the site changed to an Industrial Use. There is no additional Nitrogen source introduced as a result of the development and this type of employment use is explicitly exempt under the assessment.

6.31 It is considered that the proposed development will not lead to additional Nitrogen Load and as such is considered acceptable in this instance.

Planning balance

6.32 It remains the opinion of officers that despite the further information provided proposal is contrary to the overarching strategic locational principles of the new Local Plan under policy S2 and policy EG7. It will not minimise the need to travel and promoting sustainable modes of travel. There will be some adverse impact on the character of the open countryside and trips made by large vehicles to and from the site throughout opening hours would in themselves have some impact on a road side that is in a rural location. Whilst the site will reuse an existing rural building this requires significant extension and a material change of use of site and some implications for the land around it. It does not site neatly with EG7 part b. nor does it have a strong relationship with a settlement as required by part c. It is not a business requiring a rural location having successfully established itself and operated from Stokesley business park.

6.33 The plans would not strengthen the distinctive character of the landscape and the form and setting of settlements as required by policy S1. Notwithstanding the position taken by the applicant, officers remain of the view that the employment land allocation is the most appropriate location for this development and that no substantive information has been provided to demonstrate that this is not viable. The access and the wider site are located in Flood Zone 3 and as such represents a risk to those operating or visiting the site during times of flooding. On this basis the application is recommended for refusal.

7.0 Recommendation

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

The reasons for refusal are:-

1. The commercial use would be highly visible and harmful to the character of the area and is considered to be an incongruous form of development within the open countryside and is therefore considered to be contrary to Policies E1 and S5

2. The commercial use on agricultural land proposed is considered to be an inappropriate form of development in the countryside. This type of development is considered to be appropriate within an existing industrial estate and not within the open countryside. It is considered that insufficient evidence has been provided to allow an exceptional case to be made. It is therefore considered to be contrary to Policies S1, S2 and EG7 of the Council's Local Plan Policies.

Parish: Raskelf
Ward: Raskelf & White Horse
3

Committee date: 27th October 2022
Officer dealing: Marc Pearson
Target date: 24th February 2022
Extension of time:

21/02643/FUL

Construction of 6no poultry buildings, associated infrastructure, attenuation pond, new access track and hardstanding

At: Land north of Hag Lane, Raskelf
For: Dinsdale Farming

This application is referred to Planning Committee due to the level of public interest

1.0 Site, Context and Proposal

- 1.1 The 6 hectare application site is located on the north side of Hag Lane approximately 2km west of Raskelf beyond the East Coast railway line. The site would utilise an existing vehicle access point and access track that leads to a field enclosure about 200 m from Hag Lane. The site is level and is enclosed by an existing hedgerow and is currently utilised for agricultural purposes. Immediately to the west of the application site (adjacent to the access track) are overhead power lines that run in a north/south direction. The immediate context is defined by remaining agricultural land and approximately 400m to the west, south-west and south-east are a number of residential properties. Short and medium distance views towards the site are possible from Hag Lane over the hedgerows adjacent to the highway. From the east longer distance views towards the application site are possible from the public footpath network, however, these views are dominated by the railway line and overhead power lines.
- 1.2 The proposal seeks consent for the erection of 6 poultry buildings and associated infrastructure. The poultry buildings each measure 126m x 20m in footprint with an eaves height of 3m and a ridge height of 5.7 m. Each poultry building is of steel portal frame construction, with concrete walls to 0.6m with polyester coated profile sheeting above for the walls and roof which will be coloured olive green. The proposed buildings will be fitted with high velocity ridge mounted ventilation fans and side inlet vents. An amenity building/boiler house measuring 30m x 18m with an eaves height of 6m and a ridge height of 8.4m of similar construction is also proposed, together with feed bins at 8.5m in height and smaller ancillary structures, gas and water tanks. Furthermore, landscape planting is proposed adjacent to the southern and eastern field boundaries.
- 1.3 The broiler rearing cycle operates on an all-in all-out system, and each cycle takes 48 days. Chicks will be delivered to the site as one day olds and will be reared on the site for approximately 38 days, following which they will be removed live to the processors. Following the removal of the birds, the site will be empty for around 10 days for cleaning and preparation for the next flock. The manure removed and transported to Thetford Power Station. The site will operate with approximately 300,000 broilers per production cycle.

- 1.4 The proposal has been submitted with a landscape and visual impact assessment (LVIA), transport study, Archaeological Geophysical Survey, design and access statement, study of the Impact of Odour and flood risk assessment. As part of the application submission a highway vehicle routing plan is proposed that would provide a vehicle route in a southerly direction to connect to the A19 avoiding Raskelf village. Birds arrive from the hatchery at Thirsk, feed delivery from the Mill at York following the A1237, A19 and High Moor Lane, whilst manure removal will be taken to Thetford Power Station, routed from the site following the A19, A64, A1 southwards to the A14 and A11.
- 1.5 The proposal is subject to an Environmental Statement due to the number of birds being above 85,000, the buildings would provide for a total of 300,000 birds, this has been provided and the Secretary of the State has been consulted on the proposal. The proposal has not been called in by the Secretary of State so can therefore proceed to determination.
- 1.6 During the course of the application solar panels were added to the elevation drawings by the applicant. The updated drawings illustrate solar panels on the south facing roof slope of each poultry unit.

2.0 Relevant Planning History

- 2.1 No planning history for this particular site.

3.0 Relevant Planning Policy

- 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 EG7: Businesses in Rural Areas

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 RM2: Flood Risk

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM4: Air Quality

Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

Local Plan Policy IC1: Transport

Local Plan Policy IC2: Transport and Accessibility

National Planning Policy Framework

4.0 Consultations

- 4.1 This application has been the subject of a 10 day re-consultation in September 2022 following the introduction of solar panels as described in para 1.6 above. Where additional comments have been received that change consultee advice these are identified below.

4.2 Parishes, consultations have been issued to five parish councils –

Tollerton Parish Council – object as summarised below:

- Currently 31 major poultry units in Hambleton District, three in the immediate vicinity of Tollerton, and a further 4 in the surrounding region.
- The number of vehicle movements to and from the proposed units as noted in the submitted documents will increase the HGV vehicles through Tollerton by up to 1,500 per year. This, added to the number of HGV vehicles in excess of 3,500 already, is not acceptable in a secondary village with unclassified roads.
- Additionally, we experience high levels of smells of ammonia etc from the existing plants already. Inadequate mention of the prevailing wind pattern in the documents submitted indicates that this has not been considered satisfactorily.
- The emission of Nitrous Oxide (a global warming gas 300 x more polluting than Carbon Dioxide) has not been considered.
- The temporary condition of the site during construction regarding vehicle routing, movement direction and pollution has been ignored in the overall documents submitted.

Shipton Parish Council – No objection to proposed development site itself but concerned about the proposed vehicle routing and increase in traffic as summarised below:

- The proposed route for service vehicles is via Moor Lane, which runs parallel to the A19 at Shipton and to enter the A19 via the Overton turnoff south of Shipton.
- Whilst we recognise the vehicles would not be travelling through Shipton Village, it would enter onto the A19 at a very dangerous junction.
- Seek assurance that vehicles are not permitted to travel through Shipton and we hope consideration is taken regarding an area already overburdened with large vehicles when considering this application.

Raskelf Parish Council - object as summarised below:

- Concerned about the volume of wagons/traffic which will pass through the village of Raskelf to access this site, although the application shows a different route for HGV's accessing the site there is no way of enforcing a route and from experience living in the village HGV's travelling to this site are bound to use the route via Raskelf village.
- The infrastructure of the village of Raskelf is not designed to have a large number of HGV's travelling through the village on a daily basis at all hours of the day this will be a nuisance and danger to the residents of Raskelf.
- Concern about the increase in HGV's passing through to access the poultry farm at Brafferton.

Aldwark Parish Council (includes the village of Flawith)

Having consulted with residents in Flawith, objects as summarised below:

- Concern about the traffic generation and the traffic movements affecting the local highway network and the unclassified Hag Lane.
- No explanation or logic has been provided as to why the anticipated numbers of HGVs are to be routed in this direction through three villages (Tholthorpe, Flawith and Tollerton) instead of being routed via the shortest route onto the A19 through

Raskelf. The alternative route through Raskelf is the most direct route and would cause the least disruption to residents.

- Concern about HGV volumes and speeding vehicles through the village despite local residents operating speedwatch and the installation of a speed matrix sign.
- Despite a number of requests, North Yorkshire Police have been reluctant to install a speed camera or to undertake active speed monitoring with a camera van. Equally, North Yorkshire County Council as the highway authority have yet to come forward with any proposals to mitigate against speeding traffic. Any approval of this application in its current form should be conditional upon speed reduction measures being implemented across all three affected villages.

Further consultation response:

- Neither the Environmental Assessment nor the Transport Statement consider the impact of the proposed routing of HGVs on the villages of Tholthorpe, Flawith and Tollerton. The proposed routing of vehicles to join the A19 at Shipton-by-Beningbrough is far more circuitous and much less direct than accessing the A19 through Raskelf. There is no explanation why this route has been chosen and no consideration of the effects on the villages impacted.
- Flawith already is severely impacted with speeding vehicles despite the measures taken by the Parish Council to install a speed matrix sign and the local villagers carrying out speedwatch activities. North Yorkshire Police are presently reluctant to carry out enforcement action and North Yorkshire CC are unwilling to invest in any traffic calming measures. The proposed increased traffic will have a further detrimental impact on all three villages with no mitigation measures proposed.
- Air and noise pollution from the increased HGV traffic has not been considered as part of the Environmental Assessment.
- The Transport Statement fails to identify the timings of proposed HGV movements.
- This area of Hambleton has recently been designated a bird flu control zone and there is understandable concern about the proposed development of another large chicken rearing facility and the potential human health risks, as well as the risk of a transfer of bird flu from commercial to private premises. The Environmental Assessment fails to consider bird flu and the risks of contamination to and from the wild bird population and any associated risks to human health.

Tholthorpe Parish Council - objects as summarised below:

- If implemented, this proposed development would bring a substantial and potentially dangerous increase in Heavy Goods Vehicle movements over wholly unsuitable roads through three villages and past a number of dangerous junctions, over a route which has had 95 personal injury/accidents, 3 of them fatal, in the last 22 years. Concern that the Transport Impact Statement offered in support of the proposal is wholly inadequate. It is further submitted that at the very least a far fuller Statement dealing with the matters identified in these submissions should be provided but that, in reality, this is a development in such a place and generating such a traffic flow over a difficult unclassified road route that a full Assessment should have been offered, and, if not offered, required.

- The Environmental Impact Statement is deficient in that it does not consider the greenhouse gas emissions resulting from either the construction or operation of this development. That failure, if it is submitted, means that the EIS does not comply with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Schedule 4 §5 specifically requires consideration of the impact of the development on emissions of greenhouse gases. Without a proper or adequate EIS which complies with the Regulations this proposal should be rejected.
 - There are potential health risks from this development but the application does not refer to them or the growing body of research which identifies them.
- 4.3 NYCC Highways – Note that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The routes leading to and from the site leading to the A19 have been assessed and are mostly "C" classified roads with minimum width of 5.5 metres which is suitable for large vehicles to pass others. The routes are considered suitable for the proposed traffic and a highway recommendation of refusal of this application would not be appropriate. On this basis no objection but recommends conditions regarding verge crossing details and visibility. Additionally, the NYCC Officer has responded to a queries on the carriageway and HGV vehicle widths together with data provided by Tholthorpe PC relating to traffic speeds in the village of Tholthorpe.
- 4.4 Environmental Health – No objection but notes that due to the nature and size of the development operations will be controlled under separate legislation for Environmental permits for intensive rearing of poultry to the Environment Agency for a permit to operate. This permit will regulate the business to ensure that the necessary technology and management techniques are in place to prevent emissions to air, water and land with enforcement sanctions available should emissions occur.
- A number of conditions are recommended regarding acoustic matters (relating to fans, acoustic barriers and attenuators), restriction of vehicle movement to, from and on the site between 07:00 – 20:00, measures regarding the control of flies and insects given the nearby residential properties, no burning of waste materials and no disposal of waste on site.
- 4.5 NYCC Heritage – No objection following receipt of a geophysical survey that concluded no archaeological results.
- 4.6 Lead Local Flood Authority – No objection subject to the implementation of the submitted drainage proposals.
- 4.7 Environment Agency – No objection based on updated site layout drawing but recommends a condition relating to non-mains drainage proposals.
- 4.8 Kyle IDB – No objection but recommends conditions on surface water. (Officer note: that the rate of discharge of surface water is 3 litres per second for the whole of the developed site and meets the requirements of the IDB and LLFA conditions.)
- 4.9 MOD – No safeguarding concerns.
- 4.10 Natural England – Standard response but does request Air Quality screening SSSI's. [See section within the analysis on Air Quality]

- 4.11 Yorkshire Wildlife Trust – No response received (expired 24.12.2021).
- 4.12 Yorkshire Water – No response received (expired 24.12.2021).
- 4.13 CPRE – No response received (expired 24.12.2021).
- 4.14 Access Forum – No response received (expired 24.12.2021).
- 4.15 National Grid – No response received (expired 24.12.2021).
- 4.16 Contaminated Land – No objection.
- 4.17 Site notice and Neighbour Notifications – 119 objections as summarised below:
- The ES is flawed
 - Loss of agricultural land
 - Not supporting a local business – applicant based in Darlington
 - No evidence of why alternative sites dismissed.
 - Traffic and vehicles through villages – enforcement of routing problematic.
 - Noise and disturbance from vehicle traffic
 - Smell concerns for local residents
 - Visual impact of proposals
 - Pollution of watercourse
 - Concern about of special measures by DEFRA because of the risk of bird flu as recently as last year, November 2021. Additional facilities such as this increase the risk of bird flu in this area happening and or spreading.
 - Cumulative impact of intensive poultry farm on top of the 31 farms currently operational.

5.0 Analysis

- 5.1 The main issues are principle, landscape impact, highway safety, residential amenity, drainage, noise and odours, drainage, biodiversity, archaeology, air quality, animal health and related impact on human health.

Principle

- 5.2 The proposal would provide an agricultural use within a rural area and Local Plan policies S1 and EG7 promote the development of rural/agricultural enterprise subject to compliance with other relevant local plan policies with a particular focus on consideration of landscape impact and appropriate highways access. Policy S5 sets requirements for development in the countryside.

- 5.3 Policy EG7 states:

Agriculture

A proposal for a new agricultural use or farm diversification will be supported provided that:

- e. it is demonstrated that it is reasonably necessary for the purposes of agriculture within that unit and cannot be met by existing buildings within that unit or in the vicinity and the scale of the building is commensurate with its proposed use;
- f. the building is sited so that it is physically and functionally related with existing buildings associated with the farm unit unless there is a demonstrable need for a more isolated location;

g. the building would be well integrated with its surroundings, being of appropriate location, scale, design and materials and with appropriate landscaping so as not to harm the character, appearance and amenity of the area; and
h. the approach roads and access to the site have the capacity to cater for the type and levels of traffic likely to be generated by the development.
Promotion of sustainable forms of agriculture which include environmentally sensitive organic and locally distinctive food production together with its processing, marketing and retailing will be encouraged as part of a thriving and diverse rural economy.

5.3 The proposal would result in the loss of an area of the best and most versatile agricultural land. The site is Grade 2 agricultural land. Where significant development in the countryside is demonstrated to be necessary, Hambleton Local Plan Policy S5 states that the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.

Environmental Statement

5.4 The agent has provided clarification on the assessment of alternative sites and notes the applicant has not considered other sites for the development as this site was identified at an early stage and was not ruled out by pre application enquiries and thus the project was moved forward to the application stage.

5.5 The Environmental Statement including supplementary information provided by the agent during the course of the application is considered to meet the minimum requirements of an Environmental Statement.

Landscape impact

5.6 Local plan policy E7 seeks to protect and enhance the distinctive landscapes of the district. The proposed buildings would be positioned within an existing field enclosure and further landscaping is proposed adjacent to the southern and eastern hedgerows to provide mitigation screening. The land is low lying and level with no long-range views. As noted in paragraph 1.1 above the immediate landscape context is provided by electricity pylons and overhead wires of the east coast railway line.

5.7 The proposed poultry sheds would be 5.7m to the ridge whilst the ancillary building would be 8.4m in height to the ridge. It is also noted that the feed bins would be 8.5m in height. The proposed buildings are modest in scale and would be visible in views from Hag Lane and public footpaths to the east. However, it is not uncommon for agricultural buildings to be visible within the countryside as this is characteristic of the landscape across the Vale of York.

5.8 Furthermore, in this instance it is noted that there are distracting features within the landscape due to the large-scale overhead powerlines and infrastructure associated with the east coast railway line including the overhead power lines and gantry frames these dominate the landscape in this area. On this basis and subject to the

imposition of condition to require the landscape planting the proposal is considered to be acceptable from a landscape impact perspective.

Highways

- 5.9 Local Plan policy IC2 seeks a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. The issues to be considered fall within two main areas. First the capacity of the highway network to safely accommodate additional traffic and second the amenity impacts from pollution from additional vehicle movements. The proposal would involve the upgrading of an existing vehicle access to provide appropriate and necessary upgrades to the capacity and safety by appropriate visibility splays and routing vehicles in a southerly direction to connect to the A19. From the application site this would result in vehicles travelling through Flawith, Tholthorpe, Tollerton and close to Shipton by Beningbrough. This approach avoids the limited visibility and horizontal alignment at the staggered junction in the centre of Raskelf that would make the junction difficult to navigate for larger vehicles.
- 5.10 The second aspect of amenity concerns is widely raised in public observations that refer to both highway safety and amenity concerns of routing large vehicles along rural routes through numerous villages. Concerns have been raised regarding the enforceability of routing vehicles to and from the application site in a southerly direction and that the excessively long routing will result in the restriction being ignored or that vehicles may not be clearly identified as serving the site.
- 5.11 Further observations from Parish Councils along the proposed vehicle route note concerns about the need to include traffic data for the entire vehicle route, vehicle speeds and the need for traffic calming in the area should this application be approved.
- 5.12 NYCC Highways have been consulted on the application and raise no highway safety concerns subject to conditions regarding verge crossing details and visibility splays. Furthermore, NYCC Highways have provided clarification that there is no need to assess the traffic data for the entire vehicle route and that HGV's can pass through narrow sections of highways in accordance with the guidance contained within Manual for Streets. In addition, the concerns raised about the speed of traffic in villages are a separate matter and this application would not trigger the need for any traffic calming.
- 5.13 Public observations note concerns that the vehicle routing will be difficult to enforce. Nevertheless, it is noted similar types of development have an HGV Management Plan condition attached that controls vehicle routing for HGVs. This could apply to this application site and the applicant is willing to install CCTV covering the site entrance to enable monitoring of the routing strategy to ensure that vehicles turn right and follow the vehicle routing. On this basis and subject to a vehicle routing condition the development it is considered the proposal raises no highways concerns.
- #### Residential amenity
- 5.14 Local Plan policy E2 seeks 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. The application site is situated in close proximity to residential properties to the west, south-west and south-east.

Environmental Health has been consulted on the application and note that the operation of the site would be controlled via permits from the Environment Agency. On this basis the application raises no concerns regarding the potential amenity impact from the poultry sheds subject to conditions relating to noise, odours and amenity.

- 5.15 Consideration has been given to the impacts of vehicle movements along the vehicle route through countryside and villages, particularly on the most vulnerable in society. Whilst the number of movements and size of vehicles cannot reasonably be reduced the impact can be reduced through the imposition of a working hours condition. This is to limit the time that vehicles can enter or leave the application site and will mitigate the potential unrestricted times of vehicle movements.

Drainage

- 5.16 Local Plan policies RM1 and RM3 require the appropriate drainage for foul and surface water to be provided. The application site is located in flood zone 1 and is therefore at low risk of flooding from rivers. Furthermore, no surface water flooding is recorded on the application site. The ground conditions prevent soakaways and therefore it is proposed to drain the proposal to the drainage ditch that runs along the northern field boundary via an attenuation pond.

- 5.17 Dirty water from the washdown of the buildings will be collected in underground storage tanks and this is subject to separate legislation via Environmental Permit regimes through the Environment Agency. In addition, foul water from the staff facilities on site will discharge to a private package treatment plant.

- 5.18 The Local Lead Flood Authority, Internal Drainage Board and Environment Agency raise no concerns subject to conditions relating to the implementation of the drainage proposals.

Biodiversity

- 5.19 Local Plan policy E3 requires all developments to demonstrate the delivery of a net gain for biodiversity. An ecology report submitted with the application notes there would be no adverse impact on ecology given the existing use. Furthermore, the introduction of landscape planting together with an attenuation pond could ensure there is no net loss to biodiversity.

- 5.20 Local Plan policy E3 requires proposals to demonstrate biodiversity net gain. The submitted ecology information illustrates no net loss, given the existing arable land use and subject to a detailed biodiversity metric assessment and proposals to enhance biodiversity (that can be controlled via a suitably worded condition) it is considered that a biodiversity net gain can be achieved on the application site and adjoining land within the applicants control.

Archaeology

- 5.21 Local Plan policy E5 requires that where a heritage asset is identified, a proposal will be required to assess the potential for adverse impacts on the significance of the historic environment. During the course of the application a concern relating to archaeology within site was raised by NYCC Heritage Services. However, following the receipt of a Geophysical Survey that identified the absence of archaeological features NYCC Heritage Service was no concerns regarding the proposals.

Climate change and Greenhouse gas emissions

- 5.22 Greenhouse gas emissions are identified in the Hambleton Local Plan as a cross cutting issue and that the Climate Change Act 2008 sets a legally binding target to reduce the UK's GHG emissions to net zero by 2050 from 1990 levels, the requirement is set in Policy S1 to support development that takes available opportunities to mitigate and adapt to climate change, including minimising GHG emissions. The issue associated with the GHG of the proposal are raised by Tholthorpe Parish Council. The agent has provided a response as follows noting the contribution of agriculture to GHG.

UK farms presently amount to 45.6 million tonnes of carbon dioxide (CO₂) equivalent a year – about one-tenth of UK GHG emissions. But in stark contrast to the rest of the economy only 10 per cent of this is CO₂. Around 40% is nitrous dioxide (N₂O) and 50% is methane (CH₄).

Current poultry production in the UK is responsible for a fraction of the Greenhouse Gas emissions associated with red meat production, because of the methane emitted because of ruminant production systems. Compared to other meat production systems, poultry produce approximately half the GHG emissions per kilo of pork and approximately a fifth the Greenhouse Gas emissions per kilo of red meat, with substantially higher feed conversion figures than cattle or pigs for both intensive and extensive systems.

Methane emissions are nearly all associated with manure storage (poultry digestion does release some methane but it is relatively negligible). The proposals involve the removal of the of the manure from the site to a biomass power station with no manure storage proposed.

- 5.23 Growing animals for meat production will result in additional GHG emissions it is evident from academic study that poultry meat results in less GHG emission than beef or pork. The proposal does not include details that would secure a reduction in GHG emissions.

Air Quality

- 5.24 The Hambleton Local Plan notes the importance of improving air quality due to the harm to human health caused by poor air quality. Policy E2 amenity requires proposal to ensure that the adverse impacts of air pollution are made acceptable. The operation of the poultry unit would result in an increase in ammonia release to the atmosphere. This pollutant has the potential to cause harm to the environment. Issues of air quality management also fall within the remit of the Environment Agency as the premises can hold more than 40,000 birds. Further guidance on this matter has been sought from the EA.

Animal Health

- 5.25 Avian flu continues to effect both wild birds and farmed birds. The prevalence of avian influenza has resulted in control measures within the local area and have been imposed across Great Britain on 17 October 2022. The responsibility for this issue rests with the Animal and Plant Health Agency (an executive agent of the Department for Environment, Food and Rural Affairs who work to safeguard animal and plant health for the benefit of people, the environment and the economy. In the press statement of 17 October 2022 that imposes restrictions on those keeping poultry it also notes that The UK Health Security Agency (UKHSA) advises that the

risk to public health from the virus is very low and the Food Standards Agency advises that avian influenzas pose a very low food safety risk for consumers.

- 5.26 There is no change to planning policy released from Government to preclude the development of new poultry premises and no planning reason to resist the proposal on the basis of the risk to animal or human health.

Planning Balance

- 5.27 Taking all of the above into account it is considered that the proposed development complies with the relevant Local Plan policies in terms of principle, landscape impact, amenity, biodiversity, highways, drainage, archaeology, air quality, animal health and is otherwise in accordance with local and national policy requirements.

6.0 Recommendation:

- 6.1 That the application is **APPROVED** subject to the imposition of the following conditions:

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

02A received by Hambleton District Council 10.1.2022

03 elevations showing solar panels received 9 August 2022

04 & 05 received by Hambleton District Council on 4.11.2021.

3. A) the make, model and number of fans for both the roof fan unit Fancom 3680/ gable end fan units Fancom 34130 referred to in the report are conditioned for use within this scheme. If the applicant wishes to choose a different make / model etc this may be acceptable but further scrutiny should be given to the associated noise impact.

B) Further information shall be provided on the acoustic barrier including the design, materials to be used, associated sound reduction properties and confirmation that it can achieve a 10dB reduction in noise as referred to in the acoustic report. This shall be submitted to and agreed in writing by the LPA prior to the sheds being occupied.

C) Extract fan attenuators shall be fitted to the atmosphere side of the roof and gable end extract fans that achieve an insertion loss as stated in table 1 of the report page 7. Proof of this installation and that it meets the sound reduction requirements as stated within the table shall be submitted to the Local planning authority. If the applicant wishes to choose a different make / model of fan which changed the attenuation required this may be acceptable but further scrutiny should be given to the associated noise impact.
4. Site vehicles movements to, from and on the site shall be restricted to 07:00 – 20:00. No site vehicle movements are permitted outside these hours.

5. Prior to the use commencing the applicant shall submit a scheme to the LPA for approval detailing how flies and other insects shall be controlled to prevent loss of amenity to nearby occupiers. Following approval, the operator shall operate in accord with the approved scheme and maintain records to demonstrate this. All such records shall be made available for an officer of Hambleton District Council upon request.
6. There shall be no burning of waste materials in the open air on the site.
7. The disposal of waste materials offsite to a power station shall be implemented as set out in the application documents. Any change to this arrangement shall be subject to notification to, and approval by, the LPA.
8. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:
 - The crossing of the highway verge must be constructed in accordance with the approved drawing reference 23420-01 and Standard Detail number E60.
 - Any gates or barriers must be erected a minimum distance of 15 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

All works must accord with the approved details.

9. 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 160 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
10. The development permitted by this planning permission shall be carried out in accordance with the submitted non-mains drainage proposals and shall also include the following specific mitigation measures:
 - The package treatment plant shall discharge to a drainage field, this shall be designed and constructed to the relevant British Standard: BS 6297:2007.
 - There shall be no discharge to an enclosed lake or pond
 - The package treatment plant shall not be sited within 50m or upslope of any well spring or borehole used for private water supply.
11. The drainage scheme shall be built in accordance with the following submitted designs;
Proposed Drainage Layout. Alan Wood and Partners, 46183, P1, 01/10/2021
Flood Risk and Drainage Assessment, Alan Wood and Partners, JAG/AD/JD/46183
October 2021.
12. The development shall not be brought into use until a Delivery Management Plan has been submitted to and approved in writing by the Local Planning Authority, containing details of a strategy for the routing and timing of collection from the site and delivering to the site. The Delivery Management Plan shall thereafter be implemented in full at all times when the use is operational.

13. 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.
14. 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.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. In the interest of residential amenity.
4. In the interest of residential amenity.
5. In the interest of residential amenity.
6. In the interest of residential amenity.
7. In the interest of residential amenity.
8. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
9. In the interest of highway safety.
10. To ensure appropriate drainage
11. To ensure appropriate drainage
12. In the interest of highway safety
13. In the interest of biodiversity
14. In the interest of visual impact

This page is intentionally left blank

Parish: Brompton
Ward: Northallerton North and
Brompton

Committee date: 27th October 2022

Officer dealing: Ian Nesbit

4

Target date: 07 July 2022

22/00739/FUL

Application for change of use of land for an additional 6 Gypsy /Traveller pitches comprising 6 no. static caravans, 6 day rooms, 6 touring caravans, and associated works (as amended - additional documents received on 11.10.2022)

At: Land to the Rear of the Workshop Stokesley Road Brompton

For: Church Commissioners for England

This application is referred to Planning Committee as the application is considered to be of significant public interest.

1.0 Site, Context and Proposal

- 1.1 The application site is a relatively narrow plot of land located on the outskirts of the village of Brompton. It is one of a number of similar linear plots of land running adjacent to the west side of Stokesley Road (A684) north of Northallerton. Two of these plots (located between the application site and Lead Lane) include dwellings. To the north and west the land rises gently towards the village of Brompton.
- 1.2 The application site contains two residential static caravans, a 'portacabin'-style building and a stable/storage building that was allowed on appeal in 2018. The north-west part of the site consists of a relatively large field and it is this part of the site where the proposed development would be located. The site is bounded to the south, west and most of its northern boundary by a high hedgerow and trees. The application site is located outside of the Brompton Conservation Area, but relatively close to it at the point of the site's rear boundary.
- 1.3 The proposals would create six designated pitches in a linear layout each with its own stand-alone 'dayroom' building, hardstanding, vehicular access (via a new crushed stone track routed down the centre of the field from the existing hardstanding area within the south-east of the application site) and soakaway to dispose of surface water. A package treatment plan would be installed to deal with foul water, south of the new access track, to be designed to serve a minimum of six pitches.
- 1.4 The six proposed dayroom buildings would be precisely the same size, appearance and layout as one another and would provide independent and separate kitchen and bathroom/WC facilities for each pitch as well as a utility and living/dining areas. The dayrooms would be of brick construction with concrete pantile roof covering with an internal footprint of approximately 6 sqm. The ridge heights of the dayroom buildings would be approximately 2.05m.
- 1.5 No details of the caravans have been included with the application and the agent (as stated within paragraph 11 of the supporting statement) states that as

'interchangeable structures'; it is normally therefore inappropriate to condition details of their size and appearance, except in exceptional circumstances.

- 1.6 A landscaping plan and planting schedule show that a pond is proposed to be created within the site as well as additional tree and shrub planting and the creation of areas of wildflowers.
- 1.7 As well as the application form and location plan, the following documents/plans have been submitted with the application: (a) planning statement; (b) existing site plan; (c) proposed site plan; and (d) proposed dayroom elevations.
- 1.8 Following discussions with the Case Officer, the agent has subsequently submitted the following additional and amended plans/documents: (a) Flood Risk Assessment; Amended Proposed Site Plan (Rev.A); Soft Landscaping Plan and a Planting Schedule. The agent has also stated that additional Ecological and highway information is to be submitted, although this has not been received by the Council at the time of writing.

2.0 Relevant Planning History

- 2.1 21/00832/FUL Siting of a timber double garage – Approved by the Council on 25.05.2021.
- 2.2 20/00635/FUL Siting of a second static caravan and an additional touring caravan to be sited on part of the land approved as a private gypsy site – Approved by the Council on 01.06.2020, subject to a planning condition restricting occupation to the applicant's grandfather. This condition was subject to an appeal to the Planning Inspectorate (APP/G2713/W/20/3256517) The appeal was allowed, albeit with the re-wording of the condition, although an occupancy restriction on the caravan remains.
- 2.3 19/00016/MRC variation of conditions attached to Planning appeal APP/G2713/C/13/2198583 - to allow the siting of an additional static caravan including a change of use of agricultural land to use as a single additional residence – Refused by the Council on 01.07.2019. Appeal Dismissed (APP/G2713/W/19/3236564)
- 2.4 17/01608/FUL Construction of a stable building, including cart/implement/tack and tool/garden equipment store with hayloft/feed store over. The application was refused by the Council on 23.10.2017, but was allowed on appeal (APP/G2713/W/17/3189417) by the Planning Inspectorate on 03.04.2018 subject to conditions, including the prior approval of samples of the materials to be used in the construction of the external surfaces of the development.
- 2.5 16/02657/FUL Construction of a stable building including cart and implement store, tack and tool/garden equipment store with hay loft/feed store over - Refused by the Council on 30.06.2017 - Appeal Dismissed (APP/G2713/W/17/3182389).
- 2.6 14/01751/FUL Retrospective application for multi-purpose barn/shed, internal dog kennels and adjoining run - Refused by the Council on 07.04.2015

- 2.7 13/00129/CAT3 Unauthorised Works - Building - including new base - internal works including breezeblock walls and on the external stone block work – workshop inside and several dog kennels - Appeal Dismissed (2199509) by the Planning Inspectorate.
- 2.8 13/00128/CAT3 Unauthorised Siting of a static caravan - Appeal (2199511) No Action Taken
- 2.9 12/00737/FUL Demolition of 4 buildings and construction of 2 replacement buildings to provide for hatchery and storage barn for pheasant and partridge rearing farm. Retrospective application for improvement works to the existing vehicular access – Refused by the Council on 09.11.2012.
- 2.10 11/00205/CAT3 Unauthorised engineering works and alleged change of use of agricultural land for residential occupation by placing a static caravan and touring caravan on land, together with domestical paraphernalia - Appeal Allowed (APP/G2713/C/13/2198583 and 2198584) by the Planning Inspectorate in November 2013.
- 2.11 11/00205/CAT3 (ENF) Unauthorised engineering works and alleged change of use of agricultural land for residential occupation – Appeals 2198585 & 2198586 allowed in part.
- 2.12 10/01462/FUL Construction of two replacement agricultural storage buildings – Refused by the Council on 02.09.2010.

3.0 Relevant Planning Policies

Hambleton Local Plan

- 3.1 The Hambleton Local Plan (HLP) was adopted on 22 February 2022. The following policies of the HLP are considered relevant to the consideration of the application:

S 1 : Sustainable Development Principles
 S 2: Strategic Development Needs
 S 3: Spatial Distribution
 S 5: Development in the Countryside
 HG 6: Gypsies and Travellers, and Travelling Show people
 E 1 : Design
 E 2 : Amenity
 E 3 : The Natural Environment
 E 4 : Green Infrastructure
 E 7 : Hambleton's Landscapes
 IC 1 : Infrastructure Delivery
 IC 2 : Transport and Accessibility
 RM 1 : Water Quality and Supply
 RM 2 : Flood Risk
 RM 3 : Surface Water and Drainage Management
 RM 5 : Ground Contamination and Groundwater Pollution

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF), July 2021
- Planning Practice Guidance (PPG)
- Planning Policy for Traveller Sites (PPTS) (August 2015)

Other Relevant Documents

As part of the evidence base for the emerging Hambleton Local Plan, the Council commissioned the following documents which are relevant to the consideration of the current application and are material considerations in its determination:

- Gypsy and Traveller Accommodation Assessment (GGTA) (January 2021) (GTAA)
- Pitch Deliverability Assessment (PDA) (February 2021).

4.0 Consultations

- 4.1 Brompton Parish Council (BPC) – BPC have confirmed that an Extraordinary Meeting was held (in July 2022) to consider the application, and confirmed that 17 members of the public attended the meeting where concerns were expressed with regard to the impact of additional traffic movements, the retention of existing screening, contamination, the impact on the amenities of nearby properties, and pedestrian safety (due to their being no footway or lighting along Lead Lane)

After listening to the comments made by those present it was agreed (by BPC) that the Planning Authority be informed that Brompton Town Council has no objections to the planning application subject to the Highway Authority being satisfied as to arrangements for entrance and exit to the site to and from Stokesley Road.

- 4.2 Local Highway Authority (LHA) – The LHA have provided an initial response stating that in order to be able to fully assess the proposals, they have requested that further details are provided by the applicant/agent, comprising:

- A plan showing the existing access along with visibility splays.
- A plans showing the internal layout, demonstrating how vehicles and caravans are able to enter and exit the site in a forward gear, and how suitable provision(s) have been made to avoid off-site parking (including on the public highway)

- 4.3 Yorkshire Water (YW) – YW note that the proposal is in an area remote from the public foul sewerage network and recommend that both EH and the EA are consulted for comment on the proposed private treatment facilities (i.e. package treatment plant)

- 4.4 Swale and Ure Internal Drainage Board (IDB) – No response received.

- 4.5 Environmental Health (EH) – The Senior Scientific Office has made the following comments and recommended planning conditions (as summarised):

From a land contamination perspective, it would be expected that information is submitted demonstrating that the land is suitable for use (in line with the NPPF) and consist of either a Preliminary Assessment of Land Contamination (PALC) or Phase 1 risk assessment. Ideally this information should be submitted prior to the

application's determination. However, if the application is to be approved before the submission of this information, then the following conditions are recommended to secure the investigation and, where necessary, remediation of any contamination on site:

- Prior to the commencement of the development, a Phase 1 assessment (as well as a Phase 2 assessment where contamination is suspected) shall be submitted to and approved in writing by the LPA.
- Prior to the commencement of the 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 then submitted to and approved in writing by the LPA.
- Prior to occupation, the approved remediation scheme must be carried out in accordance with its terms. A verification report must be produced and then submitted to and approved in writing by the LPA.
- The undertaking of an investigation and risk assessment in the event of unexpected contamination being found when carrying out the development. Where remediation is necessary, a remediation scheme must be prepared and then submitted to and approved in writing by the LPA, followed by a verification report.

4.6 Environment Agency– No response received.

4.7 Brompton Heritage Group – No response received.

4.8 Public Comments – 4 letters of representation (all objecting) were received raising the following issues as summarised below. Please note that one of the representations received was submitted on behalf of a consortium of 5 local residents by ELG Planning:

- Additional noise and disturbance will be caused in the immediate vicinity.
- Substantial increase in traffic onto the already busy Stokesley Road.
- Loss of amenity in relation to nearby land.
- Will spoil the enjoyment of the open countryside in which the development would be located.
- The proposal is very excessive and not in keeping with the area.
- Would result in increasing tensions with neighbouring properties.
- The Principle of the development – the proposals have not demonstrated that there is an identified need that cannot be met through the supply of existing vacant pitches or sites...no evidence has been provided that the proposed occupants would meet the planning definition of a Gypsy or Traveller...having been assessed as part of the GTAA and PDA the application site was considered to be unsuitable for further expansion/intensification.
- The application site is outside of the existing settlement, in open countryside and not visually and spatially well related to the existing settlement.
- Impact on the character and appearance of the surrounding area – the development would represent a significant incursion into the open countryside on a site where a previous appeal decision acknowledged that two pitches would be detrimental to the site's openness...although the site as existing hedgerow cover it is insufficient to adequately screen the development from views within the surrounding countryside and surrounding

areas...it is noted that no additional landscaping is proposed...the regimental form would be completely at odds with the rural character and represent overdevelopment of the site. No assessment of the landscape impact of the proposals has been submitted

- Although the proposals would represent an expansion/intensification of an existing authorised Gypsy and Traveller site, it would be a significant expansion.
- No details have been provided in relation to parking provision, foul and surface water drainage; children's play areas; waste storage and collection; telecommunication; storage and any other ancillary buildings...as such it is not possible to assess the development in relation to criterion (e) of HG6.
- Residential amenity – Reference is made to the amenity concerns expressed by the Planning Inspector relating to one additional pitch on site whereas this application would result in six additional pitches and would result in an unacceptable impact on residential amenity of the existing dwelling due to the significant uplift in activity and vehicle movements, potentially including additional noise from animals (e.g. dogs)...the development would also lead to a significant increase in disturbance and light pollution.
- Significant concern regarding the safety of pedestrians – in order to access services in the village of Brompton (on foot) including the school it would be necessary for occupants on the site to use Lead Lane (which runs from Stokesley Road into Brompton. Lead Lane is a narrow lane with no footpath or side verge for the majority of its length which due to the topography has very limited visibility for drivers.
- Vehicle Access and Highway Safety– the application should be refused on highways grounds as there would be an unacceptable impact on highway safety...the proposals would result in a significant uplift in vehicle movements which would utilise the existing site access onto the A684 - a busy road and one of the main routes in and out of Northallerton and to the A19, and has a national speed limit (60mph) with any reference to proposals to reduce the speed limit from 60mph to 40mph being unfounded...road traffic accidents have occurred on the A684 at the crossroads of Lead Lane and Brompton Banks...note the additional plans/clarification required by the Local Highway Authority (within their initial comments) and wish to reserve the right to comment further upon receipt of any additional details provided...concerns about the achievability of visibility splays required to achieve safe access without removing a significant portion of the existing hedgerow to the detriment of the character and appearance of the surrounding area...entrance off the existing site access onto Stokesley Road would result in a risk for traffic incidents.
- Surface water drainage and surface water flooding – No Flood Risk Assessment (FRA) has been submitted with the application...the site is prone to surface water flooding (as per the EA's surface water flood map) and a number of proposed plots are at a high risk of surface water flooding (i.e. a greater than 3.3 per cent chance per annum)...Policy RM6 requires development to reduce the speed and volume of surface water run-off but no details have been submitted with the application to show how this would be achieved...the proposed use of a package treatment plant in an area prone to surface water flooding raises concern as it could result in effluent being released into the paddock with the risk to flora and fauna in the area that this would pose.

4.9 Publicity – The application has been publicised by site notice posted adjacent to the entrance of the site.

5.0 Analysis

5.1 The main issues to consider are:

- Principle and Need
- Amenity
- Design, Landscaping, and Impact on the Character of the Settlement and the Surrounding Landscape
- Highway Safety, Accessibility, Permeability and Connectivity
- Ecological Impacts, Biodiversity Net Gain and Green Infrastructure
- Flood Risk and Surface Water Drainage
- Foul Drainage and Water Supply
- Contamination Risks

Policy Background and Gypsy and Traveller Pitches Need

5.2 The National Planning Policy for Traveller Sites (PPTS) sets out how travellers' housing needs should be assessed. The PPTS should be read in conjunction with the NPPF which states that Local Authorities should identify a five year supply of deliverable sites for traveller's sites (separate from its identified and annually updated five year housing supply)

5.3 Policy HG6 (Gypsies and Travellers, and Travelling Showpeople) of the Local Plan is intended to enable the appropriate provision of sites to meet the special needs of Gypsies, Travellers and Travelling Showpeople in accordance with the PPTS (2015) and the Council's statutory duties under the Equalities Act (2010). Proposals will therefore be supported for new, expanded or intensified sites for Gypsies and Travellers where:

(a) there is an identified need that cannot be met through the supply of existing vacant pitches;

(b) the proposal would be consistent with the requirements of policy RM2 (Flood Risk);

(c) the site is within, or well-related to, a settlement defined in the settlement hierarchy with access to a reasonable range of services and facilities including schools and health services, or the proposal is an expanded or intensified use of an existing authorised site;

(d) in locations outside an existing authorised site or the existing built form of a defined settlement, it is demonstrated that the proposal: (i) cannot be accommodated within the main built form of a settlement and in rural areas the size of the site respects the scale of, and does not dominate, the nearest settled community; (ii) demand placed on local infrastructure can be accommodated within existing or planned provision; and (iii) would not have a detrimental impact, individually or cumulatively with other existing and/or permitted development, on the landscape character of the area;

(e) the site is of an appropriate size to be able to provide acceptable living conditions for residents through the provision of an adequate range of on-site services and facilities (e.g. access road, amenity blocks, parking, play areas, water supply, drainage, power, waste storage and collection and telecommunications);

(f) the proposal incorporates satisfactory measures for screening and landscaping;

Policy HG6 also states that the Council will commence an urgent review of this Local Plan within 6 months of adoption. This will identify a supply of specific, deliverable sites to meet the identified needs for Gypsies and Travellers and Travelling Show people in order to identify specific sites to meet any outstanding needs identified. [this review has yet to be undertaken by the Council at the time of writing].

- 5.4 The Local Plan has a statutory duty to identify specific, deliverable sites to meet locally set targets. There have been two studies completed to identify what these needs are and how the Local Plan can meet this requirement; firstly the Gypsies and Traveller Accommodation Assessment (2021) (GTAA) has assessed the need for Gypsy and Travellers, and Travelling Show people from 2020, projecting to the end of the plan period in 2036. It identifies the needs of those who meet the PPTS definition for a traveller, and also for those who do not meet the definition, but who are covered within the duties under the Equalities Act 2010. Secondly, the Pitch Delivery Assessment (2021) provides evidence that specific needs can be met through expansion and intensification of existing sites. The overall need that was identified for the plan period for Gypsies and Travellers that meet the PPTS planning definition is for 57 pitches.
- 5.5 The supporting text of the Local Plan confirms that rather than identifying sites at this time the Council will work with the existing Gypsy and Traveller community in order to meet their requirements through the expansion and intensification of existing sites to add small numbers of pitches for extended single family groups.
- 5.6 The agent has stated within the supporting statement that the Council has a 'significant unmet need' for Gypsy and Traveller pitches that should be given appropriate weight within the planning balance, and that the proposal represents the type of development the Council requires in order to meet the significant unmet need for sites in the area, particularly as the Planning Inspector called for an urgent review to address the identified need.
- 5.7 The proposed application would provide six additional Gypsy and Traveller pitches which would assist in helping to meet the Council's identified need. Furthermore, the proposal would represent an expansion of an existing Gypsy and Traveller site in accordance with the approach outlined within the Pitch Delivery Assessment (2021) which has provided evidence that the Council's specific Gypsy and Traveller needs can be met through expansion and intensification of existing sites.
- 5.8 Overall, by creating six pitches the proposal would help to meet the Council's identified need for Gypsy and Traveller pitches involving the expansion of an existing Gypsy and Traveller site. As such, this should be given reasonable weight in the planning balance. Matters pertaining to design and landscape are dealt with elsewhere in this report.

Amenity

- 5.9 Policy E2 (Amenity) of the Local Plan states that proposals are 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.
- 5.10 Although the application site is in a rural location sited between the settlements of Northallerton and Brompton, there are existing residential properties to the north of the site and beyond the rear western site boundary. The property of Rivadoon shares a boundary with the existing site, and although would not directly adjoin the application site, is within close proximity to the development and would therefore has potential to be significantly affected by the additional noise and lighting impacts resulting from the occupation and regular and unrestricted vehicle movements associated with six additional Gypsy and Traveller pitches.
- 5.11 Given the position of this neighbouring dwelling and its curtilage adjacent to the northern boundary of the existing site, these additional impacts are considered to have a significant and unacceptable impact on the current level of amenities enjoyed by the existing and future occupants of the property of Rivadoon in particular, even when accounting for the screening and buffering mitigation that would be provided by the established mature evergreen boundary planting along the southern and western curtilage boundaries of the property. This amenity impact has been formally recognised by the Council within the Pitch Delivery Assessment (2021) where the application site was considered in relation to Gypsy and Traveller pitch delivery but was not considered to be an appropriate site for expansion of the existing site, due to the potential amenity impacts. The proposal is considered to be contrary to Policy E2 of the Local Plan.

Design, Landscaping, and Impact on the Character of the Settlement and the Surrounding Landscape

- 5.12 Policy E1 (Design) states that all development should be high quality ...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context... to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.
- 5.13 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it: considers the degree of openness and special characteristics of the landscape (criterion a.); conserves, and where possible, enhances any natural and historic landscape features that contribute to the character of the local area (criterion b.) and protects the landscape setting of

individual settlements, helping to maintain their distinct character and separate identity (part e.).

- 5.14 The site is located close to the A684 (the main northern approach into the Market Town of Northallerton) and in proximity to the built edge of Brompton village. The site benefits from some screening by the substantial access gates across the existing site access and frontage hedgerow onto the A684 and the established mixed species trees and hedgerows along the boundaries of the existing and proposed site.
- 5.15 The introduction of an additional 6 units extends the development out across the field well beyond the built form which is largely sporadic frontage development in this location and the proposed development is considered harmful to the landscape character of the area in these terms and will result in an urbanising effect on the countryside. On balance, it is considered that the proposed development fails to comply with the relevant parts of Policies E1 and E7 of the Hambleton Local Plan.

Highway Safety, Accessibility, Permeability and Connectivity

- 5.16 Policy IC2 states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that: the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.); The need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.); Highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.) Adequate provision for servicing and emergency access is to be incorporated (criterion f.), and appropriate provision for parking is incorporated...(criterion g.)
- 5.17 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it: Promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through, putting people before traffic, and integrating land uses and transport (criterion e.); and is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (part f.)
- 5.18 Access to the proposed site would utilise the existing site access onto Stokesley Road (A684). The Local Highway Authority (LHA) have provided an initial response in relation to the originally submitted scheme, stating that in order to be able to fully assess the proposals, they require further details to be provided, i.e. a plan showing the existing access along with visibility splays and plan(s) showing the internal layout, demonstrating how vehicles and caravans are able to enter and exit the site in a forward gear, and how suitable provision(s) have been made to avoid off-site parking (including on the public highway)

5.19 In response, the agent has submitted an amended Proposed Site Plan (Rev.A). The amended plan shows the addition of a substantial turning head within the far west of the site to enable the turning/manoeuvring of 4x4 and twin axle caravans so that they are able to turn within the site. The Local Highway Authority have been reconsulted on the plan and Officers will update Members of any subsequent representation/recommendation from the LHA prior to the Committee Meeting. However, at the time of writing, no additional or amended plans have been submitted on behalf of the application which address the LHA's request to show the details of the existing access to be utilised by the development along with appropriate visibility splays. Without such a plan or information, it has not been appropriately demonstrated that the development is located where it can be satisfactorily accommodated on the highway network; that highway safety would not be compromised; and that safe physical access can be provided to the proposed development from the highway network. The proposed development would therefore be contrary to the relevant parts of Policy IC2 of the Hambleton Local Plan.

5.20

In respect of accessibility and the proximity of the site to services and facilities, the application site is well-placed (in terms of proximity) for any future residents to take advantage of the existing services within both Brompton and Northallerton with both settlements offering a good range of facilities/services within relatively short distances from the site, including Brompton Community Primary School (0.4 miles); Northallerton School & Sixth Form College (1.0 mile); Mowbray House Surgery (2.1 miles); Alpha Dental Northallerton (1.5 miles); and Brompton Convenience Store (0.5 miles). There is a footway that extends northwards along the western side of the carriageway of the A684 from Northallerton, past the access to the application site, and up to the Lead Lane/A684 junction. While the width and formality of this footway varies through its length, it does nevertheless provide pedestrian accessibility from the site to Northallerton as well as its bus stops, particularly those within the northern part of the town which are within realistic walking distance.

5.21 Local concerns have been expressed about pedestrian accessibility and safety, highlighting that Lead Lane lacks a footway along most of its length, meaning that residents of the site seeking to access services and facilities (including the primary school) within Brompton village by foot would be at risk from traffic. While the lack of a footway along the length of Lead Lane would restrict safe accessibility by residents by foot to the services and facilities within Brompton, the village would nevertheless be closely and conveniently placed for residents to be able to safely access services/facilities by car and bicycle and without raising any significant sustainability and accessibility concerns due to the relatively short distance involved. Furthermore, the lack of pedestrian access to the services, facilities and bus stops within Brompton is mitigated to a large degree by footway access from the site into Northallerton. Overall, the proposals are considered to comply with the accessibility, permeability and access to facilities requirements and expectations of Policies IC2 and E1 of the Hambleton Local Plan.

Ecological Impacts, Biodiversity Net Gain and Green Infrastructure

5.22 In accordance with paragraph 180 of the NPPF, Policy E3 (The Natural Environment) of the Hambleton Local Plan expects all development to demonstrate the delivery of a net gain for biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to

demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated. The Proposals Map of the Hambleton Local Plan shows the application site (as well as the existing site) as a being located within a Green Infrastructure corridor. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.

- 5.23 On the recommendation of the Case Officer, the agent has subsequently submitted a Soft Landscaping Plan and an accompanying Planting Schedule. This shows the proposed implementation of a range of different landscaping, green infrastructure and ecological enhancement measures, including a proposed pond/seasonal wetland area (with wetland edge planting); additional native hedgerow, tree (no.21 specimens) and shrub planting and areas of meadow/wildflower/long-grasses.
- 5.24 While the agent has not produced the results of any appropriate biodiversity net gain metric to quantifiably show a percentage net gain in biodiversity as a result of the proposed development, the proposed on-site landscape and ecological enhancements as shown within the Soft Landscaping Plan shows a good variety and quantity of new ecological features across the application, which providing they are appropriately detailed and implemented, have the potential to result in marked ecological enhancements within the site. However, if planning permission is approved, it is important that a planning condition is imposed requiring the applicant to demonstrate biodiversity net gains (in accordance with current DEFRA guidance and metric) and enhancements to the green infrastructure network in order to comply with Policy E3 and the NPPF in this regard.
- 5.25 Overall, and subject to conditions requiring the aforementioned BNG metric to be undertaken, and precise details (including implementation and timings) being provided of the proposed ecological enhancements shown on the Soft Landscaping Plan, the proposed development as amended) is considered to meet the relevant requirements and expectations of Policy E3 and E4 of the Hambleton Local Plan.
- Flood Risk and Surface Water Drainage
- 5.26 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas (criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 5.27 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals): surface water run-off is limited to the site's existing greenfield run-off rate (part a.), and where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design

Guidance...with arrangements made for its management and maintenance for the lifetime of the development (part b.)

- 5.28 Since the submission of the application, the agent (on the recommendation of the Case Officer) has submitted a Flood Risk Assessment. This has confirmed that the site is located within Flood Zone 1 of the EA's flood maps, meaning it is at low risk of coastal and fluvial flooding. It has however identified small areas within the site (based on the EA's surface water flood maps) of medium-to-high risk of surface water (pluvial) flooding, including a pluvial (surface water) flood path running along the southern site boundary. There's also a central area within the site identified as being of medium-high risk of surface water flooding, although it would appear that this area would be utilised for the proposed pond/wetland area and would otherwise remain undeveloped. The FRA concludes that the proposed layout of the caravans is such that they would be sited away from the areas of surface water flooding within the site, therefore the risk posed is considered to be negligible. Overall, the flood risk from all sources of flooding is considered to be low, and the proposed development would comply with the relevant criteria and requirements of Policy RM2 of the Hambleton Local Plan.
- 5.29 In accordance with criterion b. of Policy RM3 and in accordance with the NPPF and PPG, SuDS are expected to be adopted where it is appropriate to do so for all new development. The drainage hierarchy would expect soakaway/infiltration drainage solutions to be considered first, then followed by discharge to watercourse. Only where the above are not possible, should discharge to the public sewer system be considered. Surface water is proposed to be disposed of via soakaways associated with each pitch. This would be in accordance with the expectations of policies RM2 and RM3 and NPPF. If planning permission is approved, and in accordance with the recommendation within the submitted FRA, it is recommended that a condition is imposed to ensure that a detailed surface water drainage strategy is submitted and approved by the LPA prior to the commencement of the development. The strategy should comply with the surface water drainage hierarchy.
- Foul Drainage and Water Supply
- 5.30 Policy RM1 (Water Quality, Supply and Foul Drainage) states that a proposal will only be supported where it can be demonstrated that: there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water and groundwater (criterion a.); and there is, or will be, adequate water supply and treatment capacity in place to serve the development.
- 5.31 The proposed site plan shows that foul drainage flows from the proposed development would be dealt with via an on-site Package Treatment Plant, rather than via a connection to the mains sewer.
- 5.32 The supporting text of Policy RM1 states that where the development involves the disposal of foul sewage effluent other than to the public sewer, a non-mains foul drainage assessment will be required. A non-mains foul drainage assessment should include an assessment of the site, its location and suitability for storing, transporting and treating sewage and demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal are satisfactory, although as mentioned by Yorkshire Water within their response, the site is remote from the public foul sewerage network so a mains connection may not be feasible. However, at the time of writing no such assessment

has been undertaken, although the agent has been contacted in order to supply a non-mains assessment prior to the Committee meeting. A copy of any assessment submitted (as well as an 'Officer commentary') will be provided to Members for consideration in the update list. However, failure to adequately demonstrate why the development cannot connect to the public mains sewer system and show that the alternative means of disposal is satisfactory could represent a potential reason for refusing the application in accordance with Policy RM1.

Contamination Risks

- 5.33 Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine: the nature, extent and any possible impact (part a.); that there is no inappropriate risk to a controlled waters receptor (criterion b.); and suitable remediation measures (criterion c.) Where remediation is necessary a plan for its implementation and, where appropriate, maintenance will need to be agreed with the Council prior to the determination of the planning application. In addition, in order to maintain a high standard of amenity, part d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination.
- 5.34 It is stated within the supporting statement that the site does not include any land that is known to be contaminated, although no PALC or Phase 1 risk assessment has been submitted with the application, despite the agent being made aware of the Council's Senior Scientific Officer (Environmental Health) expectation that this information is provided prior to the determination of the application. Nevertheless, the Senior Scientific Officer has recommended that if this information is not providing prior to the determination of the application, then any approval should be conditioned to secure the undertaking and submission of such an investigation and, where necessary, submit and undertake remediation of any contamination found on site.
- 5.35 Given the previous and current land uses of the site and the nature and scale of the proposed development, requiring the land contamination assessment(s) through planning conditions is considered to be a reasonable and appropriate approach in this case, and would comply with the relevant expectations of Policy RM5 and E2 of the Hambleton Local Plan.
- #### Planning Balance
- 5.36 The Planning Policy for Traveller Sites (PPTS) sets out how travellers' housing needs should be assessed. The NPPF states that Local Authorities should identify a five year supply of deliverable sites for travellers sites.
- 5.37 Policy HG6 (Gypsies and Travellers, and Travelling Show people) of the Local Plan is intended to enable the appropriate provision of sites to meet the special needs of Gypsies, Travellers and Travelling Show people in accordance with the PPTS (2015) and the Council's statutory duties under the Equalities Act (2010). It states that proposals will be supported for new, expanded or intensified sites for Gypsies and Travellers where an identified need that cannot be met through the supply of existing vacant pitches; amongst other flood risk, locational, facilities/services, infrastructure and landscaping requirements.

- 5.38 The Local Plan has a statutory duty to identify specific, deliverable sites to meet locally set targets. There have been two studies completed to identify what these needs are and how the Local Plan can meet this requirement; firstly the Gypsies and Traveller Accommodation Assessment (2021) (GTAA) has assessed the need for Gypsy and Travellers, and Travelling Showpeople from 2020, projecting to the end of the plan period in 2036. The Pitch Delivery Assessment (2021) provides evidence that specific needs can be met through expansion and intensification of existing sites. The overall need that was identified for the plan period for Gypsies and Travellers that meet the PPTS planning definition is for 57 pitches. The supporting text of the Local Plan confirms that rather than identifying sites at this time the Council will work with the existing Gypsy and Traveller community in order to meet their requirements through the expansion and intensification of existing sites to add small numbers of pitches for extended single family groups. By creating six pitches the proposal would help to meet the Council's identified need for Gypsy and Traveller pitches involving the expansion of an existing Gypsy and Traveller site. As such, the supply of Gypsy and Travellers pitches to meet the Council's identified need is an important consideration in the determination of this planning application.
- 5.39 Notwithstanding this importance, it would not outweigh any other planning issues associated with the development, including amenity and landscape character impacts, where contrary to Local Plan policies and expectations. In this regard the proposals are considered to have an unacceptable impact on the current level of amenities enjoyed by the existing and future occupants of the property of Rivadoon and result in a harmful impact on the landscape character of the area. The applicant has not adequately demonstrated that the proposed development would not raise any unacceptable highway safety issues, particularly in relation to the access to the site and its visibility splays. In this situation, the provision of additional pitches on an expanded site would not outweigh the amenity, landscape and potential highway safety impacts of the proposals.

6.0 Recommendation:

- 6.1 It is recommended that planning permission be **REFUSED** for the following reasons:
1. The application site is in a rural location sited between the settlements of Northallerton and Brompton, although despite its rural location, there are existing residential properties to the north of the site and beyond the rear western site boundary. The property of Rivadoon shares a boundary with the existing site, and although would not directly adjoin the application site, is within close proximity to the development and would therefore be significantly affected by the additional noise and lighting impacts resulting from the occupation and regular and unrestricted vehicle movements associated with six additional Gypsy and Traveller pitches. Given the position of this neighbouring dwelling and its curtilage adjacent to the northern boundary of the existing site, these additional impacts are considered to have a significant and unacceptable impact on the current level of amenities enjoyed by the existing and future occupants of the property of Rivadoon in particular, even when accounting for the screening and buffering mitigation that would be provided by the established mature evergreen boundary planting along the southern and western curtilage boundaries of the property. This amenity impact has been formally recognised by the Council

within the Pitch Delivery Assessment (2021) where the application site was considered in relation to Gypsy and Traveller pitch delivery but was not considered to be an appropriate site for expansion of the existing site, due to the amenity impacts. As such, the proposal is considered to be contrary to Policy E2 of the Local Plan.

2. No additional or amended plans have been submitted on behalf of the application which address the LHA's request to show the details of the existing access to be utilised by the development along with appropriate visibility splays. Without such a plan or information, it has not been appropriately demonstrated that the development is located where it can be satisfactorily accommodated on the highway network; that highway safety would not be compromised; and that safe physical access can be provided to the proposed development from the highway network. The proposed development would therefore be contrary to the relevant parts of Policy IC2 of the Hambleton Local Plan.
3. The proposed development is considered to extend the development in this open countryside location, resulting in a harmful, urbanising effect on the countryside character of the area and as such fails to meet the requirements of policy E1.

Parish: Bagby

Committee

27 October 2022

date:

Ward: Bagby and Thorntons

Officer dealing:

Naomi Waddington

5

Target date:

08 December 2022

22/00011/TPO2

Confirmation of Tree Preservation Order 2022/No.11

At: Thirsk Furniture Products Ltd, Unit B Johnson Way, Thirsk Industrial Park, Thirsk YO61 2QB

The report is brought to Planning Committee as an objection has been made to the Order

1.0 Site, Context and Proposal

- 1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 22/00011/TPO2
- 1.2 Planning permission was granted in October 2022 under reference 22/00476/FUL for the construction of a single storey timber framed and timber clad office building, and siting of 2 container units. The proposed office replaces an existing container unit sited adjacent to and partially beneath the canopy of trees that are considered important to the setting of this commercial area and hence are the subject of a Tree Preservation Order.
- 1.3 Under consideration of application 22/00476/FUL the applicant was advised to seek the advice of an arborist to assess the impact of the office proposal upon the adjacent trees. The trees have a canopy that extends over the planning application site. A detailed report on the trees notes that they are likely to have grown from a hedge, the report notes defects and anticipates that the trees are likely to become a problem. Nonetheless the report advocates crown lifting to 5.2m over parking areas and 3m over footway and the proposal allowed for the retention of the trees. The applicant has advised they are committed to the retention of the TPO'd trees without harm and wish the trees to provide shade to the proposed office building, and are happy to accept the Tree Preservation Order. However, the arborist appointed by the applicant to assess office proposal has prepared an objection to the Tree Preservation Order, which the applicant has submitted. Therefore, the application is being brought to Committee to determine.
- 1.4 The Tree Preservation Order relates to a group of three Western Red Cedar trees located on the eastern boundary of Johnson Way. The trees are highly visible from public viewpoints along the main road through the Industrial Park, and contribute towards the character of the locality.

2.0 Relevant Planning History

- 2.1 14/01738/FUL Installation of a centralised dust extraction system. Approved 7th November 2014

2.2 22/00476/FUL. Construction of a single storey timber framed and timber clad office building, and siting of 2 container units (amended details received 09.06.22 and 11.08.22). Approved 5 October 2022

3.0 Relevant Planning Policies

3.1 The relevant policies are:

Local Plan Policy E4: Green Infrastructure
Local Plan Policy E7: Hambleton's Landscapes
National Planning Policy Framework

4.0 Consultations

4.1 Representations – One objection has been received, the comments are summarised as follows

- The supplied documentation contains technical errors in the way it is presented and the rationale for serving the order.
- The documentation does not align with the model order suggested by the current legislation.
- The TPO does not correctly represent the current state or location of trees on the site.
- The TPO has ignored the current and foreseeable damage caused by the tree.
- The TPO ignores accepted widely used and accepted scoring guidance in Tree Evaluation Method for Preservation Orders TEMPO.
- The order identifies the genus and species of the trees incorrectly.
- The TPO attempts to control the management of a tree with no regard for the current, and future difficulties associated with its retention and management.
- The TPO will result in elevated management costs for the tree owner and HDC
- The order should be revoked
- The reason for the order, that 'The trees are of amenity value to the wider area' could be applied to any tree
- No justification for the order is provided
- The trees may more accurately be described as an overgrown hedge, consisting of three trees
- Inappropriate species for the location
- Trees in 'fair' condition
- Early mature/mature with the potential to more than double in size in height and canopy spread if conditions allow.
- The order has not taken reduced vitality or future potential growth into consideration
- The order has not taken future maintenance requirements into consideration
- The order has not taken appropriateness of the species and future potential into consideration
- The order does not outline the trees position using northings and eastings to inform the land registry
- The trees are planted too close to hard surfacing with foreseeable damage very likely

- Tree damage to car park costly to repair
- Management of lower branches required in the short term
- Existing damage to pavement believed to be caused by roots
- The inspection to form the order was not completed by an Arboriculturalist familiar with botanical terms.
- There is a mechanism under TPO legislation that tree damage to car park can be recouped from LPA
- Trees offering a nuisance are exempt from TPO's.
- Flawed assessment, fails to identify the true state of the tree, which is not protectable under the TPO legislation and if becomes protected by TPO may result in a compensation claim for damage, demolition and rebuilding of the carpark .
- Question has the TPO been served from a strategic perspective to gain control over the site which is contrary to legislation.
- The tree owners wish to challenge the TPO which would stop them readily completing maintenance and repairs
- The TPO prevent normal management or intervention to abate a foreseeable nuisance
- The TPO will leave the landowner open to potential liabilities for foreseeable damage or result in cost to the Local Planning Authority through potential claims for compensation.

5.0 Analysis

- 5.1 The purpose of a tree preservation order is to protect trees which are deemed to be of significant amenity benefit to the local surroundings especially if they are in immediate risk of removal.
- 5.2 At this present time the trees do not appear to be in direct risk of removal. A recent planning application to construct an office building close to the trees has been approved, subject to measures including i) a Tree Precautionary Zone, ii) foundations constructed using pad stone or pile and beam type to minimise root disturbance, iii) the ground being de-compacted using air excavation with ground protection boarding used during the construction, iv) rain water feeds to direct water beneath the proposal to irrigate the root system, and v) crown lifting to 5.2m over parking areas and 3m over footway.
- 5.3 The representations received are correct in that the Council does not have the services of an inhouse arborist, and does not use the scoring guide TEMPO Tree Evaluation Method for Preservation Orders in order to make a Tree Preservation Order. The Council has however assessed the amenity value of this small group of trees, and considers the trees are of considerable amenity value and make a positive contribution toward the character and appearance of the street scene and the wider area. The wider area is a business park, and the presence of trees in this commercial landscape positively enhances character of the business park. It is acknowledged the objection advises the tree species are in the wrong place, are in fair condition, and will continue to grow if conditions allow. The trees may or may not be responsible for damage to the surface of some hardstanding. The representation states the trees are incorrectly identified but does not advise what the author believes the correct species is. The trees can clearly be identified by the map accompanying the Tree Preservation Order.

5.4 If the trees were to be felled or maintained inappropriately, this would have a detrimental impact on the amenity of the area. It is considered reasonable to confirm the TPO to ensure that any proposed maintenance work undertaken on the trees would be carried out in accordance with British Standard 3998 (Tree Works), thus ensuring the amenity benefit in the longer term.

6.0 Recommendation

6.1 It is therefore recommended that TPO 2022/No.11 Order is confirmed.

Parish: Crosby
Ward: Bagby & Thorntons

6

Committee Date : 27 October 2022
Officer dealing : Ms Helen Ledger
Target Date: 16 May 2022
Date of extension of time (if agreed): 31 October 2022

22/00139/FUL

Revised Application for construction of 2 No. free range egg units with associated hard standings, feed bins, access roads, attenuation ponds and landscaping (amended scheme of 21/00794/FUL).

At: Land East of Pillrigg Lane Track and South East of Moor Lane Thornton Le Beans North Yorkshire
For: Mr Steven Tweddle.

The application is brought to Planning Committee owing to the complexity of the case and the level of public interest in the application.

1.0 Surroundings Context and Development

- 1.1 The site is located in the open countryside approximately 0.87km to the east of the village of Thornton Le Beans and 1.25kms to the northwest of Borrowby village effectively sitting within the valley between the two villages. The site boundary is directly to the south of Old Hall Farm and adjoining Crosby Bridge Farm and stretches south and westward from this point. A new access for the site is proposed to the East onto Allerton Wath Road. The site is gently rolling bordered by hedgerows and trees and in the lea of the ridge of Cotcliffe wood and Borrowby Banks in the distance to the east. This is an area of high-quality landscape value, noted in the Hambleton Landscape Character Assessment and Sensitivity Study as of 'Tranquil, rural character.' There is a public footpath that crosses the northern part of the site and a bridleway that runs down adjacent to the access track to the south from Moor Lane. Allerton Wath Road is part of the Sustrans National Cycle Network 71.
- 1.2 The proposal is for the construction of two free range units to 7.99m maximum height and 172m in length north to south axis and 56m width east to west. Both units are identical with central access and two sections on a north/south axis. They are proposed to be finished with an olive green finish and with sedum roofs to east elevation. The proposed buildings extend to 9762 sq m each. This application follows a previously withdrawn application for a similar scheme which proposed three higher and longer units (10.13m high, long elevation being 264m in length and 33m wide) for the same use which was withdrawn in September 2021. This new application also includes roof mounted solar panels, the addition of ammonia air scrubbers to the design to filter ammonia and odour emissions.
- 1.3 The application describes the investment of approximately £8.6 million which would create 9 new full-time jobs. An economic statement accompanies the application and assesses two versions of the application, with and without the wider design enhancements offered through this latest resubmission. Version 2 relates to the higher specification currently applied for. This states that the proposal would be profitable and offer a contribution to the local economy in excess of £2.2 per annum in both scenarios, based on paid labour and goods and services purchased in the local economy.

- 1.4 Officers have commissioned habitats assessment in response to the proximity to the North York Moors SPA and North York Moors SAC located 5.92kms to the east at the head of the Hambleton Hills on the western edge of the National Park. This assessment concludes that the proposal is not likely to have a significant effect 'alone or in combination' on the afore-mentioned European sites. This assessment has been sent to Natural England for their comment and they have advised that they concur with the assessment conclusions.
- 1.5 The application as a major application with EIA was referred to the Secretary of State and the National Planning Casework Unit have advised that they have no comments to make on the Environmental Statement.

2.0 Relevant Planning History

- 2.1 21/00794/FUL - Erection of 3 No. free range egg units with associated hardstandings, access road, attenuation ponds and landscaping - Withdrawn
- 2.2 20/00350/APN - Construction of a new building for grain and farm machinery storage as well as bio-mas boilers for drying - Withdrawn
- 2.3 20/01277/APN - Construction of a new building for grain and farm machinery store as well as bio-mas boilers for drying - Refused

Reason - The proposed building has not been proven to be reasonably necessary for the purposes of agriculture within the agricultural unit concerned and therefore cannot benefit from the permitted development rights set out in Part 6, Class A of the GPDO. Further, the proposed development in this location is considered to have a harmful impact on the landscape character of the area owing to the design, siting and appearance of the proposed building.

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy S5: Development in the Countryside

Local Plan Policy S7: The Historic Environment

Local Plan Policy EG7: Businesses in Rural Areas

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E6: Nationally Protected Landscapes

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC2: Transport and Accessibility

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

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM4: Air Quality

Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

Local Plan Policy RM6: Renewable and Low Carbon Energy

National Planning Policy Framework

4.0 Consultations

- 4.1 Secretary of State for Levelling Up, Housing and Communities - National Casework unit - acknowledge receipt of the environmental statement relating to the above proposal. Confirmation they have no comments to make on the environmental statement.
- 4.2 Thornton le Beans with Crosby and Cotcliffe Parish Council - Object, this is an industrial scale activity.
- Transport and road safety, access needed via single track roads and accident black spot, vehicle movements not accurate, impact on walkers cyclists and horse riders. TA does not assess matters properly, nor does the update. Concern expressed on NYCC's findings and recommended conditions, whether they meet the required tests.
 - Health and safety, risk to public health, noise and air born pollution, avian flu.
 - Environmental Impact and Effect on Amenities, within a high value landscape with PRow
 - Economic, 9 jobs created not weighing the impact on existing local businesses, over production of eggs in UK, final benefits are significantly over stated, financial appraisal is inaccurate
 - Utilities - increased demand could affect current community supplies.
 - Non compliance with EIA assessment as no Habitats Screening has been carried out, fencing not included in the scope (applicant states will erect under PD),
 - Ecological report does not include, contact with local biological records centre, for records of protected species, reptile survey, Bat survey in Spring, Summer and Autumn. Refer to numerous comments by societies and individuals on sighting and concerns on wildlife, including impact on water ecology in Cod beck and downstream.
 - Manure Storage, no details provided.
 - No on site works accommodation submitted, site cannot be supervised by the applicant's existing site.
 - Short comings of the Design and Access statement in terms of addressing local plan policy, no assessment of alternative sites considered or evidence of farm diversification.
 - Proposal is contrary to policies of S1, S5, S7, EG7, EG8, E1, E2, E3, E4, E5, E6, E7, IC1, IC2, IC3, RM1, RM2, RM3, RM5, RM5.
 - Various groups, individuals and consultants have been instructed by the Parish Council to supply comments on their behalf from the following specialisms;

Further transport response provided on behalf of the Parish

- The proposal would create demonstrable harm to users of Allerton Wath Road by reason of an unacceptable impact on highway safety, contrary to the expectations set out in national planning policy.
- Allerton Wath Road will not support passing of two HGVs for much of its length.
- Access from A168 through the village of Thornton-le-Beans is completely unacceptable for articulated HGVs.

Review of Updated Odour and Air Quality Assessments on behalf of the Parish

- The odour assessment based on small scale lab only research

- Erronous data on air scrubber emissions
- Not carried out in accordance with guidance from the IAQM, as single method used
- Ammonia assessment based on proportion of birds using external space and notes exceedance of thresholds with no further assessment.
- Updated report on ventilation further matters raised; remaining questions and assessment on impact on NYMNP required.

Following further evidence and specifications of air scrubbers provided by agent,

- PC request that the modelling is re-run using the revised fan configuration now proposed.
- Based on dispersion modelling alone
- Thesholds will impact the community
- Will not meet the Environment Agency H4 guidance nor the Institute of Air Quality Management guidance on the assessment of odours for planning
- scrubber stacks within building there does appear to be the opportunity for downwash, pulling exit gases lower than stack height.
- SCAIL assessment required to judge impact on NYMNP

Flood and Drainage Report

- Report inaccuracies, beck 10m from the site, will take surface run off not site soft ground, via local beck and into wider river system and Humber natural conservation sites.
- Does not refer to water main at proposed site access
- States dirty water to be removed by tanker, not included in vehicle movements, not described how this is collected
- Liquid fertilizer is to be prepared for sale on site, how collected?
- No details on impacts of surface water runoff from ranging area, Foul Water Packaged Treatment Plant discharge,
- Underlying ground conditions are not suitable for the use of soakaways or infiltration technique
- IDB should be consulted

Noise Impact Assessment

- Notes internal fans now proposed and concerns expressed on; plant noise, alarms, aging equipment, traffic noise, shed clearing, construction noise

Report on Landscape Assessment

- Poor quality report, preparation does not comply with LI code of practice, noted agent is a director of LVIA Ltd. CGI images prepared and significant adverse effects on landscape character and visual / social amenity found.

4.3 NYCC Highways – Advised that the primary consideration in accordance with the NPPF para 111 the highway safety impact must be severe. The access from the Allerton Wath Road, which would be appropriately sized to allow two 16.5m long articulated lorries to pass each other from the public highway. Increased visibility splays are proposed based on a speed survey to the Design Manual for Road and Bridges methodology and previously discussed with the Local Highways Authority.

The majority of the access to/from the A19 meets the widths required by the national guidance (Manual for Streets) to allow HGVs and other traffic to pass. There are a number of points where the road drops below the required widths, particularly at the three bridges. However, the extent of these reduction in widths is modest, there is visibility between opposing traffic and appropriate warning signage is in place in accordance with the Traffic Signs Regulations and General Directions. The new Highway Code sets out passing distances, which would be difficult to achieve along much of the route to/from the A19 (particularly along the Allerton Wath Road); however, this is true for many roads in the County or indeed Country and in isolation is not considered grounds to recommend refusal.

It is noted that the peak trip generation would be 10 trips at the end of the bird cycle and that this would tend to occur at night when traffic flows are lighter. Typical flows are a modest 2-4 trips per day which given the existing traffic would not be likely to create conflict. It is likely that some HGV traffic will pass Knayton Primary School to reach the northbound A19 carriageway. However, approximately 113 HGVs pass the school each day without incident and an additional two trips or 1.8% increase is not considered significant (as a robust case if all departing trips join the northbound carriageway). The applicant has suggested that an Operational Traffic Management Plan be produced to secure the level of HGV movements associated with the site and their routing. A planning condition is recommended to secure this prior to occupation.

NYCC Highways acknowledge the public concern expressed about the increase in HGV trips, however the balanced judgement of this statutory consultee is that whilst concern must be expressed about the increase in HGV trips between the proposed site access and the A19, this is considered a low level generation associated with the development, a refusal on highways grounds would not be sustainable on this occasion.

- 4.4 North York Moors National Park - no objections to visual impacts on the park, the potential for additional livestock buildings within 10km of the North York Moors SAC/SPA requires this habitats assessment to ensure there will be no resultant air borne pollution (nitrogen/ammonia) arising and being deposited on the protected sites. Therefore under the Habitats Regulations there may be an adverse impact on the NYMNP the SAC and the applicant needs to undertake a SCAIL Assessment (Simple Calculation of Atmospheric Limits). The National Park's SAC is at critical loading mostly due to atmospheric pollution from sources outside the National Park.
- 4.5 RAF - No safeguarding objections raised.
- 4.6 British Horse Society - objects due to the impacts on users of bridleway.
- 4.7 NYCC Heritage services - No objections. Based on the evidence presented in the Heritage Statement and available through our own records the area has a low archaeological potential.
- 4.8 Sustrans - The NCN is a significant and valued asset, particularly in this part of Yorkshire where cycle tourism has been increased with world wide coverage of major cycling events in recent years. Keeping the Yorkshire landscape preserved, and the roads safe will ensure local cycle tourism will be preserved and give users a safe and pleasant experience and help boost the local economy. The predicted increase of carbon in the volume of traffic, particularly with HGVs, will not help achieve this target and will have a detrimental effect on these plans. The reputation

of the NCN through increasing the chances of accidents, and creating an unpleasant user experience will also be seriously compromised.

- 4.9 Environmental Health (Resident Services) - No objection to this application provided that the process acquires the relevant Environmental Permit issued by the Environment Agency under the Environmental Permitting regime and adheres to the conditions of the permit. This does not include any Environmental permit issued by the Environment Agency for the package treatment plant.

The applicant has provided reports on the impact of noise, odour and dust on the nearest sensitive receptors, which indicate that there will be a low or no adverse impact. These aspects are controlled through conditions in an Environmental permit issued by the Environment Agency. The EHO comments made on the original application remain valid and are repeated below.

Environmental Health would normally consider the impact on amenity and the likelihood of the development to cause nuisance. However, due to the proposed number of birds exceeding 40,000, the installation will require an Environmental Permit from the Environment Agency before it can operate. The permit will specify the standards of operation the operator must meet in order to control the risk of pollution to air, land and water. The permit will require the operator to use Best Available Techniques (BAT), which will lessen any impact on amenity and likelihood to cause nuisance.

- 4.10 Conservation and Policy - Previous comments acknowledged the 'setting' of the two Grade II listed farmhouses. The comments made by NYCC Heritage Records Department are also noted and respected referring to now acknowledge ridge furrow landscape.

Previous comments acknowledged there will be a change to the settings of the listed buildings, and that the poultry units would alter the landscape and setting of the heritage assets. It remains the case that the units can be described as an agricultural function adjacent to heritage assets. However, further consideration is now paid to the intensification of the access arrangements and the access cutting through a medieval landscape. This therefore tips the balance of harm from a rural historic landscape to an intensification of use which would amount to less than substantial harm to the heritage asset including the landscape.

It remains the case that setting is considered to be a subjective exercise, although relevant policy, guidance and advice is in place each application is dealt with on its own merits when it comes to judgement of setting. It remains that there is a difference between a view which contributes to the significance of a heritage asset and the general amenity of the area, as noted in the submitted heritage statement and. Historic England 2017 (Note 3, p.7).

- 4.11 NYCC Footpaths - Referred to response made on the previous application, general advice provided on PRoW on site and it is an offence to obstruct permanently or during construction.
- 4.12 North Yorkshire Local Access Forum – Impact on popular walking and riding routes, part of NCN route 71 represents a safety risk. Remind the LPA of policy S5 to protect and enhance the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment and provides an attractive recreational and tourism resource and is a valued

biodiversity resource. Bridleway outside the site would still be affected pollution. Tree screening will affect the character of the current open landscape.

- 4.13 Natural England – Require further information in order to determine the significance of these impacts and the scope for mitigation. Habitats Regulations Assessment – proceeding to Appropriate Assessment (AA) is required. Without this information, Natural England may need to object to the proposal. AA work commissioned from consultants WSP has been undertaken and shared with Natural England. Final NE comments are awaited and will be reported in the committee update sheet.
- 4.14 CPRE North and East Yorkshire - Continues to object to the proposal at this location due to highway safety impacts, detrimental impact on users of the bridleway and nearby PRoW and the scale and positioning within the open countryside.
- 4.15 Ramblers Association – The proposed changes to the proposal are academic and it will still form an intrusion to the rural setting. Any change to the PRoW will destroy the view point from the path.
- 4.16 Yorkshire Wildlife Trust – The ecological work has been updated to consider previous ponds, although one pond is discounted. Site has potential for ground nesting birds. No biodiversity net gain.
- 4.17 Environment Agency – The Flood Risk and Drainage Assessment indicates that the treated sewage effluent will discharge to an adjacent watercourse but does not specify which watercourse. Appendix C of the Flood Risk and Drainage Assessment indicates the discharge point for surface water run-off, but does not indicate the discharge points for treated foul water. The proposed development will be acceptable if the siting of the discharge points for the treated sewage effluent are implemented and secured by way of a planning condition on any planning permission. No objections subject to conditions for compliance with the Flood and Drainage assessment.
- 4.18 Lead Local Flood Authority – The LLFA notes the site is within flood zone 1 and that it holds no records that flooding has been experienced on site. Following receipt of more information in the ES Appendix 6 Flood Risk and Drainage Assessment, Alan Wood and Partners, Rev A March 2022, it is confirmed the revised information submitted demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommend conditions are attached to any permissions granted to control:
- Runoff rate, Storage Requirements and Maintenance
 - Scheme built in accordance with the FRA as referenced above.
- 4.19 Environmental Health (contaminated land) - No observations/comments at this time.
- 4.20 Two site notices were posted and immediate neighbours notified. The application requiring EIA was also publicised by newspaper advert in the Darlington Stockton Times.

295 public observations on the proposal were received. The following is a summary of the issues raised through the consultation. The vast majority were objecting to the proposal.

Impacts on:

- Highway Safety and increased HGV traffic
- Bridge crossings
- Amenity issues, noise, odours
- Leisure routes and rights of way, horse riders, cyclists and walkers, inc Sustrans route
- Industrial scale buildings
- Negative impact on the countryside, ecology, environment, water, air and wildlife
- No benefit to the local community to off set the impact
- Pollution and methods to resolve insufficient
- Avian bird flu risk
- Long distance views, visual and landscape impact
- Industrial use better suited to other parts of the district
- Will bring unforeseen pollution issues as shown in Herefordshire and Wales
- Limited jobs created
- Redesign and solar panels change nothing
- Factory farming use proposed
- Traffic impact on Knayton Primary school and Hillside scout hut
- Climate change
- Future decommissioning required
- Public Health impacts
- Impact on tourism
- Site security,
- Future dwelling on site?
- Additional wear and tear on the road surface
- Use more suited to a brownfield site
- Animal welfare
- Construction impacts
- Traffic survey at the wrong time of year
- Impact on Cod Beck, eutrophication and ecological
- Affect future farming productivity of the site
- Inappropriate in scale
- Impact on Borrowby Village
- Flooding and drainage
- Concerns raised on the transparency and accountability of the land ownership, applicant and application
- Should access routes be blocked no suitable diversion option
- Tourist area, local economy affected
- Should be on brownfield land
- Out of keeping with the tranquil and beautiful countryside
- Should be near transport hub
- Will affect property values
- Ecology report contains photos taken without permission
- Flies/mosquito
- Safety and security of the site
- Should the scheme collapse site would attract crime an arson
- Site ownership and finance is grey
- Credible alternatives sites not considered

- Cumulative effects of this proposal in combination with other similar poultry units in the catchment have not been considered.
- Heritage Assessment submitted by the applicant is incorrect/inadequate
- Environmental Statements are superficial, emissions, fan noise
- Risk to health and wellbeing
- Light pollution
- Well documented implications on the river Wye
- Loss of productive farmland
- Poor design quality
- Inaccuracies in ecology report
- Limited or no contribution to the local economy
- No shortage of eggs nationally
- Impact on heritage
- Precedence – A previous Application for a Biomass installation, on the same site, was rejected by HDC in 2020, as unsuitable.
- Vermin
- Impact on Knayton School
- Timing – changes in farm subsidies
- Planning present, previous refusals on this site
- Contrary to the Local Plan
- Inferior local services to support
- Negative impact on small businesses
- Requires further habitats screening, Humber SACs
- Environmental statement does not comply with the regulations, inconsistencies in evidence presented on environmental impact and ammonia modelling
- Fencing cannot be done under Permitted development should be part of the ES considerations
- Irreversibly of converting agricultural land to this use
- LVIA Ltd is majority owned by the Agent, Mr Pick, with Mr Friend being the minority owner
- No provision or inclusion of sustainable transport
- Financial appraisal overstated.
- Dispute the findings of NYCC on the daily number of HGVs passing Knayton School.

Neutral Responses

- Relocation of access
- Trust HGV drivers will be instructed to take care due to horse riders
- Agriculture is beneficial to the area, planning conditions and regimes can manage the impacts
- Existing congestion at Primary school needs addressing separately
- Will secure UK Food production
- If successful, condition no use of NW site access, remaining land to be traditionally farmed, no HGV traffic to pass through Thornton le Beans

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:

- Impacts on the heritage assets
- The principle of development
- Design of the proposed development
- Impact on countryside character and character of the local area
- Highway safety
- Residential amenity
- Ecology and Green Infrastructure, including the impact on the SAC
- Flooding and drainage
- Financial viability

Impact on heritage assets

- 5.2 Paragraph 197 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.3 The Local Plan echoes national policy and requires the protection and enhancement of the historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements, policy S1 part e.
- 5.4 Policy S7 requires that heritage assets are conserved in a manner appropriate to their significance. Policy E5 - Development Affecting Heritage Assets, will only support proposals where those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved, those elements that contribute to the archaeological interest and setting of a scheduled monument or other archaeological site of national importance will be conserved.
- 5.5 The site is adjacent two listed buildings both of which are farmhouses. Old Hall Farmhouse and Crosby Bridge Farmhouse, both Grade II listed. The former being adjacent the site to the north-east and the latter being immediately adjoining the former to the north. Both sit close to Allerton Wath Road and are within an open landscape of rolling fields with the Allerton Wath road to the east. Public consultation and NYCC Archaeological service describes the application site having the potential for ridge and furrow features. The applicant's Heritage assessment covers these features and the assets have been assessed in detail by research commissioned by the Parish Council and local community. The Council has also sought advice from our in-house Conservation professional.
- 5.6 The site sits in a farmed landscape however it is noted that the proposal would intensify the use of the site and the range of new proposed built infrastructure would create some harm. No direct harm to the listed buildings is identified, but the impact on the setting of these assets also requires assessment. There will be a change to the setting of the listed buildings, and the poultry units would alter the landscape and setting of the other heritage assets. It remains the case that the units can be described as an agricultural function adjacent to the heritage assets. However, the intensification of the access arrangements and the access are cutting through the landscape adjacent. This therefore tips the balance of harm from a rural historic

landscape to an intensification of use which would amount to less than substantial harm to the setting of those heritage assets and the wider landscape.

- 5.7 Advice from NYCC would find that archaeological remains are likely to have been disturbed by a network of land drains. They recommend no further action. It is considered that the proposed development results in no harm to local archaeology.
- 5.8 The heritage assets are described as above and in addition to the Listed Buildings the landform features within the wider site and for their setting. Legislation and policy requires the Council shall have special regard to the desirability of preserving the setting of a listed building and heritage assets along with any features of special architectural or historic interest which it possesses. It is acknowledged there will be a change to the settings of the listed buildings, and that the poultry units and range of paraphernalia associated would change the open landscape. It is noted the units can be described as an agricultural use adjacent to rural heritage assets and not be unexpected in a working countryside; however the intensification of the land use cuts through a medieval landscape. On the balance of harm, the change from an open rural historic landscape to an intensification of use would amount to less than substantial harm to the significance of the heritage asset including the landscape setting. It needs to be remembered that this judgement on the impact on the significance of a heritage assets and their settings is very different in considering the impact on the general amenity of the area.

The principle of development

- 5.9 Policy S1 seeks sustainable development across the district supporting adaptation for climate change, supporting businesses and communities' access to services by making effective and efficient use of land, supporting social cohesion, minimising the need to travel and promoting sustainable modes of travel; secondly by ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services. Other key relevant principles are:

d. Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy;

e. Protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements;

f. Ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed and underused land and buildings, and reclaimed materials;

- 5.10 Policy S5: Development in the Countryside seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment and contributes to the identity of the district. This policy also requires development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.

- 5.11 The site is outside the built form of any settlement and within the open countryside with the Cotcliffe bank and ridge line beyond the site to the east. Whilst there is a single agricultural building to the very north-west of the site, accessed from the bridleway to the north, the new proposals are detached and proposed in a different part of the site. It represents major development within this countryside location and does not rely on expanding any existing features of built infrastructure.
- 5.12 The 2021 NPPF continues to support a prosperous rural economy, para 84. states decisions should enable a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and b) the development and diversification of agricultural and other land-based rural businesses. It acknowledges at para 85 that some businesses require a rural location and maybe beyond sustainable transport options, in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.
- 5.13 In protecting the natural environment section 17 of the NPPF states decisions should protect valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. Decisions need to minimise impacts on and provide net gains for biodiversity. It is also worth noting reference to the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects) unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 5.14 Local plan policies EG7 and EG8 acknowledge that some rural employment uses can be supported where these involve re-use of an existing building, a new building 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 and the use requires a countryside location. The proposal is a farming operation and is better suited to a site away from settlements to avoid amenity and visual impact; however, it is also noted by many that the scale of the scheme and building shape and size that it is at the intensive end of the farming spectrum and very different in form and character to the range of contained rural farmsteads that dot this part of the district. That said this development clearly requires a countryside location and could not readily be supported within an employment site.
- 5.15 The Local Plan acknowledges the role of agriculture within Hambleton and its importance to the local economy and policy EG8 continues to support this position within the limits provided by the policy. Primarily the policy seeks to expand existing farmsteads rather than provide new farming infrastructure where there currently is none and there must be a demonstrable need for a more isolated location. But where this occurs the building should be well integrated with its surroundings, being of appropriate location, scale, design and materials and with appropriate landscaping so as not to harm the character, appearance and amenity of the area; and finally, the approach roads and access to the site should have the capacity to cater for the type and level of traffic likely to be generated by the development.
- 5.16 The applicant wishes to set up a new enterprise of substantial scale and proportion which requires the substantial site area subject to the application to comply with regulation aimed at protecting the environment, as shown within the Environmental

Statement. Modifications have been made to the scheme to allow for the ranging area required by the RSPCA.

- 5.17 In the environmental statement, Chapter 4 considers solely the applicant's existing agricultural holding, understood to be at Morton on Swale. It is stated that this site is already being fully utilised. No other alternatives appear to have been considered.
- 5.18 The site itself is not entirely isolated from other development with two farmsteads adjacent but it is noted that they are not of the same type or scale of that proposed and the agricultural buildings are of a minimal scale and positioned around a central farmstead pattern.
- 5.19 Key to both national and local policy is that the development should not harm local character or the countryside and be supported by appropriate access arrangements. Given the size and scale of the proposal, for it to be acceptable in principle it must also be shown to meet these policy requirements.

Design of the proposed development

- 5.20 The Local Plan policy E1 requires all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, including respecting and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas. Policy S5: Development in the Countryside seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district.
- 5.21 It is noted that the scale and number of the original proposal have been revised down and two units are now proposed with a series of additions features, sedum roofs to the east elevation and roof mounted solar panels with olive green finish. New landscaping is also proposed. However it is noted these are a set of two double sided extremely large poultry sheds with a ridge height of almost 8 metres and a set out four feed bins on each building beyond this height. However the scale of these buildings is also set by the length of the elevation, 172m in length north to south axis which would a line with the Allerton Wath road.
- 5.22 The design is evidently functional and the type and style of materials not dissimilar to other units in the district. The new design policy requires a design that integrates with the surroundings, respects local character identity and distinctiveness. The conflict with landscaping policies under the principle is noted above but under design, it is found that location and scale plus the failure to respond to views and vistas, notably those at elevation, would additionally conflict with policy E1. Nor does it respect the intrinsic beauty, character and distinctiveness of the countryside required by policy S5.

Impact on countryside character and character of the local area

- 5.23 The agent has supplied a Landscape and Visual Impact Assessment (LVIA) to understand the project and mitigate any impacts. To help the Council in it's assessment of this research and make its own assessment the Council has commissioned its own landscape advice.

5.24 The applicant's LVIA states;

Paragraph 16.1.6 of the LVIA states that "it has been assessed that a minor loss of key landscape elements and the introduction of elements that may be prominent but may not be considered uncharacteristic will occur. Consequently, the significance of landscape effect for the construction of the proposal is assessed to be minor adverse (i.e. not a significant change).

5.25 To assess the visual impacts the LVIA considers the site from 6 viewpoints, it states viewpoints from a higher level using the publicly accessible routes that follow the site boundary to the west and east "*would experience adverse change due to the proposals, but that the change would be agricultural in what is predominantly an agricultural landscape*" But despite this concludes "*.....no significant adverse impacts to the visual or landscape baseline at a residual stage. Therefore, the proposed scheme is judged to be acceptable on landscape and visual grounds*".

5.26 The Council's commissioned review by Land Use Consultants (LUC) notes that the site sits in the valley around Cod Beck, between Borrowby, to the east, and Thornton-le-Beans, to the west. As the Council's landscape evaluation to support the new local Plan notes, this valley has a rural and tranquil character and is characterised by open pasture, small copses of woodland and farm buildings. The road network is characterised by minor roads and there are a number of PRow around the site, including a PRow which crosses through the farm north of the site, and throughout the Cod Beck valley.

5.27 The Proposed Development includes two proposed buildings, which are large in scale whilst smaller than the submitted scheme they are now proposed with a footprint of 171m by 58m and with roof ridges up to 7.99m in height. At this size the buildings will be considerably larger than agricultural buildings within the local landscape and would be fair to say they are akin to industrial buildings. For context, one of the larger single agricultural buildings in the local area is at the neighbouring Crosby Grange and measures approximately 70m by 33m.

5.28 The Landscape Proposals plan (drawing IPA1244-11) for the revised scheme indicates a belt of native whip planting surrounding the two proposed buildings, with smaller areas of planting in the field edges to the east and north-east of the site. Due to the specification of the plant material (transplants 60-80cm height), the landscape mitigation will result in very limited screening benefit during year 1 and early establishment. The species mix comprises small tree and shrub species with the dominant species in the mix having an ultimate height at maturity of between 2.5 to 4.0 metres. Characteristically, the local landscape is wide open fields with hedgerow boundaries and copse of trees, the shape of the proposed planting would represent an uncharacteristic and potentially incongruous feature within the landscape due to its lack of a naturalistic form.

5.29 The LUC report concludes by describing the visual affects being significantly under-represented and that development of this scale and appearance would adversely alter the local landscape from the loss of open farmland, changes to the terrain likely to be required to accommodate such large buildings on an undulating valley floor, and as a result of the planting proposed. The buildings are of a far larger scale than existing buildings in the valley and would alter the rural and tranquil character, as the valley would feel more developed. It also notes the significant impacts during construction, and whilst landscape mitigation matures, and indeed during winter months. The site is highly visible from the ridge above Borrowby and possibly in the

distance from the village itself. LUC also assessed the site from the west edge of the North York Moors National Park and the long distance footpath, the Cleveland Way which whilst further away is more elevated and affords some open panoramic views towards the site

- 5.30 The report from LUC finishes with a series of recommendations to enhance the assessment in the applicant's own LVIA. The full report and these findings were shared with the agent who made it clear their view greatly differed from the Council's own commissioned work.
- 5.31 To conclude, it is found that the scale of the proposal, in footprint and land take, and the high quality nature of the surrounding valley landscape are incompatible with each other and this application cannot be supported by the aforementioned local plan policies, including EG8 that requires, no harm to the character and appearance of the environment result from development and NPPF para 84 that requires development to be sensitive to their surroundings.
- 5.32 The reduction of scale from the previous application is welcomed. However, this remains a major development out of scale with its surroundings. Landscaping works proposed provide a local species mix but the site would remain out of character in scale with pronounced views from the surrounding ridge line which would exacerbate this situation. This matter of principle would fail.

Highway safety

- 5.33 The second aspect of both national policy and that of the local plan would be whether the proposal can have acceptable impact on local roads. This issue has been widely mentioned in the public consultation exercise. It is noted the site and the wider area are crossed by PRoW and that the access proposed would be directly onto part of the National Cycle Network. NYCC have considered the application in terms of highway safety and consulted their bridges section on the crossing points made along the route. It is noted that the NPPF para 111 states that the impacts on highway safety, or the residual cumulative impacts on the road network, must be at the severe in order to warrant refusal on highway grounds.
- 5.34 The revised proposals are for two free range egg units housing 128,000 birds in total with the Transport Statement (TS) confirming that HGVs associated with the operation of the site would be routed south to the A19 trunk road. The TS states that the site would be operational 24 hours per day, seven days per week. The flock cycle would be 60 weeks, with birds expected to be delivered at the beginning of the cycle between 10:00 to 12:00 over a period of eight days in articulated lorries. This activity would generate two articulated lorries (four trips) per day (32 trips in total). Bird collection at the end of the cycle would take place over four nights and generate five articulated lorries (10 trips) per night (40 trips in total). The typical day-to-day operation of the site would generate 10 HGVs of varying size per week (20 trips). The applicant's consultant has advised that this would equate to 2-4 trips per day. In addition, nine staff are expected to generate 18 vehicle trips per day.
- 5.35 The local highways authority finds the access point and visibility splay acceptable given the local speeds surveyed and meets the Design Manual for Roads and Bridges. The majority of the route to/from the A19 is sufficiently wide to allow an HGV and a car to pass and many points are wide enough for two HGVs to pass. There are a number of points where the road drops below the above widths, particularly at the three bridges along the Allerton Wath Road, but notes that the

extent of these reductions in width are modest, there is visibility between opposing traffic and appropriate warning signage is in place in accordance with the Traffic Signs Regulations and General Directions. It notes the updated Highway Code and the priorities for cyclists, riders and pedestrians including the passing distances recommended cannot be achieved; but notes this is common in the county such as could not be recommended for refusal on this basis.

- 5.36 Finally, NYCC Highways note that the peak HGV traffic would be generated when the birds are collected at the end of each cycle with 10 HGV trips per day but these would take place at night when traffic flows on the highway network are typically lower and there is less potential for conflict with other highway users. During typical day-to-day operation 2 to 4 HGV trips per day are expected, which is considered modest. Given the balance of low existing traffic flows plus the additional expected flows the Highway Authority consider it acceptable. It notes that on average 113 HGVs pass Knayton School on a daily basis without incident and the modest increase of 1.8% if all HGVs use the north bound route is not considered to warrant a refusal recommendation. The highways authority recommends a range of conditions including an Operational Traffic Management Plan to secure the level of HGV movements associated with the site and their routing.
- 5.37 It is true the proposal will create additional traffic including HGVs with peaks at destocking stages. The local highway authority do not consider this to be considered severe to warrant a refusal recommendation. On balance this proposal is considered acceptable in highway safety terms. The highway authority do not consider the wider amenity impacts however, only as they relate to safety. It would be likely that the scale of the proposal and the additional traffic movements may have a local amenity impact on occasion on recreational users of the valley PRoW and the National Cycle Network in as much as it would harm the current enjoyment of a tranquil valley route to surrounding villages and beyond between Northallerton and the fringes of the North York Moors National Park. This should be considered alongside the requires of EG8, which covers the matter of local amenity and appearance of the area.
- 5.38 The application would fail on the matter of principle in terms of the impacts of local character and appearance however it can be considered acceptable in highway safety terms.
- Residential amenity
- 5.39 Policy E2 seeks to protect amenity, this is from the impacts of new development which includes noise, water and air pollution including dust, contamination and light disturbance among other matters. Of relevance to this application the policy seeks to ensure physical separation distances to avoid oppressive or overbearing impacts. The policy notes that where mitigation is necessary this needs also to comply with the relevant policy requirements.
- 5.40 Much concern has been expressed in representations on the likely impacts on amenity from noise, smells and airborne particles along with impact from vehicular movements. It is noted that a site of this scale falls into the Environment Agency's permitting regime and reports on these impacts plus ammonia have been supplied by the applicant. An environmental statement as required by the Environmental Impact Assessment regulations has also been supplied with the application and this report publicised in line with the regulations. It is noted that the National Planning Casework unit has not called the application in on behalf of the Secretary of State.

- 5.41 To consider any potential impacts on the North York Moors SAC separate habitats work has been commissioned and published. The Appropriate Assessment sets out that the air scrubbers proposed provide the necessary mitigation to remove the air borne particles thereby safeguarding the designated site and that no further action is necessary as a result of this application either alone or in combination with other plans or programmes.
- 5.42 The nearest non associated dwelling is Crosby Gardens directly to the south 50m from the edge of the site and located on the edge of Cod Beck, 350m from the nearest proposed poultry shed. Old Hall Farm and Crosby Bridge Farm are 60m north of the edge of the site and 410m from nearest poultry shed, both are farming enterprises. 870m to the north are two non-farming dwellings at Crosby Manor. The edge of Thornton Le Beans is approximately 900m to the north west from the part of the site where the poultry buildings are proposed. Borrowby village set on the southern edge of Cotcliffe ridge is west and south by 1.16km.
- 5.43 It is considered the site and the proposals are sufficiently separated from other non-associated residential dwellings to not have an over shadowing impact. Whilst lighting will be present and is not indicated in the submission, it could have an impact on the area at night in visual terms but is not considered to create an impact on residential amenity. Noise issues are considered to be very similar in these terms and not to result in any significant impact on residential amenity. It is likely that noise from access traffic will be perceived by users of the Allerton Wath road and the impact of the buildings and infrastructure on the wider landscape for users of the right of way network.
- 5.44 The Environmental Statement states noise emissions from the air scrubber extract fans, transport activities (HGV movements and loading/unloading using a forklift within the concrete apron) and internal plant as a result of the proposed development have been assessed in accordance with BS4142:2014. The noise report describes the individual and aggregate BS4142 noise impact from the assessed noise sources and states these will be low to the nearest dwellings. Further site management with regard to minimising noise emissions is also covered.
- 5.45 The Environmental Health resident services team have assessed the application and the Environmental Impact Assessment materials and reiterated their position taken under the previous application last year. They advised, due to the scale of the installation it will require an Environmental Permit from the Environment Agency before it can operate. The permit will specify the standards of operation the operator must meet in order to control the risk of pollution to air, land and water. The permit will require the operator to use Best Available Techniques (BAT), which will lessen any impact on amenity and likelihood to cause nuisance. They had a no objection position.
- 5.46 The scale and nature of the development proposed will change the local open rural character and assessment is made above on the local landscape character. There will be amenity impacts such as noise and visual amenity. It is considered these are limited to the edge of the site and given the extensive environmental control regime and based on the research provided it is considered that the application can be made sound in terms of the impacts on local residential amenity.

Impact on the SAC

- 5.47 Policy E3 requires that all development must have a net gain for biodiversity, additionally it states a proposal that may impact on a special area of conservation (SAC) will only be supported where it can be demonstrated that there will be no likely significant effects and no adverse effects on the integrity of a European site.
- 5.48 Through the course of the application the Council commissioned work from specialist consultants, WSP, to help assess the impacts on the North York Moors Special area of Conservation. Further consultation with Natural England (NE) was carried out on this during August and September. Comments from NE on the initial habitats screening work provided on behalf of the Council sought a full Appropriate Assessment to adequately consider the impact of airborne emissions on the SAC and the design mitigation proposed by way of air scrubbers. This has been undertaken by WSP and statutory consultation with NE carried out.
- 5.49 The Appropriate Assessment concludes there is a Likely Significant Effect arising from the emission of ammonia from the proposed development. This could lead to a reduction in the extent or quality of the Northern Atlantic Wet Heath and/or Blanket Bog qualifying features of the SAC. The information provided by the applicant demonstrates that ammonia levels are appropriately controlled by the inclusion of ammonia scrubbers within the air outflows of the proposed development, such that levels of ammonia and associated nitrogen deposition to the North York Moors SAC are increased by less than 1% of the relevant critical level or lower critical load at all receptors modelled. On this basis Natural England raise no objections to the proposals.

Ecology and Green Infrastructure

- 5.50 Policy E4: on Green Infrastructure recognises the importance of landscaping and requires proposals to incorporate and where possible enhance existing green infrastructure features, it should enhance the corridor and its functionality; increase woodland cover with appropriate tree species and take opportunities to protect and enhance the public right of way network.
- Ecology impacts were another widely raised issue in the public consultation. The impact on the NYM SAC has been previously considered. Ecology work has been provided by the applicant by way of a preliminary ecological appraisal of the site in January 2021. They propose biodiversity enhancements for wildlife including the conversion of a substantial area of arable land into grassland, the establishment of a 5m wide fenced buffer zone alongside Cod Beck, the placement of hedgehog boxes in the bases of hedgerows and the erection of bird and bat boxes on suitable trees within the curtilage of the farm. Once applied and carried out, the recommended ecological protection and enhancements will provide assurance that there is no net loss to biodiversity and no unacceptable adverse impact on ecosystem services.
- 5.51 The case officer has asked for further clarification on biodiversity net gain. The agent supplied further advice from their ecologists. They state they have carefully studied the landscaping proposals for the above site and note prior to development the majority of the site consists of land in arable production. This is to be replaced by two poultry sheds, mixed native tree and shrub planting with a general purpose meadow mixture sown close to the two new poultry sheds. Two new attenuation ponds will also be constructed on the site and sown with wildflowers for wetlands mix. Prior to development the site largely consists of a mono-culture of arable land.

It has narrow arable field margins with low plant diversity. Post development, a substantial area of the site is being planted up with mixed native trees and shrubs. These newly created woodlands will contribute to an increase in biodiversity on the site by eventually providing much increased opportunities for invertebrates, birds, bats and small mammals.

- 5.52 The new dispersed woodland planted as farm tree shelterbelts is also being used to reduce ammonia emissions and the associated environmental and social impacts. The planting up of the attenuation pond areas with wildflowers for wetlands mix will provide much increased opportunities for invertebrates and birds. In terms of carbon sequestration permanent grassland, woodland and ponds are types of habitat which are significantly better than arable land. No specific calculation has been provided to consider the described additional biodiversity benefits of the scheme and as such it is unclear whether this is a net gain or otherwise.
- 5.53 The site is edged to the south by an existing bridleway and to the north the site is crossed by a public footpath. Neither routes will be directly affected. However, the consultation responses raise concerns on loss of character and enjoyment arising from the proposed development. It is clear that these routes that cross the site directly feed into the wider, extensive public rights of way network towards the Cotcliffe ridge area where elevated views would make the impact of this exceptionally large development much more harmful in the attractive valley landscape. Whilst planning conditions can be used to protect the PRow network during development and the site is active, the new planting proposed will take a long time to be fully established. The Council's commissioned landscape report concludes the development would be wholly out of character and would not enhance the public right of way network as sought by policy E4.

Flooding and drainage

- 5.54 RM policies 1-3 require appreciation of the water basin management plans and no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water or groundwater, or on meeting the objectives of the Water Framework Directive and the Habitats Directive, or the abstraction of water; and there is or will be adequate water supply and treatment capacity in place to serve the development. Policy RM3 require drainage implications to be acceptable and adequately dealt with on site using various methods including SUDs. Any watercourse on a development site must be retained and, where possible, restored and enhanced and to safeguard against the pollution of ground water the use of deep infiltration SUDS, such as deep borehole soakaways, will not be accepted in most circumstances.
- 5.55 The Environmental Statement (ES) provides details on the measures surface water drainage is proposed in the form of a sustainable drainage system using attenuation ponds and restricted discharge to the drainage ditch system. There are no public sewers in the vicinity of the development and consequently an appropriate foul waste water treatment plant will need to be provided. Foul and surface water drainage on the site will be separated to prevent discharge of dirty water to watercourses. The inside of the proposed building will be sealed and drained to sealed underground dirty water containment tanks. The proposed dirty water tanks will collect contaminated water produced in the washing out process.

- 5.56 The applicant has provided plans and other documentation which indicate that the treatment of sewage will be by means of Kingspan Klargester Biodisc sewage treatment plant(s). The Environment Agency were consulted and provided advice.
- 5.57 The proposed development will be acceptable if the siting of the discharge points for the treated sewage effluent are implemented and secured by way of a planning condition on any planning permission. The EA recommended a series of planning conditions and an informative on intensive farming to deal with the issues arising.
- 5.58 The design and access statement states that the applicant proposes that poultry manure be dried, pelleted and bagged on site within the central working area. The dried and pelleted and packaged product will then be sold as a sustainable agricultural fertiliser, which brings a further income stream as covered in the financial assessment. The benefits of the drying and pelleting process are that the product is more versatile and can be applied to land with a standard fertiliser spreader the same as chemical fertilisers are.
- 5.59 The product doesn't require a muck spreader and the application of the pelleted product to land is a completely odourless process.
- 5.60 It is noted the site is crisscrossed with land drains that drain into Cod Beck. The IDB has not chosen to make representations this time would it is understood they undertook extensive work since the last application to regularise the land drainage systems in line with their responsibilities.

Financial viability

- 5.61 The matter of financial viability was raised through the consultation exercise. A financial report from GSC Greys has been submitted with the application prepared on behalf of the applicant under to help justify the project. This provides specific advice on the economic benefits asserted by the proposal. Local Plan policies recognise and support the rural economy, S1 d) of the sustainable development objectives. The same objective is Hambleton for to be recognised as location for business by providing a range of employment opportunities that meet local aspirations. In considering any harm identified regard should also be had to the benefits to the local economy.
- 5.62 The financial report sets out that the proposal for consideration now would represent a £8,628,241 investment. An initial assessment also considers an industry-standard proposal without the further enhancements proposed in this current application, which is a £ 3.4mn less under the enhanced set up cost, cited as version 1 in the report. It is stated the application would exceed the current farming requirements both in terms of legislative requirements and codes of good agricultural practice such as the RSPCA Assured standards. It considers the cycle of poultry farming and indicates a year 1 and year 2 profit figures for both projects. The financial assessment indicates that the proposals have the potential to be profitable, cash generative and provide margin against risk. Each year, it is stated, once the units are established, the development is expected to contribute £2,240,416 per annum to the economy under Version 1 and £2,221,345 under Version 2.

Heritage assets and public benefit

5.63 The impact on the heritage assets of the two grade II listed farmhouses is described above and the harm identified as less than substantial on their setting. The NPPF para 202 allows planning decisions to consider any public benefits of a planning proposal in the balance against the harm identified, where a development proposal will lead to less than substantial harm. The impact on the setting of the heritage assets is from the scale and intensification of the development proposed. It is noted that the proposal offers no benefits in terms of securing the optimal viable use of the assets. The public benefit identified here is the creation of 9 full time jobs and £2.24m to the economy per year. Whilst job creation and wider economic benefits are valuable, it is considered that given the impact in the scale and intensification of the proposal over a large site area within the setting of these two grade II assets, that this is insufficient to offset the harm identified.

Planning balance

5.64 It is found that the site and the scale of the proposal would have significant impact on its environs by way of landscape character and visual impact would have a significant impact on the local character of this area of the District. This is in direct conflict with policies S5, EG7 and EG8 meaning that the principle of this development proposed cannot be supported.

5.65 Whilst the other issues raised by this assessment can be adequately dealt with by condition or resolved a refusal recommendation is recommended. It is noted that there is no qualifiable biodiversity net gain however the recommendations proposed by the ecological statement is likely to, if not precisely qualifiable, give rise to some limited ecological benefits.

5.66 In the balance are also the benefits to the local economy of a new profitable agricultural enterprise and one requiring a significant investment. The submissions state nine new jobs would be created with a contribution to the local economy of £2.2mn per annum. However, the application makes only a limited assessment of alternative sites for such a proposal, not beyond the applicant's existing land holding at Morton on Swale. As stated above, officers find the application involves a proposal that would be in conflict with the central thrust of the Local Plan's policies to protect landscape character and the distinctive qualities of the Hambleton countryside. This location is noted in the Hambleton Landscape Character Assessment and Sensitivity Study as an area of a 'tranquil, rural character.'

6.0 Recommendation

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

1. It is found that the site and the scale of the proposal would be in direct conflict with policies S5, EG7 and EG8 having a significant harmful impact on its environs by way of landscape character and visual impact which would have a significant impact on the character of this part of the District. The proposed development is not considered sensitive to its surroundings and does not exploit opportunities to make the development more sustainable as required by para 85 of the National Planning Policy Framework.

2. The proposed development will result in less than substantial harm to the significance of the listed Farm Houses in the vicinity, through the change caused to the setting of the buildings resulting through an erosion of the landscape character of the area. The proposed development fails to meet the requirements of policy E5 and the tests set out in the NPPF.

Parish: Knayton with Brawith

Ward: Bagby and Thorntons

7

Committee date: 27th October 2022

Officer dealing: Olivia Lamb

Target date: 28th September 2022

22/00010/TPO2

Tree Preservation Order 2022 No. 10

At: North of Stone House, Knayton, Thirsk, North Yorkshire, YO7 4AZ

The report is presented to Planning Committee as an objection has been made to the Order

1.0 Site, context and proposal

1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 22/00010/TPO2.

1.2 A works to trees notification application (22/00212/CAT) submitted to the Local Planning Authority in 2022 triggered the making of a TPO on a group of trees that lie within the rear garden of Stone House. This application was submitted on behalf of a neighbour (at Lilac Cottage), the applicant sought to crown lift eight trees that overhang from Stone House into The Drays and Lilac Cottage for a number of reasons including loss of natural light into garden, falling branches, slippery leaves, littered roof/guttering from fallen debris, unable to use garden due to risk of fallen branches. It was considered that the proposed works would give rise to an unsymmetrical canopy which in turn would give rise to harm. The view from the Knayton Conservation Area at the front of the dwelling, the group of sycamores contribute to the visual amenity of the Conservation Area.

1.3 In order to ascertain the condition of the trees, Hambleton District Council arranged for an arborist (from Elliott Consultancy) to inspect the trees. At the time of the visit the arborist was not able to gain access to the rear of Stone House; as a result, the inspection was carried out from the rear of Lilac Cottage.

1.4 An objection has been received to the making of the Tree Preservation Order.

2.0 Relevant planning and enforcement history

2.1 02/00104/CAT- Proposed crown thinning of 5 sycamore trees and crown cleaning of 8 sycamore trees. Permitted in 2002.

2.2 03/01668/CAT- Proposed felling of 1 Sycamore tree. Permitted in 2003.

2.3 15/01267/CAT- Proposed felling of Sycamore tree. Permitted in 20015.

2.4 18/00770/CAT- Works to Trees in a Conservation Area. Permitted in 2018.

2.5 22/00212/CAT- Works to trees in a conservation area. Provisional TPO served.

2.6 No relevant enforcement history.

3.0 Relevant planning policies

3.1 The relevant Hambleton Local Plan policies are:

E3: The Natural Environment
E7: Hambleton's Landscapes

4.0 Consultations

4.1 Knayton Parish Council

- Knayton Parish Council object to the principle of the order.

4.2 Public Comments

Neighbour objection (summarised):

- Group 1 Sycamore S1 and S2:
 - Branches crossing (poses risks to neighbours, animals, property, vehicles and boundary)
 - Unhealthy growth will lead to decay and death of the affected branches which will impact on the entire plant
 - Important to remove branches that are crossing the trunk as they will rub against each other even in mild wind conditions
 - Friction causes the wood underneath to open up, which will most often be followed by decay and disease from this wound
 - Lawn area surrounding the base of tree is being disturbed, raising up by the force of the roots
- Group 1 Remaining Sycamore Trees:
 - Cross branching- due to not being managed over the years leaving them to grow and outreach across buildings
 - If not dealt with, this will result in damage to the buildings from falling branches
- T1 Ash Tree:
 - Decaying and dead limbs
 - Impact on neighbours due to fear of a falling branches
- Do not object to any of the trees where they currently stand and do not wish for them to be removed.
- Wish for them to be managed to mitigate any further damage to the tree's health, persons, animals or property.
- Previous occupants of Stone House had an application (4-5 years ago) passed to remove sycamore trees which stood adjacent to the ones on this application and there were no objections or preservation request from the village or Council (removed 5 sycamore trees in total thus setting a precedent that the location of these trees is of no significant interest).

Owner support (summarised):

- Trees have great significance to nature and greenery of the garden

- They have had a tree expert, they have reviewed the trees and advised that no work is immediately required.
- Does not agree that the leaves falling block the gutters and removing branches to 8m (as sought by a neighbour) will make no difference at all.
- Understand the need to make safe the trees further down the garden and accept the ash (A1) and sycamore (S7) should be made safe, but again with respect to the safety and health of the trees.
- The natural and healthy aspect of the arboreal cascade and avenue is a health and wellbeing feature of my property.
- Believe it will devalue the natural attractiveness of the property and risk affecting the ecological balance of the wildlife that rely on the trees and the associated cover and protection.

5.0 Analysis

- 5.1 The main issue is whether the trees are worthy of preservation by virtue of its contribution to the amenity of the area, and consideration of any other issues as to why the TPO should not be confirmed in this case.
- 5.2 The observations are noted however the TPO has been assessed against the Planning Practice Guidance, which states that it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.
- 5.3 The TPO's have been assessed against the criteria within the Planning Practice Guidance.

Visibility

- 5.4 The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

Individual, collective and wider impact

- 5.5 Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
- size and form;
 - future potential as an amenity;

- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

Other factors

- 5.6 Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.
- 5.7 The assessment of the amenity of the trees is therefore to be considered against these criteria.

Criterion 1: Visibility

- 5.8 The group of sycamores contribute to the visual amenity of the Conservation Area. However, the ash tree is not visible from the view of the Conservation Area, nevertheless it is important to understand if the proposed work is deemed necessary.

Criterion 2: Individual, collective and wider impact

- 5.9 The trees are well established; the siting, size and their form contribute to positively to the character and appearance of the Knayton Conservation Area and the visual amenity of the area.

Criterion 3: Other factors

- 5.10 The trees make a general contribution to nature conservation and climate change implications as any tree would do. It has been noted that a number of sycamore trees have been removed in the past 20 years that are within close proximity to the trees in discussion, it is therefore important to control works to the trees in this Order to prevent any further erosion of the existing landscape.
- 5.11 A tree report has been prepared for the Council by Elliott Consultancy which stated the following:

“...The majority of the Sycamore’s (S1-S6) which overhang The Drays and the storage barn have been crown lifted in the past and I therefore see no reason or obvious benefit to them being pruned again up to a height of 8m... During my site visit it was not possible to gain access to Stone House and I could, therefore, not thoroughly inspect the trees from all sides. It was also not possible to fully access the rear of the barn, so the views of those trees were further limited. From what could be inspected, the trees appear to be of reasonable to good physiological and structural condition, albeit with some relatively minor stem wounds, pruning wounds and deadwood... To summarise, the works that we would recommend would be crown lifting the middle Sycamore adjacent to The Dray to a height of 5m, as indicated in Photo 1 (please see accompanying report). Remove the vertical section of the limb indicated in Photo 2 (please see accompanying report). Crown clean the remaining trees”.

- 5.12 If the trees were to be maintained inappropriately, this would have a detrimental impact on the amenity of the area and would result in harm to the character and appearance of the conservation area and surrounding area. It is considered that the trees contribute positively to the visual amenity, flora and fauna of the area, which is a valuable asset and the potential subsequent works to the tree as outlined with application 22/00212/CAT is contrary to the Local Plan Policies E3 and E7.
- 5.13 Consent however may be given to works subsequently, on submission of a relevant application; providing substantive evidence, reasoning and justification such as an independently prepared tree survey or other appropriate survey/assessment which justifies those works required to be undertaken and provides evidence and reasoning as to the necessity to undertake required works and the consequences of not undertaking the required works.
- 5.14 Local Planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future. Following consideration of the case confirmation of the TPO is justified.

6.0 Recommendation

- 6.1 That Tree Preservation Order 2022 No 10 is confirmed.

This page is intentionally left blank

Parish: Yearsley

Ward: Huby

Committee Date :

27 October 2022

Officer dealing :

Mr T J Wood

8

Target Date:

14 March 2018

Date of extension of time (if agreed): 4 March 2019

18/00097/OUT

Outline Application (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings.

At: High Lions Farm Yearsley North Yorkshire YO61 4SN

For: Newburgh Priory Estate.

The report is for consideration by the Planning Committee as the previous resolution for approval was made prior to the adoption of the Hambleton Local Plan 2022 and proposal is for enabling development that was a departure from the policies of the Development Plan.

1.0 Site context and proposal

- 1.1 This application has previously been considered by the Planning Committee in August 2019. Since the resolution of approval work has been undertaken to complete a planning obligation (section 106 agreement) as set out later in this report to enable works to listed buildings at Newburgh Priory. As the application was previously considered under the policies of the Local Development Framework it is necessary to reconsider the application with regard to the Hambleton Local Plan February 2022.
- 1.2 High Lions Farm site is located approximately 1.3km northwest of the village of Yearsley and 3.0km east of Oulston. The site within the Newburgh Priory Estate but is located 3.6km from the core Newburgh Priory Estate buildings at Newburgh Priory. The site covers 0.65 hectares of vacant agricultural land, including the buildings that lie to the south of High Lions' Lodge.
- 1.3 The site comprises of three large farm buildings: including 2 modern steel portal frame buildings and 2 traditional stone agricultural buildings. The site is not actively used, and has fallen into a state of disrepair, which detracts from the setting. The steel portal-frames are proposed to be removed and the stone buildings are proposed be converted.
- 1.4 The site is also located within the Howardian Hills Area of Outstanding Natural Beauty (AONB) and is adjacent to Newburgh Priory Grade II Registered Park and Gardens. There is a public right of way which passes through the site.
- 1.5 Four burrows (burials mounds) located in fields neighbouring the site are protected as Scheduled Monuments, with the closest lying 200 metres to the south-west of the site, separated by dense tree cover. The site boundary to the west is mostly open arable land, with areas to the north, south and west bound by mature trees and foliage.

- 1.6 The proposal seeks outline permission (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings. The buildings comprise of three large farm buildings, including two large portal-frame structures and 2 stone farm buildings. The stone buildings are the subject of this application.
- 1.7 The indicative site layout plan shows 3 units; 2 x 5 bedroomed dwellings and 1 x 3 bedroomed dwelling in the form of a rural "courtyard" development. The agent has advised that the indicative layout maximises the availability of open space, with each plot having an appropriate amount of private outdoor amenity space. Access is by a track from Yearsley Moor Bank.
- 1.8 Permission was granted in 2016 by the Council for the change of use and conversion of a stable block and coach house, and swimming pool building for a wedding business at Newburgh Priory, a grade II listed former priory and accompanying grade II listed ancillary buildings. This application is one of two submitted to Hambleton District Council, as part of an "enabling development" scheme. The other is planning application 18/00144/OUT Oulston Hall for the redevelopment of the agricultural site for 9 dwellings. Two applications have been submitted to North Yorkshire Moors National Park, also under the premise of "enabling development". Both of these applications are in Coxwold; one is for four open market houses (NYM/2018/0039/FL), and the other for 3 affordable houses (NYM/2018/0037/OU). It is considered by the applicant that these affordable houses fulfilled the quota for the four sites; a total of approximately 15% affordable housing contribution.
- 1.9 The intention of the applicant is to secure permission at all three sites and the sites to be sold onto a developer. There is no intention by the applicant to develop the sites out; and the applicant wishes to have the applications considered in outline form only.
- 1.10 The two applications in the village of Coxwold, lodged with the North Yorkshire Moors National Park, currently outstanding as additional information is being sought by that planning authority.

2.0 Relevant planning and enforcement history

- 2.1 There is no relevant planning or enforcement history at the application site.

Oulston Hall, Oulston

- 2.2 18/00144/OUT Outline application for the redevelopment of the site for up to 9 residential dwellings (Class C); pending consideration.

Newburgh Hall

- 2.3 16/02144/FUL Alterations and change of use of existing stables, back courting buildings and extension and conversion of swimming pool building to create new function suite and accommodation for weddings, parties, corporate events, storage and Estate office, alteration to main building to include new gates and modification of existing Estate Office to create reception area and creation of service area car park to rear of back courting; approved January 2017.

- 2.4 16/02145/LBC Listed Building Consent for alterations and change of use of existing Stables, Back Courting buildings and extension and conversion of Swimming Pool Building at Newburgh Priory to create new function suite and accommodation for weddings, parties, corporate events, storage and Estate office. Alteration of Newburgh Priory main building to include new gates and modification of existing Estate Office to create reception area. Creation of service area car park to rear of Back Courting; approved January 2017.

Coxwold

- 2.5 NYM/2018/0037/OU Outline application for construction of up to 3 no. affordable dwellings (all matters reserved); approved 1 May 2020.
- 2.6 NYM/2018/0039/FL Construction of 4 no. open market dwellings with associated access, parking, garage/car ports, amenity space and landscaping works; following consideration at the NYM Planning Committee on 21 May 2020 awaiting completion of the section 106 to provide both affordable housing and a sum to contribute to “enabling” works to the listed buildings at Newburgh Priory. The minute states: Resolved to be approved as recommended. Members requested that the wording of the Section 106 Agreement requires repair work to the culvert to the satisfaction of the Lead Flood Authority and its maintenance in perpetuity and that the funding generated is dedicated to the works to the structure and fabric of the Grade 1 Listed Building(s) at Newburgh Priory.

3.0 Relevant planning policies:

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S3: Spatial Distribution
Local Plan Policy S5: Development in the Countryside
Local Plan Policy HG4: Housing Exceptions
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 E6: Nationally Protected Landscapes
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

4.0 Consultations

- 4.1 Yearsley Parish Council - no observations to make.

4.2 Natural England – Provide advice and raise no objection.

4.3 Howardian Hills AONB - comments on the proposal include:

1. A Public Footpath runs through the development site and the route of this would need to remain unobstructed at all times or be formally diverted.

2. In terms of the visual aspect of the proposed conversions I don't feel that they would have an adverse visual impact on the AONB landscape. The Registered Park & Garden of Newburgh Priory wouldn't be affected, nor do I feel its setting.

3. In terms of policy, these open-market dwellings would be in a location that would normally be considered unsustainable and contrary to the Local Plan's Settlement Hierarchy. The part that this development plays in the implementation of the Newburgh Priory Estate Plan, with its long-term goal of providing revenue to maintain the Grade I Listed Buildings, is however important.

4. The principle of Enabling Development is one that all the large Estates in the AONB will be considering, to address the significant conservation deficits that exist for the repair and maintenance of their Grade I Listed buildings and parklands. These buildings and parklands form one of the most visible Special Qualities for which the Howardian Hills AONB was designated.

5. As such I would not wish to object to the proposal, as long as it is absolutely tied by legal agreement to the Affordable Housing being proposed in Coxwold, and the repair and maintenance of the heritage assets of Newburgh Priory.

4.4 Historic England - no objection.

4.5 Yorkshire Wildlife Trust - holding objection due to the lack of any ecological information, in particular a bat survey is not included with the application.

Since this consultation response, a Bat Emergence Survey has been submitted to accompany the application.

4.6 Public comments - one comment has been received from a local resident, who expresses their concerns as:

- o the access road that also supplies two existing properties would need to be considerably upgraded and its maintenance responsibility be designated;
- o there are telephone, water and electricity supplies underground which need to be undisturbed;
- o consultation with the electric suppliers would show where the earthing cables are laid as these may go under part of the proposed alterations;
- o there is a large underground tank to the west and close to the single storey dwelling that may cause ground water pollution if soakaways are placed too close;
- o as much of the original stone as possible should be retained, including the stone wall in the NE corner of the fold yard; and
- o It would be good to see the original west side of the open yard reinstated, it would also give the single storey dwelling open views to the west.

5.0 Analysis

- 5.1 The main matters for consideration in this case are
- i) the principle of development,
 - ii) impact on the protected landscape and countryside,
 - iii) impact on neighbouring amenity,
 - iv) impact on highway safety, and
 - v) ecology matters

Principle of development and links to Enabling Development

- 5.2 It is noted that if the buildings were outside the Howardian Hills Area of Outstanding Natural Beauty it would be possible to convert the agricultural buildings to residential use under the provisions of Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The control of the rights to convert buildings in the AONB signals the importance attached by Government to the issue and confirms the care required to assess the impact of the change on the character of the buildings and the landscape.
- 5.3 The site is located in a remote location, approximately 1 mile by road from the village of Yearsley. Yearsley was not recognised as a sustainable location within the Hambleton Local Development Framework Settlement Hierarchy, but in the Hambleton Local Plan is identified as a "Small Village" where development will be supported that is proportionate to the size of the settlement and its level in the hierarchy. However, the site is in the countryside and cannot take support from the status of Yearsley in a "Small Village".
- 5.4 Local Plan Policy S5 allows for development in the countryside and makes reference to the conversion of buildings in the countryside that cannot be dealt with through the "Prior Approval/Notification" procedures. S5 f. and g. set requirements that:
- 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.

However, the application has been submitted as part of a larger "enabling development" proposal, and as an exception to the normal policies that restricts isolated homes in countryside. The NPPF 2021 sets out, in paragraph 208, that "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies".

- 5.5 Historic England (HE), in 2008, published guidance "Enabling Development and the Conservation of Significant Places". The HE document sets out how applications should be tested, in terms of the legal basis, requiring the justification necessary to determine the application and understanding the financial figures. It is clear that development should be on a level which generates the minimum amount for the upkeep and repair of heritage assets. Monies raised through enabling development should not be spent on non-essentials, such as furnishings.
- 5.6 There has been some disagreement as to whether outline applications can provide a true and accurate estimation of the profit a development will return; the outline application will provide land uplift for the landowner. The value of the uplift (between the value of the land without a planning permission and the value with a planning permission for residential conversion) will then be secured by a legal agreement. In this case a section 106 agreement (S106) between the landowner and local authority is the appropriate mechanism. The agreement will require that the money is to be spent on agreed and specified works to the listed buildings at Newburgh Priory. The disagreement arises due to the difficulty in assessing the value arising from the outline planning permission to the complete converted dwelling.
- 5.7 The section 106 agreement would control the uplift in value resulting from the conversion and controlling how it will be used for the upkeep of the agreed historic asset. Public benefit which arises from the maintenance and upkeep of a historic asset is the reason this development can be acceptable where it may not normally be supported.
- 5.8 Since the first consideration of this proposal by the Hambleton Planning Committee in 2019 there is greater certainty regarding the proposals. The residential scheme in Coxwold has a resolution of approval and a scheme for affordable housing has been in approved. The proposed development in Oulston has also had a resolution of approval following consideration at the Planning Consultative Panel and the works at Newburgh Priory have still an extant consent.
- 5.9 On the basis of the applicants' assessment all four developments will be required to come forward to generate the necessary income for restoration of the heritage asset at Newburgh Priory. The heads of terms of the S106 agreement have prepared to control the enabling funds.
- 5.10 Notwithstanding the complications of the viability and finalising a S106 agreement, the principle of development is acceptable under Policy E5 and paragraph 208 of the NPPF which both support enabling development where the public benefits of the enabling development outweigh any harm.
- Housing mix
- 5.11 The development proposes up to 3 dwellings. The proposed units to be formed would consist of a mix of 3 and 5 bed dwellings, including 1 x 3 bed bungalow. The plans are indicative at this stage. At reserved matters stage is it expected that this mix would be reflected, however, the size of the dwellings must meet the nationally described space standards. It is also appropriate to seek to achieve a mix in sizes that reflect the needs of the community, however it is acknowledged that smaller dwellings would reduce the value and hinder the delivery of the funds to address the 'heritage deficit' of works to the Priory buildings.

Impact upon the Howardian Hills AONB

- 5.12 The detailed layout and appearance of the site is to be considered at the reserved matters stage. However, the AONB Manager does not consider that the proposal would have an adverse visual impact upon the AONB, given that these are conversions.
- 5.13 It is considered that the removal of the modern large portal framed buildings will improve the character and appearance of the area.

Impact upon neighbouring amenity

- 5.14 There are two dwellings which are accessed from the existing junction off Well Lane. There are no other dwellings nearby. High Lions' Lodge is 54m to the northwest of the nearest building in the site area, and Lion Lodge Bungalow is 125m to the northeast. It is considered that there is sufficient distance from the application site to neighbouring dwellings to ensure that existing and future residents' amenity is adequately protected. The reserved matters application and details can be brought forward in a manner to ensure that the amenity of neighbours is protected in terms of overlooking and privacy. Details of the boundary treatments can also be carefully considered.

Impact upon highway safety

- 5.15 The existing access track from Yearsley Moor Bank will be utilised to access the site. This is shared with 2 other dwellings - High Lions Lodge and Lion Lodge Bungalow. The exact details of this element of the scheme will be considered as part of the reserved matters application but it is expected that a safe access can be achieved. The maintenance liability for the access is a 'civil' matter to be resolved by the landowners, it is not a matter that can be resolved by the Local Planning Authority.
- 5.16 The indicative site layout plans include parking provision and on-site turning for each of the dwellings sufficient to meet the needs of the proposed dwellings.

Ecology

- 5.17 The application has been accompanied by a Bat Emergence Survey undertaken in 2018. The emergence survey has confirmed the presence of multiple small non-breeding common pipistrelle roosts, spread across the site. Small non-breeding roosts of brown long-eared and whiskered bats are also suspected on the basis of remote monitoring. Further, no consistent patterns were noted across the surveys, and it is suspected that roosts comprise of a number of non-breeding bats which move between roost locations across the site and wider area depending on the prevailing weather conditions.
- 5.18 Based on the structure of the barns and results of the emergence survey, it is thought that the roost locations in most instances will be at the wall tops, with many of the bats emerging via the barns interior before leaving via open barn doors.
- 5.19 A licence will need to be secured from Natural England in order to derogate offences arising as a result of the proposed conversion, as the destruction or significant alteration of the roosts will be unavoidable in the context of the current proposals.

5.20 Sufficient survey has been undertaken to inform a planning application. A further pre-commencement survey will be required to establish any further measures that may be required as a consequence in a change in bat activity since the 2018 survey.

5.21 Subject to the further survey works, it is considered that the application would not cause significant harm to habitats of protective species. Additionally measures to provide alternative habitat can be required through planning conditions.

Biodiversity net gain

5.22 The Hambleton Local Plan Policy E3 introduces the requirement to achieve a net gain in biodiversity. The immediate surroundings to the application site, is land in the control of the applicant (Newburgh Priority Estate) and provides opportunity to achieve a net gain. A planning condition can be imposed to require the scheme to be prepared for approval and implemented.

Planning Balance

5.23 This scheme seeks permission for residential development that will help to enable the restoration of listed buildings. The site is in a remote position and will result in additional journeys by private motor vehicles. The residential development will result in a small amount of economic activity through the creation of a mix of additional homes and spending of future residents and will result in the visual improvement of the immediate environment by way of developing and re-using the derelict buildings. As a result of these benefits, set out above, alongside the securing of a sum of monies by way of legal agreement, to be used in the essential repair of a designated heritage asset, it is considered that the scheme, on balance, is found to be sustainable development in the terms of the NPPF.

6.0 Recommendations:

6.1 That subject to any outstanding consultations, the application be **GRANTED** subject to the completion of a planning obligation to secure a sum of monies to be used in the essential repair of a designated heritage asset at Newburgh Priory and the following planning conditions.

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

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the layout, scale and appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.

3. Before the commencement of development a bat survey shall be undertaken and any necessary mitigations measures are to be put in place in accordance with a scheme to be approved. As a minimum the development

hereby approved shall not be brought into use until the bat boxes, shown in a plan, to be submitted and approved in writing by the Local Planning Authority, have been put in place.

4. This approval allows for no more than 3 dwellings, the sizes of which must meet the Nationally Described Space Standards and that the housing mix achieves the requirements of the adopted Policy HG2 and Housing SPD.

5. 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.

6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling 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.

7. 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.

8. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

The reasons are:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that habitat is provided to support protected species within the development site in accordance with the Local Plan Policies S1 and E3.
4. To ensure that the development does not exceed the scope of the application and that the dwellings provided meet the requirements of the NDSS to achieve a suitable standard of residential space.
5. 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 S1 and E2.
6. In order to control the future alteration to the buildings to safeguard the design qualities of the scheme including impacts on residential amenity, ecology and landscape.
7. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
8. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with Hambleton Local Plan Policies S1 and RM5.

Parish: Oulston
Ward: Raskelf & White Horse
9

Committee Date : 27th October 2022
Officer dealing : Tim Wood
Target Date: 24 April 2018
Date of extension of time (if agreed):

18/00144/OUT

Outline application for the redevelopment of the site for up to 9 residential dwellings (Class C).

At: Oulston Hall Oulston North Yorkshire YO61 3RA
For: Mr Stephen Wombwell.

The report is for consideration by the Planning Committee as the resolution for approval under delegated powers was made by the Planning Consultative Panel prior to the adoption of the Hambleton Local Plan 2022 and proposal is for enabling development that is a departure from the policies of the Development Plan.

1.0 Site, Context and Proposal

- 1.1 Oulston Hall stands on the east side of the small village of Oulston. Oulston is a hillside village in an elevated position in the Howardian Hills above the Vale of York. The Howardian Hills are designated as an Area of Outstanding Natural Beauty.
- 1.2 The site is to the east and bounds on to the gardens of residential property on the east side of the main street. As a farmyard the site comprises mainly of hardstanding areas as well as modern grain storage buildings and older buildings including one of stone construction that is considered to be of importance for its traditional design and materials and is also of antiquity.
- 1.3 The site is gently sloping from the north-west down towards the south-east. There are few features within the site of interest, due to the agricultural operations requiring space for turning of large and heavy vehicles there is little if any ecological value to the main areas of the site. There is a group of small trees in the southern part of the site and potential for wildlife to have exploited spaces between boundary walls to residential property in the village and the rear of the agricultural buildings.
- 1.4 The proposal is to undertake residential development of the site, using the existing site access, refurbishing an existing farm dwelling and by a comprehensive clearance of the modern agricultural buildings to create a space for a group of new build dwellings. The stone barn noted at 1.2 is proposed to be converted. The scheme is proposed as 'enabling development' for assist in funding works at Newburgh Priory. At the time of the application for further enabling development the arrangements were described as follows:

"Permission was granted in 2016 by the Council for the change of use and conversion of a stable block and coach house, and swimming pool building for a wedding business at Newburgh Priory, a grade II listed former priory and accompanying grade II listed ancillary buildings. This application [18/00097/OUT at High Lions Farm] is one of two submitted to Hambleton District Council, as part of

an “enabling development” scheme. The other is planning application 18/00144/OUT Oulston Hall for the redevelopment of the agricultural site for 9 dwellings. Two applications have been submitted to North Yorkshire Moors National Park, also under the premise of “enabling development”. Both of these applications are in Coxwold; one is for four open market houses (NYM/2018/0039/FL), and the other for 3 affordable houses (NYM/2018/0037/OU). It is considered by the applicant that these affordable houses fulfilled the quota for the four sites; a total of approximately 15% affordable housing contribution.

The intention of the applicant is to secure permission at all three sites and the sites to be sold onto a developer. There is no intention by the applicant to develop the sites out; and the applicant wishes to have the applications considered in outline form only.”

- 1.5 Planning permission has been resolved to be approved on all the sites. Amendments had been discussed overall a prolonged period and in September 2020 resulted in an indicative layout that restricts the area of new building works to a space closely associated with the footprint of the buildings within the site. The updated indicative layout has been the subject of re-consultation to the neighbours and the Parish Council.
- 1.6 A public right of way (footpath) crosses the site. The route of the public footpath is to be accommodated within the layout without requiring any change in width of alignment.

2.0 Relevant Planning and Enforcement History

- 2.1 Members made a visit to the application site in August 2019 at the time of the visit to High Lions Farm (18/00097/FUL)

High Lions Farm, Yearsley

- 2.2 19/00097/OUT Outline application (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings. This application has been resolved to be approved subject to the completion of a planning obligation to secure the uplift in value to enable the development at Newburgh Hall detailed below.

Newburgh Hall

- 2.3 16/02144/FUL Alterations and change of use of existing stables, back courting buildings and extension and conversion of swimming pool building to create new function suite and accommodation for weddings, parties, corporate events, storage and Estate office, alteration to main building to include new gates and modification of existing Estate Office to create reception area and creation of service area car park to rear of back courting; approved January 2017.
- 2.4 16/02145/LBC Listed Building Consent for alterations and change of use of existing Stables, Back Courting buildings and extension and conversion of Swimming Pool Building at Newburgh Priory to create new function suite and accommodation for

weddings, parties, corporate events, storage and Estate office. Alteration of Newburgh Priory main building to include new gates and modification of existing Estate Office to create reception area. Creation of service area car park to rear of Back Courting; approved January 2017.

- 2.5 Conditions have been discharged in order that a start can be made on the works at Newburgh Priory and thereby avoid the permissions lapsing.

Coxwold

- 2.6 NYM/2018/0037/OU Outline application for construction of up to 3 no. affordable dwellings (all matters reserved); approved 1 May 2020.
- 2.7 NYM/2018/0039/FL Construction of 4 no. open market dwellings with associated access, parking, garage/car ports, amenity space and landscaping works; following consideration at the NYM Planning Committee on 21 May 2020 awaiting completion of the section 106 to provide both affordable housing and a sum to contribute to “enabling” works to the listed buildings at Newburgh Priory. The minute states:

Resolved to be approved as recommended. Members requested that the wording of the Section 106 Agreement requires repair work to the culvert to the satisfaction of the Lead Flood Authority and its maintenance in perpetuity and that the funding generated is dedicated to the works to the structure and fabric of the Grade 1 Listed Building(s) at Newburgh Priory

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 HG4: Housing Exceptions

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 E6: Nationally Protected Landscapes

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC2: Transport and Accessibility

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

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

4.0 Consultations

4.1 Oulston Parish Council – a detailed response has been provided and this is provided verbatim below

The Oulston village meeting planning group has met to consider the revised proposals submitted in August 2020.

We remain in favour of the principle of the change of use of the agricultural buildings for housing but are concerned that the number of houses and extent of this revised indicative proposal are not confined to the footprint of the existing agricultural buildings and still intrude into the open countryside and AONB.

This is very disappointing as it does not take account of our previous comments on the initial submission dated 27 March 2018 (attached)

This revised conceptual layout more closely reflects an agricultural “Crew Yard” and is therefore an improvement on the initial (2018) layout, but the eastern properties would still extend the current village edge into the countryside.

We therefore OBJECT to this proposal and suggest that it be resubmitted with a tighter devt. boundary (red line) on the eastern flank which follows the blue line on the plan below.



This means that the three proposed properties on and to the east of that line should be deleted bringing the total number down to six which is the maximum that we feel that the village can accommodate.

Within the Newburgh Priory's multiple enabling devt planning applications submitted in 2018 which are still being determined by HDC and NYMNP , only seven new properties (two of which are single storey) on two separate sites are proposed in Coxwold, a village of around 85 homes with a large village hall, church, pub, shop, tea rooms, garage and public transport links, whereas Oulston, less than half the size and with minimal amenities and public transport links, is expected to accommodate nine. Therefore our request for a maximum of six is proportionate

If we recall correctly in the current HDC Local Plan dealing with small settlements such as Oulston, there was/is an allocation to limit these settlements to a maximum of 3 new dwellings over the 5 year period of the plan. Whilst we appreciate that this application is part of an enabling scheme, we feel that it must still abide by the control and limitation of numbers of units allowable.

We also remain concerned about the lack of clarity with respect to vehicular access, car parking and public rights of way; specifically:

o Very careful consideration must be given to how vehicle access into any development from the village street is designed and laid out. The width constraint consequent on the proximity of the barn boundary wall and Horseman's Cottage and the lack of forward visibility where the proposed access road swings north into the development are fundamental safety concerns that have not been addressed in any of the information provided;

o If the development is to proceed it must be to the exclusion of any agricultural vehicles using the access road from the village street and alternatives must be provided which allow the fields to the eastern boundary of the proposal to be accessed;

o The village, by virtue of its location and lack of public transport facilities, is heavily reliant on private car access and has no suitable on or off street car parking, therefore car parking for residents and visitors to the development must be provided to the full standards as set out by the Highway Authority and designed in such a way as not to compromise the design philosophy as illustrated in the Design and Access Statement; and

o The popular Foss Walk runs along the access road and through the proposed development, this path must be protected and its route properly integrated and made safe and welcoming.

Being an Outline application the proposals are merely indicative, so if approved the only element that would provide any certainty is the red line site boundary. This is why we feel that it is so critical to establish its alignment at this stage and we ask you to work again with the applicant to resubmit a reduced proposal with a tighter eastern margin.

If it were then possible for HDC to require any subsequent detailed application to adhere to a design brief which would be based upon a revised Design Access Statement depicting a reduced and modified layout reflecting the tighter cluster of farm buildings, it would provide some assurance.

4.2 NYCC Highways – Note the need to protect the public right of way and recommend planning conditions relating to layout of the access and site roads, footway etc, require the provision of footway and roads prior to occupation, maintenance of parking and turning areas including garage spaces, and site management measures.

4.3 HHAONB Manager –

- 1) No objection to the principle of using the area of the farm buildings and part of the associated yard for new housing.
- 2) The design concept of creating a 'farmhouse' with 'former farm buildings' would be an appropriate approach in this location.
- 3) I do however wish to Object to the extent of the proposed development (i.e. the Red Line area). The eastern edge of Oulston village is very sharply defined by

the curtilages of the houses along the main street, and when viewed from the Public Rights of Way network to the east (including the Foss Way Regional Walk), the village has a very pronounced 'development limit'. In addition, the eastern side of the village has good remaining evidence of the strip-farming field system that would have been common in the area.

- 4) In my view the boundary of the development, including domestic curtilages and any ancillary outbuildings, should therefore broadly follow the very defined line of the curtilages to the north and south of the site. This would ensure that development does not encroach out into the open countryside, which would have a negative visual impact on the AONB landscape, compromise the setting of the Oulston Conservation Area, and compromise the settings of the non-designated heritage assets of both Oulston Hall and the remnant strip-field farming pattern adjacent to the Hall.

- 4.4 Yorkshire Water – no objection but advise no assessment of the capacity of surface water sewers has been undertaken as the proposal indicates drainage via soakaway.
- 4.5 Publicity – site notice, press notice and neighbour letters of notification - 5 letters of representation have been received, 3 at the time of the initial consultation in 2018 and 2 following re-consultation in August 2020. All letters make remark about supporting development but raise concern about the number of dwellings proposed and the area extends beyond the footprint of the existing buildings.

The representations also advise:

Maximum number of units should be 5 or 6 and not going east of the existing buildings on the site

Reduction in farm traffic in the village

Existing modern buildings do not enhance the AONB

Conversion of the stone barn is supported

Floor area of new buildings shouldn't exceed the area of the agricultural buildings

Some affordable housing units should be provided as part of the scheme

9 new dwellings would be a 25% increase in the size of the village, this is too large.

Parking layout needs to avoid the site looking like a car park and visitor space is required to avoid an increase of on-street parking in the village

Pedestrian safety within the site including users of the Foss Way needs to be addressed

Concern for privacy of neighbours

Trees on the edge of the farmyard were planted by people from the village with funding from HDC and support from the Estate.

Concern about the capacity of the village sewage system

Improvements should be made to the broadband

Careful use of materials will be required and retain westernmost stone boundary wall

New alternative access to the fields should be from outside of the village

If gas tanks are required for the new dwellings these should be located away from public view

Where will the grain storage be provided?

5.0 Analysis

5.1 The matters for consideration in this case is

- i) the principle of development,
- ii) housing mix and scale,
- iii) impact on the protected landscape and countryside,
- iv) impact on neighbouring amenity,
- v) impact on highway safety, and
- vi) ecology matters

Principle of development and links to Enabling Development

5.2 The site is located adjacent to the village of Oulston a location that is more than 4km from Easingwold which is the nearest significant place with services. Oulston was not recognised as a sustainable location within the Hambleton LDF Settlement Hierarchy but in the Hambleton Local Plan is identified as a “Small Village” where development will be supported that is proportionate to the size of the settlement and it’s level in the hierarchy. The site is beyond the built form of the settlement and for the purposes of policy S5 of the Hambleton Local Plan is in the countryside and cannot take support from the status of Oulston as a “Small Village”. Policy HG5 relating to Windfall Housing Developments adjacent to the built form of Service, Secondary and Small Villages supports proposals subject to the following requirements:

- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
- b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council’s Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. All proposals will individually or cumulatively;
- c. represent incremental growth of the village that is commensurate to its size, scale, role and function;
- d. not result in the loss of open space that is important to the historic form and layout of the village; and
- e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

5.3 Reviewing the requirements of HG5:

- a. the proposal is not supported by any documentation to show that a sequential approach has been taken to site selection that demonstrates that there are no suitable and viable previously developed sites available within the built form of the village, however, the application was submitted before the adoption of the Hambleton Local Plan when such an assessment was not required. It is accepted by scrutiny of mapping and council records that there are no sequentially preferable sites within Oulston.
- b. the housing mix can be required by planning condition.

- c. the housing growth resulting from the proposal is considered not to be commensurate with the size, scale, role and function of the settlement. The proposal does not comply with this policy requirement.
- d. the scheme does not result in the loss of open space of importance.
- e. the scheme has the potential to have a detrimental impact on the character and appearance of the village in its countryside site and harmfully impact upon the setting of the western part of the village.

- 5.4 To address the harmful impacts note above due to the number of dwellings proposed and the landscape setting great care is required to ensure that the housing mix and the general layout of the site address the issues and prevent harm by design details and conditions of approval.
- 5.5 As the application has been submitted as part of a larger “enabling development” proposal, it is also necessary to consider the weight to be given to Hambleton Local Plan Policy E5 and paragraph 208 of the NPPF which both support enabling development where the public benefits of the enabling development outweigh any harm. The NPPF 2021 sets out, in paragraph 208, that "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies".
- 5.6 Historic England (HE), in 2008, published guidance "Enabling Development and the Conservation of Significant Places". The HE document sets out how applications should be tested, in terms of the legal basis, requiring the justification necessary to determine the application and understanding the financial figures. It is clear that development should be on a level which generates the minimum amount for the upkeep and repair of heritage assets. Monies raised through enabling development should not be spent on non-essentials, such as furnishings.
- 5.7 There has been some disagreement as to whether outline applications can provide a true and accurate estimation of the profit a development will return; the outline application will provide land uplift for the landowner. The value of the uplift (between the value of the land without a planning permission and the value with a planning permission for residential development) will then be secured by a legal agreement. In this case a section 106 agreement (S106) between the landowner and local authority is the appropriate mechanism. The agreement will require that the money is to be spent on agreed and specified works to the listed buildings at Newburgh Priory. The disagreement arises due to the difficulty in assessing the value arising from the outline planning permission to the complete converted dwelling.
- 5.8 The section 106 agreement would control the uplift in value resulting from the conversion and controlling how it will be used for the upkeep of the agreed historic asset. Public benefit which arises from the maintenance and upkeep of a historic asset is the reason this development can be acceptable where it may not normally be supported.

- 5.9 Since the first consideration of this proposal by the Hambleton Planning Consultative Panel in 2020 there is greater certainty regarding the proposals. The residential scheme in Coxwold has a resolution of approval and a scheme for affordable housing has been in approved. The proposed works at Newburgh Priory have still an extant consent.
- 5.10 On the basis of the applicants' assessment all four developments will be required to come forward to generate the necessary income for restoration of the heritage asset at Newburgh Priory. The heads of terms of the S106 agreement have prepared to control the enabling funds.
- 5.11 Notwithstanding the complications of the viability and finalising a S106 agreement, the principle of development is acceptable under Policy E5 and paragraph 208 of the NPPF which both support enabling development where the public benefits of the enabling development outweigh any harm.

Housing mix and scale of development

- 5.12 The development proposes up to 9 dwellings. The proposed units to be formed would consist of a mix of 9 dwellings, including a conversion. The plans are indicative at this stage. At reserved matters stage it is expected that a mix of sizes and types of dwellings would be maintained however, the size of the dwellings must meet the nationally described space standards and provide sufficient uplift in value to achieve the values sought to enable the development.
- 5.13 Building 9 new dwellings is a larger scale of development than would be supported by the Hambleton Local Plan HG5 c., the scale is not commensurate to the small size of the village. The circumstances of the site need to be taken in to account: the land is already occupied by buildings and has a developed appearance; it will not have an impact on the village street and will not be seen cumulatively with any other new development.
- 5.14 Although the land is not 'previously developed land' (see the glossary of the NPPF) the extent of the farm buildings and the farmyard have a different character to the agricultural farmland that lies beyond the site. The large scale of the buildings and activity associated with the farming use, a use that will cease if the site is redeveloped, as well as the location of the site that is behind properties in the main street are significant. The impact of the works will be experienced by users of the public right of way, otherwise the development would not be evident from the village street. As noted above the site is not in a location that is accessible without the use of private transport, the site is not sustainable in the sense of having ready access to services. However, this is a matter that requires a balance of the other impacts of development including the enable development factors.

Impact upon the Howardian Hills AONB

- 5.15 The detailed layout and appearance of the site is to be considered at the reserved matters stage. The conversion of a building and refurbishment will have little impact upon the appearance of the AONB and the removal of the modern large portal framed buildings will improve the character and appearance of the area. These same benefits were noted at the scheme at High Lions. The impact of forming new dwellings and gardens is substantial and if the development form failed to respect

the context of the village of Oulston harm would be found. The indicative layout plan shows a tightly drawn group of buildings that do not extend beyond the area of the farmyard and with appropriate detailing would not result in a harmful impact upon the HHAONB. The details of the scheme that will require further approval will need careful scrutiny at that stage to ensure that both at the broad landscape scale and the fine grain scale the proposal is appropriate to this nationally important designated landscape.

Impact upon neighbouring amenity

- 5.16 There are dwellings with gardens that adjoin the application site. It is considered that the removal of the agricultural uses will result in an improvement in the residential amenity of neighbours when the scheme is completed. There will inevitably be periods of disturbance during construction work that will particularly impact upon immediate neighbours and will have some wider impacts, this is also true of the agricultural operations on the site.
- 5.17 The agents have confirmed that the grain that is currently stored within the agricultural buildings on the site will in future be stored near to Shipton and no new grain storage buildings will be required to replace those currently on the site.
- 5.18 The reserved matters application and details can be brought forward in a manner to ensure that the amenity of neighbours is protected in terms of overlooking and privacy. Details of the boundary treatments can also be carefully considered.

Impact upon highway safety

- 5.19 The existing access from the village street in Oulston will be utilised to access the site. This has carried agricultural traffic and the change in type of traffic, from predominantly large and slow-moving agricultural traffic to light domestic vehicles is considered to be beneficial to neighbour amenity and will have no significant impact upon highway safety. The exact details of the layout of the access and layout of parking will be considered as part of the reserved matters application
- 5.20 The indicative site layout plans includes parking provision and on-site turning for each of the dwellings and there is no reason to conclude that there would be insufficient parking space to meet the needs of the proposed dwellings and through appropriate design can avoid an increase in on-street parking in the village.

Ecology

- 5.21 The application has been accompanied by a Bat Emergence Survey undertaken in 2017. The emergence survey has confirmed the presence of two small roosts, sporadically used by up to three common pipistrelle bats. Both roosts were noted to be in buildings that would be removed through the works. It is noted that the survey work was undertaken in 2017 and further survey work would be required before works could commence.
- 5.22 A licence will need to be secured from Natural England in order to derogate offence's arising as a result of the proposals, as the destruction or significant alteration of the roosts will be unavoidable in the context of the current proposals. It is considered that on the basis of the currently available information the application would not cause significant harm to habitats of protective species. Additionally

measures to provide alternative habitat can be required through planning conditions.

Biodiversity net gain

- 5.23 The Hambleton Local Plan Policy E3 introduces the requirement to achieve a net gain in biodiversity. The immediate surroundings to the application site, is land in the control of the applicant (Newburgh Priority Estate) and provides opportunity to achieve a net gain. A planning condition can be imposed to require the scheme to be prepared for approval and implemented.

Planning Balance

- 5.24 This scheme seeks permission for residential development in a location which would usually be found to be contrary to national and local planning policy. The proposal is for a relatively large number of new dwellings in a small village. This development will result in some economic activity through the construction of a mix of additional homes and spending of future residents. The scheme will result in the visual improvement of the immediate environment by way of removing modern agricultural buildings and re-using a traditional stone farm building. The landscape impacts of new building works is offset by the removal of modern agricultural buildings and a high quality of design that is appropriate to the setting and avoiding harm to the use of the public footpath. There is social gain by the provision of new housing in a village that has previously had little additional development in recent years. As a result of these benefits, set out above, alongside the securing of a sum of monies by way of legal agreement, to be used in the essential repair of a designated heritage asset, it is considered that the scheme, on balance, is found to be sustainable development in the terms of the Hambleton Local Plan and NPPF.

6.0 Recommendation:

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the completion of a planning obligation under section 106 of the Act to secure the uplift in value of the site to be used to enable the development of Newburgh Priory as detailed in section 2.3 and 2.4 of this report and the following conditions.

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered location and illustrative layout SK02 received by Hambleton District Council on 27 Feb 2018 and 1 Sept 2020 respectively unless otherwise approved in writing by the Local Planning Authority.

3. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site.

4. There shall be no demolition or construction undertaken on the development until a schedule has been agreed with the Local Planning Authority of those materials forming part of the building to be demolished which are worthy of re-use on the site. The schedule shall include a reference to where the materials will be used in the re-development of the site. The building shall be carefully taken down or dismantled and the materials contained in the schedule and stored for later re-use in the proposed redevelopment. The materials contained in the schedule shall be re-used in the redevelopment of the site in the manner indicated in the schedule.

5. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

6. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

7. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

8. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form. These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

9. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

10. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 9 above.

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. If any contamination be suspected or encountered during development all works shall cease and the Local Planning Authority shall be notified in writing. No further works (other than approved contaminated land remediation measures) shall be undertaken or the development occupied until a Remediation Strategy Report has been submitted to and approved in writing by the Local Planning Authority and the approved remediation measures have been implemented in accordance with the timescales in the approved Strategy. No further works shall be undertaken or the development occupied until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy and Validation Report shall be prepared in accordance with Contaminated Land Research Publication 11 (Defra/Environment Agency, 2004. CLR11 Model Procedures for the Management of Land Contamination), Planning Policy Statement 23 Planning and Pollution Control and the Council's guidance note "Contaminated Land - A Guide to Developers."

13. Prior to the commencement of the development hereby approved a written statement of works and annotated plan shall be submitted to and approved in writing by the Local Planning Authority. The written statement shall identify the extent and sequence of works of conversion and the annotated plan shall show all areas of underpinning, demolition, refacing, replacement and reconstruction of foundations, walls and roofs that are necessary to implement the details of drawing no SK02 received by Hambleton District Council on 1 Sept 2020. Thereafter the scheme shall be implemented in complete accordance with the approved statement and plan.

14. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works. The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

15. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level or block paved (as approved) and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

16. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of

wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.

17. There shall be no site clearance, demolition, excavation or depositing of material in connection with the construction on the site until the following proposals have been submitted to and approved in writing by the Local Planning Authority: (i) an on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway (ii) measures to ensure vehicles associated with construction works use the approved parking areas and do not park on the public highway (iii) a materials storage area on the site capable of accommodating all materials required for the operation of the site and measures to ensure its use (iv) the protection of trees; and (v) a detailed method statement relating to the programme of building works. The works shall be carried out in accordance with the approved method statement and the approved areas shall be kept available for their intended use at all times whilst construction works are in operation.

Reasons for conditions:-

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Plan Policies S1, E1, E2, E6 and E7.
3. 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.
4. In the interest of maintaining the character of the area and conservation of existing building materials in accordance with Hambleton Local Plan Policies S1 and E1.
5. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Plan Policies S1, RM1 and RM3.
6. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties in accordance with Hambleton Local Plan Policies S1, E1, E4, E6 and E7.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings in accordance with the Hambleton Local Plan Policies S1 and E2.

8. To ensure that the development is appropriate in terms of amenity in accordance with the Hambleton Local Plan Policies S1 and E2.
9. In order to avoid the pollution of watercourses and land in accordance with the Hambleton Local Plan Policies S1, RM1 and RM3.
10. In order to avoid the pollution of watercourses and land in accordance with Hambleton Local Plan Policies S1, RM1 and RM3.
11. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Hambleton Local Plan Policies S1, and E2.
12. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks and in accordance with Hambleton Local Plan Policies S1 and RM5.
13. To ensure that the works are undertaken as a conversion in order to maintain their intrinsic qualities and in accordance with the objectives of the Hambleton Local Plan Policies S1, E1, and E2.
14. In accordance with Hambleton Local Plan Policies S1 and E1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
15. In accordance with Hambleton Local Plan Policies S1 and E1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
16. In accordance with Hambleton Local Plan Policies S1 and E1 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.
17. In accordance with Hambleton Local Plan Policies S1 E1 and E2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

This page is intentionally left blank

Parish: Topcliffe
Ward: Sowerby and Topcliffe
10

Committee Date : 27 October 2022
Officer dealing : Ian Nesbit
Target Date: 21st September 2022
Extension of time 31 Oct 2022

22/01474/OUT

Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively)

At: Eldmire Farm Eldmire Lane Dalton
For: Mr R Bannister

This application is being considered by the Planning Committee as it is contrary to the policies of the Hambleton Development Plan.

1.0 Site context and proposal

- 1.1 The 5.13ha (approximate) application site is located between the villages of Topcliffe and Dalton, in close proximity to the junction between the A168 and the A167. The application site consists of disused agricultural (poultry) buildings, parts of the runways of the former RAF Dalton airfield and areas of grassland/scrubland between structures and hardstanding areas. Although the poultry agricultural use has not operated from the site for a significant amount of time, an authorised use of the hardstanding areas within the site is currently used for a wood chipping operation which would be discontinued in due course. Access to the site is via Eldmire Lane to the west of the site (a gated access set off the road adjacent to the residential property of The Bungalow), with transit required across a track over the intervening fields. The site is situated to the south of Dalton Lane. Remaining hardstanding areas of the disused RAF Dalton Airfield are to the south-east, with Dalton Airfield Industrial Estate further to the south and south-east. This existing employment site contains a range of industrial buildings with predominantly B2 and B8 uses.
- 1.2 Allocation DAL1 of the Hambleton Local Plan wraps around the buildings and associated land of the application site with only a small part of the south-eastern boundary of the site not adjoining the allocation. The proposed access and access road (included within the land-edged-red of the application site) is on land included within allocation DAL1, although the former poultry buildings and surrounding/ associated land does not form part of the allocation.
- 1.3 The application is seeking outline planning permission (all matters reserved, except for access) for the employment use of the agricultural site, specifically Class B2; Class E(g)(iii) and Class B8, and ancillary office space and associated infrastructure and landscaping. The proposals also seek the demolition of the existing buildings/structures on site.

- 1.4 It is worth noting that Class B2 is a general industrial use, while Class E(g)(iii) is in relation to industrial processes which can be carried out in a residential area without detriment to its amenity. Class B8 is storage and distribution.
- 1.5 An indicative site plan has been submitted with the application. This shows a single larger building (Unit A) with a footprint that occupies the majority of the site. It is indicated on a Parameters Plan that the building's height would be up to 18 metres, although the precise height would be agreed as part of a subsequent reserved matters submission should permission be granted. No floorplans have been provided, although an area of the unit's footprint is shown as being allocated for the creation of mezzanine offices, while amenity space (including a canteen) is also proposed to be created. On site car parking is however proposed to the west of the unit, and service yard area to the north. Ponds are shown to the east of the unit and north of the service yard, while access would be taken from the north. A Demolition Plan submitted shows that the range of poultry houses on site would be demolished as part of the proposed scheme.
- 1.6 In terms of proposed floorspace to be created, whilst the Supporting Statement confirms that the exact quantum of employment floorspace to be developed on the site is subject to detailed design at the reserved matters stage when the requirements of occupier or investor businesses are confirmed, the development has been assessed on the basis of 16,750 sqm floorspace.
- 1.7 The Parameters Plan indicates that a new access road to be created linking the site with Eldmire Lane within an area identified on the plan as an Access Zone within which the access and new road would be created, although no precise layout of the access or road is shown on the submitted plans (only an indicative road layout is shown). The access junction onto Eldmire Road (as indicated by the Access Area) is at the same point as the approved access junction approved (but not yet constructed) as part of the hybrid planning permission 21/00331/HYB (as per approved plan AMA/20573/SK006.6). It is clarified within the application documents that no development is proposed within the 'access area' other than a roadway to link the 'employment development site' and the public highway at Eldmire Lane. This Access Zone is intended to provide flexibility in the precise alignment of the roadway to be constructed.
- 1.8 As mentioned within the Supporting Statement, it is anticipated that the development will be brought forward as a phase (or part of a phase) of the wider development on the adjacent land to the west. The phasing of development shall be compatible with the delivery of necessary infrastructure. In particular the road link between the development site and Eldmire Lane shall be completed prior to the occupation of any development approved pursuant to this planning application.
- 1.9 It is proposed that the development will operate 24 hours/7 days per week.
- 1.10 The following plans have been submitted with the application for which outline planning permission is sought:
- Site Context Plan (2019-062-065 Rev.A)
 - Wider Indicative Site Plan (2019-062-064 Rev.D)
 - Parameters Plan (2019-062-062 Rev.D)
 - Proposed Access Layout Plan (AMA/20573/SK006.6)

- Demolition Plan (2019-062-006 Rev.A)
- Site Location Plan (2019-062-060 Rev.B)

1.11 The following drawings have been provided with the application for indicative and illustrative purposes only:

- Indicative Site Plan (2019-062-061 Rev.A)
- Wider Site Plan (2019-062-064 Rev.D)

1.12 The following information was submitted with this application:

- Covering Letter
- Planning Statement
- Design and Access Statement
- Transport Assessment
- Framework Travel Plan
- Ecological Impact Assessment
- Flood Risk Assessment and Drainage Strategy (superceded)
- Noise Assessment
- Air Quality Assessment
- Phase 1 Desktop Study Report

1.13 The following additional/amended documents have been submitted since the validation of the application:

- Highways Technical Note (dated 24.08.2022)
- (amended) Flood Risk Assessment and Drainage Strategy (V.3 – August 2022)

2.0 Relevant planning history

Relating to the application site:

2.1 19/02634/FUL - Retrospective application for the change of use of the land for the storage of logs for wood chipping, operation of mobile wood chipper and storage of wood chip, Approved, 21.05.2020.

The land-edged-red for this planning permission only included a strip of land to the east/north-east of the poultry buildings, and not the whole of the land that forms the current application site.

Predominantly relating to land to the north and west of the application site:

2.2 21/00331/HYB - Hybrid planning application seeking a.) Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping; and b.) Full planning permission for creation of new main access and road spur with associated infrastructure. Approved, 22.12.2021. This employment development is known as Dalton 49 Thirsk'.

The 'outline' element of the above hybrid permission is in respect to the adjoining land to the north and south/southwest of the application site. A small part of the 'outline' application site is also included within the land-edged-red of the current application, i.e. the area shown on the indicative site plans that as the 'Access Zone'.

To clarify, the application site for this hybrid permission includes the western half of the DAL1 allocation, i.e. the parts of the allocation to the west and north of the current application site. The hybrid permission also includes an elongated strip of land outside of, and to the south of the DAL1 allocation. The land subject to permission 21/00331/HYB is within the land-edged-blue of the current site location plan indicating that the applicant owns both sites.

The permission allows the removal of vegetation (including the tree belts in part) and development of buildings up to 18m in height. Details of the site layout, building design, landscaping and infrastructure are to be approved via reserved matters applications, although no reserved matters or discharge of conditions applications have yet been submitted in relation to application 21/00331/HYB at the time of writing.

The area of the site access granted 'full' planning permission by the hybrid permission (shown as a hatched area on the site location plan of the hybrid permission) is included within the land-edged-red of the current application.

Relating to land to the east of the application site:

- 2.3 19/01626/FUL - Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works at OS Field 6717 Eldmire Lane Dalton, approved, 04.02.2020. (subsequent discharge of applications 'DCN' and 'DCN01' were approved in June and July 2020 in relation to discharge of conditions 7, 12, 15 and 16, and a non material amendment application for amendments to the drainage scheme 22/01949/NMC is currently under consideration).

Two successive 'variation of conditions(s)' applications (20/02650/MRC and 21/02987/MRC) were approved in February 2021 and March 2022 for amendments to the approved scheme. The first variation related to changes to the siting of the buildings and relatively minor changes to the elevations of the proposed mill building. The later 'variation' approved changes to the design and layout of the approved mill building. (*a discharge of condition application for conditions 10 and 11 of 21/02987/MRC is currently under consideration*) Planning permission was approved in June 2021 of the erection of a new electric substation to serve the development (2101078/FUL).

- 2.4 In site in question is located to the east of the application site, and although it does not directly adjoin it (due to an intervening strip of land), the sites have a close visual relationship. The application site for this mill development is located, in part, within the 'DAL1' allocation of the Local Plan. In summary, the approved scheme involves the following:

- 1) A production (mill) building 1335m² in plan area and with a maximum of height approximately 34m.

- 2) A warehouse building with a plan area of approximately 1050m² and a maximum height approximately 12.5 metres.
- 3) An external service yard.
- 4) A new vehicular access onto Dalton Lane (this has since been constructed).

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 Development Needs

Local Plan Policy S3: Spatial Distribution

Local Plan Policy S5: Development in the Countryside

Local Plan Policy EG1: Meeting Hambleton's Employment Need

Local Plan Policy EG2: Protection of Employment Land

Local Plan Policy EG7: Businesses in Rural Areas

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E6: Nationally Protected Landscapes

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC1: Infrastructure Delivery

Local Plan Policy IC2: Transport and Accessibility

Local Plan Policy RM 1: Water Quality and Supply

Local Plan Policy RM 2: Flood Risk

Local Plan Policy RM 3: Surface Water and Drainage Management

Local Plan Policy RM4: Air Quality

Local Plan Policy RM 5: Ground Contamination and Groundwater Pollution

National Planning Policy Framework

National Planning Practice Guidance

4.0 Observations

- 4.1 Parish Councils (Topcliffe and Dalton) – No representations received.

- 4.2 Defence Infrastructure Organisation (DIO) Safeguarding Team – The DIO have provided a detailed representation, making/raising the following observations/concerns:

(a) The DIO have confirmed that the application site is within the statutory safeguarding zones (i.e. the aerodrome height and bird strike safeguarding zones) surrounding RAF Topcliffe, approximately 3.15km from the centre of the airfield.

There is a requirement for Safeguarding consultation where development within the Aerodrome Height Safeguarding Zone is, or exceeds in height, 15.2m above ground level. In terms of the Birdstrike Safeguarding Zone, there is a Safeguarding consultation requirement for development that might result in the creation of environments/features that might attract large and/or flocking bird species that are hazardous to aviation safety, the principal concern of the MoD being the creation of new habitats that may attract and support populations of large and/or flocking gulls close to the aerodrome. Having reviewed the application documents, the DIO acknowledge that as an outline application (with all matters reserved except access) the details of the roof designs of buildings, drainage/SuDS and landscaping are not provided in sufficient detail in order to perform the appropriate assessments.

(b) Nevertheless, the block plan shows a single industrial unit with car parking and a SuDS basin/pond, no details are available of the proposed landscaping. The large industrial unit has the potential to attract breeding, loafing or roosting large gulls if the roof is flat or gently sloped. If this is the case then a Bird Hazard Management Plan may be required to prevent successful breeding by large gulls.

(c) The SuDS for the site is likely to include an open basin or pond. This has the potential to attract and support hazardous waterfowl. Therefore, this feature should be designed to be generally dry, holding water only during and immediately after an extreme rainfall event, with a quick drain down time. No additional open water should be present on the site.

(d) In principle, MOD has no objection to the proposed development, however the final form and massing of any buildings that might be erected, and the landscaping and SuDS systems proposed may necessitate MOD requirements for planning conditions.

- 4.3 HDC Economic Development – Have commented that this seems to be a suitable application for this site, despite it not being an allocated employment site for the reasons in the planning statement and Design and Access Statement, and assuming that it is suitable from a Highways and traffic perspective.
- 4.4 Environment Agency (EA) – The EA have confirmed that they have no objection to the proposed development, advising that they are satisfied that the submitted Ecological Impact Assessment has considered all the relevant protected species and habitats and that BNG for the site will meet and adhere to current government legislation. Furthermore, the EA have confirmed in their response that the flood risk information submitted is appropriate to the scale and nature of the development and that they have no flood risk concerns.
- 4.5 Swale and Ure Internal Drainage Board (IDB) - “Any surface water entering the Boards catchment requires restricting to an existing evidenced greenfield rate. Board consent under the Land Drainage Act 1991 (amended) will be required...”
- 4.6 Lead Local Flood Authority (LLFA) – The LLFA provided an initial response that recommended that the applicant provide further information before any planning permission is granted, comprising of: (a) the recalculation of surface water discharge rates to greenfield run off rate and the resubmission of preliminary calculation with correct Climate Change allowance applied; (b) a catchment plan which clearly defines the impermeable areas, pre and post development, and (c) a

preliminary landscape proposal with indicative exceedance routes identified to ensure safe egress from the site should flooding occur.

Following the submission of an updated FRA and Drainage Strategy and supporting email in August, 2022, the LLFA were able to confirm that they had no objections to the recalculated surface water discharge rate at the greenfield rate (i.e. 9.5l/s), clarifying that the application was able to demonstrate a reasonable approach to the management of on-site surface water and that the LLFA had no objections to the approval of the application, subject to the following recommended conditions:

- (a) The approval of a scheme detailing foul and surface water drainage, with the SuDS designed in accordance with NYCC SuDS Design Guidance. The approved drainage works should be completed prior to the development being brought into use.
- (b) The development shall not commence until a scheme restricting the development flow runoff from the site is approved. The maximum flowrate from the site shall be no more than 9.5 l/s (for up to the 1-in-100 year storm event), with additional allowances for climate change as well as for urban creep (10%) for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.
- (c) No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority, ensuring that site design is such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site.

4.7 Yorkshire Wildlife Trust (YWT) –The YWT have no comments to make on the application. The YWT have confirmed in their response that the lack of comment does not imply that there will be no impacts on the natural environment, only that there are no specific constraints on this site which warrant comment from the YWT, due to our limited resources.

4.8 NYCC Local Highway Authority – This proposal is reliant on the provision of the access approved under application reference 21/00331/HYB. The Local Highway Authority recommends that the relevant conditions from that application are attached to any permission granted:

- New and altered private access or verge crossing at Eldmire Lane
- Visibility splays at Eldmire Lane
- Details of Access, Turning and Parking
- Construction Management Plan

4.9 National Highways – The application site is in the vicinity of the A168 at Topcliffe that forms part of the Strategic Road Network. They initially issued a holding objection until the 03.02.2023, or until further clarification was received.

Following National Highways' consideration of the Highways Technical Note submitted by the agent in August 2022, National Highways have been able to

amend their recommendation, confirming that they have no objections to the proposals.

National Highways would agree with AMA that the A167/Dalton Lane T-junction is predicted to operate within capacity during the both the AM and PM peaks in 2027, however, not that this junction is approaching the maximum preferred ratio of flow to capacity, hence it is important that a 2032 assessment is also provided for review, and have requested that the applicant provide a 2032 junction capacity assessment for both the Class B2 and B8 development scenarios. However, they are clear in their response that the 2032 assessment would be for information purposes to advise National Highways of potential future issues, with no expectation that the develop mitigate the impact. The agent has acknowledged National Highways' request and has stated that he will seek to provide the 2032 as requested.

4.10 Local Access Forum - No representation received.

4.11 Environmental Health – Having considered the potential impact of the proposed development on amenity and the likelihood of it to cause a nuisance, EH have confirmed that there is a potential that the development would have an adverse impact on nearby residents at Dalton Bridge Park where noise creep could be an issue. EH note that the application is seeking no operating time restrictions, meaning that there is the potential for operations 24 hours per day, seven days per week.

No assessment(s) of the impact from noise has been provided (with the application) in relation to either noise from the proposed unit or vehicle movements on the shared access road. In order to address these outstanding concerns, EH have recommended that the following conditions are imposed:

- (a) Prior to the commencement of the development, an assessment of noise impact on the nearest sensitive receptors using appropriate methodology should be carried out and the results submitted to the LPA for approval (in writing)
- (b) Prior to work commencing the applicant should submit a demolition and construction plan, to be agreed in writing by the planning officer. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site during the construction phase which may impact on existing noise sensitive premises.
- (c) No HGV / Refrigerated vehicles shall be parked overnight on the highway within the development area, or on the access road.

4.12 Environmental Health (Land Contamination) - EH have assessed the submitted Phase 1 Desk Study Assessment, which they have noted identifies low but potential risk from contamination and thus recommends further investigation resulting in the submission of a report detailing the findings and recommendations of a Phase 2 site investigation and risk assessment. EH state that this report should ideally be submitted prior to the determination of the application, however the following conditions (as summarised) are recommended if not:

- Prior to commencement of the development, the submission and approval by the LPA of a Phase 2 assessment of the risks posed by contamination.
- Prior to commencement of the development, the submission and approval by the LPA of a detailed remediation scheme.

- 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 LPA.
- 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 LPA. 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 LPA. 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 LPA.

4.13 NYP Designing Out Crime Officer (DOCO) – The DOCO has submitted a Designing Out Crime Report, commenting (as summarised below) on the following crime/design-related matters that they recommend are reflected in the detailed design and layout of the scheme in order to provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour in accordance with Local Plan and national planning policy:

- Access and Movement – The proposed access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes have the potential to be well overlooked, which will give users a sense of safety and security.
- Ambiguous Space – Ambiguous space should be avoided.
- Defensible Space and Boundaries - It appears that the development will have a clearly defined perimeter with appropriate boundary treatments, that will provide a sense of territoriality, although any physical boundaries associated with buildings should not create climbing aids.
- Car Parking – car parking arrangement and positioning relative to buildings should ensure it is secure and overlooked (with good natural surveillance)
- Cycle Storage – Cycle parking for staff should ideally be within a secure structure, however, if external cycle racks are to be provided, they should be undercover, appropriately illuminated and should be located close to the building (i.e. for natural surveillance)
- Refuse and Recycling Storage – to prevent arson or being used as climbing aids, refuse and recycling bins should be stored within a secure compound.
- External Fire Escapes – All external elevations, where there are doors or windows at ground floor level, should be appropriately fitted with vandal resistant security lighting,
- Lighting – It is recommended that all internal roads and parking areas be illuminated with appropriately designed lighting.
- CCTV – For deterrent and evidence-collecting purposes, consideration should be given to the installation of CCTV systems to each unit to cover any vulnerable external areas where there is no natural surveillance.
- Landscaping – Any planting should not obstruct windows, lighting, or CCTV cameras (if installed). Planting in car parking areas should have a maximum growth height of 1 metre or should be maintained to this height. The lowest branch of any tree should be at least 2.5m from ground level and should not be positioned to enable them to be used as a climbing aid to overcome secure perimeter protection, gain access to windows above ground floor level or roofs. There should be a management plan in place to provide details of how

any landscaping will be maintained and who will be responsible for this. Areas that are not maintained can quickly become unsightly, which can raise the fear of crime amongst employees and visitors, and this can have a negative impact on the sustainability of a scheme.

- Construction Phase – It is strongly recommended that site security be given serious consideration.

The DOCO recommends that should the Council be minded to approve outline permission, that a planning condition is imposed requiring full details of what crime prevention measures are to be incorporated into the site and requiring the applicant to show how the above issues raised by the Police Designing Out Crime Officer are to be addressed and/or the reasoning for not incorporating the DOCOs recommendations/suggestions within the detailed scheme.

- 4.14 Campaign for the Protection of Rural England (CPRENEY) – CPRENEY have confirmed that they are entirely supportive of the proposed change of use of the agricultural site to employment use. Should outline planning permission be approved, CPRENEY would expect to see details of the use of sustainable building materials and energy efficient technologies to ensure a net-zero development; the delivery of a minimum 10 per cent biodiversity net gain; and the incorporation of Electric Vehicle Charging (EVC); and the provision of an appropriate Travel Plan.
- 4.15 Yorkshire Water (YW) – If outline planning permission is granted, YW have recommended that the following (as summarised) planning conditions:
- Construction works in the relevant areas of the site shall not commence until measures to protect the public water supply and sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Alternatively, if diversion or closure of the relevant infrastructure is proposed, the developer shall submit evidence to the LPA that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.
 - The development shall be carried out in accordance with the details indicated within the FRA and Drainage Strategy, unless otherwise agreed in writing with the LPA.
 - The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the agreed point(s) of discharge.
- 4.16 NYCC Archaeological Services – Have confirmed that as the current use of the site is as a turkey farm (with three large sheds and areas of external hardstanding) this will have reduced the archaeological potential of the site. It is therefore unlikely that the proposal will have a significant impact on archaeological remains. The County Council's Principal Archaeologist has no objection to the proposal on this basis.
- 4.17 Natural England – No representation received.
- 4.18 Historic England – Have confirmed that they are not offering any advice/comment on the application.

- 4.19 Public Comments – No representations have been received from local residents/members of the public. The consultation period has now expired.
- 4.20 Site Notice and Advertisement – A site notice was posted adjacent to the access to the site. A newspaper advertisement was published within the Easingwold Advertiser. Both the site notice and advertisement have expired without resulting in any representations being made.

5.0 Analysis

- 5.1 The main planning issues relevant to the consideration of this application are as follows:
- (a) Location and Principle of Economic Development
 - (b) Design, Scale and Impact on the Character of the Landscape and Surroundings
 - (c) Ecology, Biodiversity Net Gain, Trees/Hedgerows and Green Infrastructure
 - (d) Climate Change and Carbon Savings
 - (e) Amenity
 - (f) Designing Out Crime
 - (g) Highway Safety and Accessibility/Permeability/Connectivity
 - (h) Impact on Public Rights of Way
 - (i) Flood Risk and Surface Water Drainage
 - (j) Contamination, Pollution, Water Quality and Air Quality
 - (k) RAF Aerodrome Safeguarding
 - (l) Impact on the Settings of Heritage Assets (including Conservation Areas, Listed Buildings and Scheduled Monuments)
 - (m) Economic Impacts

Location and principle of economic development

Summary of the ‘Sustainable Development Principles’ of the Local Plan

- 5.2 Policy S1 (Sustainable Development Principles) sets out the ways in which the Council will seek to achieve sustainable development and sets out the Council’s expectations for all development in the District. Development shall ensure that it makes a positive contribution towards the sustainability of communities, environmental enhancement and climate change adaptation/mitigation by achieving the seven objectives. Of particular relevance, is objective (d) which seeks to ‘promote Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy.’
- 5.3 In order to meet this objective and the Council’s aspiration for Hambleton to be ‘a place to grow’, Policy S2 (Strategic Development Needs) states provision is made within the plan period (2014-2036) for approximately 77.8ha of employment land (approximately 220,000 sq.m. of floorspace) Policy S3 (Spatial Distribution) sets out the spatial development strategy and identifies where (in terms of locations and settlements) the focus for economic development within Hambleton will be:

- a. Northallerton and Thirsk, where development will benefit from and support the wide range of services and facilities and good transport connections of these two main towns;
- b. Key employment locations within the central transport corridor, in order to provide opportunities for expansion and inward investment along the strategic (A1/A19) transport corridor;
- c. The market towns of Bedale, Easingwold, and Stokesley and large villages, defined in the settlement hierarchy as Service and Secondary Villages, commensurate with their size, character and the concentration of services and facilities in these locations and their role in providing services to residents of other nearby communities; and
- d. Identified rural communities, defined in the settlement hierarchy as Small Villages, where limited development will be supported to help address affordable housing requirements and where development can support social and economic sustainability.

Dalton Airfield Industrial Estate, the DAL1 allocation and surrounding developments is within an area of existing and proposed economic development located within the strategic A1/A19 transport corridor referred to in (b) of S3 as underlined above. Therefore, although the application site is not on an allocated economic site within the Local Plan, it is nevertheless in a location identified in the location plan for strategic economic development due to its location in close proximity to the national road network.

Summary of the 'Supporting Economic Growth' (EG) Policies of the Local Plan

- 5.4 Sitting below the relevant Strategic Policies are the eight Supporting Economic Growth (EG) policies of the Hambleton Local Plan. Policy EG1 (Meeting Hambleton's Employment Need) confirms that in order to deliver sustainable economic growth within the district and meet the need for employment land identified in Policy S2, the Council will support development on sites on specific allocated employment sites 'Strategic Locations', 'Market Towns' and the former prison site in Northallerton. 'DAL1' (Extension to Dalton Industrial Estate, Dalton) is identified within the policy as one of three of the 'Strategic Locations' allocations within the Local Plan along with Leeming Bar ('LEB3') and Sowerby Gateway ('TIS3'). Therefore, as a non-allocated site, the application site is not supported by Policy EG1 of the Local Plan.
- 5.5 While the purpose of Policy EG1 is to identify new sustainable economic development sites and support appropriate new sustainable development in these locations through site allocations, Policy EG2 in contrast seeks to protect and improve areas of land and buildings currently in employment use. Policy EG2 therefore identifies several existing 'Key Employment Locations'. These are recognised as prime business locations, employing significant numbers of people and are characterised as areas where businesses are already located together. Along with allocated sites, 'Key Employment Locations' are to be the main focus for employment development in the district during the plan period. Proposals for R&D, products/processes development, industrial processes, general industrial and

storage and distribution uses are supported within designated Key Employment Locations, while offices may also be acceptable.

- 5.6 In addition, Policy EG2 has identified 'General Employment Locations' which are also to be the focus of employment-generating development, along with site allocations and 'Key Employment Locations'.
- 5.7 Policy EG2 also supports development involving 'non-designated' existing employment sites through their expansion, intensification, upgrading or redevelopment. However, new employment-generating uses will only be supported by Policy EG2 within the built form of 'defined settlements' (i.e. within the settlement hierarchy of Policy S3), although Policy EG7 does provide some exceptions (see below).
- 5.8 The adjacent Dalton Old Airfield Industrial Estate (both existing and allocated) is identified within Policy EG2 as a 'Key Employment Location' and recognised within the Local Plan as an employment area that supports a range of employment uses, including some retail issues, and benefits from a good location closed to the strategic road network and Northallerton. However, as mentioned above, the application site is sited adjacent to but outside of Dalton Old Arfield Industrial Estate with only the access zone of the proposed development within the DAL1 allocation. Furthermore, the application site is not a site of an existing business or another designated employment site as identified within the Local Plan (e.g. a General Employment Location) As such, there is no material support within Policy EG2 for the proposed development in this location.
- 5.9 Lastly, Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported outside of the main built form of a 'defined settlement' in four scenarios as summarised below:
- (a) The expansion of an existing businesses that cannot be accommodated within the existing site
 - (b) The re-use (conversion) of an existing building
 - (c) A new building that is well-related to an existing rural settlement where it cannot be located within the built form of a settlement or an identified employment location.
 - (d) Proposals requiring a countryside location.
- 5.10 In terms of Policy EG7, the application is outside of the main built form of a settlement. Dalton village is the nearest settlement, but due to the location and distance involved, it cannot be concluded (for the purposes of Policy EG7) that it is within the main built form of the village or well-related to it. In respect of the economic uses of the proposed development, the industrial and storage and distribution uses are not uses that require a countryside location. Furthermore, the proposals do not constitute the expansion of an existing business and does not propose the re-use of any existing buildings on site, with all the existing on-site buildings proposed to be demolished. As such, the proposal is not supported by Policy EG7.

Location of the Application and Material Considerations

- 5.11 As explained above, although the application site is located within the A19/A1 corridor, which is an area recognised within the strategic policies of the Local Plan as being an area of strategic economic growth for the district, there is no site-specific support for the new development proposed within the outline application with regards to the 'EG' policies of the Local Plan (i.e. EG1, EG2, and EG7). Therefore, approving outline planning permission would not be supporting by the specific economic (EG) policies of the Hambleton Local Plan, it is important to consider whether the location of the site and the character and planning history of its immediate surroundings is a material planning consideration that should be given weight in the decision-making process.
- 5.12 The application site is located to the north, and close to, the Dalton Old Airfield Industrial Estate (identified/designated within the Local Plan as a 'Key Employment Locations') which contains a range of industrial and warehouse buildings of various sizes and designs, although the majority are large units of over 1,000 square metres. More recent additions include the Inspired Pet Nutrition (IPN) and National Tube Stockholders (NTS) buildings sited due south of the site. Furthermore, as detailed within sections 1 and 2 of this report, the 'DAL1' site allocation within the Local Plan wraps around the application site with only a small part of the south-eastern boundary of the site not adjoining the allocation with an extant outline planning permission for industrial and storage and distribution uses having already been granted on a site consisting of parts of the allocation immediately to the north and west of the application site (i.e. the 'Dalton 49' development). In addition, there is an extant 'full' planning permission on part of the DAL1 allocation to the east of the site comprising of a mill and a warehouse building, with the approved mill building in particular being of a significant height (approximately 34m). Therefore, although the application site currently contains agricultural building within the middle of what is currently largely greenfield land, it's evident that due to the DAL1 allocation and extant planning permissions, the existing greenfield land surrounding the application will, in the near future, contain large industrial/commercial buildings, essentially increasing the extent of Dalton Old Airfield Industrial Estate further north and westwards to the boundaries with Dalton Lane and Eldmire Lane respectively.
- 5.13 The retention of the application site as a partial agricultural site would therefore be something of a local land use anomaly within this context, surrounded on all sides by established and proposed industrial development. While access to the agricultural site would remain, the continued use of the site for agriculture purposes becomes less sustainable in this location due to a lack of compatibility with the surrounding commercial land uses, particularly if, as would be likely given the site's last operational use and relatively small size, the agricultural use would involve the housing of livestock.
- 5.14 Furthermore, the approval of the site for industrial and/or storage and distribution uses would dovetail well with the same and similar commercial uses provided for by the DAL1 allocation and approved as part of the 'Dalton 49' and mill building schemes and would be complementary to the existing commercial uses within the Dalton Old Airfield Industrial Estate. It is understood that the application site has recently been purchased by the owners of the adjacent land that has the benefit of hybrid planning permission for the Eldmire Lane site access and B2, B8 and E(g)(iii) commercial uses, and while the application site and the 'Dalton 49' site would be

subject to separate planning permissions, there would be a clear possibility (at the respective reserved matters stages) to design, layout and landscape development on both sites that would be complementary, rather than having to design a scheme based on having to (at least in part) mitigate potential visual and amenity impacts resulting from the relative incompatibility of the respective land uses.

- 5.15 It is important to clarify again that the Town and Country Planning Act (1990) and the Planning and Compulsory Purchase Act (2004) require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this Council, the current Development Plan consists of the Hambleton Local Plan (and Proposals Maps) and any relevant adopted Neighbourhood Plans. As explained above, there is no support within the specific economic policies of the Local Plan for the approval of the proposed industrial and storage and distribution uses on this site as detailed within this planning application. As such, approving the application in this context would represent a departure from the requirements and expectations of the 'EG' policies of the Hambleton Local Plan, although it is recognised that there is general, non-site-specific support with the strategic policies of the Local Plan for economic development in this general area known as the 'A19/A1 corridor.
- 5.16 Despite the clear conflict with the specific 'supporting economic growth' ('EG') policies of the Local Plan, planning law requires a consideration of whether there are any relevant material considerations that means that the application should be determined other than in accordance with the requirements and expectations of the Development Plan (i.e. the Local Plan in this case). In this regard, paragraph 7.9 of the Supporting Statement concludes that,
- "any degree of partial non-conformity given the unallocated and therefore countryside location of the site, is outweighed by the material consideration in this particular case of the site being surrounded entirely by existing industrial development and land allocated and approved (or under construction) for industrial development in this strategic employment location."
- 5.17 The compatibility and potential 'dove-tailing' of the proposed development of the adjacent hybrid planning permission (in contrast to refusing planning permission and retaining the site for agricultural use) would facilitate a much more sustainable and effective use of the site, which would reflect the expectations within Section 2 (Achieving sustainable development) relating to the presumption in favour of sustainable development (para.10) and positively pursuing sustainable development through economic, social and environmental objectives. The economic and environmental objectives are of particular relevance to the current application:
- economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
 - environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and

pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.18 Paragraph 2 of the NPPF states that the NPPF is a material consideration in planning decisions. Therefore, because the proposals would represent a more sustainable form of development than the site's current agricultural use (based on the economic and environmental objectives of Section 2 of the NPPF) the proposed use of the site for industrial and storage and distribution purposes is considered to be acceptable, despite having no support within the supporting economic growth' ('EG') policies of the Local Plan.

Design, scale and impact on the character of the landscape and surroundings

- 5.19 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.
- 5.20 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the district, supporting proposals where (amongst other things) they: (a) take into consideration the degree of openness and the special characteristics of Hambleton's landscapes; (b) conserves, and where possible, enhances any natural or historic landscape features that contribute to the character of the local area; (d) takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; and (e) protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity. In terms of townscape, Policy E7 also states that the distinctive character and townscapes of the district's settlements will be protected and enhanced by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 5.21 The appearance of the development is not a matter for approval as part of this outline planning application. This will be submitted for approval by a Reserved Matters application. The precise height of the buildings to be developed on this site is not known at this outline planning stage, although the submitted Parameters Plan' proposes a buildings of up to 18 metres in height. The matter of height will be subject to approval at reserved matters stage based on a 18m maximum. It is therefore anticipated that the buildings would be broadly of a similar scale as those already within the Dalton Old Airfield Industrial Estate (including the adjacent Wagg/IPN and NTS buildings) and considerably lower in height than the feed mill buildings to the east to be built by l'Anson which is understood to be approximately 34m in height. It should also be mentioned that the approved height parameter for buildings on the adjacent scheme within the DAL1 allocation (as granted by the

aforementioned hybrid planning permission on land to the west of the site) is also 18 metres, and I therefore likely to be a similar scale, although it is noted that the Council would be encouraging the developers of that site to consider buildings lower in height than the maximum allowed by the approved parameter. Nevertheless, with large existing and approved (extant) commercial buildings of similar scale and character located to the south-west and east of the application site, it's evident that a building of the broad scale proposed would not be incongruous and visually dominating within this context, despite its out-of-settlement and rural locale.

- 5.22 In terms of building design and external materials, the precise external finishes of the building(s) would be agreed as part of any subsequent reserved matter application. However, in terms of the design concept, it is stated within paragraphs 6.30 and 6.31 of the submitted Supporting Statement that,

“The development will constitute high quality design in its layout, appearance and landscaping. The design will respond to the existing (and emerging) character of development around the site, whilst being softened by landscape planting. The development will be delivered using appropriate sustainable materials and construction methods.”

“The design will seek to deliver an efficient and effective layout and premises that is attractive to modern business occupiers, accessible to all and that creates a safe and secure environment. It will incorporate energy efficiency and/or renewable generation measures as appropriate.”

This is considered a reasonable and acceptable design approach to the design and appearance of the development which can be followed through as part of the reserved matters.

- 5.23 In terms of lighting, the Design and Access Statement confirms that external lighting would be designed to not spill out from the site. It is recommended that an external lighting strategy is required by condition if outline planning permission is approved.

Ecology, biodiversity net gain, trees/hedgerows and green infrastructure

- 5.24 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Furthermore, direct or indirect adverse/negative impacts on SINC, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where: ‘significant harm’ has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a ‘last resort’ (criterion a.); and where proportionate long-term maintenance arrangements for BNG are demonstrated (criterion b.); and where a ‘overriding public need’ has been demonstrated that outweighs the need to safeguard biodiversity (criterion c.), or where the principle objective of the proposals is to ‘protect, restore, conserve or enhance’ biodiversity or geodiversity (criterion d.).

5.25 An Ecological Impact Assessment (EIA) has been submitted with the application can be conditioned if outline planning permission is granted, along with a Construction Environmental Management Plan (CEMP) Biodiversity Net Gain should be secured through condition if outline planning permission is approved. The landscape proposals would help to ensure the development is an attractive place to visit, has a sense of place, and is well-integrated into the local context, as well as improving green infrastructure and promoting biodiversity, but the precise details would be agreed through reserved matters. The proposal would therefore comply with Policy E3, E4 and E7 of the Hambleton Local Plan

Climate Change and Carbon Savings

5.26 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (part g.) This is taken further by part k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations.

5.27 The proposals are for outline planning permission so the layout of the site and the design, materials, installations and orientation of buildings would need to be agreed at reserved matters. However, it is referred to within the application documents that electric vehicle charging points would be installed and a range of sustainability measures considered within the design and layout of the scheme. It is important that if outline planning permission is granted that the permission is conditioned to require specific requirements and details for energy efficiency and renewable energy generation to be met. On this basis, the proposals are considered to be capable of complying with the requirements of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

Amenity

5.28 Policy E2 (Amenity) expects all 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, in particular those in residential use, ensuring that (inter alia):

- adequate availability of daylight and sunlight for the proposed use
- the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
- there are no significant adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations(3)), including internal and external levels, timing, duration and character;

- that adverse impacts from air pollution, contamination, dust, obtrusive light, odour,,
- overheating and water pollution are made acceptable.
- adequate and convenient provision is made for the storage and collection of waste and recycling.

Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.

- 5.29 Likewise, criteria (c) of Policy E1 (Design) states that the design of new development shall achieve a satisfactory relationship with adjacent development and does not have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.
- 5.30 It is stated within the application that it is the intention of the proposed development to be capable of operating 24 hours a day 7 days a week. Although this can provide flexibility in terms of the operation of future on site business(es) but creates a difficulty in securing a reasonable level of mitigation across the site and in relation to adjacent businesses/commercial uses.
- 5.31 The application within a semi-rural location, not within or immediately adjacent to any settlement, and there are limited properties within the immediate area of the development site. The proposed B2, E.g (iii), and B8 uses have the potential to generate noise, vibrations and odour and disturbance from general activity and traffic movements. However, any additional impacts have to be considered within the context of the site's immediate surroundings with a range of large-scale industrial and commercial operations taking place on the Dalton Old Airfield Industrial Estate to the south, the mill development to the west and similar industrial and storage and distribution uses approved on the land to the north as part of the 'Dalton 49' development. There is also background noise due to the site's close proximity to the strategic road network. The impact upon the on the area is not considered to be significantly different and the scale and nature of the proposed development would not, within the above context, be significantly or unacceptably harmful to the character or general amenity of the area.
- 5.32 A Noise Assessment (NA) (dated 6 May 2022) has been submitted with the application. The NA identifies the proposed development as 'Dalton New Bridge – Phase 2', differentiating it from the hybrid scheme which it identified as 'Phase 1'. The assessment considers the noise impact associated with the operational phase of the proposed development, together with cumulative impacts associated with Phase 1 approved development, on existing noise sensitive receptors in accordance with relevant planning policy and British Standards (BS). The results of a noise survey (December 2020) have been used to support the assessment, The NA also includes the findings of the assessment and recommended mitigation measures and has been based on predominantly B2 and B8 uses operating on a 24/7 basis.

- 5.33 The results of the assessment indicate an adverse noise impact, however, when considered in context of the surroundings, the impact (subject to appropriate mitigation and design, see below) may be considered to be 'Low'. Furthermore, it should be acknowledged that the development is likely contain Class E(g) use, or more B2 use than what has been assumed, and therefore actual impact is likely to be less than set out in the assessment. However, based on the noise that would be associated with the potential industrial operations on site, the assessment recommends a 3m acoustic screen along the northern boundary of the site and a 2.4 acoustic screen along the western boundary to mitigate noise from industrial/commercial processes, although this is a requirement (as conditioned) for the hybrid permission. Other recommendations relating to the design and layout of the proposed scheme are also recommended including minimum sound insulation for the facades of units and the specification and siting of any plant. These design and layout considerations should be taken into account at reserved matters stage.
- 5.34 The Environmental Health Officer has advised that there is potential for this development to have an adverse impact through noise on nearby residents at Dalton Bridge Park, especially so given the industrial nature and location of the development where noise creep could be an issue. The applicant has asked for no restriction on operating times with the potential for operations 24 hours a day, seven days a week. Therefore, EH have recommended that if planning permission is approved, relevant conditions should be applied that requires the carrying out and submission to the LPA of a noise impact assessment prior to the commencement of the development in relation to the nearest noise sensitive receptors, and the submission and approval of a demolition and construction plan including measures to mitigate emission of noise, lighting, dust and vibration from the site during the construction phase of the development.
- 5.35 Any Reserved Matter application(s) would need to provide greater detail on the resultant layout and design of the site, particularly with regards to noise mitigation. However, it is considered the overarching principle of development is acceptable and that providing appropriate conditions are attached to the outline permission, the proposals provide for a balanced approach which would help to achieve the delivery of this employment allocation, maintain flexibility in terms of operation and provide suitable and appropriate protections to ensure that there would be no significant or unacceptable impact on the amenities enjoyed by local residents.
- 5.36 The proposed development would therefore be in accordance with Policies E1 E2 of the Hambleton Local Plan.

Designing out crime

- 5.37 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.)
- 5.38 The Police Liaison Officer has provided a detailed report including a range of recommendations to prevent and reduce the risk of crime and the fear of crime. If outline planning permission is granted, then the recommendations within the report

should be taken into consideration at reserved matter stage. This can be a conditional requirement of this outline permission.

Highway safety and accessibility/permeability/connectivity

5.39 Policy IC2 (Transport and Accessibility) states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will therefore only be supported where it is demonstrated that (inter alia):

- It is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- Where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- It seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options
- Any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England (now National Highways);
- Highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- Adequate provision for servicing and emergency access is incorporated; and
- appropriate provision for parking is incorporated,
- Account shall be taken of highway safety and access to, from and in the vicinity of the site; the accessibility of the development to services and facilities by walking, cycling and public transport; the needs of potential occupiers, users and visitors, now and in the future and the amenity of existing and future occupiers and users of the development and nearby property.
- Where a travel plan is required it should set out measures to reduce the demand for travel by private car, air pollution and carbon dioxide emissions from transport, and encourages walking, cycling and other sustainable travel options.
- All routes within development will be provided to an adoptable standard.

5.40 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.41 Included within the outline proposal is the new junction access onto Eldmire Lane that was approved 'full' planning permission as part of the approval of the hybrid planning application on the DAL1 allocation to the west. It was always the intention

that this new access would serve both the 'Dalton 49' development and the application site, albeit as an agricultural site. The proposed industrial and storage and distribution use would however result in an intensification of use of this junction. Having been consulted on both the hybrid and current applications, the Local Highway Authority have raised no objections to the creation of the new access, subject to appropriate visibility splays (160m to the south and 90m to the north) being created and retained. This can be required by condition should outline planning permission be approved.

- 5.42 A Framework Travel Plan (FTP) (dated January 2021) has been submitted with the outline application which outlines a range of measures to encourage sustainable travel patterns and reduce traffic impact, as well as details of a monitoring strategy of the Travel Plan measures. It is stated that a 'full Travel Plan will be produced prior to the occupation of the site.
- 5.43 The site is located within the area identified as the strategic A1/A19 transport growth corridor, as well as the Dalton Old Airfield Industrial Estate. However, despite this, the site is located within a relatively rural location where (as acknowledged within the Transport Assessment and Framework Travel Plan) there is limited pedestrian and cycle infrastructure within the vicinity of the site or links to public transport services, although the internal layout can provide an appropriate provision of pedestrian infrastructure with potential links to the DAL1 allocation. In relation to the hybrid application, the Local Highway Authority advised that the provision of a suitable and illuminated route for pedestrians would require significant works and perhaps only have a very limited uptake. However, nearby residential areas likely to be accessible by cycle via road routes and the National Cycle network route 657. Secure cycle parking and facilities for cyclists should be incorporated within reserved matters applications, and it is recommended that any outline permission granted is conditioned to ensure that this is provided for in the design and layout of the scheme.
- 5.44 The FTP recommends the appointment of a designated Travel Plan Co-ordinator (TPC) with the responsibility for the development and implementation of the Travel Plan. Furthermore, the FTP includes a range of physical measures and measures to encourage sustainable travel, including the provision of a travel notice board, travel information pack, motorbike/cycling park, promotion of car share scheme and flexible working hours to reduce reliance on the car and/or reduce the volume of traffic during peak hours. Should outline planning permission be granted, a detailed Travel Plan (based on the FTP submitted with this application) would need to be required via planning condition.
- 5.45 As stated above, existing bus services are limited in this area, however it was acknowledged by Officers and the Local Highway Authority during the consideration of the hybrid application on the land to the west and north that there is scope within to extend the existing bus service from Northallerton to that site, with provision made (in relation to that approved development) for funding for the diversion of the no.70 bus service to the site (from its current route at Topcliffe) and the introduction of a morning service from Northallerton.
- 5.46 As acknowledged by Officers within the report for the hybrid application, the provision of this bus service would be beneficial from the start of that development in order to encourage change in travel behaviour. However, this would need to be

balanced against a reasonable amount of development having occurred to ensure that there are sufficient employees at the site. The Local Highway Authority also accepted (during the hybrid application) that use of this existing service may not be most successful way to achieve more sustainable forms or transport and specifically a reduction in private car usage. If a large number of employees have work times outside the typical work start and end times that cannot reasonably be covered by the existing bus service, diversion of 70 Service would have limited benefit.

- 5.47 Based on the recommendations and requirements of the Local Highway Authority, a Section 106 agreement was agreed and signed in relation to the hybrid application which required the following: a goods vehicle routing plan and Drivers Code of Conduct, an enhancement of accessibility by public transport or private shared transport; Travel Plan monitoring fee; a routing plan and driver code of conduct for future occupiers, and full payment for the costs of the proposed signage and its installation. While the Local Highway Authority have not recommended any such need for a Section 106 agreement to secure these matters in relation to the current application, this matter is currently being clarified with the Local Highway Authority and Members will be updated on the outcome between Officers and the Local Highway Authority in this regard.
- 5.48 However, given the rural nature of the site, car use and car parking for employees will be an inevitable requirement. The FTP and TA state that car parking provision alongside electric vehicle and cycle parking will meet the standards outlined in North Yorkshire County Council's (NYCC) document "NYCC Interim Parking Standards 2015" or subsequent adopted standards and those full details will be provided at the reserved matters stage. The indicative site plan does show the provision of areas of car parking, and a requirement on the application will be conditioned in relation to the provision of a scheme for electric vehicle charging.
- 5.49 The traffic movements generated from the site have been considered within the submitted Transport Assessment (TA) (dated May 2022) and the subsequently submitted Highways Technical Note (dated 24.08.2022) Although National Highways had initially issued a holding objection to the application, this has since been removed following the National Highway's consideration of the information within the Highways Technical Note, confirming that they were satisfied that the development could be accommodated within the existing network.
- 5.50 The precise parking provision and layout would be agreed at the reserved matters stage, although there is sufficient space within the application site to accommodate NYCC's the minimum parking standards for the proposed development.
- 5.51 Overall, the cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility (including appropriate types of non-car modes of transport) to comply with the requirements and expectations of Policy IC2 of the Local Plan and chapter 9 of the NPPF.

Impact on rights of way

- 5.52 Policy IC3 (Open Space, Sport and Recreation) states that a proposal will be supported where it is demonstrated that the routes of any PROW(s) and their

amenity value will be protected., or if this is not possible, the affected routes diverted with no loss of recreational amenity value.

- 5.53 Having consulted with NYCC'S definitive map, there are no public rights of way routes that wither cross the site or are located adjacent to its boundaries, with the nearest PROWs being some distance to the east and west within the settlements of Dalton and Topcliffe respectively.

Flood risk and surface water drainage

- 5.54 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas, where possible, by applying the sequential test and where necessary applying the exception test in accordance with national policy...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.) Policy RM2 further states that these aforementioned requirements will be achieved by supporting proposals only where it is demonstrated that, amongst other matter, sustainable drainage can be achieved.
- 5.55 The Lead Local Flood Authority have been consulted on the application and originally raised some matters to be addressed. The agent subsequently submitted a revised Flood Risk Assessment and Drainage Strategy. Having considered this, they have subsequently confirmed that they have no objections, subject to the conditions mentioned above. The development proposes a satisfactory drainage strategy, with additional detail and information required able to be provided via the reserved matters application or conditions
- 5.56 The proposed development therefore conforms to the relevant parts of Policies RM1, RM2 and RM3, and the policies set out in Chapter 14 of the NPPF on meeting the challenge of climate change and flooding.

Contamination, groundwater and air quality

- 5.57 RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 5.58 A Phase 1 Desktop Study Report has been submitted in support of the above development. Having considered the Phase 1 survey, Environmental Health have recommended further investigation. Conditions have been attached to secure a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment and any remediation of any contamination on the site. The site is not located within an Air Quality Management Area (AQMA) although a Air Quality Assessment has been submitted with the application No concerns have been raised by statutory consultees in this respect. Therefore, the proposal would accord with the aims of RM4.
- 5.59 Foul drainage is proposed to be dealt with on-site, via a package treatment plant. Further clarification is being sought form the agent regarding why a non-mains means of foul drainage is proposed over and above the details provided within the

submitted application documents. Members will be updated on this matter before the Committee meeting.

RAF aerodrome safeguarding

- 5.60 Policy E2 requires consideration to be given to the consideration of development on designated areas such as the MoD's aircraft safeguarding zones. In their response, the MoD have recommended measures with regards to the landscaping, SuDs and gull prevention. This can be ensured through conditions and the reserved matters application.

Impact on the settings of heritage assets (including conservation areas, listed buildings and scheduled monuments)

- 5.61 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 5.62 There are no recorded designated heritage assets that fall within the site boundary. The development will have potential to impact upon the setting to one designated heritage asset, this being the Scheduled Monument Maiden Bower and Cock Lodge, located approximately 350-400m southwest of the site
- 5.63 National policy guidance makes it clear that Scheduled Monuments are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. There are two sections of Maiden Bower and Cock Lodge: a motte and bailey castle, moated site, windmill mound and associated linear outwork within 700 metres of the western boundary of this site.
- 5.64 The significance within the setting to the scheduled monument principally relates to the interrelationship of the various elements comprising the monument, which evidence Norman and medieval settlement and agricultural activity, and to the relationship with the Swale and Cod Beck water courses. The elevated position of the monument commands extensive views across the wider landscape which will take in the site, although the site itself is distinct from the character of the retained landscape to the west of Eldmire Lane.

- 5.65 Similar to the adjacent 'Dalton 49' proposed development, the site is viewed in the context of the wider industrial estate and the buildings constructed within it and given the distance of separation; it is considered that the development would have no material visual impact upon the setting to the monument, particularly given the approved surrounding and intervening industrial land and buildings. In this context, development is not considered to have a harmful impact on the visual openness of the setting to the Maiden Bower and Cock Lodge scheduled monument, particularly given the mitigating impact of associated landscaping.
- 5.66 Therefore there would be no impact from the proposed development on the setting of any heritage assets and the proposed development would be in accordance with policies S7 and E5.

Economic impacts

- 5.67 The NPPF makes clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 5.68 The NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 5.69 As the neither occupier businesses, nor the exact scale and nature of the development, are yet known, it is not possible to be precise about the number of jobs opportunities that may be created by the development. However, based on the size of the site, over 100 jobs would likely be created on site. Furthermore, significant additional employment and local trade opportunities will be generated by the construction phase of the development. The development will also generate wider economic benefits through supply chains and wage expenditure in the local market. The creation of employment opportunities constitutes a major socio-economic benefit as it contributes to reduced unemployment, enhanced skills and training, job progression, improved health and reduced deprivation. Major employment development also assists in supporting and safeguarding public services through increased tax revenues that may be retained locally. The proposed development would comply with the relevant strategic objectives of Policy S1 in helping to generate sustainable economic growth.

Planning balance and conclusion

- 5.70 The proposed development, although not supported by the specific economic policies of the Hambleton Local Plan, is within A19/A1, an area identified within the Hambleton Local Plan for strategic economic growth. The location of the site surrounded by existing, approved and allocated economic development is an important material consideration in considering the location of the proposed development, as is the economic and environmental objectives of the NPPF. The proposals would have important economic benefits and would be complementary to the existing economic land uses in this location. With the exception of the aforementioned 'EG' policies, the development is considered to meet the expectations of the relevant policies of the Local Plan and NPPF, subject to

appropriate planning conditions Based on this it recommended that outline planning permission is granted, subject to the conditions in section 6 ('Recommendations') below.

6.0 Recommendation:

6.1 It is recommended that outline planning permission is **approved**, subject to the following planning conditions:

1. Application for the approval of all the reserved matters shall be made to the Local Planning Authority not later than seven 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. ten years from the date of this permission.
 - ii. The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall take place in any Phase without the prior written approval of the Local Planning Authority of all details of the following reserved matters for that Phase:
 - i. Appearance.
 - ii. Landscaping.
 - iii. Layout.
 - iv. Scale.Thereafter the development of that Phase shall not be carried out otherwise than in strict accordance with the approved details.
3. Prior to the commencement of the development hereby permitted a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each Reserved Matters application for a Phase shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved by this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission.
4. The Reserved Matters applications for each phase of the development shall be submitted in substantial accordance with the approved Parameters Plan Dwg No. 2019-062-062 Rev.D and Wider Indicative Site Plan Dwg No. 2019-062-064 Rev.D.
5. The access road and associated works shall be laid out and undertaken within the area identified as the Access Zone on the approved Parameters Plan Dwg No. 2019-062-062 Rev.D.
6. The development must not be brought into use until the access to the site from Eldmire Lane has been set out and constructed in accordance with the approved proposed Access Layout Plan Dwg No. AMA/20573/SK006.6; the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The access as shown on Dwg No AMA/20573/SK006.6 must be formed with 20 metres radius kerbs, to give a

minimum carriageway width of 7.3 metres at the access. Kerbing should be provided 3 metres beyond the radius on each side of the access and for a corresponding length opposite the access to form a minimum carriageway width of 7.3m on Eldmire Lane. That part of the access roads extending 10 metres into the site must be constructed in accordance with Standard Detail number E60 and the following requirements.

- (a) Any gates or barriers must be erected a minimum distance of 17 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - (b) That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.
 - (c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
 - (d) The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - (e) Measures to enable vehicles to enter and leave the site in a forward gear.
- All works must accord with the approved details.

7. There must be no access or egress by any vehicles (associated with the development hereby approved) between the highway and the application site at Eldmire Lane until the following splays are provided;
 - (a) Splays giving clear visibility of 160m to the south and 90m to the north measured along the channel lines of Eldmire Lane from a point measured 4.5m down the centre line of the access road.
In measuring each 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.
8. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
 - (a) vehicular, cycle, and pedestrian accesses;
 - (b) vehicular parking;
 - (c) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
 - (d) 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.
9. 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
 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 and vibration;
 13. details of the measures to be taken for the protection of trees;
 14. details of external lighting equipment;
 15. details of ditches to be piped during the construction phases;
 16. a detailed method statement and programme for the building works; and
 17. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a detailed design framework for site shall be submitted to and approved in writing by the local planning authority. The framework shall set out the overall vision and character for the development, and for each subsequent phase, and shall include how sustainability measures, including those contained within the submitted Design and Access Statement, Planning Statement Ecological Impact Assessment, will be incorporated into the development. The approved design framework shall be adhered to within the design, layout and landscaping details of any subsequent Reserved Matters application(s)
 11. No development of any phase shall commence until a Construction Environmental Management Plan ("CEMP") for That phase has been submitted for the written approval of the local planning authority for each phase of the development. The CEMP must be available onsite for consultation by site operatives throughout the course of constructions works for each phase. The CEMP shall include best practice working methods for habitats and species and recommendations identified in the Ecological Impact Assessment. Once approved, development of each phase shall be undertaken in accordance with approved CEMP.
 12. Prior to the completion of the relevant unit forming part of the development, details of Electric Vehicle Charging Points associated with that Phase or unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points associated with each unit shall be installed prior to the occupation of that unit

as approved and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

13. Any application for reserved matters in relation to any phase of the development shall be accompanied by a plan showing provision of cycle parking and facilities for cyclists to use. Thereafter such provision shall be installed and made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.
14. No individual plot shall be brought into use until the vehicle access, parking, manoeuvring, and turning areas approved above have been constructed in accordance with the approved details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
15. The development must be carried out and operated in accordance with the approved Framework Travel Plan. Where the measures/action are identified as part of the site construction or to be agreed, further details shall be submitted for the written approval of the Local Planning Authority and once approved implemented in accordance with the agreed details. The Travel Plan shall also include the distribution of any Routing Plan and Driver Code of Conduct. Those parts of the approved Framework Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
16. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a Landscape and Ecological Management Plan shall be submitted to and approved by the Local Planning Authority for that phase. The Landscape and Ecological Management plan shall include (but is not limited to):
 - i. The species mixes and structure for each landscape
 - ii. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.
 - iii. Timing of planting and delivery.
 - iv. The management requirements (establishments and long-term management).
 - v. Green Infrastructure links to any previously approved phase and any adjoining land already developed or with an extant/commenced planning permission.The details of the Landscape and Ecological Management Plan shall be accounted for within the appearance/design, scale, layout and landscaping details of any subsequent Reserved Matters application(s). The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
17. Prior to commencement of any phase of the development hereby approved a biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using the latest DEFRA or Natural England biodiversity metric. The development shall thereafter be carried out in accordance with the approved details.
18. The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall make provision for convenient and appropriately designed bin storage (including recycling) facilities for

the approved dwelling. The details shall include scaled drawings and the external materials of any external bin storage facilities proposed.

19. No development of any phase shall be commenced until a Phase 2 assessment of the risks posed by contamination for that Phase, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
20. Prior to development of any phase, a detailed remediation scheme to bring the site of that phase 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) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall 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.
21. Prior to first occupation or use of any phase, 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.
22. Development of any phase of the development shall not commence (including the approved site access) until a scheme detailing surface water drainage in accordance with the as amended Flood Risk Assessment and Drainage Strategy (V.3 – August 2022) has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.
The design of any attenuation pond, basin, swale or similar 'open water' SuDS features shall be designed to reduce their attractiveness as a habitat used by water fowl and other bird species in order to reduce the risk of aircraft birdstrike.
23. Development of any phase of the development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 9.5 litres per second for up to the 1 in 100 year event. An appropriate allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the Development risk in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

24. No part or phase of development shall take place until an appropriate Exceedance Flow Plan for the site incorporating that phase has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when drainage features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30-year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100-year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
25. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the approved point(s) of discharge.
26. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply and sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the water main or sewer , the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area , the approved works have been undertaken .
27. Prior to the commencement of any phase of the development, full details of the proposed means of disposal of foul water drainage for that phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no phase of development shall be occupied or brought into use prior to completion of the approved foul drainage works for that phase.
28. Prior to the provision of any water supply to any phase of the development hereby approved, written confirmation shall be provided to the Local Planning Authority that any new buildings shall meet Building Research Establishment Environmental Assessment Method (BREEAM) standards (or successor or equivalent standards) 'Good', with regards to water efficiency, as a minimum.
29. No phase of the development shall commence unless detailed cross sections showing the existing ground levels in relation to the proposed ground and finished floor levels for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. 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.
30. Prior to the phase of the development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development of that phase shall be submitted for the approval of the Local Planning Authority. The

development of each phase shall be constructed in accordance with the approved materials for that phase.

31. Any subsequently submitted reserved matters application(s) shall be accompanied by details that show how 'Secured by Design' principles have been incorporated into the design of each plot having demonstrated how the recommendations and advice contained within the Designing Out Crime Report (dated 14 July 2022) as submitted by North Yorkshire Police's Designing Out Crime Officer in relation to the outline application have been taken into account. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
32. The development shall achieve energy efficiency measures to provide at least 10% of the energy requirements of the development from on-site renewable energy generation or otherwise demonstrate similar energy savings through design measures. Prior to the occupation of any unit details shall be submitted to the Local Planning Authority which identify how this will be achieved. Once agreed the development shall be implemented in accordance with the approved details, and thereafter retained.
33. No external lighting shall be installed during the operational stages of any phase of the development, other than in complete accordance with a lighting strategy that has been approved in writing by the Local Planning Authority for that phase of the development. The scheme will include the approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise efficiency and minimise light pollution. Unless otherwise approved in writing by the Local Planning Authority, all future replacement and additional external lighting shall comply with the approved lighting strategy.
34. No phase of the development shall commence until details relating to boundary walls, fences, and other means of enclosure for all parts of that Phase of the development have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the boundary walls, fences, and other means of enclosure for that phase have been constructed in accordance with approved details, which shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.
35. No building or unit shall be occupied, where extraction equipment is required, until a scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for that building or unit (where such devices are to be installed) has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be always implemented and devices shall be maintained in accordance with the manufacturer's specification.
36. All emissions to atmosphere resulting from any processes, plant, or activity likely to be detected at odour sensitive receptors shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of emissions and the

development shall only operate in compliance with the approved details unless otherwise approved in writing by the Local Planning Authority.

37. Prior to the occupation of any building within any phase a Management Operating Plan relating to that part(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- (A) An assessment of the potential for sources of noise and disturbance likely to affect residential amenity in the area, and shall identify the following:
 - i. noise levels from plant, machinery or equipment working in isolation and together;
 - ii. hours of operation for the unit, including delivery arrangements, and anticipated shift patterns;
 - iii. a waste management plan setting out how waste associated with the unit(s) will be stored and removed;
 - iv. any outside maintenance and cleaning activities; and
 - v. overnight parking requirements including refrigerated vehicle parking.
 - (B) If the details submitted under Part A indicate that the nature of the business operation is likely to affect neighbouring residential amenity then a detailed noise assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit(s). The detailed noise assessment shall include:
 - i. an assessment of noise impacts in accordance with British Standard 4142 (BS4142);
 - ii. a scheme specifying the provisions to be made for the control of noise, including any acoustic screening to plot boundary if required; and
 - iii. it shall demonstrate that the rating level of the noise, corrected for acoustic features, measured at, or calculated to a position representing the nearest residential property does not exceed any respective background sound levels (L90) as set out and prior approved by the Local Planning Authority.
38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping hereby approved shall not be used for any other purpose than those specified within the application description without the formal consent of the Local Planning Authority.
39. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a Bird Hazard Management Plan shall be submitted to and approved by the Local Planning Authority for that phase. The Bird Hazard Management Plan shall demonstrate, but not limited to, how the breeding of large gulls will be prevented within the site, including on any buildings. The details of the Bird Hazard Management Plan shall be accounted for within the appearance/design, scale, layout and landscaping details of any subsequent Reserved Matters application(s) The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
40. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a

programme for their implementation have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

The reasons for the conditions 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. 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 Development Framework Policy CP14. 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 Development Framework Policy CP1.
4. In order that the development is undertaken in a form that is appropriately based on the parameters and indicative nature of the development as set out in the relevant submitted application plans.
5. To ensure that the approved layout is able to provide a safe and adequate means of vehicular access to and from the site for the development hereby permitted in accordance with Policy IC2 of the Local Plan.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway user in accordance with Policy IC2m of the Hambleton Local Plan.
7. In the interests of highway safety and in accordance with Policy IC2 of the Hambleton Local Plan.
8. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development. in accordance with policies IC2 and E1 of the Hambleton Local Plan.
9. In the interest of public safety and amenity in accordance with Policies IC2 and E2 of the Hambleton Local Plan.
10. In order that the development is undertaken in a sustainable way, appropriate to the environment and the character and appearance of its surroundings, in accordance with policies S1 E1, E3, E4 and E7 of the Hambleton Local Plan.
11. In accordance with the objectives of sustainable construction and in the interests of ecology of the site, in accordance with Local Development Framework Policies S1, E1, and E3 of the Hambleton Local Plan.
12. In the interests of sustainable development and in accordance with Policies S1 and E1 of the Hambleton Local Plan.
13. In the interests of accessibility and sustainable development in accordance with Policies S1, E1 and IC2 of the Hambleton Local Plan.

14. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety, the convenience of prospective users of the highway, in accordance with Local Development Framework Policies S1, E1 and IC2 of the Hambleton Local Plan.
15. In the interest of accessibility and sustainable development in accordance with Policies S1, E1 and IC2 of the Hambleton Local Plan.
16. To protect and enhance ecology within the site in accordance with Policy E3 of the Hambleton Local Plan.
17. In the interests of achieving an appropriate net gain in biodiversity within the site, in accordance with Policy E3 of the Hambleton Local Plan.
18. To ensure that the development is designed to provide for sufficient and convenient bin storage facilities that respects the appearance of the development and its surroundings, as well as the amenities of residents, in accordance with policies E1 and E2 of the Hambleton Local Plan.
19. 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, in accordance with Policies E2, RM1 and RM5 of the Hambleton Local Plan.
20. 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, in accordance with Policies E2, RM1 and RM5 of the Hambleton Local Plan.
21. 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, in accordance with Policies E2, RM1 and RM5 of the Hambleton Local Plan.
22. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with policies RM2 and RM3 of the Hambleton Local Plan.
23. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere, in accordance with policies RM2 and RM3 of the Hambleton Local Plan.
24. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in accordance with Policies RM2 and RM3 of the Hambleton Local Plan.
25. To prevent capacity issues within the foul drainage network and to avoid pollution issues, in accordance with Policies RM1 and RM5 of the Hambleton Local Plan.

26. In the interest of public health and maintaining the public sewer network, in accordance with Policy E2 of the Hambleton Local Plan.
27. In order to ensure the site is satisfactorily drained and avoid the pollution of watercourses and land in accordance with Policies RM1 and RM5 of the Hambleton Local Plan.
28. To ensure that the proposed development achieves an appropriate level of water efficiency, in accordance with the relevant requirement of Policy RM1 of the Hambleton Local Plan.
29. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.
30. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.
31. In the interests of reducing and preventing crime and the fear of crime, in accordance with Policies E1 and E2 of the Hambleton Local Plan.
32. To ensure that the development incorporates appropriate measures and demonstrate that the development is appropriately energy efficient and incorporates on-site renewable energy technologies, where feasible to do so, in accordance with policies S1 and E1 of the Hambleton Local Plan.
33. In order that the Local Planning Authority can consider the impacts of the proposed lighting scheme and avoid environmental pollution and unacceptable amenity issues in accordance with policies S5, E1, E2 and E7 of the Hambleton Local Plan.
34. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.
35. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
36. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
37. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
38. To reserve the right of control of the Local Planning Authority and to protect amenity as alternative uses may not be acceptable in this location, in accordance with the relevant policies of the Hambleton Local Plan.
39. To ensure that all appropriate measures, including design and landscaping features are taken into account to prevent the risk of potential birdstrike within the MoD Birdstrike Safeguarding Zone, in accordance with Policy E2 of the Hambleton Local Plan.
40. In the interests of highway safety and in accordance with Policy IC2 of the Hambleton Local Plan.

This page is intentionally left blank

Parish: Sowerby
Ward: Sowerby & Topcliffe

11

Committee Date : 27 October 2022
Officer dealing : Mr T J Wood
Target Date: 1 December 2022
Date of extension of time (if agreed):

22/02301/TPO

Works of reduction and maintenance work to trees subject of TPO 1959/07 and removal of two trees.

At: The Village Green Front Street Sowerby North Yorkshire
For: Mrs Alexandra Robson.

1.0 Site, Context and Proposal

- 1.1 The application seeks approval for works to maintain the avenue of lime trees along Sowerby Front Street. The application notes that they are to "maintain and manage the mature trees along Front Street for the benefit and management of the group as a high amenity value avenue of locally important mature trees".
- 1.2 The trees are the subject of Tree Preservation Order made in 1959 and within the Sowerby Conservation Area designated 12 August 1971.
- 1.3 The trees stand within grassed areas, close to the adopted highway and in some places close to well compacted stone vehicle access tracks and tarmac footway surfaces. There are overhead wires through the canopy of some trees.
- 1.4 The proposal for all trees T1 to T71 involves crown lift low hanging small diameter branch ends over road to give 5.2m clearance over highway. Remove all major deadwood. Remove epicormic growth from tree stems to crown break approximately 3m-4m.
- 1.5 Detailed specifications are given for 7 trees in the northern part (T8, T11, T13, T17, T20, T24, and T26) and 6 trees in the southern part (T66, T67, T68, T69, T70 and T71) of Front Street this provides for reduction of between 5 and 7 metres to a previous pollard points. The proposals include explanation of the previous pruning heights and that the reduction is to the higher of the previous pruning points, noting that "significant growth above the old pruning wounds increases the potential for branch failure at this point. The reduction would equate to a canopy reduction of around 6m in height, the dominant trees within the avenue would then be of a similar height to the rest of the group". Where trees have not previously been pollarded the trees are to remain at their existing heights.
- 1.6 Two trees are proposed to be removed and replanted due to being in decline (T36) and of poor structural form (T45). Additionally 4 additional trees are to be planted in spaces between the existing trees to improve age diversity and maintain the formal avenue. All 6 trees are to be limes.

2.0 Relevant planning and enforcement history

- 2.1 05/01135/TPO Approval was given in 2005 and again in 2010, 10/00491/TPO, for works to the lime trees.
- 2.2 In addition to works of maintenance to the trees within the TPO new trees have been planted within the avenue to fill gaps following the necessary removal of trees.

3.0 Relevant planning policies

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

Local Plan Policy S7: The Historic Environment

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E7: Hambleton's Landscapes

4.0 Representations

- 4.1 Sowerby Parish Council (the applicant in this case) wish to see it approved.
- 4.2 Publicity - 3 site notes have been displayed and 117 neighbour notification letters sent. No responses received at time of writing. (Expiry of consultation 28 October 2022)

5.0 Analysis

- 5.1 The main issues in this case relate to the health and safety of the trees within this public space and the maintenance of this important group of trees that is highly significant to the character of this part of the Thirsk and Sowerby Conservation Area.
- 5.2 The proposed works are to address the need to maintain the trees and manage the future health of the individual trees and maintain this as a group. The safety of the public is acknowledged within Local Plan policy S1 b. whilst also achieving a healthy and attractive environment. Policy S1 e. also requires planning decisions to protect and enhance the high quality natural and historic environment. The Environment policies E2, E3, E4, E5, and E7 all set directly or indirectly the importance of trees in the landscape to protect amenity, promoting biodiversity, protecting green infrastructure, the contribution that trees make to the built historic environment, and protecting and enhancing the distinctive landscapes of Hambleton.

- 5.3 The proposed works are a carefully considered response to the challenge of maintaining large trees in a mainly residential environment, where the risks of failure are high, whilst also maintaining trees for their own beauty as well as for the benefit of biodiversity, green infrastructure, landscape, the character and appearance of the Conservation Area. The proposal complies with the policy requirements of the Local Plan policies. Conditions are appropriate to ensure that the works are carried out in accordance with the detailed specifications prepared and achieve or exceed the best practice of the British Standards for tree works.
- 5.4 It is acknowledged that the location of trees shown in the TPO made in 1959 does not precisely match in every case the location of trees as they stand today due to the earlier removals and replanting works and additional planting that is now worthy of protection. The Conservation Area status achieved since 1971 has protected all the trees from works without notification to the Local Planning Authority. The Parish Council control of the trees and has been a responsible landowner, whilst the making amendments to the 1959 TPO or a replacement Order would aid clarity of which trees are protected the trees are nonetheless adequately protected at this time.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be APPROVED.

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The works to the tree shall be carried out in accordance with British Standard 3998 (Tree Work).
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Location and Tree Works Report received by Hambleton District Council on 6 October 2022 unless otherwise approved in writing by the Local Planning Authority.

The reasons are: -

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In the interest of ensuring the continuing good health of the tree(s) which makes a significant contribution to the amenities of the area, in accordance with Local Plan policies S1, E1 and E7.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E2, E3, E4, E5, and E7.

This page is intentionally left blank

Parish: Shipton
Ward: Easingwold

Committee date: 27th October 2022
Officer dealing: A O'Driscoll
Target date: 28.02.2022

12

21/02619/FUL

Demolition of all existing buildings and the construction of 10no dwellings

At: Shipton Service Station, Main Street, Shipton By Beningbrough
For: Mulgrave Developments Ltd

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

1.0 Site, context and proposal

- 1.1 The site is located towards the centre of Shipton by Beningbrough and is largely surrounded by housing. Shipton by Beningbrough is located within the boundaries of the York Green Belt, however, the settlement itself is excluded from the designation.
- 1.2 The site comprises a disused petrol filling station and garage fronting the Main Street. Towards the centre of the site on the northern boundary is an old Methodist Chapel dating from the early 1800s. Following its sale in the 1950s the chapel has been used as part of the garage business. The western boundary is delineated by a bank of trees which form part of an adjacent site. Otherwise the site is mainly bordered by built form save for a single tree on the northern boundary and a domestic hedge in the neighbouring property at Ivy House.
- 1.3 The site was allocated in the LDF as detailed below, however, it was not carried forward into the Local Plan

EH4 GARAGE, MAIN STREET, SHIPTON (0.5ha)

This site is allocated for housing, for release in Phase 2 (2016 – 2021), subject to:

- i. development being at a density of approximately 20 dwellings per hectare, resulting in a capacity of around 10 dwellings (of which a target of 50% should be affordable);
- ii. housing types meeting the latest evidence on local needs;
- iii. appropriate measures being taken to deal with any contamination relating to the previous garage use; and
- iv. contributions from the developer towards the provision of additional school places and local health care facilities as necessary.

- 1.4 The application site is slightly smaller than the allocation with areas to the north-west boundary (which would link the site to and extend beyond Burrells Lane), a small area west of the chapel and an area on the south-west boundary all excluded from the application. The previously allocated site measures 0.50ha and the application site 0.35ha.
- 1.5 The application as made is in full for the wholesale clearance of the site and development of 13 dwellings. The development will make use of the current access point and include the removal of the pedestrian refuge island which is currently located directly outside the site on Main Street.
- 1.6 During the life of the application a number of amendments were made, including the reduction in the number of units from 13 to 10, alterations to the individual designs and introduction of a footpath. The application of vacant building credit was also discussed and it was concluded that a viability assessment would be a more appropriate method of determining affordable housing provision. The assessment was submitted and reviewed for the Council by an independent consultant.

2.0 Relevant planning and enforcement history

- 2.1 91/1276/OUT - Outline Application For Residential Development - Granted

3.0 Relevant planning policies

- 3.1 The relevant policies are:

S1: Sustainable Development Strategy
S3: Spatial Distribution
HG5: Windfall Housing Development
E1: Design
E2: Amenity
E3: The Natural Environment
IC2: Transport and Accessibility
IC3: Open Space, Sport and Recreation
RM1: Water Quality, Supply and Foul Drainage
RM3: Surface Water and Drainage Management
Housing SPD
NPPF

4.0 Consultations

- 4.1 Parish Council – Raised the following issues:
- provision of additional bat surveys
 - ground contamination
 - No evening bus service so will be reliant on car
 - 13 units is an over development of the site
 - Lack of visitor parking
 - Will the crossing island be replaced?
- 4.2 Highway Authority – Final recommendation of condition and comments awaited

- 4.3 Lead Local Flood Authority – No objection subject to conditions
- 4.4 Yorkshire Water - No objection subject to conditions
- 4.5 Environmental Health Officer Land Contamination – Supports the approach proposed in the Phase III strategy.
- 4.6 Environment Agency – No Objection
- 4.7 Natural England – No Comments
- 4.8 Public comments – Four letters of representation were received three of which were marked as neutral and one in support. The letters raise the following points:
- Development of this site is overdue and supported
 - The application uses an incorrect postcode
 - Impact on boundaries to the north
 - Inaccuracies in the application details
 - Pedestrian refuge should be replaced with a crossing within the village
 - Concerns use of existing ditches is not feasible
 - Shortage of parking in the area, highways safety
 - Lack of garages will result in immediate addition of outbuildings in small gardens.
 - The bus stop may need to be moved away from the access
 - No investment in local services

5.0 Analysis

5.1 The main issues to consider are:

- Principle of development
- Affordable housing and housing mix
- Design
- Amenity
- Drainage
- Highways
- Biodiversity

Principle

- 5.2 Policy HG5: Windfall Housing indicates that a proposal for housing development within the main built form a defined settlement 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.
- 5.3 The built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. Shipton is defined as a Secondary Village within the Settlement Hierarchy contained in Policy S3: Spatial Distribution.

- 5.4 The application site is considered to be previously developed land within the built form of the settlement. The site is not protected, designated, allocated or otherwise safeguarded for any other use. It is therefore considered that the principle of development for housing can be supported in this case.

Affordable Housing

- 5.5 Policy HG3 indicates that the Council will seek 30% provision of affordable housing on housing developments. In this case this requirement would equate to 3 units.
- 5.6 The applicants originally sought to claim vacant building credit to fully offset the requirement for affordable housing. During the site visit, however, it was noted that the site was in use for commercial storage and one building was being used as an office. In addition to this an advert was found online indicating that the site was advertised in summer 2021 on a short term tenancy for commercial storage. It could not be agreed, therefore that the site was vacant for the purposes of the Vacant Building Credit.
- 5.7 The applicant subsequently submitted a viability appraisal which was reviewed on behalf of the Council by an independent consultant, Align Property Partners. Whilst the applicants' viability assessment indicated that no affordable units could be provided the Independent review found that a single unit could be provided whilst maintaining a profit margin of 17%.
- 5.8 Planning Practice Guidance indicates that: For the purpose of plan making an assumption of 15-20% of gross development value (GDV) may be considered a suitable return to developers in order to establish the viability of plan policies. It is considered therefore that the site is capable of providing a single unit of affordable housing.
- 5.9 The applicant subsequently offered a single Discount Market Dwelling under the First Homes policy at 30% discount. The Housing SPD, however, requires that First Homes should be sold at 50% discount. This is evidenced in the Councils HEDNA which calculates that a 50% discount is required to make them comparably affordable with the rented affordable units. The matter of tenure can be secured by a planning obligation on any approval.
- 5.10 Policy HG2 states that 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.
- 5.11 As can be seen from the table below the proposed mix does not strictly adhere to the targets outlined in the SPD. In this case, however, the viability of the scheme is based on this mix and the achievable values for these house types. The viability of providing an affordable unit with a different mix has not been tested. Given that the viability is finely balanced in this case it is considered therefore that the slight deviation from the targets in favour of securing the provision of an affordable unit is acceptable.

House Size	Market Housing Proposed		Market Housing Target	Affordable Housing Proposed		Affordable Housing Target
	Units	Percentage		Units	Percentage	
1 bedroom	0	0%	5-10%	0	0%	20-25%
2 bedrooms	2	22.2%	40-45%	1	100%	50-60%
3 bedrooms	4	44.4%	40-45%	0	0%	10-20%
4+ bedrooms	3	33.3%	0-10%	0	0%	0-5%

5.12 All of the units comply with the Nationally Described Space Standards.

Design

5.13 Local Plan 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 helping to create a strong sense of place.

5.14 The dwellings are of traditional design laid out as detached, semi-detached or in terrace of three units. The dwellings will be finished in red brick with concrete roof tiles. This is broadly reflective of the character of Shipton which in the majority features red brick dwellings with tiled roofs.

5.15 The layout shows a pair of semi-detached dwellings fronting the highway with the access road to the side. This is reflective of the wider street scene in Shipton which features various groupings of road fronting properties with some rear access points to the side.

5.16 Due to the bend in the access road the dwelling at plot number 5 will be visible from the public road. The parking for Plots 1-5 is hidden from public view to the rear of plots 1 and 2. These points together are welcomed as presenting a limited view into the site with minimal displays of car parking.

5.17 A footpath is provided along the length of the access road up to the point where it changes to shared surfacing. Two visitor parking spaces are provided on the north side of the access road.

5.18 Overall it is considered that the design of the development is acceptable.

Amenity

5.19 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

5.20 The original application was for thirteen units. It was felt that this represented an over development of the site to the detriment of the overall design and spacing of the proposal. The reduction to ten units has allowed a full width access road with

footpath and better space about buildings. Each dwelling has a private amenity space and across the site these are, in general, a good size.

- 5.21 The dwellings are well spaced within the site. The closest separation distance is just over 13m in a side to rear relationship. Equally the relationship to off-site dwellings is good.
- 5.22 Appendix E of the Local Plan sets out the Council's requirements for public open space provision. Developments of 10 or more dwellings are required to provide an onsite local area of play (not equipped). In order to fit this on the site a reduction in units would be required which would then remove the requirement to provide the space. In this case it is not considered logical to pursue an on-site local area for play.
- 5.23 Overall, it is considered that the development will provide a good level of amenity for future occupiers with minimal impact on the amenity of the existing neighbouring properties.

Drainage

- 5.24 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. It is proposed that foul drainage will be connected to the mains system. Yorkshire Water have not raised any objection to this.
- 5.25 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding.
- 5.26 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. The Flood Risk and Drainage Assessment submitted with the application indicates that the ground conditions are not suitable for soakaways. As there is no nearby watercourse it is proposed that surface water be connected to the existing public combined sewer in Main Street. The discharge rate will be restricted to 21L/sec using a hydrobrake flow control.
- 5.27 North Yorkshire County Council Lead Local Flood Authority and Yorkshire Water have not raised any concerns with the above proposals and recommend a condition requiring that the scheme be implemented in accordance with the Flood Risk and Drainage Assessment.

Highways

- 5.28 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. The road serving the proposed development is to remain a private road and consequently the Local Highway Authority has no objections and recommends conditions.

- 5.29 Whilst the final comments of the Highways Authority are awaited it is understood that the response will include a recommendation that planning conditions are attached to any approval to control crossing of the footway, and require the timely layout of the site roads, parking and turning space.

Biodiversity

- 5.30 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity.
- 5.31 Much of the site is currently laid to hard standing with little opportunity for natural habitat. A tree survey submitted with the application records a Leyland Cypress tree on the northern boundary, a row of Horse Chestnut and a Spruce on the western boundary and an Ash and Leyland Cypress in the garden of the existing house. The proposal requires the removal of the Cypress on the northern boundary and the two trees in the garden of the existing house. The landscaping scheme indicates that five new trees will be planted, additionally gardens will be created for each of the dwellings. Given the level of hard standing at the site it is considered that this is sufficient at this stage to demonstrate that the development will achieve a net gain for biodiversity. It is recommended that a condition be imposed to secure the detailed demonstration of net gain.
- 5.32 With regard to protected species initial surveys for bats, found bats to be present in the old chapel building on site. Further surveys were required to ascertain whether the chapel hosts a roost. These were undertaken and it was found that whilst bats enter and leave the chapel there is no evidence of use as a roost. The Ecologist concluded therefore that subject to adherence to the demolition method statement outlined in their report no further action is required in relation to bats.

Planning Balance

- 5.33 The application seeks consent for the construction of 10 dwellings on a previously developed site. As the site is within the built form of the settlement the principle of development for housing is acceptable. The applicants have provided satisfactory evidence for a reduced provision of affordable housing.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to a planning obligation under s106 of the Act to secure the provision of a unit of affordable housing and the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered:
Harby Floor Plan Y81:1220.10 Rev C received 18.10.2022
Harby Floor Plan Y81:1220.12 Rev C received 18.10.2022
Harby Elevation Y81:1220.13 Rev B received 18.05.2022
Asenby Floor Plan Y81:1220.14 Rev C received 18.10.2022

Asenby Elevation Y81:1220.15 Rev B received 18.05.2022

Chatsworth Floor Plan Y81:1220.16 received 3.03.2022

Chatsworth Elevation Y81:1220.17 received 3.03.2022

Single Garage Y81:1220.18 received 3.03.2022

Layout Y81:1220.3 received 3.03.2022

unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The Development shall be built in accordance with the following submitted designs; Flood Risk and Drainage Assessment Alan Wood and Partners, JAG/CD/JD46220-Rp001, October 2021 received by Hambleton District Council on 25.11.2021.
5. The development shall only be carried out in accordance with the Remediation Strategy prepared by Alan Wood and Partners and received by Hambleton District Council on 27.01.2022. In accordance with Part 9 of the Remediation Strategy further investigative work shall be carried out and any required revisions to the Remediation Strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of above ground walling. If no revisions are necessary a validation report shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of above ground walling in accordance with Part 9 of the Remediation Strategy.
6. 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 and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
7. A detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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.
8. Prior to construction of any building or regrading of land commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the

relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
4. To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.
5. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with the Hambleton Local Plan Policy RM5.
6. To ensure the scheme leads to a biodiversity net gain, as per the requirements of policy E3.
7. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
8. To ensure that the approved dwellings are built to an approved level and thereby safeguard the amenity of neighbouring property in accordance with Hambleton Local Plan Policies S1, E1 and E2.

This page is intentionally left blank