

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 14 December 2022

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 22 December 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: 549 437 382# For further information please contact Democratic Services on telephone 01609 767015 or email committeeservices@hambleton.gov.uk

Agenda

Page No

1. Minutes

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To confirm the minutes of the meeting held on 24 November 2022 (P.17 - P.18), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

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

4. Matters of Urgency

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

Agenda Item 1

Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 24th November, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

| | | | |
|------------|-----------------|------------|------------|
| Councillor | M A Barningham | Councillor | B Phillips |
| | D B Elders | | A Robinson |
| | Mrs B S Fortune | | M G Taylor |
| | K G Hardisty | | A Wake |
| | J Noone | | |

Also in Attendance

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

Apologies for absence were received from Councillors B Griffiths and D A Webster

P.17 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 27 October 2022 (P.15 - P.16), previously circulated, be signed as a correct record.

P.18 Planning Applications

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

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

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

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy

Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

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

The Decision

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

- (1) 22/02265/FUL - Extension to the rear of the property for Mrs Tracy Price at Valentine Cottage, Back Lane, Borrowby, Thirsk, North Yorkshire, YO7 4QQ

Permission Granted

- (2) 21/00966/REM - Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings - Amended Plans Received 28.10.2022 for Brafferton Manor Farmers at OS Field 0046, Brafferton to West Moor, Brafferton

Permission Granted

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

- (3) 22/01835/MRC - Application for the modification of condition 2, for previously approved application 20/00898/REM -Remove drawing RFM-XX-00-DR-L-001 - New Drawings received 0780-RFM-02-00-DR-L-0001-S3-P02 - Northern Area Detailed General Arrangement Plan 1 of 2, 0780-RFM-02-00-DR-L-0002-S3-P02 - Northern Area Detailed General Arrangement Plan 2 of 2, 0780-RFM-01-00-DR-L-0001-S3-P02 - Southern Area General Arrangement Plan 1 of 2, 0780-RFM-01-00-DR-L-0002-S3-P02 - Southern Area General Arrangement Plan 2 of 2 for Mr Steven Lister at Taylor Wimpey Thurstan Park Development, North Northallerton Phase 1A Land at Stokesley Road Northallerton

Permission Granted subject to additional conditions relating to the discharge of surface water and improvement works to the footpath and bus stop adjacent to the access.

Note: Councillor S Watson left the meeting at 10.45am.

- (4) 22/02223/FUL - Two storey extension to rear of house, Single storey extension to side and rear of house, Porch to front elevation, Loft conversion, Render full building and new gravel drive area for Mr Graham Castle-Ward at 1A Bridge Street, Great Ayton, Middlesbrough, North Yorkshire, TS9 6NP

Permission Granted

- (5) 22/02194/FUL - Proposed attic conversion, 2no. dormers window to the front elevation, and 3no. Velux rooflights to the rear elevation for Mr K Ashbridge at Silton House, Lead Lane, Nether Silton Thirsk, YO7 2JZ

Permission Granted subject to a condition requiring replacement like for like natural slates to be used. The Committee found that the proposed development would have minimal harm to the character of the building and conservation area and that any harm was outweighed by public benefit.

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

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

Note: The meeting adjourned at 11.27am and reconvened at 1.30pm.

- (6) 22/01668/MRC – Variation of conditions attached to Planning Application Reference Number: 76/0609/FUL (2/128/36/PA)- Construction of an Agricultural general purpose storage building for Mr M Nichols at Land and Buildings at Tanton Road, Seamer

Permission Granted subject to a condition requiring an operational management plan. The Committee was satisfied that the proposed development is in accordance with the Local Plan and that the provision of the operational management plan would mitigate any harm to the residential amenity.

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

(The applicant's agent, Andrew Brough, spoke in support of the application.)

- (7) 21/02612/FUL - Retrospective application for the siting of external apparatus and soil bund and proposed application for siting of dust storage building for Mr D Sanderson at Sandholme Farm, Skipton on Swale

Permission Granted subject to amendments to conditions 1 and 4 to reflect the correct submitted plans, no amendment to condition 3 and an

amendment to condition 8 to permit the retention of two external generators for use only in the event of an emergency.

(The applicant's agent, Andrew Cunningham, spoke in support of the application).

- (8) 22/00166/FUL - Demolition of existing structures and construction of 9 dwellings and associated parking and landscaping for Frontline Estates Ltd at Land to the south of Station Road, Thirsk

Defer to enable the collation of photographs and documentation relating to the relationship between Plots 8 & 9 and 45 & 46 Olivette Crescent.

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

(Yvonne Hewson spoke objecting to the application.)

- (9) 21/02959/FUL – Construction of 43no dwellings, garages, access roads and ancillary services (As Amended - Revised Site Layout and Enclosures Layout Plans received 27.09.2022; Ecological Impact and BNG Assessments received 07.10.2022) for Ms Samantha Barker at Rybeck House, Stoneybrough Lane, Thirsk

Permission Refused subject to two additional reasons for refusal relating to the impact of the proposed development on the public sewerage network and biodiversity net gain.

(The applicant's agent, George Wright, spoke in support of the application).

Note: Councillor M Robson arrived at the meeting at 3.04pm

Note: The meeting adjourned at 3.10pm and reconvened at 3.19pm.

- (10) 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) for Mr R Bannister at Eldmire Farm, Eldmire Lane, Dalton, Thirsk

Permission Granted

(The applicant's agent, Hamish Robert-Shaw, spoke in support of the application).

(Jamie Moores spoke on behalf of Topcliffe Parish Council objecting to the application.)

The meeting closed at 3.46 pm

Chairman of the Committee

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Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 22 December 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 22nd December 2022

| Item No | Application Ref / Officer / Parish | Proposal / Site Description |
|-----------------------------------|---|--|
| Morning Session 10am Start | | |
| 1 | 22/01779/FUL Naomi Waddington Alne Page no: 13 | Construction of a single storey extension to existing dwelling. Replacement roof with flat roof to form a balcony at the rear elevation including the installation of French doors to the first floor. Construction of a detached summer house between the existing dwelling and garage At: The Gables, Alne Station, York For: Mr & Mrs Hutchinson RECOMMENDATION: APPROVAL |
| 2 | 21/02227/FUL Aisling O'Driscoll Brompton Page no: 19 | Full planning application for construction 38no. residential dwellings with associated access, parking, landscaping and infrastructure. Amended Plans received 27.09.2022, 28.09.2022 and 19.10.2022 At: Persimmons Phase 3, Land to the south of North Moor Road, Northallerton For: Miss Keely Malcom RECOMMENDATION: APPROVAL |
| 3 | 22/02147/FUL Nathan Puckering Nether Siltou Page no: 37 | Demolition of existing all-purpose agricultural building and erection of a new dwelling. At: School Farm, Lead Lane, Nether Siltou For: Mr Mike Craddock RECOMMENDATION: APPROVAL |
| 4 | 22/02052/OUT Connor Harrison Ainderby Quernhow Page no: 51 | Application for Outline Planning Permission with some matters reserved (considering Access, Layout and Scale) for construction of 3no. Dwellings with associated garaging, access and parking. At: Land Adjacent Ainderby Villa For: Mr NMF Jopling RECOMMENDATION: REFUSAL |

| Item No | Application Ref / Officer / Parish | Proposal / Site Description |
|---------------------------------------|---|---|
| 5 | 22/02051/OUT Connor Harrison Ainderby Quernhow Page no: 61 | Application for Outline Planning Permission with some matters reserved (considering Access, Layout and Scale) for construction of 2no. Dwellings with associated garaging, access and parking. At: Land To The West Of The Old Hall For: Mr NMF Jopling RECOMMENDATION: REFUSAL |
| Afternoon Session 1.30pm Start | | |
| 6 | 22/01486/OUT Aisling O'Driscoll South Kilvington Page no: 71 | Demolition of existing buildings and outline planning application for 4no dwellings (Use Class C3) with all matters reserved except access At: Land to the South of Beck Lane, South Kilvington For: Roberts / Christon RECOMMENDATION: APPROVAL |
| 7 | 22/02618/FUL Connor Harrison Sowerby Page no: 85 | Change of use from hairdresser to beautician and hairdressers. At: 1 Sowerby Road, Sowerby For: Mr Peter Bardon RECOMMENDATION: APPROVAL |
| 8 | 22/00166/FUL Andrew Cotton Thirsk Page no: 89 | Demolition of existing structures and construction of 9no dwellings and associated parking and landscaping At: Land to the south of Station Road, Thirsk For: Frontline Estates Ltd RECOMMENDATION: APPROVAL |
| 9 | 22/00287/FUL Nathan Puckering West Rounton Page no: 103 | Construction of a dwelling for accommodation of adult with disabilities and comprising additional accommodation for a carer when required. At: Stamford Farm, West Rounton For: Mr & Mrs Gaudie RECOMMENDATION: APPROVAL |

| Item No | Application Ref / Officer / Parish | Proposal / Site Description |
|------------------|---|--|
| <p>10</p> | <p>21/01011/MRC Aisling O' Driscoll Great Busby</p> <p>Page no: 111</p> | <p>Variation of Conditions attached to Planning Appeal Application Reference Number: APP/G2713/W/20/3252056-Application for removal of Condition 1 relating to planning appeal APP/G2713/W/16/3164515 (Hambleton application 16/00262/FUL) - Retrospective application for the use of land as a private gypsy site for one family.</p> <p>At: Rosie's Ranch, Busby Lane, Great Busby For: Mr J Stephenson</p> <p>RECOMMENDATION: APPROVAL</p> |
| <p>11</p> | <p>22/01955/FUL Andrew Cotton Thirsk</p> <p>Page no: 121</p> | <p>Application for Proposed residential development comprising of 2No. bungalows with detached garage[s].</p> <p>At: Land rear of Swale Reach, Catton Village, Catton For: Mr & Mrs A & S Trueman</p> <p>RECOMMENDATION: REFUSAL</p> |

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Parish: Alne
Ward: Easingwold
1

Committee Date: 22 December 2022
Officer dealing : Mrs Naomi Waddington
Target Date : 30 September 2022
Extension of time: 23rd December 2022

22/01779/FUL

Construction of a single storey extension to existing dwelling. Replacement roof with flat roof to form a balcony at the rear elevation including the installation of French doors to the first floor. Construction of a detached summer house between the existing dwelling and garage

At: The Gables, Alne Station, York, North Yorkshire, YO61 1TS
For: Mr & Mrs Hutchinson

This item is presented to the Planning Committee as the proposal is a departure from the development plan

1.0 Site, context and proposal

- 1.1 The application site is located approximately 0.37km to the north of Alne Station and occupies a countryside location. The site comprises a substantial detached dwelling constructed of brick under a slate roof. The dwelling was originally a small cottage that has been subject to several applications, to the extent that the original cottage is now subsumed by extensions. The dwelling has a triple garage to the rear.
- 1.2 The proposed works when submitted included an additional (fourth) gable on the east elevation of generally the same form and size as the three existing gables to accommodate a ground floor games room and an additional first floor bedroom. Also proposed are alterations to an existing single storey rear lean to roof to become a flat roof with glass balustrade to form a balcony off two existing bedrooms, and a detached summer house located between the house and garage. During the course of the application negotiations have secured the amendments of the original proposal, reducing the two storey rear extension to single storey and a reduction in its length.

2.0 Relevant planning and enforcement history

- 2.1 2/01/006/0182 - Alterations and extensions to existing dwellinghouse; Granted 2001.
- 2.2 2/03/006/0182A - Single storey extension to alteration to existing dwelling; Granted 2004.
- 2.3 12/02679/FUL - Two storey extension to the existing dwelling; Withdrawn 2013.
- 2.4 13/00412/FUL - Revised application for alterations and extensions to existing dwelling; Granted 2013.

2.5 13/01430/FUL - Alterations to roof of existing dwelling, change of use of agricultural land to domestic, construction of a detached domestic garage building and formation of a new vehicular access; Granted 2013.

2.6 20/02031/FUL - Increased domestic curtilage involving the change of use of agricultural land to domestic and two storey extension to the side of the dwelling. Granted 2021

3.0 Relevant planning policies:

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

Policy S 1 - Sustainable Development Principles

Policy S 5 - Development in the Countryside

Policy E 1 - Design

Policy E 2 - Amenity

Policy E 7 - Hambleton's Landscapes

Domestic Extensions Supplementary Planning Document 2022

4.0 Consultations

4.1 Alne Parish Council - No objections

4.2 Site notice posted and expired 01.09.2022.

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

5.0 Analysis

5.1 The main issues for the planning application are: i) design and impact on host dwelling, and surrounding area, ii) impact on trees and iii) residential amenity.

i) Design and impact on host dwelling, and surrounding area.

5.2 Policy E1 relates to design and requires development to meet several clauses, and additional clauses are listed specifically relating to residential extensions. Of those clause (l) requires proposals to respect the scale, massing and materials of the original dwelling and not cause unacceptable harm to its character; and clause (o) requires proposals not to be visually intrusive in the landscape, not result in a disproportionate addition over and above the size of the original dwelling and not dominate the house visually. (Emphasis added).

5.3 In the case of the application site the extensions that have already taken place do not respect the scale of the original dwelling and have already resulted in a disproportionate addition over and above the size of the original dwelling and do dominate the house visually. Therefore any further extensions would be contrary to the provisions of those policies and would represent a departure from the development plan.

- 5.4 The original dwelling is interpreted as the dwelling shown on the existing plan and elevations on drawing prepared by Stan Whiteley 6th November 2003 at the time of a proposal for a single storey garden room. At that time the dwelling was a modest property with a porch, hall leading to utility and kitchen, ground floor toilet, snug and conservatory. A first floor plan was not provided but a later application (12/02679/FUL) shows the dwelling to have two first floor bedrooms and a bathroom.
- 5.5 "Original" is taken to be the dwelling as built or as existed in 1948 when the modern planning system came into existence. The previously approved extensions failed to respect the scale and massing of the modest original dwelling and consequently any further extension similarly fails the first policy test of E1 (l) and (o). The proposal is therefore in conflict with the policy requirement. The proposal however respects the scale and massing of the extended dwelling but this is not the test set in Policy E1.
- 5.6 Whilst the dwelling is already large the changes proposed by the addition of a two storey northerly wing rear extension were substantial and significantly increase the massing of the existing dwelling. Amended plans show this element of the proposal reduced in height from two storey to single storey and reduced in length from approximately 8.6m to 6.5m. The massing is therefore reduced and is considered acceptable. The proposed alterations to an existing single storey rear lean to roof to a flat roof with glazed balcony and insertion of French doors replacing the existing bedroom windows is considered acceptable in design terms.
- 5.7 The proposed detached sunroom is a large structure measuring 12m wide x 6m deep with 3m forward projecting oak canopy and oak framed full width windows to its front north elevation, with oak featheredge clad walls and slate roof. The summer house is to be located between the house and garage, all three elements, namely the house, summer house and garage are separately articulated, and the siting and design of the summer house despite its size is considered acceptable in this case.
- 5.8 The scale and massing of the original dwelling is already subsumed by existing extensions to such an extent that it is not readily apparent which is the original part of the dwelling. Whilst the size of the proposed extensions does not respect the scale and massing of the original dwelling, the amended size and design of the proposed extension is acceptable in the context of the existing dwelling without causing harm to its character or the surrounding area. It is considered that the proposal will not result in significant harm beyond that which occurred through the implementation of previous approvals for extensions to the dwelling.
- ii) Impact on trees
- 5.9 Policy E7 seeks to protect and enhance the landscape and any existing tree, hedge or woodland of value that would be affected by the proposed development. Replacement planting is required where a proposal results in the loss of any tree.

5.10 Two ash trees close to the proposed summer house have been identified to be significant. A report notes T1, Ash to be 12m high and in fair condition and T2, Ash 12m high and in poor condition. Both trees are noted to be suffering ash dieback disease are classified as "U" identifying that they cannot realistically be retained and are reported to be unlikely to survive beyond 10 years from the date of the report, in which it is recommended that both trees should be removed. A landscaping condition is recommended to require replacement planting.

iii) Residential amenity

5.11 Policy E2 requires proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future and existing occupants and users of proposed development and neighbouring land and buildings. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.

5.12 The proposal is considered to result in no harmful impacts upon neighbours.

Planning Balance

5.13 The size of the proposed extensions does not respect the scale and massing of the original dwelling as required by policy E1, and the proposal is therefore contrary to the provisions of policy E1. However, the design, scale and massing of proposed alterations and extensions (as amended) is considered to not result in harm to the character and appearance of the existing dwelling and the surrounding area, and are considered acceptable.

6.0 Recommendation:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbers Pln 01 and Pln 03 received by Hambleton District Council on 2 August 2022 and drawing number 3876-PD-07-A 03 received by Hambleton District Council on 25 November 2022 unless otherwise approved in writing by the Local Planning Authority.
3. The external brickwork and slate of the extensions hereby approved shall match the existing materials of the host dwelling.
4. Prior to the construction of the summerhouse hereby approved a sample of the oak sawn featheredge cladding shall be submitted for the written approval of the Local Planning Authority. Thereafter development shall take place strictly in accordance with the approved details.

5. 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.

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 Hambleton Local Plan Policies E1 and E2 and National Planning Policy Framework.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Development Plan Policies E1 and E2
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Development Plan Policies E1 and E2
5. To ensure that a suitable landscaping scheme is achieved to replace the existing trees to be felled in accordance with the Hambleton Local Plan policies S1, E1, and E7.

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Parish: Brompton

Committee date: 22nd December 2022

Ward: Northallerton North and Brompton

Officer dealing: Aisling O'Driscoll

2

Target date: 14.12.2021

21/02227/FUL

Full planning application for construction 38 residential dwellings with associated access, parking, landscaping and infrastructure.

At: Land to The South of North Moor Road

For: Taylor Wimpey*

*** The applicant is Taylor Wimpey. However, this is a joint venture between Taylor Wimpey and Persimmons as was the adjacent site which gained permission under 21/02226/REM**

This application is referred to Planning Committee as the proposed development forms part of the wider North Northallerton Development.

1.0 Site, Context and Proposals

- 1.1 The wider North Northallerton Development Area is located approximately 1km north of Northallerton town centre. It measures approximately 52.8 hectares and is bounded by the A167 Darlington Road to the west and A684 Stokesley Road to the east. To the north lies open countryside with the settlement of Brompton beyond that. To the South lies the Thurston Road Business Park. The wider site is bisected by the Northallerton to Middlesbrough train line running approximately north/south through the site.
- 1.2 The application site specifically subject of this application, is located at the south-western corner of the wider North Northallerton Development Area. To the immediate west is a vacant site which recently gained permission under 21/02226/REM for 62 dwellings. To the east is an NHS building which was approved under 19/01110/FUL and is now complete and operational. To the south-east is Allerton Steel, a metal fabrication company.
- 1.3 The current application seeks full permission for 38 dwellings. The proposal includes a 4m meter bund with 3m fencing to provide sound mitigation from Allerton Steel.
- 1.4 During the life of the application the issue of noise and amenity has been discussed at length. This has resulted in the final proposal of the bund to provide noise attenuation.

2.0 Relevant Planning History

- 2.1 15/01083/HYB – mixed use development of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking – all matters reserved except for access – Granted. Although the application site falls within the red edge of the Hybrid application all plans indicate that the details of this site were not confirmed or approved at that stage. As such there is no outline consent at this site and a full application has been submitted.

3.0 Relevant Planning Policies

3.1 The relevant policies are:

S1: Sustainable Development Principles
S2: Strategic Priorities and Requirements
S3: Spatial Distribution
HG1: Housing Delivery
HG2: Delivering the Right Type of Homes
HG3: Affordable Housing Requirements
E1: Design
E2: Amenity
E3: The Natural Environment
E4: Green Infrastructure
E7: Hambleton's Landscapes
IC1: Infrastructure Delivery
IC2: Transport and Accessibility
IC3: Open Space, Sport and Recreation
RM1: Water Quality, Supply and Foul Drainage
RM2: Flood Risk
RM3: Surface Water and Drainage Management
RM4: Air Quality
RM5: Ground Contamination and Groundwater Pollution
RM6: Renewable and Low Carbon Energy
Housing SPD - adopted July 2022
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – Brompton Parish Council object to the application on the grounds that housing should not be sited so close to Allerton Steel due to the noise and consequent harmful impact on residents. It would be unfair to place restrictions on Allerton Steel to mitigate impact on residents. No further development should be allowed until the roads, drainage and other matters on the existing development at North Northallerton are completed. Inadequate provision for pedestrian /cyclist crossing points.
- 4.2 Highway Authority – No objections subject to conditions
- 4.3 Environmental Health Officer – Final Comments awaited to be reported in the Committee Update Papers.
- 4.4 Environmental Health Officer Contaminated Land – No objection subject to conditions
- 4.5 Lead Local Flood Authority – No objections subject to conditions
- 4.6 Yorkshire Water – Recommend conditions
- 4.7 North Yorkshire Policy Designing out Crime Officer – The overall design and layout is acceptable, however, some minor issues could be resolved as follows:

- Surface treatments, soft landscaping and lighting should be used to avoid creating an air of neglect and isolation for the rear parking courts
- Consider gating the bridging units to restrict access into the rear parking courts
- All roads and segregated footpaths, regardless of whether they are adopted or not, should comply with BS 5489-1:2020
- Enhance the planting for corner plots to prevent desire lines
- The creation of ambiguous space for footpath links to rear gardens should be avoided

4.8 MOD Safeguarding – No safeguarding objections

4.9 Natural England – No Comments

4.10 Public comments – Two letter of objection were received raising the following issues:

- Too close to noise generating business
- This will lead to undue harm to residents and pressure on the business
- Subsequent impact on local economy
- No evidence of contribution towards local infrastructure

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Amenity
- Affordable housing and housing mix
- Design and impact on the character of the area
- Drainage and Flood Risk
- Highways safety
- Biodiversity

Principle

5.2 Whilst the site was formerly part of the North Northallerton Development Area, this allocation is not brought forward in the new Local Plan owing to the advanced nature of the development of the site. Local Plan Policy HG5 deals with windfall housing and states that a proposal for housing development within the main built form of a defined settlement will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development.

5.3 Northallerton is defined as a market town in the Settlement Hierarchy. Policy S5 defines the built form as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. This excludes any individual or ribbon developments which are clearly detached from the main part of the settlement; ribbon development which relates more to the surrounding countryside; gardens or paddocks etc that relate more to the surrounding countryside; agricultural buildings on the edge of a settlement; outdoor sports and recreational spaces on the edge of settlements.

5.4 The site is located between a business park and a large housing development which is partially complete. The site is not protected for any of the above reasons and is therefore considered to be within the main built form of the settlement. As such the site is considered to be in a suitable location for housing in terms of sustainability and the principle of the development is therefore supported.

Amenity

- 5.5 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. Amongst other criteria a proposal will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.
- 5.6 The relationship and space between dwellings within the proposed layout allows for light permeation throughout the site. Dwellings are oriented in a manner that will not result in significant overshadowing of neighbouring plots. Separation distances of 20-21m are achieved where principal elevations face each other. Many of the dwellings on this site, however, have side to rear relationships which allows them to be sited closer together.
- 5.7 The rear of each plot can be accessed externally, which allows for safe and secure storage of both bins and bicycles. Some of the plots also feature garages and/or sheds which can also be used for secure storage of bicycles.
- 5.8 The relationship between the proposed dwellings and wider surrounding development has been considered. The proposed separation distances to the neighbouring (approved) dwellings to the west are approximately 20m where principal elevations face each other and this is considered to be acceptable.
- 5.9 To the south the rear gardens of Plots 532-538 are somewhat overlooked by the Office building known as Gibraltar House. The dwellings have been sited with a 17-18m separation distance from the office building. Although boundary planting is not shown on the landscaping plan it is considered that tree planting in this area would improve the privacy level of the gardens. However, whilst this relationship is not ideal, due to the separation distances further landscaping is not considered necessary at this stage but could be implemented later if preferred by future residents. Whilst White Rose House is also close to the boundary the dwellings have been sited in a way that preserves the privacy of the rear amenity spaces of the relevant plots.
- 5.10 To the east of the site is a three storey NHS building. The floor plans for this building show that the first floor windows on the relevant elevation serve individual consultation rooms. The design of the building is such that the upper floors step away from the boundary. The ground floor therefore is closest to the boundary at approx. 10m, the first floor 21m and the third at over 30m. The dwellings at plots 523 and 524 are oriented with their sides facing the boundary. The rear gardens are set slightly south of the NHS building creating a skewed view between the building and the gardens. It is considered that this relationship is acceptable.

- 5.11 The application site is in close proximity to Allerton Steel, a steel fabrication business located on Thurston Road occupying a large metal clad factory building. Whilst the site shares a boundary with the area of land on which permission has been granted for an extension to Allerton Steel (19/02209/FUL), the site is also in close proximity to the existing main building. The starting point through the course of the Hybrid application approving the development of North Northallerton, development of housing on this site was resisted owing to the amenity risk from noise and the potential to have to limit Allerton Steel's operations owing to noise disturbance. The agent of change principle would prevail in this case, should a loss of amenity be demonstrated once development is complete, which could have a detrimental impact on Allerton Steel's operations.
- 5.12 Following much discussion regarding the noise impact of Allerton Steel on the amenity of future occupiers of the dwellings a revised layout was submitted which includes a 4m high bund with 4m high acoustic fencing, providing an 8m high acoustic barrier between the proposed housing and Allerton Steel.
- 5.13 It is pertinent to consider at this point Paragraph 187 of the National Planning Policy Framework which states that: Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
- 5.14 Given the above it should be noted that Allerton Steel as it exists today has no time restriction on its operations nor are there any conditions which limit the noise level which can be emitted from the site. This was taken into account in the consideration of the wider North Northallerton Development Area. Indeed, a condition (36) was placed on the Hybrid permission which requires that the approved dwellings are designed to meet BS8233:2014 and sets limits on the internal noise levels. Notably a further condition (37) was imposed on the Hybrid which prohibited the application site from being developed for dwellings or houses in multiple occupation. It must be considered therefore whether the site itself is suitable for housing given the proximity to such an intensive industrial use.
- 5.15 In addition to this the visual impact of the noise mitigation measure itself must be taken into account. The bund and fencing will measure 8m in total and will be an imposing feature in the street scene. This, however, could be balanced against the visual barrier it will create between the dwellings and the industrial buildings to the east. Concern may also be expressed with regard to public access to the bund and the health and safety issues created by the 8m drop into the Allerton Steel side. The applicant indicates that the acoustic fencing will provide sufficient barriers at the top of the bund and access to the rear of the bund will be restricted by security gates.
- 5.16 A Noise Impact Assessment was submitted in support of the application and the Council's Environmental Health department was subsequently consulted. The Environmental Health Officer has indicated that the proposals now meet the minimum requirements for both external and internal noise levels. Conditions are recommended to ensure that the mitigation measures are installed. Owing to the

way in which noise assessments are carried out, looking at the average noise levels, officers have some residual concerns about the potential impact on residential amenity through occasional or sporadic noise from Allerton Steel. The site is open and potentially operational 24/7 depending on the nature of the project that they are working on. As such there is potential for one off noises late at night, which could cause noise and disturbance.

- 5.17 The final report of the Environmental Health Officer is awaited at the time of writing and will be reported via the Committee Update Papers. However, from discussions to date, it is considered that the British Standard requirements on noise have been met and that the acoustic measures proposed will result in a satisfactory level of amenity. However, there remains some residual concern with regard to one off and sporadic noise, with the potential to lead to a loss of amenity for residential occupiers of the site.

Affordable housing and mix

- 5.18 Local Plan Policy HG3 states that the council will seek provision of 30% affordable dwellings on all housing developments. In all cases where affordable housing is provided it will be expected to:

- provide a mix of tenures, subject to identified need, consisting of one third each of:
 - i. affordable rented;
 - ii. social rented; and
 - iii. intermediate dwellings (shared ownership) or other types of affordable home ownership;
- be dispersed in small clusters across development sites;
- be externally indistinguishable in terms of design and materials from any market housing on the site; and
- be transferred at transfer price.

Where it can be demonstrated that the requirements above are not viable, due to specific site conditions or other material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. The affordable housing will also be required to remain affordable in perpetuity.

- 5.19 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. A proposal for housing development will be supported where:
- a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing;
 - all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.

- 5.20 At the time of the granting of Planning Permission for North Northallerton under the original hybrid application the viability appraisal showed that the development was only able to provide 13.4% affordable housing. The main question in this case is whether the parcel of land, subject of this application was considered within that appraisal and as such should be considered under the requirements of the S106 agreement for North Northallerton as opposed to the 30% requirement under the new Local Plan.
- 5.21 Owing to noise related difficulties with the relationship to Allerton Steel, this parcel of land was effectively omitted from the outline approval, but a receipt and cost was retained within the viability appraisal. This has resulted in the applicant having to submit a Full application rather than a Reserved Matters application, in this case.
- 5.22 The matter of affordable housing is still pertinent to the wider North Northallerton development proposals owing to the requirements of the S016 agreement which requires an open book review, which is triggered by the number of completed units and at the current build rate is likely to take place in late Spring 2023.
- 5.23 It is noted that it is intended that Karbon Homes purchase up to 48 units at North Northallerton, which would not be subject to the Council's usual S106 controls but would be subject to controls placed as a result of Homes England Funding, which would ensure that they meet affordable housing definitions.
- 5.24 Having reviewed the submissions, Officers are content that this site does form part of the wider viability appraisal and as such need not provide 30% affordable housing.
- 5.25 The proposed mix is detailed in the following table:

| House Size | No of units | Market Housing Proposed | Market Housing Target | Affordable Housing Proposed |
|-------------|-------------|-------------------------|-----------------------|-----------------------------|
| 1 bedroom | 6 | 15.7% | 5-10% | 0% |
| 2 bedrooms | 7 | 18.4% | 40-45% | 0% |
| 3 bedrooms | 25 | 65.7% | 40-45% | 0% |
| 4+ bedrooms | 0 | 0% | 0-10% | 0% |

- 5.26 As can be seen from the table the development over provides on 1 and 3 bedroom properties and under provides on 2 bedroom properties. Whilst the mix is not strictly in accordance with the targets set out in the SPD, it is considered that as a whole the development provides a good level of smaller homes which do not excessively exceed the Nationally Described Space Standards.

Design and Impact on the character of the area

- 5.27 Local Plan Policy E1 Design 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. Development should respond positively to its context, draw inspiration from its surroundings, contribute to local distinctiveness, create safe accessible environments which maximise health outcomes whilst making efficient use of land.

- 5.28 Policy E7: Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 5.29 The application is for 38 units on approx. 1.02ha of land. This gives a density of approx. 37 dwellings per hectare. This is the same density as that approved on the neighbouring site under 21/02226/REM. The justification for this is that the Hybrid permission required that the development be carried out in accordance with the Parameters Density and Phase 1 Areas Plan contained within the Design and Access Statement. The plans indicate that in this part of the site density was expected to range from 35-40 dwellings per hectare. In this case therefore the proposed density is considered acceptable.
- 5.30 Vehicular access to the site will be gained from North Moor Road. North Moor Road is currently open at its western end to a point just before the newly installed link road bridge. A pedestrian access will also be provided along the north-east side of the development allowing quick access by foot for the dwellings which face North Moor Road.
- 5.31 The dwellings are set back from North Moor Road due to the requirements of an easement. This allows for a planted buffer between the dwellings and the main road. The landscaping scheme shows the area will include a hedgerow with 6 trees. A root barrier will be provided to protect the drainage system. The remaining space will be planted with wildflowers and grass. An area of shrub planting is shown near the vehicular entrance.
- 5.32 The individual house types include single, two and three storey dwellings. The three storey dwellings have been designed to appear both as three storey buildings and as dormer two storey dwellings. The single and two storey dwellings are a typical design for the type of development. The proposed dwellings feature a mixture of red and buff brick, a mix of grey and red roof tiles with white PVC fenestration. Window heads are marked by Artstone or brick detailing. Boundary walls will be construction of matching brick corresponding with the associated dwelling.
- 5.33 North Yorkshire Police Designing out Crime Officers were consulted and the following advice was returned.

The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. This will make it more difficult for offenders to enter the area and move around without being conspicuous and not challenged.

It would appear from the proposed Site Layout Plan that all pedestrian and cycle links are needed and do not create unnecessary permeability. They are provided with good levels of natural surveillance, which creates a feeling of safety and security and deters criminal and antisocial behaviour. The proposed site layout plan shows a street design that primarily has active frontages providing natural surveillance of the public realm and enclosed rear gardens.

Research conducted by Professor Rachael Armitage (Huddersfield University), on behalf of the Design Council/CABE, Home Office and Secured by Design, has clearly shown that rear parking courts are vulnerable to crime. They have higher levels of vehicle crime and criminal damage than other types of parking, and also facilitate offender access to the rear of properties. Residents do not tend to use their allocated spaces within these courts, preferring to park on street, regardless of whether the street was designed for on street parking. Rear parking courts are therefore known generators of crime and antisocial behaviour.

Where rear parking courts are used in this proposal, the developer should allow sufficient budget for boundary walls, surface treatments, soft landscaping and lighting to avoid creating an air of neglect and isolation. Also, to enable surveillance from within the dwelling it serves, the boundary treatment should be visually permeable. This could be achieved by having close boarded fencing or a wall to a height of between 1m – 1.5m, topped with trellis or railings, to create an overall height of 1.8m.

Where bridging units are to be used as an entrance to a rear parking court, consideration should be given to having gates as close to the entrance as possible to prevent them being used as gathering places, which can lead to complaints of antisocial behaviour.

- 5.34 Further recommendations are made in relation to a lighting scheme and provision of solutions to avoid desire lines forming across plot frontages. It is considered that the above recommendations can be dealt with by condition.
- 5.35 Returning to the matter of the proposed bund. Clearly, the outlook of the site to the industry to the south of the site is not a positive one, being a range of large office and industrial buildings. The proposed bund is a somewhat alien feature in the environment. However, if housing is considered to be acceptable in principle it may be argued that the bund improves the outlook from the site.
- 5.36 Overall, the layout, density, scale and design are considered to be of an acceptable standard.

Drainage and flood risk

- 5.37 Policy RM3 states A proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
 - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
 - wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;

- if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

5.38 The drainage scheme indicates that surface and foul water will connect to separate existing public systems in North Moor Road. Due to the size of the site a Flood Risk Assessment has been submitted. The FRA confirms that the site is wholly within flood zone 1. The report identifies a localised area of medium and high risk for surface water flooding. These are likely to be as a result of depressions in existing topography or obstructions on site. Reference to the maps indicated that the medium/high risk areas are self contained and do not form part of a flood path originating offsite. The report, however, appears to cover both the application site and the adjacent site on which consent has already been granted. The area identified above appears to be located on the adjacent site and therefore is not relevant to this application.

5.39 The Lead Local Flood Authority were consulted and no objections were returned subject to conditions

Highway safety

5.40 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities by:

- requiring that proposals for development are capable of being accommodated by existing or planned infrastructure and services and do not have an unacceptably harmful impact on existing systems, in each case this is to be established by appropriate assessment or investigatory work;
- requiring developers to provide, or meet the costs of providing, the infrastructure, facilities and/or mitigation necessary to make their proposed developments acceptable in planning terms;
- ensuring suitable arrangements are made for ongoing maintenance where infrastructure and facilities are directly provided;
- requiring that the delivery of development is coordinated with the delivery of new or improved infrastructure and services and causes minimal disruption to existing provision; and
- working with developers and infrastructure/service providers to identify viable solutions for the delivery of infrastructure and services to support sustainable development.

The nature and scale of planning obligations sought will depend on the form of development and the impact it is considered to have upon the surrounding area on the basis of documentary evidence. Infrastructure and facilities should be provided on site.

5.41 Policy IC2 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 only be supported where it is demonstrated that:

- 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, to include retention, where relevant, and enhancement of existing rights of way;
- any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
- 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, taking account of:
 - i. highway safety and access to, from and in the vicinity of the site;
 - ii. the accessibility of the development to services and facilities by walking, cycling and public transport;
 - iii. the needs of potential occupiers, users and visitors, now and in the future;
 - iv. the amenity of existing and future occupiers and users of the development and nearby property; and
 - v. opportunities for shared provision, where locations and patterns of use allow.

For all major development, and where transport issues are likely, the Council may require proportionate Transport Assessments, Transport Statements or Travel Plans as necessary. 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.

5.42 The main access to the site is to be taken from North Moor Road at the north-west corner of the site. This access is to be shared with the previously approved development to the west. Pedestrian access is also shown connecting the main access point to the eastern plots. Additional pedestrian access is to be made available at the north-east corner.

5.43 Parking is provided either in curtilage or to the rear of properties in a courtyard style. The exceptions are plots 506 and 519 (1 bedroom coach house style flats) where the parking is provided in an integrated garage beneath the living space. Tracking information has been provided to demonstrate manoeuvring around the courtyard parking.

5.44 North Yorkshire County Council Highways Officers were consulted and returned no objections subject to conditions relating to detailed plans, construction of adoptable roads and footways, parking, construction management plan and restriction of garage space for use as parking.

Biodiversity

5.45 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. Paragraph 6.46 of the supporting text states 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.

5.46 A preliminary Ecological Appraisal was carried out by Quants Environmental which covered both this site and the adjacent site (21/02226/REM). The appraisal identified that the site mainly comprises semi-improved grassland which is bordered by mature trees, hedgerows and fencing. The grassland is considered to be of low ecological value, whilst the trees and hedgerows are of notable value.

5.47 The site was considered to be of potential value to open ground nesting birds such as meadow pipit, skylark and lapwing. The Hybrid permission is subject to conditions which require, for each phase, the submission of an Ecological Enhancement Management Plan (condition 30), pre-construction surveys (32) and that site clearance works be undertaken outside of bird nesting season (33). As this application is a standalone application these conditions should be reapplied to any permission granted.

5.48 The report indicates that 55m of species-poor hedgerow forms a boundary feature on the southern edge of the application site. The hedge is dominated by hawthorn *Crataegus monogyna*, with occasional blackthorn *Prunus spinosa* and elder *Sambucus nigra*. The hedge is currently unmanaged and is starting to become outgrown. There are no standard trees within the hedge. The Preliminary Ecological Report recommends that the hedge be retained, however, the Biodiversity Net Gain report indicates that it is to be removed and replaced by 75m of native hedgerow to the northern boundary with North Moor Road. In this case as there is a demonstrable net gain of hedgerow within the development coupled with the low value of the existing hedgerow it is considered that the loss in this case is acceptable.

5.49 As mentioned above a Biodiversity Net Gain report and relevant metric were also submitted in support of the application. The metric shows a net gain of 10.78% for habitat units and 286.14% for hedgerow units. The report also details how these features should be managed. It is considered that the details of the report be secured by condition.

6.0 Recommendation

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

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

2. The permission hereby granted shall not be undertaken other than incomplete accordance with the drawing(s) numbered:
 - NTH-PH3-000 - Phase 3 Sheepcote - Northallerton - Location Plan - rev A received 23.06.2022
 - NTH-PH3-004 - Phase 3 Sheepcote - Northallerton - Landscape Layout - rev J received 16.11.2022
 - NTH-PH3-003 - Phase 3 Sheepcote - Northallerton - Boundary Treatment Layout - rev H received 16.11.2022
 - NTH-PH3-002 - Phase 3 Sheepcote - Northallerton - Materials Layout - rev G received 16.11.2022
 - NTH-PH3-001 - Phase 3 Sheepcote - Northallerton - Site Layout - rev N received 16.11.2022
 - NTH-PH3-006 - Phase 3 Sheepcote - Northallerton - Bund Sections - rev A 12.12.2022
 - Stapleford_R21_Rev00
 - Stapleford_End_Trad_R21_Plots529-531_Rev00 (Plots 529-531 variant)
 - ASHDOWN VILLAGE A3 Planning Drawing
 - ASHRIDGE VILLAGE A3 Planning Drawing
 - BARNWOOD VILLAGE A3 Planning Drawing
 - BRAUNTON LEAN ON VILLAGE A3 Planning Drawing
 - GALLOWAY VILLAGE A3 Planning Drawing
 - HALDON VILLAGE A3 Planning Drawing
 - KINGLEY VILLAGE A3 Planning Drawing
 - WENTWOOD VILLAGE A3 Planning Drawing
 - PK-WD-06 - Pickering - Plans & Elevations - Village
 - Ga2_2_Double Garage_Twin_R21_Rev00
 - Ga1_1_Single Garage_R21_Rev00

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

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

5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number NTH - PH3 -007 Revision A received by Hambleton District Council on 02.11.2022. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall be used solely for parking of motor vehicles and domestic storage including cycle parking and shall not be used as additional living accommodation without the granting of an appropriate planning permission.
7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
 2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
 3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
 4. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.
8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
9. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
 - i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.
10. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.
11. 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 15.0 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.

12. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
13. The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.
14. Prior to occupation of any part of the development a scheme shall be submitted to, and approved in writing, by the Local Planning Authority detailing how the recommendations of North Yorkshire Police Designing out Crime Report Ref No: 011-1-2022 dated 22.06.2022 will be incorporated into the scheme. The development shall be implemented in accordance with the approved plans.
15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
16. 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.

17. The landscaping scheme shall be implemented in the first planting season following the occupation of the 30th dwelling in accordance with drawing reference Landscape Layout NTH-PH3-004 Rev G received by Hambleton District Council on 02.11.2022 and in accordance with the Biodiversity Net Gain Assessment reference 151.01 Revision 01 received by Hambleton District Council on 19/10/2022. The trees and hedgerows shall be maintained in accordance with the details set out in the Biodiversity Net Gain Assessment reference 151.01 Revision 01 received by Hambleton District Council on 19/10/2022 for a period of at least 30 years unless an alternative maintenance scheme is submitted to and approved in writing by the Local Planning Authority.
18. No development shall commence until a scheme providing for preconstruction surveys of and mitigation impacts for breeding birds including any nests on the site has been submitted to and approved in writing by the Local Planning Authority. Surveys shall also be suitable to record Schedule 1 barn owl, if present.
19. A badger survey must be carried out by a suitably qualified Ecologist no less than 48 hours before the commencement of construction. Results and appropriate mitigation measures (where required) must be submitted to the Local Planning Authority for approval in writing and thereafter implemented in full.
20. No development (which includes site clearance works and excavation) shall take place/commence until an Ecological Enhancement Management Plan has been submitted to the Council for approval. The Plan will set out all necessary ecological mitigation and enhancements measures, including those specified in Chapter 8: Biodiversity of the Environmental Statement, to cover the construction of the development and not less than 10 years following its completion. The Plan will make provisions for, but is not limited to, habitats, terrestrial mammals, bats, birds, and invertebrates.
21. Vegetation clearance shall be undertaken between September and late February to avoid the bird nesting season (March-August) unless otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged. Where a Wildlife and Countryside Act Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, must be devised, approved in writing by the Local Planning Authority and implemented. If vegetation clearance and/or construction work is approved in writing by the Local Planning Authority during or extending into the bird nesting season, further assessments and mitigation measures, such as ecological supervision at the developers expense, may be required 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. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
5. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
6. In order to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development.
7. In the interest of public safety and amenity.
8. In the interest of satisfactory and sustainable drainage.
9. To ensure that no surface water discharges take place until proper provision has been made for its disposal.
10. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
12. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
13. In the interest of amenity of the occupiers of the adjoining properties and flood risk mitigation.
14. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998
15. To ensure safe development of the site and to protect human health and the environment.
16. 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.

17. 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.
18. To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting.
19. In the interest of local ecology and biodiversity
20. In the interest of biodiversity.
21. To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting.

Parish: Nether Silton
Ward: Bagby & Thorntons

3

Committee Date: 22 December 2022
Officer dealing: Mr Nathan Puckering
Target Date: 10 November 2022
Date of extension of time (if agreed): 23 December 2022

22/02147/FUL

Demolition of existing all-purpose agricultural building and erection of a new dwelling.

At: School Farm, Lead Lane, Nether Silton, Thirsk
For: Mr Mike Craddock.

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

1.0 Site, Context & Proposal

- 1.1 School Farm is a grade II listed dwelling located within the village of Nether Silton, on the boundary of the North York Moors National Park (NYMNP). The village is linear in form, with dwellings sited on both the northern and southern side of Lead Lane that runs east-west through the settlement - School Farm being to the south. The boundary of the NYMNP follows Lead Lane, with the area to the south being outside the National Park. The southern part of the village is less densely developed, with less of a main frontage on the road. Nevertheless, School Farm is one of the buildings that does directly front Lead Lane.
- 1.2 Directly to the east of School Farm is an open sided agricultural building. It is constructed in black profile sheeting and a fibre cement roof. It is described as being "general purpose" which it is understood is used alongside a parcel of land the applicant owns that stretches southwards adjacent to the site. The boundary of the Nether Silton Conservation Area runs down the driveway that separates the agricultural building from School Farm, with the former just outside. Nevertheless, the building itself is in a very prominent location on the roadside at the edge of the village and as such it presently dominates views of the southern side of the village upon approach from the east.
- 1.3 This application is seeking permission for the demolition of the agricultural building and the construction of a detached two storey dwelling in its place. It will be similar in scale to School Farm, with the main frontage facing northwards towards Lead Lane. A step down in the roof ridge at the eastern side to a smaller two storey section and a small single storey element set forward from the main dwelling breaks up the frontage. There'll also be a single storey rear offshoot. The dwelling will be constructed in coursed natural stone, with a natural slate roof. Instead of traditional window fenestration to the road facing elevation, the application proposes glazed vents in the principle elevation taking inspiration from agricultural building design. All other elevations will have more standard fenestration in an off-white finish. Access will be taken through an existing gate onto a private parking area.
- 1.4 Throughout the consideration of the application, alterations were secured which can be summarised as follows:
 - A step down in the roof ridge to help address concerns with the massing of the building.

- An alteration to the windows from anthracite grey to a more traditional off-white alternative.
- Removal of a 2.1m high garden wall from the side of the dwelling.

2.0 Relevant Planning History

2.1 19/02412/MBN - Conversion of redundant agricultural storage barn to two storey residential unit. - Prior Approval Refused for the following reasons:

- Based on the information submitted and that gained from a site visit - it has not been demonstrated that the last use of the building was solely for agricultural purposes as required in order to benefit from permitted development rights under Part 3, Class Q of the General Permitted Development Order.
- It is considered that the proposed development is harmful to the setting of the listed building located adjacent the application site and as such leads to less than substantial harm to the significance of the listed building, this in turn leads to the conclusion that the proposed change of use is otherwise considered undesirable in this location. When the tests set out within the National Planning Policy Framework (NPPF) are applied, as required by para. W(10) of the General Permitted Development Order, it is considered that the proposal causes less than substantial harm to the significance of the heritage asset, which is not outweighed by any public benefit, and therefore fails the test set out in the National Planning Policy Framework for development impacting heritage assets.

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 S7: The Historic Environment
 Local Plan Policy HG5: Windfall Housing Development
 Local Plan Policy E1: Design
 Local Plan Policy E2: Amenity
 Local Plan Policy E3: The Natural Environment
 Local Plan Policy E4: Green Infrastructure
 Local Plan Policy E5: Development Affecting Heritage Assets
 Local Plan Policy E6: Nationally Protected Landscapes
 Local Plan Policy E7: Hambleton's Landscapes
 Local Plan Policy IC2: Transport and Accessibility

4.0 Consultations

4.1 Parish Council - Object with the following comments:

- The new building is out of character with the other properties in the village, especially with its proximity to a listed building. The new building is of a contemporary design and if approved will set a precedent which could lead to the special architectural and historic interest of the village being put at risk.
- The new building exceeds the footprint of the existing barn and, due to the size of the new building, is over-development of the site with no demonstration of this type of housing need.
- Request Hambleton District Council consider this application at Planning Committee rather than it being a delegated decision due to the level of local opposition and the property being in an Article 4 Area.

4.2 NYCC Highways - No objections subject to conditions.

4.3 Natural England - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

4.4 North York Moors National Park - No objection subject to a condition being attached to control external light to ensure it is of a style and luminance which minimises glare and light pollution, in order to protect the Dark Sky Reserve above the National Park.

4.5 Environmental Health - No objections.

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

4.7 Yorkshire Wildlife Trust - No comments to make.

4.8 Site Notice and Neighbour Notification - 13 letters from members of the public received, 6 objections and 7 in support. The comments can be summarised as follows:

Support:

- The dwelling has been designed in a way that is in keeping with the character of the rest of the village.
- For Hambleton to thrive we need to be a place that young people and families which to move to or remain in. The proposed property would provide a much-needed modern family home that respects the environment in which it is built.
- This property seems to be a vast improvement on the current disused barn.
- The dwelling incorporates sustainable energy saving features.
- The objections seem to show a disquiet based on 'new comers' to the village, but the applicants have family connections to the locality.
- The lack of well-proportioned family homes suitable for modern living with home working spaces in the area is severely lacking, it's so important that our rural areas remain accessible and functional for young families, and I feel this proposal really addresses that, whilst remaining sympathetic to typical rural architecture and aesthetics.

- The village needs to gently evolve, and this proposal strikes the right balance between heritage and modernity.

Object:

- Demolishing this barn would change this historic landscape and ultimately the character of Nether Silton for future generations.
- The design of the proposed dwelling is overly contemporary and not in keeping with the rest of the village.
- The development would be considered as harmful to the character and appearance of School Farm and Nether Silton and would not be on the footprint of the existing barn as suggested. It is too large and will be bigger than the building it replaces.
- The applicant refers to "new buildings" in the village but those referred to are not new.
- The dwelling would overlook Bellwood Cottage (the dwelling on the opposite side of the road) and lead to a loss of light.
- The proposed dwelling does not meet the identified housing type need for the village.
- The 2.1-metre-high walls that runs of either side of the house are not proportionate to any other walls in the village apart from those around Silton Hall.
- The applicant already owns a dwelling in the village and therefore an additional one shouldn't be necessary.

4.9 Following amendments, a 10-day re-consult was carried out. The Parish Council objected again with the following comment:

"Councillors did not feel this new application had changed enough to alter the Parish Councils original opinion. Councillors are opposed to the development of such a contemporary design in an Article 4 Area and with its proximity to a listed building. They are concerned that if approved, it will set a precedent which could lead to the special architectural and historic interest of the village being put at risk. The new building exceeds the footprint of the existing barn and due to the size of the new building, Councillors feel this is over-development of the site with no demonstration of this type of housing need. Taking all this into account the Parish Council objects to this application and would like to see it refused."

4.10 During the re-consult period, 13 further letters of objection and 15 letters of support from members of the public were submitted. Additional points raised can be summarised as follows:

Objection

- The alterations do not address the impact on the village and surrounding area.
- There is no reason why the conclusion that the change of use was undesirable, as decided under the previous prior notification, has changed due to the demolition and rebuild.
- The house will appear overbearing and not in proportion to those around it.
- It appears the street plans are not to scale which is misleading and does not allow residents to make an informed decision.
- The new dwelling would be closer to School Farm and obscure the natural landscape between the buildings.
- The size and position of the proposed dwelling would have a negative impact on surrounding properties (including listed buildings) the conservation area within the village and wider landscape.

- The village is in a Conservation Area, with half the village being in the North York Moors National Park and the other half to be converted to NYM National Park in the near future, all of which points to the necessity of adherence to current norms of design and construction of buildings within the Park.
- The proposal has architectural features that are not evident within the village, and it does not resemble any other stone outbuilding in the village.
- The new dwelling would be the largest stone building in the village and comparable to Silton Hall.
- The new dwelling would not be subservient to the listed building.
- The glare from the windows may affect neighbours.
- The development will alter the street scene.
- The fact it's on the edge of an Article 4 area should prevent development.
- The proposal does not gain support from policy S5 for replacement buildings.

Support

- The applicants have clearly heeded the heritage study they commissioned, appointed a heritage architect, and incorporated these considerations into their plans, along with the most recent amends, which look in-keeping and entirely appropriate to the surroundings of Nether Silton.
- This kind of development, with home working facilities, and much needed green power generation, will enable families to live and work in rural Hambleton, in turn keeping these communities and economies alive and well.
- The decision should be based purely on valid planning policy and not matters of a personal nature that are set out in some objections. The grant of this planning application to ensure consistency in how the planning process has been and is applied by the Planning Committee across the Thirsk Hillside villages.

5.0 Analysis

5.1 The main issues in this instance are i) the principle of a new dwelling in this location, ii) the impact on the setting of the listed School Farm, iii) the impact on the setting of the Conservation Area, iv) design, v) residential amenity, vi) ecology and biodiversity and vii) highway safety.

The Principle

5.2 The site in this instance is not allocated for housing development and therefore policy HG5: Windfall Housing Development is relevant. This states "A proposal for housing development within the main built form (defined in policy S5: Development in the Countryside) of a defined settlement (see policy S3: Spatial Distribution) will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development."

5.3 Policy S3 defines Nether Silton as a "Small Village", which is the lowest tier of the Settlement Hierarchy. It has limited services by way of a single public house and a church. The justification for policy HG5 sets out how in rural areas windfall housing development can help support local services and facilities and thus the sustainability of these settlements. As such, it is recognised that, whilst these smaller defined settlements may be more limited in the services they offer, their longevity and sustainability requires small scale housing development. As a result, subject to the site being 'within the main built form', policy HG5 supports residential development in principle in this location.

- 5.4 Policy S5 states that "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." It then lists a number of exceptions that should not be considered part of the built form. These are as follows:
- any individual building or group of dispersed buildings...which are clearly detached from the main part of the settlement;
 - agricultural buildings on the edge of the settlement.
- 5.5 This building is clearly an agricultural building that sits on the end of the row of built form and in this sense is on the 'edge of the settlement'. However, the justification of policy S5 and the definition sets out that "a decision as to whether land is considered to be part of the built form will be made on a case-by-case basis taking account of all prevailing circumstances." On this occasion, given the greater amount of development on the northern side of Nether Silton and the fact it extends some way beyond the edge of the southern part of the village, one gets the sense that the edge of the village is further east than where the building in question sits. Furthermore, the nature of the site and the relationship with School Farm and its domestic curtilage means that the building and site very much feels like part of the village, as opposed to the open countryside beyond.
- 5.6 On this basis, Officers consider that whilst the building is on the edge of the village in the sense of the row of built form of this particular part of the settlement, owing to the characteristics of the village and the relationship between the site and the settlement, i.e. "other prevailing circumstances", it can still be said to be part of the built form of Nether Silton. Consequently, as the proposal constitutes residential development within the main built form of the settlement, it gains support in principle from policy HG5.
- The Impact on the Setting of School Farm
- 5.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 5.8 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building. Policy E5 of the Local Plan echoes this test of harm being weighed up against public benefit, as set out in national policy.
- 5.9 A professionally prepared Heritage Statement was submitted in support of this application. This concludes that the development will have a 'minor beneficial' impact on the setting of School Farm owing to the removal of the barn and the design and alignment of the proposal being suitable in comparison. Officers would broadly agree with this conclusion.

- 5.10 The existing barn is considered to have a harmful impact on the setting of the heritage asset at present. Whilst it is noted that School Farm as a former agricultural unit will have probably been set amongst outbuildings, the current barn is a 1980s building which is of an unattractive, functional design, that dominates views of the heritage asset from the east. In this respect, its removal is welcomed and this aspect of the works will in and of itself enhance the setting of the listed building.
- 5.11 The alignment of Lead Lane and the fact that the proposed dwelling is to be set back from the highway will open up views of the heritage asset upon approach from the east. The design of the dwelling will be explored in greater depth in subsequent sections of the report but on the whole, the barn-like vernacular is considered to be suitable for its location and in keeping with the rural character of the village. In this respect, it will sit comfortably alongside the listed building.
- 5.12 The quality of the design and suitable siting, in addition to the removal of the harmful barn, means that on the whole Officers are content that the development will not be harmful to the setting or significance of the listed building. It is therefore considered acceptable when assessed against policy E5 of the Local Plan and the requirements of the NPPF.
- Impact on the setting of the Conservation Area
- 5.13 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.14 The Heritage Statement submitted also assesses the impact on the setting of the Nether Silton Conservation Area. It also concludes that owing to the removal of an unsightly building and the improvement of the general approach to the Conservation Area, the development will have a minor beneficial impact on the setting of the Conservation Area. Again, Officers would agree with this conclusion.
- 5.15 As set out above, the current barn is in a prominent location, being on the roadside and the first building that one sees upon approaches from the east. Owing to the size and design of the barn, it appears even more incongruous. This harmful feature will be replaced by a more suitably designed building that is more in keeping with the character of the rest of the Conservation Area. Views of the listed building, one of the focal points of the Conservation Area, will be opened up and more readily available - allowing one to experience this historic interest and architectural features of the Conservation Area as well.
- 5.16 As a result, the setting of the Conservation Area will be enhanced as a result of this development and consequently the proposal also complies with policy E5 and the NPPF in this respect.
- Design
- 5.17 Policy E1 of the Local Plan concerns the design of development. Generally speaking it requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness

and helping to create a strong sense of place. It then goes on to list a number of design principles that help to achieve this overarching aim. These include ensuring development responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, as well as contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.

- 5.18 The proposed design has clearly been informed by the rural character of the village. It is understood the design has taken inspiration from a traditional barn and features such as glazed vents and the 'hit and miss vertical timber' glazing and large stone head above the door, creating the illusion of a large barn opening, helps to ensure this is well executed.
- 5.19 Initially the scale and massing of the proposal was of concern in terms of the fact it may appear overbearing and harmful to the surrounding street scene. The surrounding buildings vary in size and orientation which creates a less formal frontage and "breaks up" the street scene. Officers wanted to ensure this character was respected. The subsequent reduction in height of the eastern-most section and the smaller single storey element to the front addresses this initial issue and will mean the dwelling would sit more comfortably within the surrounding context. The hedgerow to the front of the site is to be retained, which is welcomed. This will further soften the visual impact of the dwelling, especially when viewed from directly in front.
- 5.20 A 2.1m high stone wall was initially proposed to project from the eastern side of the building. The exact reason for this wasn't clear. The overly tall structure in such a prominent location would have been incongruous and thus was omitted. The small section of wall to the rear has been retained as this will effectively be invisible and will help to ensure mutual privacy for residents of both the proposed dwelling and School Farm.
- 5.21 The rear elevation in contrast to the front is in a more domestic, although relatively contemporary idiom. In order to achieve a satisfactory level of daylight into the habitable parts of the dwelling, bearing in mind the limited fenestration to the roadside elevation, the rear is dominated by glazing. These elements are not readily visible from the public frontage and do not as a result impact in any significant way on the appearance of the area.
- 5.22 All in all, the design of the proposed dwelling is considered to be appropriate for the location and a high-quality proposal. It achieves the requirements of policy E1 and is therefore ultimately acceptable.

Residential Amenity

- 5.23 Policy E2 of the Local Plan requires all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

- 5.24 Two of the objections received from members of the public raise concerns about the impact of the development on the privacy and daylight provision of Bellwood Cottage, a small two storey dwelling that sits opposite the site on the other side of Lead Lane. It is noted that Bellwood Cottage sits closer to the road, and thus the site, than may ordinarily be the case and therefore it may be more susceptible to an impact in this respect. The separation distance between the new dwelling and Bellwood Cottage will be 20m. It is worth noting that the lack of full-sized traditional windows in the elevation of the new dwelling that faces northwards, will significantly negate this problem when combined with the 20m separation distance. In terms of daylight provision for this adjacent existing dwelling, the height of the new dwelling and the separation distance will ensure that there will be no discernible difference in the amount of light reaching the property opposite. Reference is made in the objection to the width of the proposed dwelling. However, Bellwood will still sit directly within the gap between the new dwelling and School Farm, so the fact the dwelling will be wider than the barn is considered relatively inconsequential.
- 5.25 The separation distance between the dwelling and School Farm will ensure mutual privacy and daylight provision for both dwellings. There would be a large opening on the elevation of the new dwelling that will face School Farm, but this will look directly onto the blank elevation of an outbuilding and thus isn't considered to result in a loss of amenity.
- 5.26 The proposed dwelling will be served by ample natural light. Despite the lack of any windows on the front elevation, the glazed slits will serve only non-habitable rooms save for one bedroom on the first floor. This room will be served by an additional opening on the side elevation so will still receive ample daylight. There is adequate amenity space provided to both the front and rear of the dwelling. All in all, the living conditions of the occupants will be of a high standard.
- 5.27 The above assessment demonstrates that the proposal will ensure a high standard of amenity for both existing residents and the future occupiers of the proposed development. The proposed development is considered to comply with policy E2.

Ecology & Biodiversity

- 5.28 An Ecological Impact Assessment was submitted as part of the application. Also to note is the fact the site is within the 2.5km buffer zone around the North York Moors National Park and therefore policy E3 requires evidence of the extent to which the site and surrounding land is used by golden plover to ensure that loss of supporting habitat outside of the Special Protection Area does not occur. Policy E3 also requires all development to now demonstrate the deliverability of a biodiversity net gain.
- 5.29 The Ecological Impact Assessment concludes, following a desktop study and field survey, that several mitigation measures will be required to ensure no harm arises to breeding birds and bats. There will be no loss of potential bat roosting habitat but there will be a minor loss of sub-optimal foraging habitat (modified grassland). The removal of the existing pole barn will result in the loss of at least 1x passerine nest. These impacts are minimal and can be mitigated against through suitable measures. A condition ensuring the building is not removed during bird nesting season is recommended.

- 5.30 The assessment also addresses the potential impact on golden plover. It states "There is negligible risk of Golden Plover (*Pluvialis apricaria*), a Hambleton biodiversity action plan species utilising the site. There is no nesting habitat on-site (moorland habitat), and due to the small field size, and mature trees along the boundary, there will likely be an increased risk of predation, which will likely preclude winter foraging. Additionally, the site is within the village curtilage and is subject to frequent disturbance, which will likely inhibit use of the site by this species." On this basis, Officers are content no harm will arise and the requirements of policy E3 are met insofar as this issue is concerned.
- 5.31 The Ecological Impact Assessment also sets out that through additional planting along the eastern boundary and integral bat roost features, a net gain in biodiversity is deliverable. A condition ensuring final details of this to be submitted and approved, is recommended.
- 5.32 On the whole, the requirements of policy E3 are met and the impact on protected species and biodiversity is acceptable.

Highway Safety

- 5.33 To ensure that the proposed access from the existing gate entrance will not compromise highway safety, the Local Highway Authority were consulted on the application. They subsequently confirmed they had no objection subject to standard conditions ensuring the new access is constructed to the relevant standards, the parking and turning provision is complete prior to occupation and that a Construction Management Plan be submitted prior to works starting. These conditions are recommended. On that basis, the application is acceptable on highway safety grounds.

Planning Balance

- 5.34 The proposal has been assessed as resulting in no harm to the significance of the adjacent listed building, as well as the Nether Silton Conservation Area. Furthermore, the design is considered to be of a high quality and appropriate for the location more generally.
- 5.35 Compliance with policies E1 and E5 of the Local Plan is therefore assured. The impact on the living conditions of surrounding neighbours, as well as on the natural environment has been assessed as acceptable and no other technical issues have arisen. Approval is recommended on that basis.

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 216-07 Revision E, 216-03 Revision E, 216-06 Revision E, 216-05 Revision G and 216-04 Revision G; received by Hambleton District Council on 14.11.2022 and

22.11.2022; 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. There must be no installation of external lighting until full details of the lighting scheme are agreed in writing with the Local Planning Authority. The scheme must then be implemented in full accordance with this scheme.
5. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no 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.
6. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
7. 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. The existing barn shall not be demolished during bird nesting season (March - August inclusive).

9. 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 existing crossing of the highway verge must be improved by reconstructing in accordance with the approved drawing reference 216-07 rev. C and Standard Detail number E50.
 - Any gates or barriers must not be able to swing over the existing highway.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.
 All works must accord with the approved details.

10. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 216-07 rev. C. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

11. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
 - wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - the parking of contractors' vehicles;
 - areas for storage of plant and materials used in constructing the development clear of the highway;
 - contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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, E1 and E5.
3. To ensure that the appearance of the materials is suitable for the locality.
4. In order to protect the Dark Sky Reserve above the North York Moors National Park.
5. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7. 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 the interest of protecting nesting birds.
9. 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.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In the interest of public safety and amenity.

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Parish: Ainderby Quernhow

Ward: Tanfield

4

Committee Date: 22 December 2022

Officer dealing : Mr Connor Harrison

Target Date : 4 November 2022

Extension of time:

22/02052/OUT

Application for outline planning permission with some matters reserved (considering access, layout and scale) for construction of 3no. dwellings with associated garaging, access and parking.

At: Land Adjacent Ainderby Villa, Ainderby Quernhow

For: Mr NMF Jopling

The proposal is presented to planning committee as it has been called in for member consideration by a member of the council

1.0 Site, context and proposal

- 1.1 The site is located adjacent to a defined settlement (Ainderby Quernhow). Ainderby Quernhow is defined as a Small Village within the Local Plan.
- 1.2 The proposed location of the development is within land on the southern perimeter of Ainderby Quernhow. The site consists of agricultural land between Ainderby Villa and The Joiners Cottage. The site is located on the southern side of the B6267 and is opposite the junction between this road and Sinderby Lane and contains a Public Right of Way (PROW) which runs out of the site and into the open countryside found to the south. The site is within 60m of two Grade II Listed buildings: The Old Hall and Ainderby Villa.
- 1.3 This application is seeking outline planning permission for three dwellings, with matters of access, layout and scale to be considered.
- 1.4 The proposed dwellings would consist of one four-bedroom property (approximately 142m² in size - not including attached 22.4m² garage) and two three-bedroom properties (approximately 119m² in size). The proposal does not include any provision for affordable housing or contributions due to the total number of dwellings being below the threshold set out in the NPPF and Local Plan (5 dwellings).

2.0 Relevant planning and enforcement history

- 2.1 01/50000/O - Outline application for residential development – refused.
- 2.2 01/00581/OUT - Outline application for residential development – refused.
- 2.3 16/00373/FUL – [not the same site but within village] Demolition of farm buildings and construction of 4 new dwellings, associated parking and formation of new access as amended by plans received by Hambleton District Council on 12 September 2016. –permitted.
- 2.4 22/02051/OUT - Application for Outline Planning Permission with some matters reserved (considering Access, Layout and Scale) for construction of 2no. Dwellings with associated garaging, access and parking. – pending consideration.

3.0 Relevant planning policies

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

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

Policy S1 - Sustainable Development Principles
Policy S2 – Strategic Priorities and Requirements
Policy S3 – Spatial Distribution
Policy S5 – Development in the Countryside
Policy S7 – The Historic Environment
Policy HG2 – Delivering the Right Type of Homes
Policy HG4 – Housing Exceptions
Policy HG5 – Windfall Housing Development
Policy E1 – Design
Policy E2 – Amenity
Policy E4 – Green Infrastructure
Policy E5 – Development Affecting Heritage Assets
Policy E7 – Hambleton’s Landscapes
Policy IC2 – Transport and Accessibility
Policy RM3 – Surface Water and Drainage Management

4.0 Consultations

- 4.1 Ainderby Quernhow Parish Council – No response.
- 4.2 Neighbours and Site Notice – No response.
- 4.3 NYCC Highways Authority - Questions regarding visibility splays as these have not been shown by the applicant. There are signs belong to Highways and relating to the highway with the vicinity of the proposed access and the applicant will need to confirm the access will not affect the signs and that visibility will not be obstructed.
- 4.4 Environmental Health – Advised that an approval should contain a noise condition and following comments given: “The proposed development is in close proximity to a busy local and national road network and as such future residents may be exposed to high levels of road traffic noise. Therefore, it is advised that an appropriate noise impact assessment (NIA), which should identify potential noise sources and be undertaken by a competent person, would need to be submitted in writing to the local planning authority. The NIA should detail the typical existing noise environment at the proposed site and determine what noise mitigation measures, if any, should be considered.”
- 4.5 Contaminated Land – No response.
- 4.6 Yorkshire Water – No objection. Conditions provided.

- 4.7 NYCC Public Rights of Way – “From the drawings submitted, the public footpath appears to be within the curtilage of House 3. Prior to considering the detailed design, more information will need to be provided to North Yorkshire County Council’s Countryside Access Service showing how the public footpath will be accommodated within the development to ensure a minimum available width of 2 metres for the footpath.”
- 4.8 The Ramblers Association – No response.
- 4.9 RAF Linton on Ouse – No response.
- 4.10 Yorkshire Wildlife Trust – No response.
- 4.11 Waste and Streetscene – No response.

5.0 Analysis

- 5.1 The main issues for consideration are i) principle of the proposed development; ii) growth of the village; iii) Housing mix; iv) Design and landscape impact; v) Amenity; vi) Highways and PROW; vii) Drainage; viii) Heritage; ix) Biodiversity.

Principle of the proposed development

- 5.2 Ainderby Quernhow is classed as a “Small Village” within Policy S3 of the Local Plan. This definition identifies the limited services available to the settlement in terms of community facilities, areas of employment and public transport links. There are no local services and limited employment opportunities within the village itself, with industry restricted to the agricultural businesses in the eastern part of the settlement.
- 5.3 The agent has identified that Pickhill, a village approximately 3km to the north, contains a number of community services which could be used by any potential inhabitants of the scheme. However, given the distance between the two settlements it is considered that the facilities in Pickhill could not reasonably be regarded as being within the immediate area of Ainderby Quernhow and are separate from the settlement.
- 5.4 The nearest employers would be AQ Logistics, 1.4km to the south-west, and HECK Food and Alfred Hymas, both located approximately 2km to the west. There is no clear link between these businesses and the proposed site in terms of their fulfilment of an existing employment need and in physical terms there exists a reasonable disconnect, with each business separate from Ainderby Quernhow and only practically reachable through vehicular means.
- 5.5 The ongoing expansion of Leeming Bar’s (13.6km distant) economic facilities and the associated need for homes for employees has been highlighted as a material consideration weighing in favour of the proposal by the agent, however it is the officer’s opinion that this does not form a material consideration which may be given significant weight. In addition to the distance between the site and Leeming Bar, the inclusion of two allocated sites at Leeming Bar (LEB1 and LEB2) contributing approx. 165 homes means that this development is not considered to be necessary

to support the economic development of that site. Using a similar distance to that argued by the applicant would see the employment sites near Ainderby Quernhow supported by allocations at Burneston (BUR1 – 25 dwellings) as well as by sites within Harrogate Borough Council's remit, including 115 dwellings at Dishforth and 62 at Sharow, Ripon. It is therefore unclear as to how valuable a contribution this site would be to those employment sites.

- 5.6 Whilst Policy S3(d) allows for limited development within small villages, this is dependent in part on the development demonstrating that it can “support social and economic sustainability”. This is not considered to be the case in this instance, with reasonable distances between the site and both social and economic facilities. Additionally, the connection between the proposed dwellings and an expressed and quantifiable economic need has not been demonstrated, particularly when it appears that that need may be satisfied by nearby allocations both within and without Hambleton.
- 5.7 The site is also considered to fall outside of the built form of Ainderby Quernhow by virtue of the definition offered by Policy S5(c) as it is deemed that the character of the site relates more readily to that of the surrounding countryside than to the settlement itself. Whilst there is a relatively close relationship between the Old Hall and the development in terms of proximity, the presence of well-established boundary treatments ensures that there is a clear delineation between the two sites. This, coupled with the field running beyond the boundaries of the dwelling, in addition to the unbroken view from the field to the countryside to the north ensures that the visual relationship of the site to relates more to the wider countryside. The field is within the countryside and only next to the dwelling.
- 5.8 This means that the proposal is required to be assessed using HG5(a) and so evidence of a sequential approach to site selection should be provided. There has been no submitted evidence of a sequential approach to justify the siting of the development beyond the concept of it acting as “infill” between the eastern and western sections of the settlement.
- 5.9 The submission considers that the site is “previously developed land” by virtue of being a former quarry, however the land is currently not in use and does not meet the definition of the term set out in the NPPF. Outside of the definition of the term, there is no record of a quarry or any other development within the site on maps dating from 1856, 1908 or the mid-20th century and it is not considered that this site represents brownfield land.
- 5.10 With the above in mind, it is therefore considered that, despite its inclusion in the settlement hierarchy, the capacity of Ainderby Quernhow to support additional housing and social sustainability is hampered by a lack of local facilities and by poor links to those areas where these facilities are found. Further, it has not been adequately demonstrated that the provision of three dwellings will meaningfully contribute to the sustainability of any local enterprise or social facility and so fails to meet the policy.

Growth of the village

- 5.11 HG5(c) asks that proposals individually or cumulatively “represent incremental growth of the village that is commensurate to its size, scale, role and function”. Ainderby Quernhow currently comprises 28 dwellings, and so an increase of three dwellings would represent a 10.7% increase in the scale of the settlement which, given its status as a Small Village, is not considered to be commensurate with its size, scale, role and function (as a settlement without local enterprise or social facility).
- 5.12 If read within the context of the further 2 dwellings currently being applied for to the north, this would be a combined 17.8% increase. If read within a wider context dating from the planning permission granted by ref. no.: 16/00373/FUL then the village would have increased in size by 34.8% within the last 6 years, a number which rises to 43.5% if the site to the north comes forward. This level of growth is considered to be unsustainable and contrary to HG5(c) in that it does not represent incremental growth.

Housing mix

- 5.13 Policy S3(d) provides an element of support for development in rural locations, where limited development will be supported to help address affordable housing requirements. It is not considered that the proposal meets any of the exceptions set out in Policy HG4.
- 5.14 The type of dwelling required from potential housing stock is identified within the Housing SPD and differs depending on whether the proposal includes affordable or market housing. It is acknowledged that there is some demand for larger houses and that a number of factors can come into play when determining the acceptability of a mix (e.g. the current housing market conditions, etc.). Despite this, however, there still remains within the document an approach which emphasises the need for smaller, more modest dwellings. This need is explained within Policy S2’s discussion as being based on a lack of affordable housing for under-35s and a reduction in the size of the average household within the district.
- 5.15 Policy HG2(f) asks that, within a development, a range of house types be provided that reflect and respond to the existing and future needs of the district. These needs are outlined within Table 3.1 of the Housing SPD, which indicates that in market housing the target mix is largely composed of 2- and 3-bedroom dwellings, whereas in affordable housing there is a preference for 1- and 2-bedroom dwellings.
- 5.16 The site is not required to provide affordable housing owing to it consisting of fewer than 5 dwellings. However, as the site is considered to fall outside of the built form of Ainderby Quernhow by virtue of the definition offered by Policy S5(c) then there is a requirement under both HG2(f) and HG5(b) to provide a housing mix which accords with the Housing SPD.
- 5.17 The proposed mix consists of two 3-bedroom units. 3-bedroom dwellings are identified as forming between 40-45% of the target mix and so would be acceptable in principle.

- 5.18 The proposed mix consists of two 3-bedroom units and a 4-bedroom unit. Whilst 3-bedroom dwellings are identified as forming between 40-45% of the target mix, 4-bedroom dwellings are only identified as forming 0-10%. The applicant has not submitted any detail as to the requirement for a four-bedroom property within Ainderby Quernhow and information collected by the Council's Housing team suggests that need within the Thirsk area is primarily centred around 1- and 2-bed houses. This being the case, it is considered that the inclusion of a 4-bedroom property within the scheme without justification conflicts with Paragraph 3.6 of the Housing SPD and so would fail to meet the requirements of HG5(b).
- 5.19 The range of dwellings provided are NDSS compliant, though run slightly large – that the units run between approximately 12.7-14.3% larger than NDSS is within tolerance, though this increase would increase the price of the properties, pushing them further from general affordability.
- 5.20 The mix does not then accord with the requirements of S3(d), HG2(f), HG5(b), the Housing SPD or the SHMA, all of which place emphasis on the provision of smaller (and therefore more affordable) homes where possible (particularly within Small Villages) and which require the provision of larger homes to be evidenced.

Design and landscape impact

- 5.21 The NPPF at Paragraph 130(c) asks that developments are sympathetic to local character, including the surrounding built environment and landscape setting. This is carried through into the Local Plan, with Policies E1 and E7 addressing the matter directly, with further requirements within Policies S3 and HG5 that a proposal must not harm the character and appearance of the settlement.
- 5.22 Policies E1(a) and E1(b) asks that developments respond positively to their context and draw inspiration from their surroundings and that they respect and contribute positively to local character, identity and distinctiveness. The character of Ainderby Quernhow is split between east and west; the east of the village hosting larger, detached properties and the west mainly consisting of smaller dwellings arranged in short terraces. The arrangement of the two properties adjacent to the road matches that western form identified above and, whilst slightly large, maintains the character of this part of the village.
- 5.23 However, the detached house to the south presents as an anomaly within the built form of the village, particularly at the western end. This is due to the departure from the loose-linear character of the settlement, where buildings that project into the countryside are either agricultural or ancillary to a large dwelling (historic mapping shows that Fletcher House was originally associated with The Old Hall and the cul-de-sac to the east is regarded as being outside of Ainderby Quernhow's established character in terms of form). It should be noted that the agricultural buildings to the east which are set away from the road follow the route of the old road and so still, to a degree, represent historical linear development.
- 5.24 The site is prominent within the village, sited as it is against the B6267 and immediately adjacent to the junction of that road and Sinderby Lane. The site has been identified as being of significance to the setting of this part of the village due to the intervisibility offered by the site, particularly when viewed from the north. This is regarded in the Hambleton Landscape Character Assessment and

Sensitivity Study as being a relatively rare type of view within the Leeming Corridor area and would be significantly affected by both the roadside development and the in-depth development.

- 5.25 The site measures between approx. 27.8m and 36m across and is currently wholly unimpeded by development and so the presence of the proposed dwellings, stretching across approx. 22.4m (62.2-80.5%) of the site, would severely impact the openness of the area. In addition, this restriction combined with the in-depth development would diminish the rural context in which the site and the village are found, contrary to Policy HG5(e) which attempts to prevent the “loss of countryside that makes a significant contribution to the character or setting of that part of the village”.
- 5.26 Policy E7 seeks to ensure that a development will “protect and enhance the distinctive character of a settlement...by ensuring that the development is appropriate to, and integrates with, the character and townscape of the surrounding area”. This is not deemed to be the case in this instance, and it is unlikely that a future landscaping scheme would be able to appropriate mitigate this as the current site is defined by its openness, with any planting aimed at softening the appearance of the scheme instead serving to reduce this specific part of its character.
- 5.27 It has already been considered above that there will be harm to the character of Ainderby Quernhow and that development of the site will lead to the loss of an area which provides a significant and locally distinctive view through the immediate area and into the adjacent countryside. The scale and massing of the proposed site would not lend itself well to the site location and would have a detrimental impact on the character and appearance of both the townscape and on the adjacent countryside.
- 5.28 The proposed development does not pay sufficient regard to the character and appearance of Ainderby Quernhow and is considered to be contrary to Policies S1, S5, HG5, E1 and E7.
- 5.29 The proposed development does not pay sufficient regard to the character and appearance of Ainderby Quernhow or the adjacent countryside and is considered to be contrary to Policies S1, S5, HG5, E1 and E7.

Amenity

- 5.30 The site is not within proximity of any building which is considered to be a potential source of noise, odour, light or pollution. Additionally, the proposed units are not considered to be so close to each other as to cause overbearance or issues of privacy and each unit has adequate private amenity space. The properties within the site are sufficiently distant from neighbouring properties as to not result in any neighbour amenity concerns.
- 5.31 The Council’s Environmental Health Team have expressed concern over the proximity of the development to the highway to the north and have requested a Noise Impact Assessment to be submitted as part of the application. It is therefore considered that without such an assessment there is the potential for harm to the residential amenity of the potential occupiers through road traffic noise. The

proposal is therefore not considered to accord with Policy E2 at present, though this could be remedied through an appropriately worded condition and is not considered to be a reason for refusal.

- 5.32 A Land Contamination Report will be required for the site. This could also be appropriately conditioned.

Highway safety and PROW

- 5.33 There is provision of parking on site. The number of parking spaces within the site is considered to be sufficient, with the inclusion of the garages.
- 5.34 NYCC Highways Authority have requested details regarding the visibility splays at the site and for information regarding the highways signs that could be impacted by the development. It is considered that these details could be obtained through the imposition of an appropriately worded condition.
- 5.35 NYCC Public Rights of Way have expressed concern as to the relationship between the public footpath and the development. The agent has supplied information to demonstrate that the public right of way would not be permanently affected by the proposal and that the existing route would be maintained.
- 5.36 It is considered that, with the imposition of appropriate conditions, the scheme could meet the policy requirements of Policy IC2.

Drainage

- 5.37 Yorkshire Water have indicated their support for the proposal and have included a number of conditions in their response. The site has a drainage ditch running along the western boundary and which drains northwards, leading to Ainderby Quernhow Beck, 440m to the north-east. Upon visiting the site, it was apparent that the north-west was damp underfoot and that the species of plants there appeared to be of a type which favoured wet conditions.
- 5.38 Given that the land levels within the site drop towards the west, the proximity to an existing land drain and the eventual movement of its surface water to a watercourse within both Flood Zones 2 and 3, a drainage scheme would be required to better understand the wider drainage implications of the site and its management.
- 5.39 If appropriately conditioned then it is considered that the scheme could achieve policy compliance with Policy RM3.

Heritage

- 5.40 Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that in exercising an Authority's planning function, special regard shall be paid to the desirability of preserving the setting and historic and architectural features of Listed Buildings. The NPPF requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

- 5.41 Despite being relatively close to the Grade II Listed The Old Hall and the Grade II Listed Ainderby Villa, there is a reasonable degree of visual distinction between the site and the heritage assets. This is aided by the presence of strong boundary treatments between the site and the assets. The proposal would not encroach on the principal setting of either asset and the historical relationship between the site and Ainderby Villa appears to be limited.
- 5.42 It is considered that the proposal would have no harm on the character and setting of the listed building and is compliant with Policies S7 and E5.

Biodiversity

- 5.43 The site is not within the Swale Green Corridor but is set 439m west of it. Given that this application does not consider landscaping or appearance, through which a large amount of the green infrastructure and biodiversity improvement would be secured, it is considered that this is not a matter that can be fully assessed at present, however it is noted that the site could have the ability to accommodate this.

Planning balance

- 5.44 Despite meeting a number of policies (S7, E5, RM3 and IC2) the proposal does not meet the requirements of Policies S1, S3, S5, HG2, HG4, HG5, E1 and E7. Given the potential for harm to the character and appearance of the village and the adjacent countryside from the development, particularly on the view of the site from the north, it has not been possible to overcome these policy conflicts.
- 5.45 Further conflicts with policy occur with regard to the principle of development and the overexpansion of the village within the past decade, where the village has grown in an unsustainable manner given the lack of local services or industry. It has not been demonstrated that there is a requirement for the larger house types within the development or for housing within the site generally.

Recommendation:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposal does not meet the requirements of Policies S1, S3, HG2(f), HG5(a), HG5(b), HG5(c) or the relevant sections of the NPPF in that it does not represent sustainable development, does not demonstrate the requirement for housing on the site or the proposed mix and does not represent an incremental growth of the village commensurate to its size, scale, role or function.
 2. The proposal does not meet the terms of Policy S3(d) in that it would not maintain or support social or economic sustainability within the settlement and the scheme does not provide for affordable housing requirements for supporting development within Small Villages.
 3. The proposal would result in the loss of a landscape of local significance, and which makes a significant contribution to the character and setting of that part of the village. This loss of visually important countryside conflicts with Policies S3, S5, HG5(e), E1(b) and E7.

4. The proposed form of the development would not accord with the established character of the site and wider area and would therefore be considered harmful to the character and setting of Ainderby Quernhow. It is considered that the proposal does not pay sufficient regard to the built form and character of the village contrary to Policies S3, S5, HG5(e), E1(a), E1(b) and E7.

Parish: Ainderby Quernhow
Ward: Tanfield

5

Committee Date: 22 December 2022
Officer dealing : Mr Connor Harrison
Target Date : 4 November 2022
Extension of time:

22/02051/OUT

Application for outline planning permission with some matters reserved (considering access, layout and scale) for construction of 2no. dwellings with associated garaging, access and parking.

At: Land To The West of the Old Hall, Ainderby Quernhow
For: Mr NMF Jopling

The proposal is presented to planning committee as it has been called in for member consideration by a member of the council

1.0 Site, context and proposal

- 1.1 The site is located adjacent to a defined settlement (Ainderby Quernhow). Ainderby Quernhow is defined as a Small Village within the Local Plan.
- 1.2 The proposed location of the development is within land on the northern perimeter of Ainderby Quernhow. The site consists of agricultural land between The Old Hall and the public highway which forms part of a larger agricultural field which wraps around the dwellings to the east. The site is located on the eastern side of the junction between the B6267 and Sinderby Lane and is within 26m of the Grade II Listed The Old Hall and 54m of the Grade II Listed Ainderby Villa.
- 1.3 The proposed dwellings would consist of 2 three-bedroom properties (one being approximately 106m² in size and the other 130.5m² in size). The proposal does not include any provision for affordable housing or contributions due to the total number of dwellings being below the threshold set out in the NPPF and Local Plan (5 dwellings).

2.0 Relevant planning and enforcement history

- 2.1 94/50004/P - Use of existing agricultural land for the formation of a driveway for domestic purposes – withdrawn.
- 2.2 16/00373/FUL – [not the same site but within the village] Demolition of farm buildings and construction of 4 new dwellings, associated parking and formation of new access as amended by plans received by Hambleton District Council on 12 September 2016. –permitted.
- 2.3 22/02051/OUT - Application for outline planning permission with some matters reserved (considering Access, Layout and Scale) for construction of 2no. Dwellings with associated garaging, access and parking. –pending consideration.

3.0 Relevant planning policies

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

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

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Policy S2 – Strategic Priorities and Requirements
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Policy E7 – Hambleton’s Landscapes
Policy IC2 – Transport and Accessibility
Policy RM3 – Surface Water and Drainage Management

4.0 Consultations

- 4.1 Ainderby Quernhow Parish Council - No objections.
- 4.2 Neighbours and Site Notice – No response.
- 4.3 NYCC Highways Authority - Questions regarding visibility splays as these have not been shown by the applicant. There are signs belonging to Highways and relating to the highway with the vicinity of the proposed access and the applicant will need to confirm the access will not affect the signs and that visibility will not be obstructed.
- 4.4 Environmental Health – No objections.
- 4.5 Contaminated Land - The applicant should provide either a Preliminary Assessment of Land Contamination (PALC) or Phase 1 risk Assessment (including desk study, walkover and conceptual site model).
- 4.6 Yorkshire Water - Have noted the presence of water/sewage infrastructure within the site and have provided relevant conditions.
- 4.7 Swale and Ure Internal Drainage Board - Consent would be required from the IDB in order for the site to drain into the watercourse.

5.0 Analysis

- 5.1 The main issues for consideration are i) the principle of the proposed development; ii) the growth of the village; iii) housing mix; iv) design and landscape impact; v) amenity; vi) highway safety; vii) drainage; viii) heritage and ix) biodiversity.

Principle of the proposed development

- 5.2 Ainderby Quernhow is classed as a “Small Village” within Policy S3 of the Local Plan. This definition identifies the limited services available to the settlement in terms of community facilities, areas of employment and public transport links. There are no local services and limited employment opportunities within the village itself, with industry restricted to the agricultural businesses in the eastern part of the settlement.
- 5.3 The agent has identified that Pickhill, a village approximately 3km to the north, contains a number of community services which could be used by any potential inhabitants of the scheme. However, given the distance between the two settlements it is considered that the facilities in Pickhill could not reasonably be regarded as being within the immediate area of Ainderby Quernhow and are separate from the settlement.
- 5.4 The nearest employers would be AQ Logistics, 1.4km to the south-west, and HECK Food and Alfred Hymas, both located approximately 2km to the west. There is no clear link between these businesses and the proposed site in terms of their fulfilment of an existing employment need and in physical terms there exists a reasonable disconnect, with each business separate from Ainderby Quernhow and only practically reachable through vehicular means.
- 5.5 The ongoing expansion of Leeming Bar’s (13.6km distant) economic facilities and the associated need for homes for employees has been highlighted as a material consideration weighing in favour of the proposal by the agent, however it is the officer’s opinion that this does not form a material consideration which may be given significant weight. In addition to the distance between the site and Leeming Bar, the inclusion of two allocated sites at Leeming Bar (LEB1 and LEB2) contributing approximately 165 homes means that this development is not considered to be necessary to support the economic development of that site. Using a similar distance to that set out by the applicant would see the employment sites near Ainderby Quernhow supported by allocations at Burneston (BUR1 – 25 dwellings) as well as by sites within Harrogate Borough Council’s remit, including 115 dwellings at Dishforth and 62 at Sharow, Ripon. It is therefore unclear as to how valuable a contribution this site would be to those employment sites.
- 5.6 Whilst Policy S3(d) allows for limited development within small villages, this is dependent in part on the development demonstrating that it can “support social and economic sustainability”. This is not considered to be the case in this instance, with reasonable distances between the site and both social and economic facilities. Additionally, the connection between the proposed dwellings and an expressed and quantifiable economic need has not been demonstrated, particularly when it appears that that need may be satisfied by nearby allocations both within and without Hambleton.

- 5.7 The site is also considered to fall outside of the built form of Ainderby Quernhow by virtue of the definition offered by Policy S5(c) as it is deemed that the character of the site relates more readily to that of the surrounding countryside than to the settlement itself. Whilst there is a relatively close relationship between the Old Hall and the development in terms of proximity, the presence of well-established boundary treatments ensures that there is a clear delineation between the two sites. This, coupled with the field running beyond the boundaries of the dwelling, in addition to the unbroken view from the field to the countryside to the north ensures that the visual relationship of the site to relates more to the wider countryside. The field is within the countryside and only next to the dwelling.
- 5.8 This means that the proposal is required to be assessed using HG5(a) and so evidence of a sequential approach to site selection should be provided. There has been no submitted evidence of a sequential approach to justify the siting of the development beyond the concept of it acting as “infill” between the eastern and western sections of the settlement.
- 5.9 With the above in mind, it is therefore considered that despite its inclusion in the settlement hierarchy - the capacity of Ainderby Quernhow to support additional housing and social sustainability is hampered by a lack of local facilities and by poor links to those areas where these facilities are found. Further, it has not been adequately demonstrated that the provision of two dwellings will meaningfully contribute to the sustainability of any local enterprise or social facility and so fails to meet the policy.

Growth of the village

- 5.10 HG5(c) asks that proposals individually or cumulatively “represent incremental growth of the village that is commensurate to its size, scale, role and function”. Ainderby Quernhow currently comprises 28 dwellings, and so an increase of 2 dwellings would represent a 7.1% increase in the scale of the settlement. Given its status as a Small Village, this would be a reasonable increase in other circumstances but is not considered to be commensurate with Ainderby Quernhow’s size, scale, role and function (as a settlement without local enterprise or social facility).
- 5.11 Further, if read within a wider context dating from the planning permission granted by ref. no.:16/00373/FUL then the village would have increased in size by 30.4% within the last 6 years, a number which rises to 43.5% if the site proposed to the north also comes forward. This level of growth is considered to be unsustainable and contrary to HG5(c) in that it does not represent incremental growth.

Housing mix

- 5.12 Policy S3(d) provides an element of support for development in rural locations, where limited development will be supported to help address affordable housing requirements. It is not considered that the proposal meets any of the exceptions set out in Policy HG4.

- 5.13 The type of dwelling required from potential housing stock is identified within the Housing SPD and differs depending on whether the proposal includes affordable or market housing. It is acknowledged that there is some demand for larger houses and that a number of factors can contribute when determining the acceptability of a mix (e.g. the current housing market conditions, etc.). Despite this, however, there still remains within the document an approach which emphasises the need for smaller, more modest dwellings. This need is explained within Policy S2's discussion as being based on a lack of affordable housing for under-35s and a reduction in the size of the average household within the district.
- 5.14 Policy HG2(f) asks that, within a development, a range of house types be provided that reflect and respond to the existing and future needs of the district. These needs are outlined within Table 3.1 of the *Housing SPD*, which indicates that in market housing the target mix is largely composed of 2- and 3-bedroom dwellings, whereas in affordable housing there is a preference for 1- and 2-bedroom dwellings.
- 5.15 The site is not required to provide affordable housing owing to it consisting of fewer than 5 dwellings. However, as the site is considered to fall outside of the built form of Ainderby Quernhow by virtue of the definition offered by Policy S5(c) then there is a requirement under both HG2(f) and HG5(b) to provide a housing mix which accords with the Housing SPD.
- 5.16 The proposed mix consists of two 3-bedroom units. 3-bedroom dwellings are identified as forming between 40-45% of the target mix and so would be acceptable in principle.
- 5.17 The range of dwellings provided are NDSS compliant in terms of overall floorspace, though Unit 2 is considered to be too large within the policy context of the site. It is approximately 43.5% larger than NDSS targets for a 5-person 3-bedroom house and this increase in size would invariably raise the price of the property, pushing it further from the affordability required by S3(d).
- 5.18 Whilst Unit 1 is of a reasonable scale at 106m² it does not meet NDSS standards when the bedrooms are measured. The double-bedroom measures at 10.19m² and the single bedroom at 6.67m² where the NDSS at paragraph 10(c) and (d) asks for at least 11.5m² and 7.5m², respectively. As such it cannot be considered that the scheme as supplied accords with Policy HG2(g).
- 5.19 The mix does not then accord with the requirements of S3(d), HG2(f), HG2(g), HG5(b), the Housing SPD or the SHMA, all of which place emphasis on the provision of smaller (and therefore more affordable) homes where possible (particularly within Small Villages) and which require the provision of larger homes to be evidenced.

Design and landscape impact

- 5.20 The NPPF at Paragraph 130(c) asks that developments are sympathetic to local character, including the surrounding built environment and landscape setting. This is carried through into the Local Plan, with Policies E1 and E7 addressing the matter directly, with further requirements within Policies S3 and HG5 that a proposal must not harm the character and appearance of the settlement.

- 5.21 Policies E1(a) and E1(b) asks that developments respond positively to their context and draw inspiration from their surroundings and that they respect and contribute positively to local character, identity and distinctiveness. The character of Ainderby Quernhow is split between east and west; the east of the village hosting larger, detached properties and the west mainly consisting of smaller dwellings arranged in short terraces. Whilst being set on the edge of the eastern section of the village, the arrangement of the properties as a short terrace is considered to be acceptable and allows for the two distinct ends of the village to blend in together.
- 5.22 However, the distance between the dwellings and the B6267 to the south presents as an anomaly within the built form of the village. This is due to the departure from the loose-linear character of the settlement which follows the main road, where buildings that project into the countryside are either agricultural or ancillary to a large dwelling (historic mapping shows that Fletcher House was originally associated with The Old Hall and the cul-de-sac to the east is regarded as being outside of Ainderby Quernhow's established character in terms of form). It should be noted that the agricultural buildings to the east which are set away from the road follow the route of the old road and so still, to a degree, represent historical linear development.
- 5.23 The lack of physical connection to the B-road would be completely alien to the settlement and whilst the distance between the highway and whilst the layout has been created ostensibly to preserve the building line set by the 20th century terraces to the west this is not apparent when viewing the site, which is visually removed from that terrace. Additionally, the relationship between those terraces and the B-road is far clearer than it would be within this development and so the terraces can be considered to maintain the historical character of the settlement in a manner that the proposal does not.
- 5.24 That the access to the houses is not direct from the B-road, in addition to their associated domestic structures (formal access with turning head, garages, gardens, fencing, etc.) being separate and visually distinct from the houses means that the development gives the impression of a further cul-de-sac arrangement within the settlement. This, in combination with the presence of another cul-de-sac within the village would shift the prevailing character from an almost wholly loose-linear one to one which includes in-depth development and so would change the overall character of the settlement, contrary to the requirements of S3 and HG5.
- 5.25 The site is reasonably prominent within the village but would be largely screened by hedging from the south. However, the removal of 19.7m of hedging to the western boundary would increase the visibility of the site when approaching south from Sinderby Lane and it is considered likely that the disconnect between the site and the wider village will be apparent through the presence of domestic elements that would be expected to be found to the principal elevation of a property (driveways, garages, accesses) at the rear.
- 5.26 It is considered that the current arrangement has been designed around the Yorkshire Water pipeline to the south of the site and that the layout represents an attempt at meeting the character of the settlement whilst avoiding that infrastructure. However, the in-depth development would be at odds with the rural context in which

the site and the village are found, contrary to Policy HG5(e) which asks that a development have no detrimental impact on the character and appearance of the village.

5.27 Policy E7 seeks to ensure that a development will “protect and enhance the distinctive character of a settlement...by ensuring that the development is appropriate to, and integrates with, the character and townscape of the surrounding area”. This is not deemed to be the case in this instance, with the proposal being at odds with that established character of the settlement and, in conjunction with the cul-de-sac approved in 2016, changing that character, with approximately 34.1% of the housing within the settlement subsequently being found within in-depth developments.

5.28 The proposed development does not pay sufficient regard to the character and context of Ainderby Quernhow and is considered to be contrary to Policies S1, S5, HG5, E1 and E7.

Amenity

5.29 The site is not within proximity of any building which is considered to be a potential source of light or pollution. Additionally, the proposed units would not overlook or overbear and each unit has adequate private amenity space. Yorkshire Water have indicated that the presence of the Pumping Station within 15m of Unit 2 may cause a detrimental impact on amenity due to odour, noise and flies. The pumping station has been in situ for at least the last 20 years, marking it as an older type of apparatus more given to these issues.

5.30 A Land Contamination Report would be required for the site. It is considered that there is a limited likelihood of there being a noise issue along the road that could not be mitigated through the incorporation of appropriate materials and design and so this could be made a pre-commencement condition or conditioned to be submitted prior to the submission of a reserved matters application.

5.31 As a result of the above concern regarding the pumping station it is considered that the proposal does not meet the requirements of Policy E2.

Highway safety

5.32 There is provision of parking on site. The number of parking spaces within the site is considered to be sufficient, with the inclusion of the garages.

5.33 NYCC Highways have requested details regarding the visibility splays at the site and for information regarding the highways signs that could be impacted by the development. It is considered that these details could be obtained through the imposition of appropriately worded planning conditions and thus the scheme could meet the policy requirements of Policy IC2.

Drainage

5.34 Yorkshire Water have indicated their support for the proposal and have included a number of conditions in their response. Given the site's proximity to an existing land

drain and the eventual movement of its surface water to a watercourse within both Flood Zones 2 and 3, a drainage scheme would be required to better understand the wider drainage implications of the site and its management.

- 5.35 Yorkshire Water have supplied required conditions and advice relating to the sewerage pipe and pumping station that are within the site.
- 5.36 If appropriately conditioned then it is considered that the scheme may potentially achieve policy compliance with Policy RM3.

Heritage

- 5.37 Section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that in exercising an Authority's planning function, special regard shall be paid to the desirability of preserving the setting and historic and architectural features of Listed Buildings. The NPPF requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.38 Despite the position of the proposal being directly adjacent to the Grade II Listed The Old Hall, there is a reasonable degree of visual distinction between the two sites. This is aided by the presence of strong boundary treatments between the site and the heritage asset and the use of an entrance separate from that used by The Old Hall. Further, the scale and layout of the proposed dwellings would not challenge the pre-eminence of the existing house within the immediate setting and would not encroach on the principal setting of the asset and would not reduce the historical relationship between The Old Hall and the wider countryside to a level which would be harmful.
- 5.39 It is considered that the proposal would result in no harm to the character and setting of the listed building and is compliant with Policies S7 and E5.

Biodiversity

- 5.40 The site is not within the Swale Green Corridor but is set approx. 470m to the west of it. Given that this application does not consider landscaping or appearance, through which a large amount of the green infrastructure and biodiversity improvement would be secured, it is considered that this is not a matter that can be fully assessed at present, however it is noted that the site could have the ability to accommodate this.

Planning balance

- 5.41 Despite meeting a number of policies (S7, E5, RM3 and IC2) the proposal does not meet the requirements of Policies S1, S3, S5, HG2, HG4, HG5, E1, E2 and E7. Given the potential for harm to the character and appearance of the village, particularly with regard to the scheme's departure from the established form of the village, it has not been possible to overcome these policy conflicts.
- 5.42 Further conflicts with policy occur regarding the principle of development and the overexpansion of the village within the past decade, where the village has grown in

an unsustainable manner given the lack of local services or industry. It has not been demonstrated that there is a requirement for the larger house types within the development or for housing within the site generally.

Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposal does not meet the requirements of Policies S1, S3, HG2(f), HG5(a), HG5(b), HG5(c) or the relevant sections of the NPPF in that it does not represent sustainable development, does not demonstrate the requirement for housing on the site or the proposed mix and does not represent an incremental growth of the village commensurate to its size, scale, role or function.
 2. The proposal does not meet the terms of Policy S3(d) in that it would not maintain or support social or economic sustainability within the settlement and the scheme does not provide for affordable housing requirements for supporting development within Small Villages.
 3. The presence of a pumping station present within close proximity of the site is likely to have a detrimental impact on the amenity of future inhabitants of the dwellings. As such the proposal is contrary to Policies E1(c), E2(c) and E2(d).
 4. The proposed form of the development would not accord with the established character of the village and would therefore be considered harmful to the character and setting of Ainderby Quernhow. It is considered that the proposal does not pay sufficient regard to the built form and character of the village contrary to Policies S3, S5, HG5(e), E1(a), E1(b) and E7.
 5. It is considered that Unit 1 does not conform to the minimum room sizes set out within the NDSS and so does not accord with Policy HG2(e).

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22/01486/OUT

Demolition of existing buildings and outline planning application for 4no dwellings (Use Class C3) with all matters reserved except access

At: Land To The South Of Beck Lane
For: Roberts/Christon

This application is referred to Planning Committee at the request of Councillor Andy Robinson because the issues raised by the development are of significant public interest.

1.0 Site, Context and Proposal

- 1.1 The application site is located to the south of the dwellings on Beck Lane, west of Stockton Road and east of Cod Beck. The site comprises 0.40ha and is currently in agricultural use. The site features two agricultural buildings. One is an old red brick agricultural building which has fallen into a state of disrepair with collapsed roof. Due to the age of the building and use of an engraved keystone (potentially pointing to chapel use) local residents sought advice from Historic England on the suitability of the building for statutory listing. Historic England found that the building was utilitarian in design and most likely built as a kennels or pigsty. Historic England found no special interest of national significance that would warrant statutory listing.
- 1.2 The site is located approximately 30m east of Cod Beck and approximately 20m from the edge of Flood Zone 2. During the life of the application the application site was reduced to exclude the Flood Zone. Local residents, however, contend that the experienced flood zone is larger than that recorded by the Environment Agency. The Flood Risk Assessment has therefore been amended to reflect a higher level. Local residents maintain that flood water reaches the area where the access road is proposed.
- 1.3 There is a distinct land level change at the western end of the site. The land level rises up from the river bank by 3m up to the main level of the site i.e. the river is 3m below the site with a bank leading up to the site. The area where the access road is proposed features this land level change so that it is likely that the access road will require engineering works to build up the ground and achieve the required levels.
- 1.4 The western edge of the site also features a mature Wellingtonia tree. A Tree Preservation Order, 22/00008/TPO2, was confirmed on this tree in July 2022.

- 1.5 The site is bordered to the north and east by residential development. To the south of the site the adjacent land has previously been used as a caravan site, however, the planning history indicates that part of the land has reverted to agricultural use and part has been approved as part of a holiday let. To the west of the site lies Cod Beck.
- 1.6 This is an outline application for the demolition of the buildings and construction of 4 dwellings with access only considered. The remaining matters of appearance, layout, scale and landscaping will be considered at a later stage should outline consent be granted. An indicative plan has been submitted to demonstrate how the site could be laid out.

2.0 Relevant Planning and Enforcement History

- 2.1 There is no relevant planning and enforcement history at this site.

3.0 Relevant Planning Policies

- 3.1 The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S3: Spatial Distribution
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 IC2: Transport and Accessibility
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Housing SPD
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – South Kilvington Parish Council returned a neutral response but raise the following points on behalf of local residents who are in objection:
- Serious thought must be given to the drainage scheme and any impact on the flood zone both locally and in the wider area.
 - Responsibility for long term maintenance of the drainage attenuation measures must be secured.
 - This application is for 4 dwellings and any further development beyond this should be refused.
 - Impact on privacy of properties on Beck Lane
 - Boundary treatments should be provided for clear delineation of plots and to avoid trespassing as a shortcut to the village
 - Construction management plan should be required if planning is granted
 - Access for bin collection. Collection point is a concern as unsightly and may attract vermin etc.
- The Parish Council also make the following comments:
- The proposal offers a good housing mix and property size is a welcome addition to the area
 - This is a low-density development in keeping with the area

- Attenuation pond would be welcome as a nature spot
 - Would the attenuation pond and nature area of the site be made available for the wider community and general public? If so, it would be welcomed.
- 4.2 Highway Authority – The applicant has indicated that a public road would be provided however it is not the policy of the Local Highway Authority to adopt a road serving a development of this scale. No objections were raised and conditions are recommended.
- 4.3 Environment Agency – Following a number of consultations the Environment Agency have concluded that the development is outside of the Flood Zone and recommends that the development be carried out in accordance with the Flood Risk Assessment. A condition is recommended that the access road be built in accordance with the drawing shown in the Flood Risk Assessment.
- 4.4 Internal Drainage Board – No objection
- 4.5 Yorkshire Water – no objection subject to conditions
- 4.6 MOD safeguarding – Awaiting final response
- 4.7 Public comments – 46 letters of objection were received from members of the public raising the following issues:
- Beck Lane not suitable for current traffic levels without this development
 - Existing foul sewerage at full capacity
 - This land floods when it rains and the development will cause this to run off into existing properties
 - The application contains inaccuracies including reference to 10 dwellings and incorrect postcode
 - Cod Beck floods annually and the access road will go through the flood zone
 - Land level changes for the access road will displace floodwater resulting in flooding downstream and on the A167
 - The land currently soaks up rainwater but non-porous surfacing will result in additional water flowing into Cod Beck
 - Climate change may mean the road may flood in future
 - Who will pay to maintain drainage systems, the road and flood damage
 - Access for emergency vehicles
 - Visibility at the junction with Beck Lane
 - Direct access from the A61 should be used
 - Refuse vehicles already reverse down Beck Lane and refuse to do so after snow
 - Bin collection point will be an eyesore
 - No footpath on southern side of Beck Lane and vehicles will be turning onto pedestrians and tourists using Swale Way.
 - Impact on views from Public Right Of Way
 - Impact on habitats adjacent to the river during construction
 - Access road cuts into neighbouring land and root protection area of protected tree
 - The land level at which the flood zone sits is very similar to the land level where the access road is located showing that it is within the flood zone
 - Impact on biodiversity

- Potential structural damage to neighbouring properties from proposed trees
- Increased flooding to properties in Thirsk
- Impact on privacy/overlooking of neighbouring dwellings and proposed screening will cause loss of light/overshadowing
- Noise and disturbance
- Loss of turning point which is used for parking by visitors/fishermen etc
- Potential for trespass to cut through private property to gain access to main road
- Lack of local infrastructure such as phone lines/internet
- Loss of outlook
- Impact on protected tree
- Flood water has come up to the boundary wall of Meadow View?
- What will happen to the land now excluded from the application site?
- Land levelling on the opposite side of the Beck has increased flooding on the east side.
- Impact of street lighting on existing properties
- Additional surveys for bats required
- Impact during construction
- Visibility at junction with main road
- Loss of agricultural land
- No archaeological survey
- Village becoming less attractive to tourists, less like a village
- Loss of safe play area for children
- Road bank encroaches on neighbouring property outside the red edge
- Impact of climate change
- Road will damage existing foundations

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Housing Mix
- Impact on the character of the area
- Amenity
- Drainage and Flood Risk
- Highways safety
- Biodiversity

Principle

- 5.2 The purpose of Local Plan S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development.
- 5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG5 : Windfall Housing Development.
- 5.4 Policy S3 sets out the settlement hierarchy. South Kilvington is a secondary village within the Thirsk sub area. Such villages are expected to see development. This is because they have been identified as having access to services and the settlement character would be able to accommodate new development. The position of a settlement within the hierarchy is based on the range and type of services and facilities available within the settlement or in its immediate vicinity and the availability of public transport services.
- 5.5 Policy S5 states that 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. Land outside of this built form is considered to be open countryside. The built form excludes gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement. In this case the site is not considered to be within the built form of the settlement. It can, however, be considered to be adjacent to it.
- 5.6 Policy HG5 states that adjacent to the built form of a defined village housing development will be supported where a number of criteria are met.
- 5.7 Criterion a. requires that a sequential approach to development be taken which prioritises previously developed land over undeveloped land. The applicant has submitted an assessment of the settlement and identified 3 previously developed sites that could be considered for redevelopment. Whilst there is some disagreement with some of the wording and parameters overall the assessment is suitable for the purpose submitted. The main point being that there is no suitable and viable previously developed land available within the built form of the village. Part a. is therefore satisfied.

Housing Mix

- 5.8 Criterion b. requires a housing mix in accordance with the Council's up to date evidence. The supporting statement indicates that all dwellings would be bungalows. The indicative mix is shown as 1 x 2 bed, 2 x 3 bed and 1 x 4 bed. As the number of units proposed is low the target mix calculates as follows:

| House size | Target | Equivalent number of units | Proposed |
|------------|--------|----------------------------|----------|
| 1Bed | 5-10% | 0.4 units | 0 |
| 2Bed | 40-45% | 1.8 units | 1 |

| | | | |
|------|--------|-----------|---|
| 3Bed | 40-45% | 1.8 units | 2 |
| 4Bed | 0-10% | 0.4 units | 1 |

5.9 As can be seen above the mix is one of the options that would fit into the SPD targets. It may be that an opposite mix may be more acceptable eg 1x1bed, 2x2bed and 1x3bed. The application, however, is in outline with access only considered. The scale and mix, therefore, are indicative only and will be considered at reserved matters stage.

Impact on the character of the area

- 5.10 Criterion c. requires that development, both individually and cumulatively, be commensurate with the size, scale, role and function of the settlement. South Kilvington is made up of approximately 114 dwellings. The application is for four dwellings which equates to approximately 3.5% increase.
- 5.11 Permission has been granted on land to the north of the Primary school for five detached dwellings. Permission has also been granted for two dwellings at Glebe Farm on the southern edge of the settlement. This brings the total since the introduction of the Interim Policy Guidance (now superseded by the Local Plan) to 11 with the proposed development included. This equates to a cumulative increase of 9.6 %. This is considered to be commensurate with scale, role and function of South Kilvington. Criterion c. is therefore satisfied.
- 5.12 Criteria d. and e. relate to layout, historic form and character of the settlement and surrounding countryside. Historic mapping shows that South Kilvington was predominantly linear on the western side of Stockton Road. To the rear of road fronting properties were long plots stretching down to Cod Beck. Beck Lane appears on both the 1850s and 1890s mapping presumably connecting the village to the public footpath along the beck.
- 5.13 The construction of dwellings at Church Farm and either side of Beck Lane has somewhat eroded the distinctive linear pattern in the immediate vicinity. It is considered, therefore, that the site does not constitute an open space that is important to the historic form and layout of the village. It is also considered that the development would not have a detrimental impact on the character or appearance of the settlement as a whole nor would it result in the loss of countryside that makes a significant contribution to the character or setting of this part of the village. Criteria d. and e. therefore are satisfied.

Amenity

- 5.14 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. Amongst other things listed in the policy a proposal will be required to ensure:
- adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
 - 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;
 - adequate and convenient provision is made for the storage and collection of waste and recycling;
 - that there would be adequate and convenient provision of private external amenity space.
- 5.15 The application is in outline with access only considered. An indicative site plan has been submitted showing how the site could be laid out. The layout shows that 4 dwellings could be sited in compliance with the above criteria set by Policy E2. Separation distances between the proposed units and the existing properties to the north are approximately 20.5-21.5m. Good size private amenity areas are shown for each proposed dwelling. Bin storage is shown to the front of each property.
- 5.16 It appears from the application that the developer intended for the road to be adopted, however, the Highways Officer has indicated a road serving only 4 dwellings would not be adopted by the highway authority. It is envisioned then that a bin collection point will need to be established as part of the layout details at reserved matters stage.
- 5.17 Local residents have raised concerns over the proximity of the development to existing properties to the north. It should be noted that the existing properties have relatively small amenity spaces to the southern side of the dwellings. It appears as though each dwelling also has some amenity space to the side or front of the host property. The result, however, is that the southern elevations are very close to the boundary, between 1.5 and 2.5m. Residents have indicated that the proximity of the access road and footpath to their gardens and rear windows will erode the level of privacy they currently enjoy. The introduction of planting to provide screening would, in the opinion of residents result in loss of light.
- 5.18 The access road is somewhat fixed, at least for the first section, due to drainage issues as will be assessed below. There may be alternative options for the layout of the internal road that would resolve the privacy issue. Layout, however, is a reserved matter and the position of the internal access road is not under consideration at this point and the issues of privacy and light cannot be finalised at the outline stage.

Drainage and flood risk

5.19 Policy RM3 states a proposal will only be supported where surface water and drainage have been addressed such that:

- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
- where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council's Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
- wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
- if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
- if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
- SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.

5.20 Paragraph 5.8.3 of the FRA indicates that the photographic evidence provided by residents has been used as the extent of the flooding. Local residents, however, point out that the photographs show receding water levels as they did not approach the floodwater at its full extent. The full extent is claimed to be following the 36m contour line as shown in Figure 1 below that passes through the centre of the site. The access road would be located in this area.

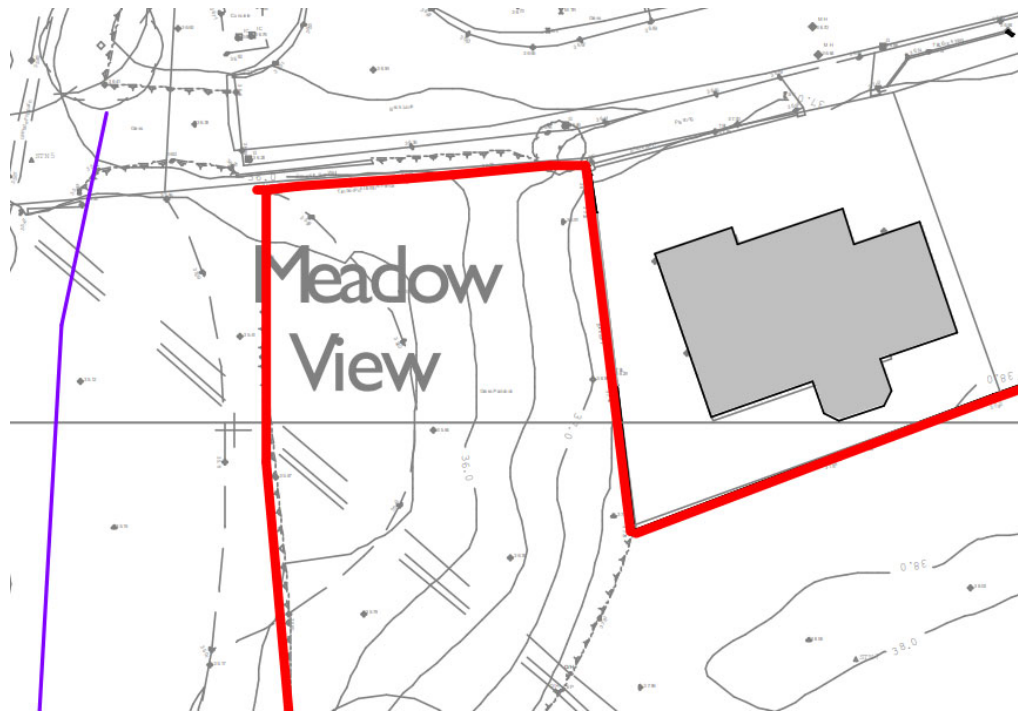


Figure 1

- 5.21 When submitted the application site included land within the areas defined by the Environment Agency as Flood Zones 2 and 3 (Flood Zone 2 shown as purple line in Figure 1 (running north south on the west side of the Figure 1 and beyond the site boundary)). Since then, the red edge has been reduced, moving further away from the beck, to exclude the Environment Agency flood zones. As such the site falls outside of the scope for sequential and exception testing. The Flood Risk Assessment submitted with the application applies the sequential and exception tests, however, as following the amendment to the application site the tests are not required and are not reviewed further in this report.
- 5.22 There appears to be no available planning guidance on the assessment of locally experienced flooding outside of the recorded flood zones. It is noted, however, that in Paragraph 162 of the National Planning Policy Framework it is stated that the sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
- 5.23 It is widely accepted and understood that climate change is likely to lead to increased risks of flooding in the future with risks increasing over time. Flood risk is not static; it cannot be described simply as a fixed water level that will occur if a river overtops its banks. It is therefore important to consider the continuum of risk carefully. Risk varies depending on the severity of the event, the source of the water, the pathways of flooding and the vulnerability of receptors. The Flood Zones also do not take account of climate change. In the absence of any published information on exactly how Flood Zone boundaries might change due to climate change, a workable assumption is that the current day Flood Zone 2 extent will be entirely taken up by Flood Zone 3 in the future.
- 5.24 Development on a greenfield site is required to manage the rates of discharge of surface water, these and other drainage matters can be appropriately controlled by conditions. As the Flood Risk Assessment has been amended to include

additional land as evidenced by local residents it is considered that drainage and flood risk have been adequately addressed in this case.

Highway safety

- 5.25 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities. Policy IC2 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.
- 5.26 Access is considered as part of this outline application. All other matters relating to internal parking etc would be considered at Reserved Matters stage. North Yorkshire County Council Highways Officers have been consulted and have raised no objection to the location of the access point. They have indicated, however, that the internal road is unlikely to be adopted due to the relatively small scale of the development it serves.

Biodiversity

- 5.27 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. Paragraph 6.46 of the supporting text states 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.
- 5.28 As the application is in outline form with only access considered, landscaping details will be considered at reserved matters stage. As indicative plans have been drawn up, however, the Biodiversity Net Gain report shows that the site could achieve a net gain of 49.85% for habitat units and 330.36% for hedgerow units. The requirements of Policy E3 can reasonably be expected to be met by the development.
- 5.29 A Preliminary Ecological Survey was submitted with the application. The survey indicates that overall the site is considered to be of low ecological value. The modern agricultural building located on the eastern half of the site was deemed to have moderate potential for bats.
- 5.30 A further scoping assessment was then carried out by a licenced Ecologist and the subsequent report submitted. No field sign evidence synonymous with use of the building either internally or externally by bats was recorded during the survey. Cracks and fissures were recorded on all buildings within the site, however, due to the size of the gaps, presence of cobwebbing, no suitable recess within the walls or roof features and construction of buildings, it was deemed that all features were classified as suboptimal and ecologically unfunctional. Furthermore, elevated predation risks via the presence of brown rat and levels of exposure are deemed a restrictive factor to bat use of the buildings. The report concludes that the buildings within the site were deemed to have a negligible roost suitability. No further surveys are required.

Conclusion

- 5.31 The site for housing development is identified as being adjoining the built up area of a settlement within the hierarchy of the Local Plan. Additional housing will provide economic and social benefits within the capacity of infrastructure without significant residual risks to highway safety, or harm to amenity of neighbours and the risks to the environment can be appropriately managed by planning conditions.

6.0 Recommendation

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

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

2. No development shall commence until details of all the 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 landscaping of the site; (c) the layout of the proposed building(s) and space(s) including parking and any external storage areas; and (d) the scale of buildings overall.

3. The permission hereby granted shall not be undertaken other than in complete accordance with the Location Plan 2131.001 Rev A received by the Local Planning Authority on 15th September 2022 and insofar as it relates to the point of access only Proposed Site Plan 2131.024 received by the Local Planning Authority on 15th September 2022.

4. 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 Standard Detail number E60 and the following requirements.

* Any gates or barriers must not be able to swing over the existing or proposed highway.

* 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 15.

* The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details

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

* vehicular and pedestrian accesses;

* vehicular parking;

* vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

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.

6. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

* wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

* the parking of contractors' site operatives and visitor's vehicles;

* areas for storage of plant and materials used in constructing the development clear of the highway;

* contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

7. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

8. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

9. 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.

10. 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.

11. 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 minimum 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.

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

13. 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 shall be carried out to the dwellings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

14. No soil, waste, plant or materials shall be placed on land within the control of the applicant that is within the land shown on Environment Agency mapping to be within Flood Zone 2 or 3 during the construction phase or subsequently.

The reasons for the above 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, prior to the commencement of development.

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 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.

5. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

6. In the interest of public safety and amenity.

7. In the interest of satisfactory and sustainable drainage.

8. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
9. 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.
10. To ensure that the development is appropriate in terms of townscape and landscape impact in accordance with policy E1, E2 and E7
11. 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.
12. 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 Local Plan Policy RM5.
13. To control the extension or alteration of the development in order to ensure that development does not result in an unacceptable impact on the adjacent flood zone in accordance with Local Plan Policies RM1 and RM2.
14. To control the development and guard against a loss of capacity to the flood zone or increase the likelihood of pollution that could have an unacceptable impact on the adjacent flood zone or water quality in accordance with Local Plan Policies RM1, RM2, and RM3.

Parish: Sowerby
Ward: Sowerby and Topcliffe

Committee Date: 22 December 2022
Officer dealing : Mr Connor Harrison
Target Date : 10 January 2023
Extension of time: -

7

22/02618/FUL

Change of use from hairdresser to beautician and hairdressers.

At: 1 Sowerby Road, Sowerby, Thirsk, YO7 1HR
For: Peter Bardon

This item is presented to the planning committee as the applicant is an elected Member

1.0 Site, context and proposal

- 1.1 The site is located within Thirsk's Conservation Area and the Thirsk and Sowerby Article 4 Area. It is also located within Thirsk's defined Town Centre.
- 1.2 The proposed location of the development is 1 Sowerby Road, located at the junction of the A61 and the B1448 where the parishes of Thirsk and Sowerby meet. The application site is an existing commercial building currently in use as a hairdressers.
- 1.3 This proposal seeks a change of use for the property, going from a hairdressers (Use Class E) to a hairdressers/beauticians (Sui Generis).

2.0 Relevant planning and enforcement history

- 2.1 03/00530/FUL - Alterations to existing shop to re-establish front door and window –permitted.

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.

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

Policy S1 - Sustainable Development Principles
Policy S3 – Spatial Distribution
Policy S7 – The Historic Environment
Policy EG3 – Town Centre Retail and Leisure Provision
Policy E2 – Amenity
Policy E5 – Development Affecting Heritage Assets
Policy IC2 – Transport and Accessibility

4.0 Consultations

- 4.1 Sowerby Parish Council - No objections.
- 4.2 Neighbours and Site Notice – No response.
- 4.3 Historic England – Refer to Conservation Officer’s recommendations.
- 4.4 Conservation Officer – No comments to make.
- 4.5 Ancient Monuments Society – No response.
- 4.6 Environmental Health – No response.
- 4.7 Ancient Monuments Society – No response.
- 4.8 Council for British Archaeology – No response.
- 4.9 NYCC Highways – No objections.
- 4.10 RAF Linton on Ouse – No objections.
- 4.11 Natural England – No response.
- 4.12 Yorkshire Wildlife Trust – No response.
- 4.13 Yorkshire Water – No response.

5.0 Analysis

- 5.1 The main issues for consideration are i) principle of the proposed use within the site and wider area; ii) impact upon the character and appearance of the locality; iii) impact upon the amenity of nearby residents; iv) provision of parking.

Principle of the proposed use within the site and wider area

- 5.2 The proposed use would not differ from the existing use to a degree which causes immediate concern. Within defined Town Centres there is support from Policy EG3 where there is a clear commercial aspect to the site and the use respects the centre’s character. This is considered to be the case within this application, where the proposed use is considered to be appropriate to the building and the area.

Impact upon the character and appearance of the locality

- 5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority’s planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The NPPF at Paras. 189, 190 and 192 requires an assessment of the potential harm a proposed

development would have upon the significance of a designated heritage asset.

- 5.4 There are no external alterations proposed as part of the scheme. As a result of the lack of external work and the suitability of the proposed use within the area it is considered that there will be no harm caused to the Conservation Area and that the application is in accordance with Policies S7 and E5.

Impact upon the amenity of nearby residents

- 5.5 The proposed hours of use are 08:00-19:00 Monday to Saturday which are considered to be consistent with the proposed business and with the town centre location. It is unlikely that the proposed use would generate an unacceptable level of noise and so, whilst there are residential units in close proximity to the site, it is considered that the proposed use would not have a detrimental impact on their inhabitants. The proposal is considered to be consistent with the requirements of Policies EG3 and E2.

Provision of parking

- 5.6 The amount of staff present on site will drop from 4 to 2, reducing pressure for parking. The site is within the town centre and so is able to benefit from the large amount of parking sites available in Thirsk, with a number of car parks (Marketplace, Nursery, Marage, etc.) within walking distance of the site. Further, NYCC Highways have not identified any issues and so it is considered that the proposal is compliant with Policy IC2.

Planning balance

- 5.7 The proposed use is considered to be appropriate to the town centre location of the site. Additionally, the proposal does not impact the external character of the site, does not increase the burden on the highways system and would not result in harm to the amenity of nearby residences. It is then considered that the scheme complies with Policies S7, EG3, E2, E5 and IC2 and that it would have a no harm to the character, appearance and setting of the Conservation Area.

Recommendation:

- 6.1 That subject to any outstanding consultations the application be **APPROVED** subject for the following conditions(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 details received by Hambleton District Council on the 15th of November 2022 unless otherwise approved in writing by the Local Planning Authority.
 3. The hours of operation for the approved use shall be within 08:00 and 19:00 Monday to Saturday only unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Hambleton Local Plan Policies S3 and EG3 and National Planning Policy Framework.
3. To ensure that the operation of the development is compatible with the immediate surroundings of the site and the area as a whole and will not harm residential amenity in accordance with Hambleton Development Plan Policies S1 and E2.

Parish: Thirsk
Ward: Thirsk
8

Committee date: 22 December 2022
Officer dealing: Mr A Cotton
Target date: 22 March 2022
Date of extension of time (if agreed):

22/00166/FUL

Demolition of existing structures and construction of 9no dwellings and associated parking and landscaping

At: Land to the South of Station Road, Thirsk, North Yorkshire, YO7 4LS
For: Frontline Estates Ltd

This application is referred to planning committee due to significant public interest

The application was previously considered by the planning committee in August 2022. It was considered that plots 8 & 9 should be amended to reduce potential amenity impacts upon neighbouring residential properties. The planning committee recommended that the applicant either remove plot 8 or reduce plots 8 & 9 to bungalow dwellings. Amended plans have been received since the application was presented to planning committee and consultations have been carried out.

The application was again considered by planning committee in November 2022. The application was deferred to allow consideration of the sun path analysis drawings submitted by the applicant's agent and photographs submitted by neighbouring residents. The officer report set out below has been updated accordingly to consider the proposed amended scheme.

1.0 Site, context and proposal

- 1.1 The application site comprises 0.36-hectare piece of land to the south of Station Road, Thirsk. The site lies just beyond the settlement limits of Thirsk. The site currently comprises 3no. shed (one being used for car repair and maintenance purposes and the other two being general storage), a shipping container and a caravan along with areas of hardstanding.
- 1.2 This application seeks full planning permission for demolition of existing structures and the construction of 9no. dwellings along with associated parking and landscaping.
- 1.3 The layout of the proposed development has been amended during the lifetime of this application. Officers initially raised concerns regarding the layout and the interface distances which would result. The applicant has worked with officers to address concerns and submitted an amended layout.
- 1.4 The site layout would facilitate access through the site from Station Road and provide a link to the boundary of the site to provide ease of access to the Public Right of Way which runs just to the rear of the site boundary.

2.0 Relevant planning and enforcement history

- 2.1 None relevant.

3.0 Relevant planning policies

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

S1 – Sustainable development principles
S2 – Strategic priorities and urban requirements
S3 – Spatial distribution
S5 – Development in the countryside
HG2 - Delivering the right type of homes
HG3 - Affordable housing requirement
HG5 – Windfall housing development
E1 - Design
E2 - Amenity
E3 - The natural environment
IC2 – Transport and accessibility
RM1 – Water quality, supply, and foul drainage
RM2 – Flood risk
RM3 – Surface water and drainage management
Supplementary Planning Document - Size, type and tenure of new homes – adopted September 2015
National Planning Policy Framework

4.0 Consultations

- 4.1 Sowerby Parish Council – Wish to see the application approved.
- 4.2 Thirsk Parish Council – No comments received.
- 4.3 Natural England – No comments to make.
- 4.4 Highways Authority -No objections subject to conditions.
- 4.5 Ministry of Defence – No safeguarding objection subject to condition that noise mitigation measures are adhered to and an informative is added.
- 4.6 Street Naming and Numbering – An application would be required.
- 4.7 Yorkshire Water – No objection subject to conditions.
- 4.8 Environmental Health (amenity) – A noise impact assessment should be carried out an submitted prior to determination and a condition should be included to secure a construction management plan. Reconsulted but no additional commented received.
- 4.9 Public Rights of Way – no objections subject to standard informative.
- 4.10 Environmental Health (contaminated land) – Phase 1 survey submitted and identifies various risks which will need further investigation. Conditions recommended.

4.11 Public comments – Initial round of consultation based on the originally submitted plans. 10 no. objections received raising the following points which are summarised below:

- Concern over interface distances proposed/loss of privacy;
- Loss of view;
- Loss of natural light/overshadowing;
- Drainage;
- Loss of privacy/overlooking;
- Noise and disturbance.

A second round of consultation was carried out on the amended layout and 2no. objections were received raising the following points which are summarised below:

- Loss of natural light/overshadowing;
- Loss of privacy/overlooking.

A third consultation was carried out on amended plans received following the planning committee's deferment. Two letters of objection were received which raise the following summarised points:

- Support statement refers to no.36 instead of no.45 Olivette Crescent;
- Happy with change to proposed dormer bungalows which is much more neighbourly and sensible;
- New plans do reduce the height but move properties closer to no.45 and 46 Olivette Crescent;
- No gain in sunlight on southerly aspect and due to proximity of westerly aspect overshadowing remains the same;
- Proximity issue could easily be addressed by removing pedestrian access and moving both plot 8 &9 to the west of the site;
- Proposed bungalows have a larger footprint than plots 8 & 9 previously proposed and as such are closer to no.45 Olivette Crescent;
- Object to planting of trees along boundary of existing gardens due to water loss and future overshadowing;
- Plans state ' subject to an accurate measured survey' which could mean bungalows are not where they are shown on the plans; and
- Committee meeting minutes are not accurate and omit the crucial points raised – remove plot 8 altogether or remove plot 8 & 9 and replace with smaller semi-detached bungalows.

5.0 Analysis

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

Principle of development

5.2 The application site lies outside of the Development Limit boundary of Thirsk which is identified as a Market Town under policy S3. As Thirsk is defined as a Market Town this means it is a sustainable place for new development. The settlement is immediately adjacent to the site with the site being in very close proximity to Thirsk

Station. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria a-e are met. Criteria a-e are set out below:

- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
- b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

- c. represent incremental growth of the village that is commensurate to its size, scale, role and function;
- d. not result in the loss of open space that is important to the historic form and layout of the village; and
- e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

5.3 The applicant has carried out a site search considering previously developed land which is commensurate with the size of the development within the settlement boundary of Thirsk. No suitable or visible sites were able to be identified. The applicant has satisfied criteria a.

5.4 With regard to criteria b the applicant proposes a mix of dwellings predominantly comprising 2 and 3 bed units (77.8%) which is in accordance with both the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA). All dwellings have been designed to meet Nationally Described Space Standards (NDSS). The table below sets out the mix of housing provided.

| House Type | No. of Beds | No. of units | Percentage |
|---------------|-------------|--------------|------------|
| Semi-detached | 2 | 2 | 22.2 |
| Semi-detached | 3 | 4 | 44.4 |
| Detached | 3 | 1 | 11.1 |
| Detached | 4 | 2 | 22.2 |

5.5 When considering the site both individually and cumulatively with surrounding planning permissions, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement which would not result in the loss of open space that is important to the historic form and layout of the town and is not considered to have a detrimental impact on the character and

appearance of the Town, surrounding area. As such the proposal is considered to accord with criteria c-e of Local Plan policy HG5, although it should be noted criterion e is discussed in more detail in the character, design and appearance section below.

- 5.6 It should also be noted that the site is already occupied by built form as set out in the site description section of this report and as such it is considered that the site currently in relates well in visual terms with the built form of the settlement rather than that of the countryside surrounding. The existing site is in a poor condition and does not visually enhance the appearance of the settlement or the wider landscape therefore the removal of the existing built form on the site and redevelopment for residential purposes would constitute an improvement.
- 5.7 Therefore it is considered that the principle of a new residential dwellings within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

Affordable housing

- 5.8 Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 9 or less units. The proposal is for 9 units and as such in itself does not trigger an affordable housing requirement. Policy HG3 does also allow the council to consider housing developments which form part of a wider development cumulatively. It has been considered as to whether this application should be assessed in combination with any other nearby developments. However, it is considered that there is no reasonable evidence to demonstrate that the site should not be considered cumulatively with any nearby sites when considering affordable housing requirements.

Character, appearance and design

- 5.9 Criterion e of Policy HG5 considers impact to the character and appearance of both built form of the settlement but also to the open countryside.
- 5.10 The development comprises the construction of 9 dwellings which would be considered relatively small in scale. The site is adjacent to the Development Limits of Thirsk with a residential housing estate to the immediate east (Olivette Crescent) and residential dwellings and a public house flanking the main road into Thirsk to the north west of the site. It would not therefore appear independent of the Town. It is considered that the proposal responds well to the form and character of the Town and would reflect the form and arrangement of the residential estate to the east (Olivette Crescent). As such the proposal would meet the requirements of criterion e of HG5 and would accord with the aims of sustainable development.
- 5.11 As mentioned in the principle section above the site is already occupied by built form as set out in the site description section of this report and as such it is considered that the site currently in relates well in visual terms with the built form of the settlement rather than that of the countryside surrounding. The existing site is in a poor condition and does not visually enhance the appearance of the settlement or the wider landscape. It is considered that the proposal would not be detrimental to the natural environment in this manner. The submitted plans demonstrate the site can accommodate 9no. dwellings with suitable amounts of private residential amenity space and parking sympathetic to the existing character of the settlement.

The submitted details shows the site is capable of accommodating dwellings which reflects the plot size to dwelling ratio found within the local settings including the nearby recent development of Olivette Crescent.

- 5.12 The proposal comprises 9no. dwellings which would all be two storey in height. The land to the east (Olivette Crescent) is at a higher level which is shown on the submitted site sections (drawing ref 3210-1-009 E) with the resultant overall ridge heights proposed comparable to the dwellings on Olivette Crescent as a result. The proposal includes a mix of property sizes which range from 2 to 4 bedrooms which have been designed to meet Nationally Described Space Standards. Overall, the scale of the dwellings proposed is considered acceptable and offers a range of dwelling sizes in line with policy HG2 and the size type and tenure SPD.
- 5.13 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of brick, render, tile and a mix of wooden and brick boundary enclosures. Considering the materials palette of the nearby built form and the location of the site the proposed materials palette is considered to be acceptable. The design of the properties is relatively traditional with lintel and brick coursing details, chimneys and a variation in style which will provide some visual interest. Overall the design of the properties is considered to be acceptable and will assimilate well with the character of the surrounding area.
- 5.14 Landscaping often helps new dwellings integrate into their setting. Landscaping is shown to some degree on the proposed site layout, which in a broad sense is acceptable however lacking in more specific details (planting type, species, number etc). In this case this is considered acceptable subject to a condition to ensure a detailed landscaping scheme is submitted and implement prior to occupation of the first dwelling.
- 5.15 Given the above it is considered that this scheme is able to comply with policy E1 of the Hambleton Local Plan.

Residential amenity

- 5.16 The application is for residential development of 9no. dwellings. The proposed site plan shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties to the east. The interface distances between plots 1-7 and no.59 - no.50 Olivette Crescent would range from 20.3m to 20.4m between facing rear elevations.
- 5.17 Plots 8 and 9 would be sited at approximately 90 degrees to the properties no.46 - no.49 Olivette Crescent. The footprint of the proposed properties is in the form of an 'L' shape. The side elevation of plot 8 would be 15.2m at its closest point to the property at no.46 Olivette Crescent although at this point it is not directly in line with it (previously the distance was 15.5m to the formerly proposed two storey detached property). At its furthest projection the side elevation of plot 8 would be 18m from the rear elevation of no.46 Olivette Crescent.
- 5.18 Plot 9 would be 24.5m (previously 24.6m to the formerly proposed two storey detached property) from the rear elevation of these properties on Olivette Crescent at its closest point and at its furthest projection the side elevation of plot 9 would be 27.6m from the rear elevation of no.46 Olivette Crescent.

- 5.19 Plot 8 would sit adjacent, albeit at a slight angle away from, the boundary of No.45 Olivette Crescent which is a bungalow property. Plot 8 would introduce an interface distance between the side elevation of no.45 Olivette Crescent and itself of between 8.2m (previously 8.4m to the formerly proposed two storey detached property) and 5.6m (previously 5.4m to the formerly proposed two storey detached property) due to the angled nature of its siting. This side elevation of no.45 contains one window serving a bathroom and the occupier has utilised a side area of amenity space for a patio. The proposed side elevation of plot 8 would contain no windows or doors.
- 5.20 The site sections provided (ref 3210-1-009 G) show that due to the land level changes between the application site and the properties on Olivette Crescent, the proposed reduced height properties at Plots 8 & 9 would be comparable in height to the bungalows on Olivette Crescent and significantly lower than the two storey properties on Olivette Crescent.
- 5.21 Whilst it is acknowledged that the introduction of the reduced height semi-detached property proposed at plot 8 would alter the neighbouring residents view, and result in some shadowing in the late afternoon and evening of the side area of no.45, it would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the properties main rear amenity space due to its siting, orientation and separation distance. Additionally, it is noted that both plot 8 and no.45 Olivette Crescent would sit adjacent to each other and their rear amenity spaces would face south, allowing them both adequate access to natural light and outlook.
- 5.22 In terms of height the bungalow property at no.45 Olivette Crescent is approximately 4.6m to the ridge, the proposed properties at plot 8 & 9 would measure approximately 5.8m to the ridge however as stated above due to the difference in land levels between the properties on Olivette Crescent and the application site the ridge height of plots 8 & 9 would be approximately the same. A condition has been imposed, should planning permission be granted, to secure the provision of detailed site land levels and cross sections on site to ensure that the comparable ridge heights are secured, implemented and enforceable.
- 5.23 Concern has been expressed about potential overshadowing caused by the proposed properties. The submitted sun path analysis drawings demonstrate that while some overshadowing of neighbouring properties would occur in the later part of the day during the winter months this would not be significant and as such is not considered to have a significantly detrimental impact upon the amenity of neighbouring residents. It is considered that the minimal impacts resulting from overshadowing, as demonstrated in the sun path analysis drawings would not be so significant as to warrant refusal of the application.
- 5.24 Adequate provision of private amenity space and bin storage is set out for each dwelling. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.25 The existing site access would be improved to facilitate the development with visibility splays provided which would accord with the Manual for Streets standards. A number of conditions are recommended to be imposed in relation to details of measures to mitigate surface water run off onto the highway, construction of the site

access, provision of visibility splays, provision of access, turning and parking areas, and construction management plan details.

- 5.26 It is not considered that the vehicle trips generated from a development of 9 units would represent an increase be so significant over and above the current trips resulting from the sites current use that it would result in any highway safety or operation concerns. With regard to parking each plot would be provided with 2 in curtilage parking spaces as such it is considered that adequate provision is made for the parking of cars within the site. North Yorkshire County Council have reviewed the proposal and raised no objection subject to the imposition of conditions.
- 5.27 There is a Public Right of Way (PROW) which runs to the west and south of the site. The POW is not affected by the proposed development. The councils PROW team have commented on the application raising no objections subject to an informative. The PROW consists of a worn dirt path through the grass fields. The applicant has provided an access through the site up to the rear site boundary to facilitate a connection to the PROW through the site from Station Road. This would in practice mean that users would be able to utilise a made pathway up to the rear boundary of the site and then cross a small patch of grass on to the unmade dirt path of the existing PROW. It is considered that this is both appropriate and reasonable in this instance.

Flood risk and drainage

- 5.28 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.
- 5.29 A drainage feasibility report was submitted with the application which sets out a strategy for dealing with foul and surface water for the development. Foul water/sewage will be discharged into the public sewer. Policy RM1 states proposal will only be permitted where (b) there is or will be adequate water supply and treatment capacity in place to serve the development. The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition.
- 5.30 Concerns have been raised also with regard to surface water. The drainage feasibility report submitted sets out that surface water drainage via soakaways is viable on this site and the proposals will not increase the risk of flooding either on or off site subject to the implementation of the drainage scheme based on the recommendations and design principles set out in the submitted Drainage Strategy.
- 5.31 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Ecology

- 5.32 A preliminary Ecological Appraisal (PEA), Biodiversity Net Gain (BNG) assessment and Biodiversity Enhancement Plan have been submitted in support of the proposal. The PEA considers the site is of low ecological value as such the development of the site is not considered to have a detrimental impact upon local

flora and fauna. The PEA concludes that there will not be a significant impact to protected species or habitats as a result of the proposed works. A number of mitigation and enhancement measures are recommended. The BNG assessment demonstrates that subject to the implementation of measures as set out in the Biodiversity Management Plan the site would achieve biodiversity net gain in line with Local Plan Policy E3. Appropriate conditions will secure these enhancements.

Noise

- 5.33 A Noise Impact Assessment (NIA) has been submitted to consider noise impacts upon future occupiers given then sites proximity to a military airbase. The Nia demonstrates that suitable internal noise levels will be achieved post development subject to implementation of recommendations. The Ministry of Defence has revied the submitted NIA and concurs with its findings and concludes that subject to the implementation of recommendations made the proposed dwellings would not be negatively impacted by noise.

Other Matters

- 5.34 Concern has been raised by residents of Olivette Crescent with the presence of indicative tree planting on the site boundary (within plot 8) and future maintenance of these trees. Residents are concerned the trees would not be maintained and would cause overshadowing of their rear amenity spaces as well as depleting ground water in rear gardens.
- 5.35 The landscaping proposed on the plans at this stage is indicative and a condition requiring a detailed landscaping scheme to be submitted and approved is recommended. The indicative trees are within the curtilage of plot 8 and so their future maintenance would likely be the responsibility of the future occupier of plot 8.

Conclusion

- 5.36 Due to its size and location the site is capable of accommodating the proposed dwellings without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the relevant policies of the Hambleton Local Plan.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan refs:

3210-1-004 A House Type A
3210-1-005 B House Type B
3210-1-006 C House Type C
3210-1-007 B House Type D
3210-1-008 B House Type D Variant
002A Site Access Arrangements

T001 Transport Statement
DR-C-0100 P1 Drainage Strategy
3210-1-002 A Demolition plan

as received by the Local Planning Authority on 25 January 2022 and plan refs:

3210-1-003-M Proposed Site Layout
3210-1-009-D Proposed Streetscene

as received by the Local Planning Authority on 24 June 2022 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to their first use on site details and samples of the materials to be used in the construction of the walls and roofs of the proposed dwellings shall be submitted to and approved in writing by the Local Plan Authority. The development shall be constructed using only the approved materials.
4. Prior to any above ground development, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43.00 metres measured along both channel lines of the major road from a point measured 2.40 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

8. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;
 5. Details for management of dust and demolition works;
 5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

- Provision of a footway on the site's frontage to link the development to the existing footway to the east of the site

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

12. Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs. The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.
13. The enhancement measures including construction, post construction and long terms set out in the biodiversity enhancement plan ref PC21063/BEP/1.1 shall be implemented in full and retained thereafter.
14. Foul and surface water drainage of the site shall be designed and implemented in accordance with the details contained within the drainage strategy prepared by Topping Engineers ref DR-C-0100 P1.
15. Foul and surface water shall be drained on separate systems.
16. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

17. Prior to development, where a requirement is identified, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
18. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
19. In the event that unexpected contamination is found at any time when carrying out any approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be

prepared, which is subject to the approval in writing of the Local Planning Authority.

20. Mitigations measures as set out in the Noise Impact Assessment shall be incorporated into the construction of the site/each plot as detailed within Dragonfly Consulting Noise Impact Assessment ref DC3858-R1v2.
21. 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 extensions shall be erected to the side or rear of the approved properties and no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
22. Prior to any above ground works detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reasons:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure the development is compatible with the immediate surroundings of the site and the area as a whole.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Policy E1 of the Local Plan.
4. In order to soften the visual appearance of the development and provide enhancement of the surrounding area and ensure the site achieves biodiversity net gain in accordance with policy E3 of the Local Plan.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity
10. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

11. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
12. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
13. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
14. To ensure adequate and suitable drainage of the site in accordance with Policy RM1 of the Hambleton Local Plan.
15. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
16. 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.
17. 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.
18. 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.
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.
20. In order to ensure a suitable level of amenity for future occupiers.
21. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme and ensure appropriate residential amenity is provide to existing and future occupiers in accordance with the Hambleton Local Plan.
22. To protect the amenity of the neighbouring residents and to ensure accordance with Policies E1 of the Hambleton Local Plan.

Parish: West Rounton
Ward: Appleton Wiske & Smeatons
9

Committee Date: 22 December 2022
Officer dealing: Mr Nathan Puckering
Target Date: 26 April 2022
Date of extension of time (if agreed): 23 December 2022

22/00287/FUL

Construction of a dwelling for accommodation of adult with disabilities and comprising additional accommodation for a carer when required.

At: Stamford Farm West Rounton Northallerton North Yorkshire
For: Mr & Mrs Gaudie.

This application is referred to Planning Committee as it is a departure from the adopted development plan.

1.0 Site, Context and Proposal

- 1.1 Stamford Farm is an agricultural unit located approximately 0.4km south east of the village of West Rounton. It is set back from the adjacent highway to the west by around 220m, accessed via a private track running perpendicular to the highway. The built unit itself is large, comprising a number of relatively typical agricultural buildings, along with two dwellings - the main farmhouse on the southern edge of the built complex and Stamford Granary 45m to the north west of this, both of which it is understood are under the ownership of the applicant. Both of these properties are understood to be occupied by other family members.
- 1.2 The surrounding land is generally comprised of agricultural land, used for both grazing and arable farming. The River Wiske, which is lined with intermittent trees and other landscaping, runs past the farm to the north. The topography of the surrounding area is fairly flat but due to the distance from the adjacent road and the tree belt which covers the majority of the western edge of Stamford Farm, any meaningful views of the buildings from nearby public vantage points are limited.
- 1.3 This application concerns a parcel of land around 25m to the south west of the main farmhouse. Permission is sought for the construction of a detached dwelling which is to provide separate independent living for the applicant's disabled son.
- 1.4 The proposed dwelling will have an asymmetric slate roof, with it being one and a half storey at the front and two storeys at the rear. A two-storey oak framed glazed gable will protrude from the front, maximising natural light reaching the inside of the dwelling. The rear elevation will also be heavily glazed, with four sets of sliding doors. A balcony will be situated on the first floor. Externally, it is to be clad with horizontal timber boarding. The dwelling itself will have an internal floor-space of 240sqm plus the balcony and has been designed to allow for ample space for a wheelchair to manoeuvre. It will have two bedrooms in order to provide accommodation for a carer as and when needed.
- 1.5 Initially, the application was for a separate open market dwelling. After discussions with Officer's it was agreed that the applicant would enter into a Unilateral Undertaking (UU) which prevents the proposed dwelling from being sold separately to the main farmhouse; effectively maintaining a single planning unit. A UU has

been reviewed by the Council's Legal Team and signed by the applicant ahead of the Committee meeting.

2.0 Relevant Planning & Enforcement History

- 2.1 92/0885/FUL - Alterations and extension to existing disused agricultural building to form a dwelling - Granted
- 2.2 06/00880/CLE - Application for a Certificate of Lawfulness for a change of use of a stable/store to a dwelling - Refused

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 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 - No comments received - expired 22.03.2022
- 4.2 NYCC Highways - In the absence of any speed data, the visibility to the at the existing access has been assessed as falling slightly below the standards set out in the Deign Manual for Roads and Bridges. This is due to the alignment of the C158 in this location. However, given the level of use associated with the existing access, a refusal on highways grounds would be difficult to sustain on this occasion. Subsequently, the Local Highways Authority offer no objections subject to standard conditions relating to parking for the new dwelling.
- 4.3 Environmental Health (Contaminated Land) - No objection subject to a condition requiring the applicant to halt works and make the Local Planning Authority aware should there be any unexpected contamination discovered during construction.
- 4.4 Natural England - No comments to make on this application.
- 4.5 SABIC - The planning application will not affect SABIC/INEOS high pressure ethylene pipeline apparatus.

- 4.6 Environmental Health, Yorkshire Wildlife Trust, Yorkshire Water and The Safety Regulation Group were all consulted but submitted no representations.
- 4.7 Site Notice & Neighbour Notification - 3 letters of support received stating that the application should be viewed in a positive light and benefits all parties involved.

5.0 Analysis

- 5.1 The main issues for consideration in this instance are i) the principle of a dwelling in this location, ii) design and landscape impact, iii) amenity, iv) biodiversity net gain and v) highway safety.

The Principle

- 5.2 Policy S1 of the Local Plan sets out the overarching sustainable development aims which development must strive to meet. These include things such as meeting development needs through sustainable development that supports existing communities, making effective and efficient use of land, supporting social cohesion and minimising the need to travel and promoting sustainable modes of travel.
- 5.3 The site in this instance is in a rural location that is approximately 0.5km south of the nearest settlement, West Rounton. It is therefore not a sustainable location for residential development, paying heed to the requirements of policy S1. Furthermore, it is not part of, nor adjacent to, the built form of a defined settlement and therefore does not meet the requirements of policy HG5 of the Local Plan that governs windfall housing development.
- 5.4 The Hambleton Local Plan in policy HG4 does offer support where rural housing development can be considered acceptable to meet identified housing need that may otherwise go unmet. It lists things such as homes for rural workers, replacement houses in the open countryside, development which would secure the optimum use of a heritage asset or a dwelling which was of exceptional design. The proposal in this case does not meet any of these exceptions and therefore cannot gain support from policy HG4.
- 5.5 The above assessment establishes that the Hambleton Local Plan does not support the construction of a dwelling on the site in this case.
- 5.6 Notwithstanding, S70(2) of the Town and Country Planning Act 1990 states that the Local Planning Authority when dealing with a planning application shall have regard to the provisions of the development plan, so far as material to the application, and any other material considerations. The applicant has provided several letters from medical professionals, alongside a statement from a QC, which outline the nature of the applicant's son's medical condition and the knock-on effect this has on day-to-day life. It has major implications in terms of movement, coordination and in turn can often cause mental stress.
- 5.7 Ordinarily, the personal circumstances of an applicant and their family cannot be considered a material consideration in the determination of a planning application. However, the Local Planning Authority under The Equality Act 2010 has a requirement to consider how their decisions effect people with protected characteristics. In this case, it reasonable to expect that the applicant's son would anticipate a degree of independence and like any adult would reasonably expect

this to include a home of their own. It is accepted that circumstances dictate that he requires to be close to his family and carers which could prevent this from happening. Whilst one could argue that it may be possible for the family to move to a location suitable for residential development in policy terms, the applicant and their family have owned and operated the farm in question since the 1960s and it would be unreasonable to expect them to vacate their successful and profitable operation, in order to provide suitable accommodation for their son.

- 5.8 The option of an annex which would be policy compliant has been explored but is not suitable due to the site constraints and a suitably sized building not being able to be accommodated within the site adjacent to the farmhouse. Indeed, one must also consider that an annex would probably not provide full independence that an adult should be able to expect.
- 5.9 It is therefore accepted that in this case the decision maker must give weight to the personal circumstances of the applicant and their family. Nevertheless, it is considered that this still would not in and of itself outweigh the harm caused by a new dwelling in an inherently unsustainable location and the subsequent conflict with both national and local planning policy. To try to address this shortcoming, through discussions with Officer's, it was suggested that the applicant would be willing to enter into a Unilateral Undertaking which would tie the new dwelling to Stamford Farm farmhouse and for all intents and purposes operate as an annex, albeit not in the traditional sense of the word insofar as scale, siting and design are concerned. The Local Planning Authority could then ensure a single planning unit would remain and control of the new dwelling becoming open market in the future would lie with the Council.
- 5.10 A Unilateral Undertaking which put this into place was subsequently prepared by the applicant and their solicitor and has since been accepted as fulfilling its intended purpose by the Council's Legal Team and signed by the applicant. The consequence being that on balance the principle of this proposed dwelling is now considered acceptable.

Design & Landscape Impact

- 5.11 Policy E1 of the Local Plan concerns design and states "All development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place." It then goes on to list a number of design principles that should be followed to meet this overarching aim. These include things such as responding positively to context and drawing inspiration from the key characteristics of the surroundings and; respecting and contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 5.12 Also relevant given the location of the site within the open countryside is policy S5 of the Local Plan. This states "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."

- 5.13 The overall design of the dwelling is considered to be acceptable. The use of timber cladding and an oak frame for the gable on the front will ensure it blends into the rural surroundings. Whilst the heavy use of glazing and the fact this may ordinarily increase the impact the wider development would have on the landscape is noted, due to the location of the site being away from any nearby public vantage point and the landscape screening from which it benefits, the overall landscape impact will be negligible and certainly not harmful.
- 5.14 On the whole, the proposal constitutes a development that is of a high quality design that will be compatible with its surroundings. As such, it complies with policies E1 and S5 and is acceptable on landscape impact and design grounds.

Amenity

- 5.15 Policy E2 of the Local Plan relates to amenity. It 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." It goes on to state that this relates to issues such as daylight provision, noise and disturbance, air pollution, odour and contamination.
- 5.16 In this instance, the dwelling that is proposed is going to be sited within the grounds of a large working farm. Clearly, this carries with it issues of noise and disturbance and odour and a dwelling in such circumstances would not ordinarily be seen as acceptable due to the subsequent issues with the impact on the living conditions of future residents. However, given in this case the new dwelling is to be linked to the farmhouse and cannot be occupied separately to the wider operation, it will only ever be occupied by someone who would otherwise reside on the farm in any event. Therefore, the issue of harm to amenity is overcome in the same way an agricultural workers dwelling would be seen as acceptable on these grounds. As a result, whilst ultimately the living conditions of the occupants of the dwelling may be lesser than one would normally accept, this is not a reason for refusal on this occasion.
- 5.17 There are no independent neighbouring dwellings that can be impacted by way of loss of privacy or overshadowing and therefore the second requirement of policy E2 is met.

Biodiversity Net Gain

- 5.18 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain in biodiversity. No Landscape Plan or information relating to BNG has been submitted as part of this application. Notwithstanding, the applicant owns a large amount of land that could be used to deliver BNG and as a result, Officers are content that this should be easily achievable. As such, it can be dealt with through a pre-commencement condition.

Highway Safety

- 5.19 Policy IC2 of the Local Plan aims to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.20 The development in this is to be served by an existing access which serves the wider farming operation and could routinely be used by large agricultural vehicles. The Local Highways Authority have assessed the access as falling below the required standards but due to the existing situation, the introduction of an additional

dwelling and the associated vehicular traffic will be somewhat inconsequential in terms of highway safety. On that basis no objection was offered. As such, the development is considered acceptable on highway safety grounds.

Planning Balance

- 5.21 It has been demonstrated that the Local Plan does not support the principle of a dwelling in this location due to unsustainable location. However, The Equality Act 2010 dictates that the Local Planning Authority must consider the impact of their decisions on people with protected characteristics. The applicant's son has a reasonable expectation to have a level of independence that any adult would need. The applicant's family have run a large, successful operation on this site for 60 years and therefore it is unreasonable to expect them to vacate that to provide suitable accommodation for their son's needs. The applicant has entered into a Unilateral Undertaking which, whilst appearing as a completely separate dwelling, dictates that the development will remain as a single planning unit alongside the farmhouse, effectively like an annex. These facts are considered to outweigh the conflict with policy in terms of the principle of the development and ensure the Local Planning Authority retain control over the future use of the unit.
- 5.22 The design and landscape impact of the development have been shown to meet the requirements of the relevant policy, as has the impact the development will have on highway safety. Whilst the issue of amenity given the location of the development within a working farm has been noted, it has been demonstrated this is not a reason for refusal when all facts are considered.
- 5.23 On the whole, it is recommended that this application be approved.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered G038-01-05 Revision A & 04 Revision C received by Hambleton District Council on 07.02.2022 unless otherwise approved in writing by the Local Planning Authority.
 3. 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.

4. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

The reasons 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 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.
4. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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Ward: Great Busby
Parish: Osmotherley & Swainby
10

Committee Date : 22 December 2022
Officer dealing : Aisling O'Driscoll
Target Date: 14 June 2021
Date of extension of time (if agreed):

21/01011/MRC

Variation of Conditions attached to Planning Appeal Application Reference Number: APP/G2713/W/20/3252056-Application for removal of Condition 1 relating to planning appeal APP/G2713/W/16/3164515 (Hambleton application 16/00262/FUL) - Retrospective application for the use of land as a private gypsy site for one family.

At: Rosies Ranch Busby Lane Great Busby North Yorkshire
For: Mr J Stephenson.

1.0 Site, Context and Proposal

- 1.1 The site is in a rural location lying close to the east end of the very small settlement of Great Busby, where there is a collection of buildings and two houses around Busby Grange Farm. The site is fenced from the neighbouring field of which it appears to have previously formed part. It is set back from the road and accessed by a 60metre track from a pre-existing access from Busby Lane.
- 1.2 The application is for the removal of condition 1 of the Inspectors decision which granted temporary use of the site as a private gypsy site for one family. The temporary permission expired in August 2019.
- 1.3 The matter has been considered twice at appeal and both times a temporary permission was granted owing to the personal circumstances of the applicant and family and the degree of harm caused to the character and appearance of the countryside.

2.0 Relevant Planning History

- 2.1 16/00262/FUL - Retrospective application for the use of land as a private gypsy site for one family – Refused and allowed at appeal for two years.
- 2.2 19/02559/MRC - Application for removal of Condition 1 relating to planning appeal APP/G2713/W/16/3164515 (Hambleton application 16/00262/FUL) - Retrospective application for the use of land as a private gypsy site for one family. Refused and allowed at appeal for 2 Years.

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S2: Strategic Priorities and Requirements
Local Plan Policy S5: Development in the Countryside

Local Plan Policy 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 HG4: Housing Exceptions
Local Plan Policy HG6: Gypsies and Travellers, and Travelling Showpeople
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy IC2: Transport and Accessibility
National Planning Policy Framework
Gypsy and Traveller Accommodation Assessment 2008
National Planning Policy Framework

4.0 Representations

4.1 Parish Council – Objects for the following reasons:

1. The cabin and its associated domestic paraphernalia are unsightly and inappropriate for the location in open countryside. The site is prominent on the approach to Great Busby and spoils the rural character of the village and surrounding countryside. Allowing the development to become permanent would be contrary to the Council's proposed new policy HG6 which requires gypsy sites outside settlements not to have a detrimental impact on the landscape character of the area.
2. The development is particularly inappropriate given its location so close to the boundary of the National Park. It harms the setting of the National Park for visitors and residents alike.
3. Statements in the application that the impact of retaining the development has been much moderated are simply not true. The bright external lighting is still there, still causing problems for traffic driving up to Busby at night, a stable block has been built without planning permission and an additional unauthorised caravan has been on site for a period. Vehicles, dog kennels and play equipment are spread across the site. Instead of moderating the impact of the development, all this domestic 'clutter' brings a suburban feel which is out of keeping in the middle of a farmed landscape.
4. Rosie's Ranch is close to large agricultural buildings and a fertiliser storage tank at Dromonby Bridge Farm. The sheds are used to house cattle and it is not appropriate for there to be a permanent residential home so close by. We understand that government guidance is that there should be at least 400 metres between a new dwelling and the closest agricultural livestock building but the cabin is much closer – less than 200 metres.
5. Rosie's Ranch is close to the derelict and dangerous old farm buildings at Busby Grange which contain asbestos - it is not a suitable location for a family with children.

6. There is a strong feeling among residents that it is not right that this family should have come onto the land without permission, carried out unauthorised works to set up home and taken advantage of the planning system to get temporary permission for residential use in an inappropriate location. The family have now had ample opportunity to find more suitable long-term accommodation. The fact that they have not done this despite many housing options being available in the Stokesley area should not be used as a reason for making a harmful development permanent. Granting Rosie's Ranch a permanent permission will encourage other families in the area to do the same.

7. There is also a wider concern that granting this permission would jeopardise the prospects for long term improvement of the area around Busby Grange which is now in a state of chronic dereliction. It is important to the village that there should not be piecemeal development which might prevent a proper restoration of the whole area. A number of derelict buildings are in urgent need of demolition and a suitable use will eventually have to be found for the whole area, a determination in which local people should have a primary say. A permanent gypsy site on the boundary may deter such development. Although the applicant's need for security and permanence for his family is recognised, the interests of the wider community must not be forgotten.

4.2 Representations:

– Four objections have been received on the following grounds:

- Not a suitable location.
- Spoils the character and appearance of the area and the setting of the National Park
- The harm still outweighs any support for the development.
- The circumstances of the site in terms of planning have not changed since the temporary grant of permission.
- The established additional need identified in the needs assessment should not justify this development in an inappropriate location and not otherwise supported by policy.
- If approved this would set precedent for further inappropriate development in the countryside.
- Harmful to tourism in the area.
- Bright lights are intrusive at night.
- Surely this is not a healthy environment in which to bring up children.
- Refusal would not result in the applicant moving onto the road as there are available sites at Seamer.

5.0 Analysis

5.1 The main issue to consider in this case is whether the condition is still relevant and necessary. The existing two year permission for the occupation of the site will expire on the 22 December 2022. The removal of the condition would result in a permanent permission for use of land as a private gypsy site for one family.

5.2 Application 16/00262/FUL (Retrospective application for the use of land as a private gypsy site for one family) was refused on 24.06.2016. An Appeal was made to the

Planning Inspectorate who granted a temporary permission by imposing conditions as follows:

“1) The use hereby permitted shall be for a limited period being the period of two (2) years from the date of this decision.”

And

“2) The occupation of the site hereby permitted shall be carried on only by Mr Jonathan Stephenson and his resident dependants only. When the land ceases to be occupied by Mr Jonathan Stephenson and his resident dependants, or at the end of 2 years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place, in accordance with a scheme and timetable of works that shall first have been submitted to and approved in writing by the local planning authority.”

- 5.2 In weighing up the planning balance the Inspector identified significant adverse visual harm to the character and appearance of the site and surrounding countryside which was afforded very substantial weight. Weight at varying levels was given to the contribution of the pitch to the Gypsy and Traveller Accommodation Assessment (GTAA), the personal circumstances of the applicant and his family, Public Sector Equality Duty and human rights considerations. The Inspector found that the adverse effects that arise from the development significantly and demonstrably outweigh any benefits arising for a settled base. The Inspector goes on to say: “therefore on this occasion, a permanent planning permission should not be granted for the development.”
- 5.3 It is clear from the inspectors report that it was considered that a permanent pitch at this site was unacceptable. In allowing a temporary permission the Inspector outlined that the harm could be mitigated by a conditional grant of planning permission because it would be limited in duration.
- 5.4 The Inspector noted that “the site’s residential use is visually intrusive because of its edge of settlement location”. The inspector goes on to state that “the caravans are perceived as alien features and a blot on the landscape. To some extent, existing and additional soft landscape could screen caravans in views of the site, but I consider that the development has an unacceptable urbanising effect”. As a result, the inspector did not therefore impose any landscaping conditions as soft landscaping could not overcome the unacceptable impact of the development in this location.
- 5.5 In the appeal following the appeal to remove the time limiting condition set in the aforementioned application the Inspector again allowed the development granting permission for a further two year period. The Inspector’s view in terms of the landscape impact of the development was largely in line with the previous Inspector and concluded that the proposals conflict with the landscape and natural environment requirements of policy within the Local Development Framework, which formed the Development Plan at the time.

- 5.6 The Inspector gave weight to the family circumstances of the applicant including proximity to suitable schooling. Weight was also given to the then emerging Local Plan process and an expectation that the adoption of the emerging Local Plan may enable a suitable site to be identified. On this basis the Inspector granted a further two year permission.
- 5.7 The applicant argues that “the site now pretty much entirely screened by tree and hedge planting on all sides” however during the site visit in winter months the site was highly visible from both Busby Lane and on the approach from the north. This was exacerbated by the construction on the site of pole mounted flood lighting which was visible in long distance views from the north and from Busby Lane. Historic photos on the file and from Google maps street view show the evolution of the site from rural open countryside to domestic. No improvement is identified between the 2016 photos and the site visit in 2020. On the contrary the site has become more developed with the introduction of stone walling the subject of a separate enforcement notice), formalised landscaped driveway, completed decking along with various residential paraphernalia such as a swing set and washing line.
- 5.8 The Inspector also discussed the potential pressure for additional ancillary facilities such as a day room which would further increase the impact on the landscape. It is clear, therefore, that the impact of the development could not be mitigated by the implementation of a landscaping scheme as the issue related more to the principle of new residential development in this countryside location.
- 5.9 Pertinent to this application are Policies HG6 Gypsies, Travellers and Travelling Showpeople and S3 Spatial Distribution.
- 5.10 Policy S3 states that Great Busby is considered a small village within this settlement hierarchy. Policy HG6 indicates that proposals for new sites for gypsies, travellers or travelling showpeople who meet the “Planning Policy for Traveller Sites’ Aug 2015) definition for a Traveller [...] will be supported where: [...] c. where the site is located outside the existing built form of a settlement identified in the settlement hierarchy, it has been demonstrated that the proposal: [...] iii. would not have a detrimental impact, individually or cumulatively with other existing and/ or permitted development, on the landscape character of the area. The proposal for a permanent site in this location would therefore be contrary to Policy HG6 of the Emerging Local Plan.
- 5.11 It is considered therefore that the removal of the condition would result a permanent development that would have a significant adverse impact on the character and appearance of the site and surrounding countryside.
- 5.12 Planning Practice Guidance indicates that “it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently”.
- 5.13 The anticipated change in planning circumstances has come about in the form of the Emerging Local Plan as discussed above, however, the proposal for a permanent site in this location is still considered to have significant adverse visual

harm to the character and appearance of the site and surrounding countryside. The Planning Inspector granted temporary permission indicating that “a short period of time will allow Mr Stephenson time to find affordable suitable alternative accommodation without causing considerable hardship”. No evidence has been submitted to show what measures the applicant has employed to find an alternative site. This site has been discounted from the Pitch Availability study owing to the identified harm to the character of the countryside.

- 5.14 Hambleton commissioned a new Gypsy and Travellers, and Travelling Showpeoples’ Accommodation Assessment (GTAA) in 2020. The study evidences the accommodation needs of Gypsies and Travellers in Hambleton from 2020-2035 broken down into sections of five years. This assessment indicated a need for 47 pitches in the first 5 years with a need of a further 18 units through to 2035.
- 5.15 To help Hambleton identify where these pitches might be provided a second study was commissioned; a Pitch Delivery Assessment. This document assessed all the existing sites in Hambleton to understand if they were suitable for modest expansion or intensification to meet the future needs of the families already living there, and whether the site owners were willing to do so. It concluded that Hambleton’s need for additional pitches could be met without the requirement for new sites. It was intended that further work on this would be carried out following adoption of the Local Plan. This work has been shelved owing to Local Government reorganisation and the development of Local Plan for North Yorkshire.
- 5.16 The identified need for sites is now considerably higher than that considered at the time of the last appeal associated with this site and this is considered material to the determination of this application.
- 5.17 However, this particular site was discounted from the site assessment in the absence of a permanent permission and the commentary in the Inspectors reports about the level of harm to the character of the surrounding countryside.
- 5.18 Whilst the allocation process has not been commenced the requirements of policy HG6 prevail. The difficulty that now transpires is that it is not clear how the identified housing requirements of the applicant would be catered for, given the identified need set out in the GTAA. The applicant’s housing needs, should be given significant weight in the decision making process.
- 5.19 At the time of the earlier appeals the needs of the applicant’s family in terms of local services and schools was given significant scrutiny. The applicant has been requested, through the course of this application to update this matter.
- 5.20 It is clear from correspondence that the applicant’s daughter’s condition has continued to decline over time and her needs have increased. It is understood that his daughter whilst having significant medical requirements is happy and settled in the current location. In a supporting statement from her Doctor, it is stated that his daughter is settled, she is developmentally progressing and thriving in this environment and that the change would be detrimental to her and extremely distressing.
- 5.21 It is considered that in this case the requirements of ‘the best interest of the child’ must be considered in the determination of the application. Article 3 of the UN

Convention on the Rights of the Child (UNCRC) states: “In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interest of the child shall be a primary consideration.”

5.22 The UNCRC incorporates provisions aimed at supporting the child’s needs for safety, health, wellbeing, family relationships, physical, psychological and emotional development, identity, freedom of expression, privacy and agency to form their own views and have them heard. Put simply, the best interests of the child are whatever is best for that individual child.

5.23 It is considered that the best interests of the applicant’s daughter weigh significantly in the favour of the application in this case.

Potential additional landscaping and bio-diversity Net Gain.

5.24 The applicant has cited that planting has taken place since the original occupation of the site and that as a result the site has been transformed. Given the available land about the site, there are limited additional opportunities for significant landscape planting to further mitigate the impact of the development.

5.25 There is a requirement in Policy E3 for bio-diversity Net Gain from all development. In this case, it would be reasonable to take an assessment based on the original site, prior to development taking place. The assessment therefore needs to look to the planting that has taken place since the development of the site.

5.26 The original site formed part of an agricultural field, with little in the way of ecological potential, although no formal assessment of this was undertaken in order to establish a formal base line of data against which the assessment of biodiversity net gain should be assessed. It is clear that there has been extensive planting around the site and in officers view, this is sufficient to establish a net gain and as such comply with the policy requirements.

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

5.27 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.

5.28 The applicant has argued that as the development was in place prior to the 16 March 2022, the impact of the development in terms of Nutrient contamination into the Tees formed part of the baseline. Officers do not share this view. Given that the permission was only for a temporary period the impact is effectively due to be removed on the 22 December this year. As such the view is taken that the development does not comprise part of the base line and must, as such, demonstrate Nutrient Neutrality. Natural England has been consulted but has not provided their view on this issue.

- 5.29 There are clearly considerations in favour of the development from the perspective of Nutrient Neutrality in terms of the removal of the land from agriculture. Currently, foul water is disposed of via a package treatment plant.
- 5.30 On assessment of the existing situation using the Natural England Nutrient Calculator, the development of the site results in a Nutrient Neutral scenario owing in part to the removal of land from agriculture.
- 5.31 It is considered that the development is compliance with the requirements of Nutrient Neutrality.

Planning Balance

- 5.32 The applicant argues that landscaping has been planted that will mitigate the impact of the development on the character of the area. It is considered, however, that in this case the landscaping including the walling, in part, has increased the residential character by emphasising the entrance. Screening of the site through planting does not change the fact that the development is located in the open countryside away from existing settlements. It is therefore considered that there remains a harmful impact on the character and appearance of the countryside and as such a failure to meet the requirements of policy E3.
- 5.33 The matters raised by the Gypsy and Traveller Needs Assessment along with the UN 'Needs of the Child' requirements are considered to carry significant weight in this matter.
- 5.34 It is considered that in this case, the evidence of accommodation need in the district combined with the identified 'needs' of, in this case a vulnerable child, are sufficient to outweigh the identified harm and on this basis the application is recommended for approval.

6.0 Recommendation

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

Conditions

1. The occupation of the site hereby permitted shall be carried on only by Mr Jonathan Stephenson and his resident dependants only. When the land ceases to be occupied by Mr Jonathan Stephenson and his resident dependants, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place, in accordance with a scheme and timetable of works that shall first have been submitted to and approved in writing by the local planning authority.
2. There shall be no more than one (1) pitch on the site and on the pitch hereby approved no more than two (2) caravans whatsoever shall be stationed at any time of which only one (1) caravan shall be a static caravan as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended. 4) The static caravan

shall be sited in accordance with site plan 1:500 at A4 N Ref-GB2. The caravan shall only be positioned in the approved location.

3. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight. No commercial activities shall take place on the land, including the storage of materials.
4. Within 6 months of the date of this permission a detailed landscape and biodiversity Net Gain plan shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented during the first planting season following the approval of the scheme and maintained for the duration of the occupancy of the site.

Reasons:

1. The permission is approved on the basis of the needs of the applicant's family and the specific requirements of the UN 'Interests of the Child'. Given the identified harm to the locality it is considered that in the absence of this justification there would no longer be a reasonable case for the development.
2. In order to protect the character, appearance and amenity of the area and to comply with policy E1 and E2.
3. In order to protect the character, appearance and amenity of the area and to comply with policy E1 and E2.
4. In order to protect the ecology and landscape character of the area and to comply with policy E3.

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Parish: Catton

Ward: Thirsk

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Committee Date : 22 December 2022

Officer dealing : Mr Andrew Cotton

Target Date: 17th October 2022

Date of extension of time (if agreed):

22/01955/FUL

Application for Proposed residential development comprising of 2No. bungalows with detached garage[s].

At: Land Rear of Swale Reach, Catton Village, Catton, North Yorkshire

For: Mr & Mrs A & S Trueman

The proposal is presented to planning committee as it has been called in for member consideration by a member of the council and is also of significant public interest

1.0 Site, context and proposal

- 1.1 The application site is located within Catton, a small village made up of around 40 houses and some extensive farm buildings, and to the south of an area shown on Ordnance Survey maps as "The Ruins". It lies to the rear (west) of "Swale Reach" a bungalow fronting Catton's main street. The site includes a section of a private track which also serves other houses and provides access to another dwelling, "The Chevins", to the rear which in turn adjoins the River Swale.
- 1.2 The site is laid out in grass and is roughly rectangular in shape, with timber post and rail fencing. The site gently slopes away from the access track towards the northern boundary. The site contains a number of mature trees in the north-west corner of the site and along the western edge of the site is a belt of mature trees located beyond the site boundary that are understood to be in the ownership of The Chevins. A narrow area of paddock (about 15m wide) separates the site from the barn buildings of The Ruins to the north, which was approved for conversion to 6 dwellings in March 2015 (ref. no.13/02323/FUL). This permission has been implemented and the units are now occupied.
- 1.3 This application seeks permission for the erection of 2no. detached 2 bedroom bungalow dwellings orientated in a north/south direction with the principal facades overlooking the private access track from the village street that would serve the proposed units. The proposed units would be single storey in height with accommodation set out over the ground floor.
- 1.4 There are no significant services within the village. Residents therefore rely on local services available in Topcliffe, Carlton Miniott, Thirsk and other centres for varying degrees of support. The village is located approximately 4.5km to the north west of Topcliffe (hosting a local primary school, surgery, Church, local shop and two pubs) and approximately 6km south of Thirsk, the Service Centre for the area. In addition, Catton village has no bus service.
- 1.5 The site is not within a conservation area and there are no heritage assets nearby. Despite its proximity to the River Swale, the site is not located in within an area at risk of flooding.

2.0 Relevant planning and enforcement history

2.1 15/02079/FUL Proposed construction of a 4 bedroomed dwellinghouse and detached garage. Refused February 2016.

19/01020/OUT - Outline application with all matters reserved for the development of 2no. detached 4 bedroom bungalows. Refused July 2019

2.2 Other nearby developments:

13/02323/FUL - Demolition of existing agricultural building, alterations and extensions to 3 agricultural buildings to form 6 dwellings and formation of a new vehicular access and associated works. Permitted March 2015

16/02633/FUL - Construction of five dwelling houses and a stable block. Permitted March 2017

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.

The relevant policies are:

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

National Planning Policy Framework

4.0 Consultations

4.1 Catton Parish Council – Object to the proposal raising the following summarised concerns:

- No real changes (aside from Local Plan) since previous refusals;
- Would like to see application taken to planning committee;
- Infrastructure impacts/ supply/capacity issues;
- Proximity of chimney to fuel tanks;
- Highways safety and operation concerns;
- Construction noise and vibration impacts;

- Impacts upon neighbours amenity/privacy;
- Extent of impact to trees unknown; and
- No 'green notice' displayed by Hambleton District Council (*officer comment: a site notice was displayed on 12.09.22*)

4.2 North Yorkshire Highways Authority – No objections subject to conditions.

4.3 Yorkshire Wildlife Trust – No comments to make.

4.4 Ministry of Defence – No safeguarding objections.

4.5 Yorkshire Water – No objection subject to conditions.

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

4.7 Public comments –14 objections have been received raising the following summarised concerns:

- Amenity impacts/loss of privacy;
- Loss of view;
- Highways safety concern/insufficient parking;
- Insufficient services available to service new development (sewage/electricity etc)
- Noise, vibration and disturbance; and
- Inappropriate back land/tandem development.

5.0 Analysis

5.1 The main issues for consideration relate to (i) the principle of development (ii) Character, appearance and design; (iii) residential amenity; (iv) highway safety; (v) flood risk and drainage; (vi) trees and ecology; and (vii) services and utilities.

Principle of development

5.2 The application site lies in Catton which is defined as a Small Village under policy S3 of the Local Plan. Policy S3 goes on to state that housing development within small villages, such as Catton, could be supported through assessment against policy HG5 (windfall housing development). Policy S3 goes on further to state development within settlements within the settlement hierarchy will be supported where it is proportionate to the size of the settlement.

5.3 Policy S5 clarifies that the built form of a settlement is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. However, policy S5 specifically excludes:

a. any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;

b. any ribbon development attached to the main part of the settlement where the buildings relate more to the surrounding countryside than to the main part of the settlement;

- c. gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement;
- d. agricultural buildings on the edge of the settlement; and
- e. outdoor sports and recreational spaces on the edge of the settlement.

- 5.4 It is considered that the site is located relatively centrally within Catton, albeit set back behind the properties fronting onto the main street. Nonetheless it is noted that there is a property immediately south of the access track which is also set back behind the properties fronting the main street, there is 'The Chevins' a residential property located to the south west of the site significantly further back from the main street and the aforementioned converted stables to the north of the application site which are now in residential use. As such it is not considered that any of the above exception criteria a-e would apply, therefore it is concluded the site is within the built form of the settlement within the definition set out in policy S5 of the Local Plan.
- 5.5 Policy HG5 provides support for windfall housing development within the built form of a defined settlement.
- 5.6 The proposal therefore can draw in principle support from policy HG5.
- 5.7 It is noted that Catton has no significant services available and relies heavily on other settlements for services and amenities which are significant distances away and as such is a less sustainable place for new development, hence its position as a small village in the settlement hierarchy (policy S3). Policy S3 provides in principle support for development within these smaller settlements where it is proportionate to the size of the settlement. A consideration of existing/recent developments must be taken into consideration alongside the scale of the current proposal to determine if the proposal complies with policy S3. The Parish Council also raise concern with the incremental impact development would have on the village.
- 5.8 When considering the site both individually and cumulatively with surrounding approvals (as set out in the section (planning history) of this report, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement. Since the approval of planning ref. no. :13/02323/FUL in 2015 the village has increased by 11 units, albeit some of these are conversions. It is considered a further increase of 2 additional units as proposed under this application would not be disproportionate considering the span of time this development has occurred over as well as its scale. Furthermore, it is noted both previous refusal of planning permission on this site (15/02079/FUL and 19/01020/OUT) did not consider the addition of 2 dwellings as disproportionate for the settlement. Impact upon drainage and highway safety will be considered later in the report.
- 5.9 Therefore it is considered that the principle of a new residential dwellings within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

Character, appearance and design

- 5.10 Policy E1 of the Local plan requires that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 5.11 Catton is largely made up of detached and semi-detached two storey and bungalow properties of mixed architectural styles built across the 18th, 19th and 20th centuries. The village is primarily a linear settlement, with the application site lying within an area that departs slightly from this established pattern of development. As noted within the previous refusals on the site an access track leads to The Chevins, approximately 100m from the Village Street and Bramley House lies on the southern side of the track, to the rear of 1 and 2 Catton Village Street.
- 5.12 The Chevins is not apparent in views from the Village Street and whilst it is acknowledged that the proposed dwellings would be largely obscured in views by Swale Reach, as Bramley House is by numbers 1 and 2, nevertheless being mindful of their design and orientation relative to Swale Reach, it is considered the development would be in tandem form and as such uncharacteristic of the village.
- 5.13 It is also noted that the plot to dwelling ratio proposed is not in keeping with those found locally. By virtue of the fact the applicant is attempting to achieve two dwellings on this site, the proposed dwellings would have small amenity spaces compared with the scale of the proposed dwellings and the presence of the mature trees on the western boundaries would mean this amenity space would be heavily shaded for at least one of the proposed dwellings. The trees are not within the ownership of the applicant and there cannot be pruned or felled as part of this proposal.
- 5.14 The design and layout of the site is relatively urban in its form particularly the shared central access drive which does not relate well to the village of Catton.
- 5.15 The proposal is therefore considered to fail to comply with Policy E1 of the Local Plan as it would not integrate successfully within its surroundings being alien to the built form of Catton and failing to reinforce local distinctiveness through the incongruous pattern of development.
- 5.16 No supporting statement has been provided to justify or explain why the applicant believes this proposal overcomes the second reason for refusal on application 19/01020/OUT and as such as set out above it is considered this reason still stands.
- 5.17 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of brick, clay pantile roof covering. Considering the materials palette of the nearby built form and the location of the site the proposed materials palette is considered to be acceptable. The design of the properties is relatively traditional with header and cill details to doors and window openings, chimneys and a variation in style which will provide some visual interest. Overall the design of the properties are considered to be acceptable.

- 5.18 However, while the design and appearance of the dwellings are in and of themselves acceptable, the proposal as a whole is considered harmful to the character of the area and the traditional form of the village as set out above contrary to policy E1 of the Hambleton Local Plan.

Residential amenity

- 5.19 Plots 1 and 2 would be sited c.12m to the west of the bungalow at Swale Reach, diagonally c.18m to the northwest of Bramley House, and c.38m to the north-east of The Chevins. The barns at The Ruins are sited c.22m and c.24m from the northern elevations of the proposed houses.
- 5.20 As with the previous application, which was refused, a number of concerns have been raised by members of the public and the Parish Council regarding impacts upon residential amenity. It is considered unlikely that the proposed residential use of the site would lead to any concerns in respect of noise and disturbance. Similarly, while noise would clearly be a feature of the construction period, but the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted. With regard to the concerns raised with potential for vibration from construction traffic impacting upon the integrity of the surrounding residential dwellings, considering the limited scale of the proposal and therefore the scale and duration of the construction period it is unlikely that any vibration from construction traffic would be of such a magnitude so as to cause structural damage.
- 5.21 Overall it is considered the proposal would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the neighbouring properties main amenity spaces due to the properties scale, siting, orientation, and separation distances.
- 5.22 Adequate provision of private amenity space and bin storage is set out for each dwelling. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.23 The layout submitted demonstrates that there would be adequate space for the parking of two vehicles per property along with some space for visitor parking within the confines of the site. As such it is unreasonable to assume that the proposal would lead to cars being parked on the private track or the public highway, and parking is therefore considered to be acceptable. The proposal would have no adverse impacts upon highway safety or the free flow of traffic. The Highway Authority has been consulted and has raised no objection to the proposal, subject to conditions.
- 5.24 As such subject to the imposition of appropriately worded conditions the proposal is considered to comply with Policy IC2 of the Local Plan.

Flood risk and drainage

- 5.25 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.

- 5.26 The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition. Connection to the mains public sewer is proposed for foul water with soakaway indicated on the site plan to deal with surface water drainage.
- 5.27 Given the low flood risk of the site it is considered that adequate drainage details could be secured via condition. As such the proposal is considered to accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Trees and ecology

- 5.28 Policy E3 of the Hambleton Local Plan seeks to ensure proposals demonstrate delivery of biodiversity net gain. Policy E1 (b) seeks to ensure the use of appropriate landscaping and tree planting within schemes.
- 5.29 The proposed site plan identifies some proposed landscaping as well as the addition of one bat brick and one nest brick within each dwelling. In addition, the applicant has submitted biodiversity calculations to demonstrate a net gain in accordance with Policy E3 through a mix of native landscaping and the inclusion of biodiversity enhancement features. Appropriate conditions could be used to secure these enhancements.
- 5.30 Plot 2 is within proximity to a number of large trees to the western boundary of the site. In particular large trees close to the proposed front and rear elevation of the property may be affected through impacts to root protection zones and pressure to prune or fell these trees due to overshadowing in the future, however the trees do not appear to be within the site boundary nor applicants ownership. No arboricultural impact assessment has been submitted and as such it is not possible to fully determine the extent of impacts to these mature trees. However given the issues identified with the layout of development (para 5.10-5.18) it was not considered necessary to request this information.

Services and utilities

- 5.31 Catton is served by all services but is not on the gas network and it is noted that no gas or oil tanks are noted on the indicative drawings. However, there would not appear to be any material reasons to suggest that the local utilities networks would not have the capacity to cater for the proposed dwellings.

Planning balance

- 5.32 While the principle of residential development in this location is acceptable under policies S1, S2, S3, HG5 of the Local Plan, due to the location of the site within the settlement the proposal is considered to cause detrimental harm to the built form and local distinctiveness of Catton being a predominantly linear development.

6.0 Recommendation:

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

1. The proposed development by virtue of its layout, scale and form would create dwellings in a position that would be in urban in character, in tandem form and thus uncharacteristic of the village and contrary to the provisions of the Hambleton Local Plan Policy E1 that seeks to achieve development 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, a standard that is not reached by this proposal.