

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 11 January 2023

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**
Date **Thursday, 19 January 2023**
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: 920 063 504# 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 22 December 2022 (P.19 - P.20), 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, 22nd December, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	S Watson	Councillor	D Hugill
	M S Robson		

P.19 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 24 November 2022 (P.17 - P.18), previously circulated, be signed as a correct record.

P.20 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) 22/01779/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 for Mr and Mrs Hutchinson

Permission Granted

- (2) 21/02227/FUL - 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

Permission refused. The Committee had concerns that the noise mitigation measures (in particular the bund and acoustic fence) would have an adverse impact on the character and visual amenity of the area and was not satisfied that those measures would be sufficient to reduce the noise impact to the proposed residential dwellings or to offer a suitable level of protection to the operation of Allerton Steel and the adjacent NHS building. The Committee also had concerns over the lack of provision of affordable housing on site in addition to the provision of suitable car parking spaces close to dwellings for EV charging.

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

- (3) 22/02147/FUL - Demolition of existing all-purpose agricultural building and erection of a new dwelling at School Farm, Lead Lane, Nether Silton for Mr Mike Craddock

Defer to allow for further consideration and discussion on the design of the proposed dwelling particularly relating to the north elevation.

(The applicant, Mike Craddock, spoke in support of the application.)

(Sandra Langthorne spoke on behalf of Siltons and Kepwick Parish Council objecting to the application.)

(Elizabeth Robson spoke objecting to the application.)

- (4) 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 for Mr NMF Jopling

Permission Granted. The Committee was satisfied that the proposed development met policy requirements in respect of sustainable development, housing mix and incremental growth within the village. The Committee concluded that the development would not have a harmful impact on the character or setting of the village.

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

- (5) 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 for Mr NMF Jopling

Permission Granted. The Committee was satisfied that the proposed development met policy requirements in respect of sustainable development, housing mix and incremental growth within the village. The Committee found that the proposed development would not have a harmful impact on the character or setting of the village and that the presence of a pumping station near to the site would not have an adverse impact on future inhabitants of the development.

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

Note: The meeting adjourned at 12.06 and reconvened at 1.30pm.

Councillor S Watson arrived at the meeting at 1.30pm

- (6) 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, South Kilvington for Roberts / Christon

Permission Refused. The Committee concluded that the proposed access to the site was contrived and that the additional engineering works required to achieve the access would have a detrimental impact on the character and setting of the surrounding area. The Committee had concerns that the access would have an adverse impact on the existing property at the end of Beck Lane. The Committee also had concerns in respect of construction traffic accessing the site, the proximity to the flood plain, the impact the proposed development would have on flooding in the vicinity, sustainability, quality of design and accessibility.

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

(The applicant, Hugh Roberts, spoke in support of the application.)

(Mr David Wright spoke objecting to the application.)

Note: Councillor M S Robson arrived at the meeting at 1.44pm.

- (7) 22/02618/FUL - Change of use from hairdresser to beautician and hairdressers at 1 Sowerby Road, Sowerby for Mr Peter Bardon

Permission Granted

Disclosure of Interest

Councillor P Bardon disclosed a pecuniary interest as the applicant and left the meeting prior to discussion and voting on this item.

Councillor J Noone in the Chair.

Note: Councillor P Bardon returned to the meeting prior to any discussion and voting on Item 8 on the agenda (Councillor P Bardon in the Chair).

- (8) 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 for Frontline Estates Ltd

Permission Granted

(Yvonne Hewson spoke objecting to the application.)

- (9) 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 for Mr and Mrs Gaudie

Permission Granted

(The applicant, Mr William Gaudie, spoke in support of the application.)

Note: Councillor D Hugill arrived at the meeting at 2.45pm.

Councillor S Watson left the meeting at 2.47pm.

- (10) 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 Rosie's Ranch, Busby Lane, Great Busby for Mr J Stephenson

Permission Granted subject to an amendment to Condition 1 to further restrict occupation to a single household and additional conditions in respect of external lighting and landscaping.

Note: Councillor D Hugill left the meeting at 3.16pm.

- (11) 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 for Mr and Mrs A and S Trueman

Defer to allow for further consideration to seek to reduce the number of bungalows from two (as proposed) to one.

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

(Mr Barry Walmsley spoke on behalf of Catton Parish Meeting objecting to the application.)

(Linda Mason spoke objecting to the application.)

The meeting closed at 3.45 pm

Chairman of the Committee

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Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 19 January 2023. 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 19th January 2023

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	Morning Session 10am Start	
1	22/02606/OUT Andrew Cotton Catton Page no: 11	Outline application for all matters reserved for demolition of existing barn and erection of 1 No. dwelling At: 8 Catton Village, Catton. For: Mr A Dodgson RECOMMENDATION: APPROVAL
2	21/03042/FUL Ian Nesbit Carlton Husthwaite Page no: 23	Application for Installation of solar photovoltaic ('PV') array/solar farm with associated infrastructure - as amended (additional and revised plans, visualisations and other documents received by Hambleton District Council on 27.06.2022 and 22.11.2022) At: OS Field 2700, Carlton Husthwaite. For: Woolpots Solar Farm Ltd RECOMMENDATION: REFUSAL
	Afternoon Session 1:30pm Start	
3	22/02671/FUL Tim Wood Easingwold Page no: 51	Siting of a portable building to be used as a community hub At: Easingwold AFC, Stillington Road, Easingwold For: Easingwold District Community Care Association RECOMMENDATION: APPROVAL
4	21/01361/OUT Nathan Puckering East Cowton Page no: 55	Outline planning application with some matters reserved (considering access) for the construction of up to 15 dwellings and means of vehicular access as amended by plans received by Hambleton District Council on 01.12.2022 At: Land to the East of Birkby Lane, OS Field 4109, East Cowton For: B, P & M Twedde RECOMMENDATION: REFUSAL

Item No	Application Ref / Officer / Parish	Proposal / Site Description
5	22/00786/FUL Marc Pearson Huby Page no: 65	Revised application for the construction of a terrace of 3no three bed dwellings with associated garaging & amenity space At: Land at West of The Forge, Tollerton Road For: Queens Staith Leisure RECOMMENDATION: APPROVAL
6	22/01574/FUL Aisling O'Driscoll Huby Page no: 73	Construction of 16no. residential dwellings and associated landscaping and infrastructure. At: Land to the North of Maple Lane, Huby For: Mr P Mead RECOMMENDATION: REFUSAL
7	22/01509/OUT Ian Nesbit Leeming Bar Page no: 87	Outline planning application for residential development and associated infrastructure with all matters reserved other than access into the site. At: Land On The South West Side Of 11 Harkness Drive, Leeming Bar For: Mr Paul Butler RECOMMENDATION: APPROVAL
8	21/02870/FUL Tim Wood Shipton Page no: 111	Conversion of existing coach house into 3no. dwellings (Use Class C3) and demolition of existing storage buildings to create 2no. new build dwellings (Use Class C3) with associated landscaping and highways improvements along Court House Lane At: Stack House Farm, Shipton by Beningbrough For: Mr Mike Green RECOMMENDATION: APPROVAL

Parish: Catton

Ward: Thirsk

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Committee Date : 19 January 2023

Officer dealing : Mr Andrew Cotton

Target Date: 20 January 2022

Date of extension of time (if agreed): 6 January 2023

22/02606/OUT

Outline application with all matters reserved for demolition of existing barn and erection of 1no. dwelling

At: 8 Catton Village, Catton, North Yorkshire, YO7 4SH

For: Ms A Dodgson

The application is presented to the planning committee for determination as it has been called in by a member of the council and is considered to be of significant local interest

1.0 Site, context and proposal

- 1.1 This application seeks outline permission with all matters reserved to construct a detached dwelling within part of the residential curtilage of 8 Catton Village. The proposal involves the demolition of an existing barn. It is noted that the demolition of the existing barn has already been granted planning permission under ref. no.: 21/00768/FUL – see planning history section. The proposal incorporates division of the existing curtilage to form a separate plot for the new detached dwelling.
- 1.2 Directly to the south of the red line boundary of the site is an open green area where there is the village notice board and a public bench with a hedge behind. An amended location plan was received during the consideration of the application incorporating this area into the blue line ownership on the location plan, denoting that it is within the applicant's ownership but that it does not form part of this planning application. The applicant has demonstrated through the submission of land registry documents that this land is within the applicant's ownership.
- 1.3 The indicative plans show a dwelling could be sited further back than its neighbours at 8 and 9 and could sit roughly in line with Meadow View and Windrush further down the street. It is noted that the garden of Meadowview wraps around the rear of no. 9 and 10 Catton Village.
- 1.4 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.
- 1.5 This application site overlaps with the application site form planning application ref. no.: 21/00786/FUL. This proposal however would not prevent the applicant implementing planning permission ref.: no.: 21/00786/FUL which permitted the demolition of the existing barn and extension of no. 8 Catton Village.

2.0 Relevant planning and enforcement history

2.1 15/00720/FUL - Alterations and extensions to existing dwelling including a two storey extension to replace existing barn. Granted planning permission on 11 June 2015

15/02519/FUL – Construction of a dwelling. Refused planning permission in February 2015

Reasons for refusal are set out below:

1. The proposed new dwelling would be located in a village that is identified as an 'Other Settlement' in the revised Settlement Hierarchy for Hambleton. The Council's Interim Policy Guidance, adopted April 2015, sets out 6 criteria to be met in order for new development to be considered to be acceptable, in order to achieve a sustainable community. In this case, given the lack of facilities and services offered in Catton and Skipton on Swale, the only close settlement, and the excessive distance to the nearest Service Village at Topcliffe, it is considered that Catton cannot form part of a sustainable cluster as required by the Council's Interim Policy Guidance. The proposal also fail to meet any of the exceptional circumstances set out in Policy CP4 of the Core Strategy, that would justify development outside Development Limits, and would therefore also be contrary to policies CP2, CP3, CP4 and DP9 of the Hambleton District Council Core Strategy (2007) and Development Policies DPD (2008) and the Council's Interim Planning Guidance (2015).

2. The proposed development would by reason of its proximity to the garden of the neighbouring property cause an unacceptable harm to the amenities of the neighbours through overbearing and overshadowing, contrary to Hambleton District Council LDF Core Strategy (2007) and Development Policies DPD (2008) Policies CP1 and DP1.

3. The proposed development would have a harmful impact upon the setting and character of the village due to it compromising the use of the public "green" area and the layout of the site with roadside frontage parking.

21/00786/FUL – Extensions and alterations. Permitted in June 2021

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 in March 2015

16/02633/FUL - Construction of five dwelling houses and a stable block. Permitted in 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 North Yorkshire Highways Authority– No objections subject to conditions.
- 4.2 Ministry of Defence – No safeguarding objection.
- 4.3 Environmental health (land contamination) – PALC assessment requested.
- 4.4 Yorkshire Water – No objection subject to conditions.
- 4.5 Street naming and numbering – No an application would not be required.
- 4.6 Public comments –11 no. objections received along with 4no. supplementary objections from the same properties raising the following summarised concerns:
 - Amenity impacts/loss of privacy/overshadowing;
 - Highway safety concern;
 - Insufficient services available to service new development (sewage/broadband etc);
 - Loss of green space to the front of the site;
 - Unsustainable location/inappropriate location for more residential development/sets a precedent;
 - No public benefits of the proposal;
 - Would like to see retention of the barn if permission is granted;
 - What is the use for this dwelling;
 - Pre-application advice quoted in the planning statement undermines consultation process;
 - Change in blue line plan should be rejected; and
 - Permission has already been refused on this site and the reasons for the refusal are still relevant.

5.0 Analysis

- 5.1 The main issues for consideration in this case 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. 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. It is noted that the proposal would be sited within the curtilage of an existing garden however the site is not on the edge of the settlement and does not relate more to the surrounding countryside, but relates to the built form of the settlement.
- 5.5 Policy HG5 provides support for windfall housing development within the built form of a defined settlement 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.
- 5.6 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.

- 5.8 When considering the site both individually and cumulatively with surrounding approvals (as set out in the planning history section) 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 application 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 1 additional unit as proposed under this application would not be disproportionate considering the span of time this development has occurred (7 years) over as well as its scale.
- 5.9 Therefore it is considered that the principle of a new residential dwelling within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.
- 5.10 It is noted that the previous refusal on the site was determined under the former Local Development Framework including the Interim Planning Guidance Note (IPGN) which is now out of date and has been superseded by the Local Plan. As such this proposal must be assessed against the relevant policies of the Local Plan as set out above and the previous reason for refusal (ref. no.:15/02519/FUL - reason 1) is no longer applicable to the application given that, as set out above, policy HG5 now provides in principle support to the proposal where the IPGN did not.

Character, appearance and design

- 5.11 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.
- 5.12 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 application site currently comprises residential curtilage of no.8 Catton Village. The indicative plans provided show the site would be sub divided to provide adequate rear amenity space remaining for no.8, as well as the site being able to accommodate a new dwelling with its own adequate private amenity space to the rear.
- 5.13 The indicative plans show a dwelling could be positioned set back from the front elevations of no.8 and no.9. This would not be an unusual arrangement for this part of the village with properties further to both the east and west set back in a similar manner.
- 5.14 Application ref. no.:15/02519/FUL was refused for its harm to the character and setting of the village (reason 3 as set out in the planning history section above), with particular reference to the use of the green area to the front of the site. As set out in the site context section above, to the south of the red line boundary for this application site is an open green area where there is the village telephone box, village notice board, letter box and a public bench with a hedge behind. The applicant has demonstrated that this land is within the applicant's ownership but is

not included within the application site. The site is no longer proposed for development and as such the proposal is not considered to compromise the use of this green area, and as such would not have a detrimental impact upon the character or setting of the village.

- 5.15 At this outline stage, with all matters being reserved, it is considered that based on the information provided, including the indicative site layout the site would be capable of accommodating a development of 1no. residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, without harm to the character of the area or visual amenity in accordance with policy E1 of the Local Plan.

Residential amenity

- 5.16 The application is in outline with all matters reserved and as such the layout or scale of the proposed development is not yet fixed.
- 5.17 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate 1 dwelling and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site could be developed maintaining suitable privacy distances and as such without having a detrimental impact upon neighbouring amenity.
- 5.18 Application ref. no.:15/02519/FUL was refused for its overbearing impacts upon the residential property no.9 Catton Village (reason 2 set out in the planning history section above), with particular reference to the garden area of no.9. The 2015 application comprised the new dwelling being sited approximately 2m away from the boundary with number 9 and extending the full length of the rear garden. Planning application ref. no. 15/02519/FUL was a full application and so this matter could be given detailed consideration, however it is considered that the applicant has demonstrated through the indicative site plan that a dwelling could be sited in such a way so as not to be overbearing or cause unacceptable harm to neighbouring residents.
- 5.19 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, the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted.
- 5.20 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 subject to further consideration at the appropriate reserved matters stage.
- 5.21 The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.22 The layout submitted demonstrates that there would be adequate space for the parking of vehicles within the confines of the site. The access arrangement is indicative at this stage and as such would be subject to future consideration. Given the site already has a vehicular access, and the proposal is for 1 new dwelling the proposal is unlikely to have detrimental 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 the imposition of conditions.
- 5.23 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

- 5.24 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.
- 5.25 The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition.
- 5.26 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

- 5.27 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.
- 5.28 The applicant has submitted a document prepared by Naturally Wild August 2021 (originally to satisfy condition 4 of application 21/00786/FUL), which sets out ecological details in relation to both the barn and the site. Whilst a matter for consideration at a future stage proposed landscaping as well as the addition of bat bricks and nest bricks would all contribute to the site achieving biodiversity net gain in accordance with Policy E3. Appropriate conditions could be used to secure these enhancements.
- 5.29 To the rear of the site there are a number of large trees as well as a hedgerow to the front boundary just to the north of the green space. No arboricultural impact assessment has been submitted however given their position to the rear of the site and the layout of the site not being known at this stage, it is not considered that they would pose a constraint to the development. However, in accordance with both policy E1(b) and policy E3 of the Local Plan it is considered that a tree survey and tree protection plan should be secured via condition.

Services and utilities

- 5.30 Catton is served by all services but is not on the gas network. 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

- 5.31 The principle of residential development in this location is acceptable under policies S1, S2, S3, HG5 of the Local Plan, and it has been demonstrated that the site could accommodate an appropriately design dwelling without harm to the character or appearance of the village nor harm to neighbouring amenity which would be subject to further scrutiny at the appropriate reserved matters stage.

6.0 Recommendation

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

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

Location plan ref: TQRQM22315133222038

as received by Hambleton District Council on 12 December 2022.

2. 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.
3. 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; (d) the scale of buildings overall and (e) pedestrian and vehicular access arrangements.
4. No above ground construction work shall be undertaken until details of the materials and boundary treatments 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.
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 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.
6. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

7. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-
 - (a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
 - (b) evidence of existing positive drainage to public sewer and the current points of connection; and
 - (c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.
8. No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.
9. Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The 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 then be implemented in accordance with the approved details.
10. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
11. The development hereby approved shall be for no more than 1 dwelling unit and shall comply with the requirements of the Nationally Described Space Standards. and shall comply with the size and type requirements of the Council's Housing SPD.
12. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
13. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved details and Standard Detail number E50.
 - 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.
14. 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 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; and
 - vehicular parking.
15. 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.
16. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;
 5. details of site working hours; and
 6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
17. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Ecology Conditions Discharge Document as prepared by Naturally Wild ref GSCG-21-01 August 2021.
18. 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.

19. 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.
20. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

The reasons are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
3. 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.
4. 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.
5. 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 trees, residential amenity of character and appearance of the area in accordance with the Local Plan Policies S1 and E1.
6. In the interest of satisfactory and sustainable drainage.
7. To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.
8. In the interest of public health and maintaining the public water supply.
9. In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.

10. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.
11. In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.
12. In the interests of highway safety
13. 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.
14. In the interests of highway safety.
15. In the interest of public safety and amenity.
16. In the interest of public safety and amenity.
17. In the interest of public safety and amenity. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
18. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
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. To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.

Parish: Carlton Husthwaite
Ward: Raskelf and White Horse

Committee date: 19 January 2023
Officer dealing: Ian Nesbit
Target date: 09 January 2023

2

21/03042/FUL

Application for installation of solar photovoltaic ('PV') array/solar farm with associated infrastructure - as amended (additional and revised plans, visualisations and other documents received by Hambleton District Council on 27.06.2022 and 22.11.2022)

At: OS Field 2700, Carlton Husthwaite
For: Woolpots Solar Farm Ltd.

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

1.0 Site, context and proposal

- 1.1 The application (as amended) seeks full planning permission for the installation of a large photovoltaic array installation with a development footprint of approximately 50.81ha. (i.e. a 'solar farm') with associated infrastructure on agricultural land within the parish of Carlton Husthwaite. In the latest amendment to the proposals, this was reduced from an area of approximately 83.73ha (as originally proposed)
- 1.2 The application site comprises of two separate areas of agricultural land, linked within the land-edged-red by an underground grid cable (approximately 1.35km in length) which is predominantly routed under Ings Lane and Bells Lane:
- The northern part of the site (referred to hereafter as 'Woolpots North') – a development footprint of approximately 23.17ha (reduced from 41.12ha as originally proposed) and is located to the south-east of Carlton Husthwaite and to the north-west of Husthwaite, and to the west of Butt Lane/Elphin Bridge Lane. The southern part of the site is located close to Baxby Manor and Baxby Manor Airfield. The land is predominantly arable fields and improved grassland. There are several mature trees and hedgerows to the field boundaries, with drainage ditches adjacent to the north and south boundaries.
 - The southern part of the site (referred hereafter as 'Woolpots South'), – a development footprint of approximately 27.63ha (reduced from 42.63ha as originally proposed) – is located to the east of the road leading from the A19 to Husthwaite. The northern section of the Woolpots South is opposite the existing Amplecarr electricity distribution installation to which the proposed installation would connect, while the south-western boundary adjoins the existing Boscar solar farm to the east of the A19. The land is improved grassland fields grazed by animals, although there are some arable fields within the land-edged-red. There are broadleaved and coniferous trees within the site, as well as drainage ditches and hedgerows.

- 1.3 As well as the solar arrays, the proposed installation includes transformer/inverter stations, storage containers, a 132kV Substation; and Battery Energy Storage System (BESS) Security fencing and pole-mounted CCTV cameras would also be installed.
- 1.4 As confirmed within the Project Update Summary document, the proposed development would be connected to the grid via a short, buried cable to the Husthwaite 132kV Substation located adjacent to the Woolpots South Site. Woolpots North would be connected to Woolpots South by underground cable.
- 1.5 The application has been amended during the course of its consideration (in July 2022 and November 2022 respectively) and re-consultation exercises were undertaken in both cases. Additional and amended plans and documents were submitted as part of these amendments. The following (still relevant) additional and amended documents/information submitted are as follows:
- Project Update Summary (November 2022)
 - Solar Photovoltaic Glint and Glare Study (November 2022)
 - Biodiversity Metric Assessment Technical Note (November 2022)
 - Outline Battery Management Plan (November 2022)
 - Updated Visualisations (existing; year 1; year 15)- Viewpoints 4, 6, 7, 8 and 9.
 - Surface Water Management Strategy (May 2022)
- 1.6 In summary, the proposed revisions have: reduced the number and footprint of the proposed solar PV arrays, removed the BESS containers within both Woolpots North and Woolpots South parts of the development and replaced by a single central BESS compound located adjacent to the substation compound within Woolpots South; replaced tracking PV panels with fixed, south-facing panels.
- 1.7 These amendments would result in a reduction in the overall generating capacity of the proposed development, although it is stated within the Project Update Summary (written and provided by the agent) that it is still predicted that the development would generate 45,000 MWh of electricity per year, which the agent states (within the Project Update Summary) is the equivalent to providing electricity for 10,146 homes in Hambleton.

2.0 Relevant planning and enforcement history

- 2.1 This is greenfield agricultural land, there is no relevant planning history, although a Screening Opinion was issued by the Council on 16.09.2021 in response to an S.O. request submitted in respect to a solar farm development (21/01344/SCR) The Council's Screening Opinion was that the proposed development did not constitute EIA development.

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. The relevant policies, guidance and SPD are:
- S 1 : Sustainable Development Principles

- S 5 : Development in the Countryside
- S 7: The Historic Environment
- E 1 : Design
- E 2 : Amenity
- E 3 : The Natural Environment
- E 4: Green Infrastructure
- E 5: Development Affecting Heritage Assets
- E 6 : Protected Landscapes
- E 7 : Hambleton's Landscapes
- IC 1 : Infrastructure Delivery
- IC 2 : Transport and Accessibility
- RM 1 : Water Quality and Supply
- RM 2 : Flood Risk
- RM 3 : Surface Water and Drainage Management
- RM 5 : Ground Contamination and Groundwater Pollution
- RM 6 : Renewable and Low Carbon Energy

National Planning Policy and Guidance

- National Planning Policy Framework (NPPF) - As Updated – July 2021
- National Planning Practice Guidance (nPPG)
- EN-1: National Policy Statement for Energy (July 2011)
- EN-3: National Policy Statement for Renewable Energy Infrastructure (July 2011)

Supplementary Planning Document (SPD)

- Sustainable Development SPD (adopted 7th April 2015)

4.0 Consultations

4.1 Carlton Husthwaite Parish Council – In respect to the latest amendments to the proposals, the C.H. Parish Council have confirmed that they still object to the proposals and recommend that the application is refused, providing the following comments/observations (as summarised):

- The majority of parishioners (who have engaged with the Parish Council in relation to the amended proposals) are against the proposals, raising the following concerns:
 - The proposed development carves a disfiguring “glass scar” across the landscape between the small idyllic Villages of Carlton Husthwaite and Husthwaite.
 - An industrial development of this scale is completely out of proportion to the locality and its setting.
 - The southern site is extending the existing site directly towards Husthwaite and the Northern site splits the two villages of Husthwaite and Carlton Husthwaite completely apart – and is very visible to both.
 - The retention of the existing ‘land-edged-red’ within the latest amended proposals means the development could be easily increased in the future.
 - The development is in view of an Area of Outstanding Natural Beauty.
 - The development will negatively impact on the local tourist trade and all of the associated small businesses that rely on tourism...The installations will

be easily visible and will impact on both residents' and visitors' enjoyment of the area.

- Masses of Solar panels, associated infrastructure, extensive 2.5m high fencing, security lighting and cameras in an undulating landscape will definitely change the intrinsic character of this part of the Howardian Hills.
- If granted, the development coupled with the existing solar farms adjacent to the south site will make for 'a colossal and monstrous installation' that will 'disfigure our countryside in perpetuity'.
- Concerned that if this application is passed then it will not be the last and the whole area will be targeted for further development.
- The proposal has no consideration or respect for the environment or the landscape it would be destroying.
- The proposed £100,000 contribution to the Two Ridings Community Fund (covering a population of *circa*.1 million) is no consolation for the adverse impact of the scheme...no local jobs would be generated by the proposal, and the loss of agricultural land will affect existing local employment.
- The close proximity of the proposed Woolpots North site to Baxby Airfield must be an issue with respect to the potential dangers of the glint and glare aspects to pilots landing; the site is only 300m away from the airfield.
- concerns over the proposed site entrance to the Woolpots North site. Whilst there may be no recorded incidences in this area it is a well-known hazardous area to locals with blind corners on a rising slope...there are better and safer access point further towards Husthwaite on the straight part of the lane, this concern still remains as the latest amendments have not changed this access.
- concern that Husthwaite residents will suffer months of disruption as contractors' trucks travel through the village on already damaged and narrow roads – one every 24 minutes for a period of 3 months.
- As a nation, we need to be more self-reliant in food production. To allow valuable agricultural acreage to be lost from these established farming areas is clearly wrong. Solar developments should be sited only near currently established industrial sites and covering existing industrial premises.
- The P.C. actively support much smaller scale installations of renewable energy where the benefit directly relates to local needs and supports businesses like local farms.
- The P.C. support Husthwaite Parish Council's concerns about the proximity and new "concentration" of the Electricity Sub-station and Battery Storage facility either side of the road leading to Husthwaite after reports of fires in other UK solar and battery storage facilities...whilst the revised layout is no longer on top of the Teesside to Hull Ethylene Pipeline it remains close to it and clearly that's not somewhere that you would want a fire. There should be no doubts about the safety of the scheme and the local fire brigade's ability to respond should such a situation occur to protect both themselves and all residents in the event of a local disaster.
- We have no issue with our local farmers wanting to diversify and improve their financial well-being and the P.C. is supportive of low carbon energy production...but they take issue about the scale of this application and the negative impact it will have on the local landscape.

- 4.2 Husthwaite Parish Council – Responding to the re-consultation on the latest amended proposals, H.P.C. have confirmed that they wish to see the application refused, making the following observations (as summarised):
- Husthwaite Parish Council state that while they appreciate the overall reduction in area of the Woolpots Solar Farm site (within the latest amended proposals), they remain of the view that the scheme will have a very adverse impact on the surrounding environment and landscape contrary to the Hambleton Plan, in particular Policies S5, E7 and RM6.
 - It will also erode the close relationship of our historic settlement to the wider rural landscape.
 - In particular, due to the topography, Woolpots North will remain highly visible from both the Conservation Areas of Husthwaite and Carlton Husthwaite and from the Howardian Hills AONB and that an increased density of the fixed panels (as shown within the amended proposals) may increase the visual impact. We understand that plans for the site have been reduced by 39%, but the cumulative impact of this new development, alongside the 220 acres already in situ at Boscar Grange and Peter Hill Solar Farms, would have a detrimental impact on the rural character of the village and is an additional loss of very productive agricultural land.
 - Additionally, they note that if the application is approved, there will be no further capacity in our sub-station for any smaller / community schemes which would be more welcome within the area.
 - The Parish Council remains concerned by the proximity of the Electricity Sub-compound and Battery Storage facility to the road and believe it to be visually intrusive on the entrance to the village and an industrialisation of the rural landscape.
 - They maintain serious fears about the safety of the BESS, which is situated extremely near to the Ethylene Pipeline, after reports of uncontrollable fires in other battery storage facilities. Therefore, the Parish Council would like assurances that a suitable water source has been identified in case of emergency and that a drainage interceptor trap would be installed around the facility to prevent an environmental disaster should excesses of water be needed to control a fire.
 - The reduction in storage batteries/inverters on site (within the amended proposals) is welcomed but will it result in the inclusion of more or larger batteries within the Battery Energy Storage System?
 - The P.C. would like confirmation that there will be no noise or light pollution from the sub-station compound / BESS as these important issues do not seem to have been addressed adequately in the application.
 - The Parish Council would also like to see consideration given to the effect of this solar array on long standing businesses, especially the nearby well-established busy commercial airfield who provide a comprehensive range of services. Therefore, the P.C. would be grateful if the concerns raised by the CAA and GAAC regarding the Airfield Safety Area of Baxby Aerodrome could be investigated before any planning permission is granted.
 - Husthwaite is a popular tourist village, and many local businesses depend on tourism, so the Parish Council is very concerned about both short-term and long-term impacts on the local economy (Policy EG8). In particular, as the construction of both halves of this development is liable to cause considerable disruption on the extremely narrow roads leading to our villages, Husthwaite Parish Council would insist that a detailed Construction Management Plan containing the following matters: hours of operation are limited to 8am until 5pm

Monday to Friday and 8am until 1pm on Saturdays. No Sunday or bank holiday working; plant and materials must be stored within the site boundary, which should be secure; parking for all construction traffic must be provided on site and no parking should be allowed on the sides of the highway; deliveries should be restricted to avoid school drop off / pick up times to alleviate traffic congestion on the narrow lanes into the village; all unloading of materials should take place on site and vehicles must be able to access and leave the site in a forward gear; and clean access should be provided to the site and wheel cleaning facilities should be available to ensure no mud or grit is transferred onto the existing highway.

- It is understood from the plans that cable laying will take place on Ings Lane and Bell Lane which are both Public Rights of Way. Therefore, the P.C. would insist that public access is maintained throughout, and sufficient safety precautions are put in place to safeguard protected species and users of the PROW while construction work is underway.
- Furthermore, we would like assurances that sufficient screening will be provided by the developer to limit the visual impact of the development and no future development or expansion of the application site will be allowed.
- The P.C. note that there is no mention of any community payback initiative for the two closest villages (Husthwaite & Carlton Husthwaite) who will be most affected by this development.

4.3 North Yorks. Moors National Park Authority (NYMNP) – In respect to the latest amendments to the proposals, the NYMNP have provided the following comments/observations (as summarised):

- The area of landscape (within which the application site is located) is part of the important and sensitive setting of the NYM National Park, and also the adjoining Howardian Hills AONB.
- “The changes made in the revised plans are welcomed and the reduction in footprint of the solar farm both to the north and east will have a beneficial impact in reducing its visibility as the area to the north in particular comprised rising land which was clearly defined in views as it was bounded by the road between Husthwaite and Coxwold (Elphin Bridge Lane). Similarly, the change to fixed panels facing south will reduce the visual impact from views across this area from the AONB towards the National Park” and consider the amendments to be ‘in greater policy alignment’ with para. 176 of the NPPF which requires development within the setting of a nationally protected landscape to be sensitively located and designed to avoid/minimise adverse impacts on designated areas.
- However, notwithstanding the proposed amendments, the proposed location of the North Woolpots site still lies directly within the sightlines of important views between the AONB and the NYM National Park. Although the latest amendments would lessen the extent and prominence of the development, it will still appear as an incongruous element within an otherwise attractive rural landscape by virtue of its scale and colour. In this respect the location of the proposed development still causes concern to the NYMNP in terms of the adverse landscape impacts resulting from the development, and this will need to be balanced against any public benefits of the proposals in the planning decision.

- 4.4 Lead Local Flood Authority – The LLFA have confirmed that they are satisfied that the information provided demonstrates that the ground under the solar panels will continue to operate as per the existing scenario and flood risk is not increased. No objections to the latest proposals.
- 4.5 Yorkshire Water Services – No response received to the latest proposals at the time of writing.
- 4.6 Local Highway Authority – No response received to the latest proposals at the time of writing.
- 4.7 NYCC PROW Team – Have commented on the latest amended proposals as follows: “Our response remains the same as that submitted on 24 January 2022 advising there is a Public Right of Way within or adjoining the application site boundary and providing further comments.”
- 4.8 East Yorkshire & Derwent Ramblers (York Group) - In respect to the latest amendments to the proposals, the Ramblers have made the following comments/observations:
- The latest amendments to these proposals would appear to reduce the impact for walkers around the northern site and also the long distance views from Beacon Banks, which form popular circular walks from both Husthwaite and Coxwold. In addition, the set-back by Baxby Manor and the former railway track-bed would also reduce the impact for walkers taking Linear walks from Thormanby and other sites along the A19. However, the amendments do not appear to have resolved the issues around Baxby Airfield and a local grass strip. Whilst they do not have the expertise to comment on this issue, they do note that glare does occur when walking past some solar farms.
 - They believe that solar farms should not take up valuable higher grade agricultural that is used for food production and note the southern site has been reduced to release some such land.
- 4.9 Natural England – No objection - 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.
- 4.10 Environment Agency (EA) – The EA have made the following recommendation/comments in relation to the latest amended proposals: “We have reviewed the submitted documents and our previous condition as outlined in our initial response to 21/03042/FUL still applies. Provided the proposed development is in accordance with the submitted Flood Risk Assessment, (prepared by Arcus Consultancy Services, November 2021), then we have no objections subject to the following condition being applied to any permission granted. Condition There must be no raising of ground levels within flood zone 3. Reason - To ensure that there is no loss of storage from the floodplain and that flood flows are not diverted onto others.”
- 4.11 Environmental Health Officer (Land Contamination) - E.H. have made the following recommendation/comments in relation to the latest amended proposals: “I have assessed the documents submitted in support of the above application. From a contaminated land perspective, I have no observations/comments and therefore have no objections to this scheme.”

- 4.12 MOD Safeguarding – No response received to the latest proposals at the time of writing.
- 4.13 SABIC (Teesside to Saltend Ethylene Pipeline) – SABIC have made the following recommendation/comments in relation to the latest amended proposals: “The Southern location of the proposed development falls within the inner, middle and outer consultation zones of the above Major Accident Hazard Pipeline as defined by the HSE development control guidelines (PADHI – HSE’s Land Use Planning Methodology document). The development site would require a segregation corridor to allow access to the high pressure ethylene pipeline easement permanently for maintenance and survey work to be carried out. The developer would need to consult with the pipeline operator to discuss the above requirement and to also discuss the crossing of any associated buried services within 50 metres (notification zone as required by operators of Major Accident Hazard Pipelines), as this would need approval from ourselves before any work is commenced.”
- 4.14 Parochial Church Council of St. Nicholas Church, Husthwaite – The P.C.C. object to the latest amended proposals, making the following observations (as summarised):
- The latest amendments do little to address the concerns which we have already raised.
 - They repeat again that renewable energy is something which the P.C.C. support wholeheartedly but the proposed scheme is in the wrong place and will be clearly visible from their churchyard.
 - The site is classed as good/medium grade productive agricultural land which is needed for domestic food production. At a time when food security has become even more pressing they cannot support the proposals.
- 4.15 Historic England (H.E.) – H.E. have made the following recommendation/comments in relation to the latest amended proposals: “In terms of our area of interest, we note that the applicant has made amendments to the original proposal which address in part our objections in respect of the coalescence of the surrounding Conservation areas and settlements. Whilst the amended panel areas will reduce this impact, we still have to highlight a level of harm which we find unacceptable. We appreciate that the harm will have to be balanced against public benefit of the proposal. Consequently, we do wish to maintain our objection. We also wish to reiterate our previous general comments which should be taken account of should consent be granted:
- The archaeological component seems to be satisfactory subject to further consultations, there has obviously been a lot of conversations between the consultants, to agree a sequence of works to create the archaeological baseline.
 - We welcome the inclusion of heritage matters in the report and look forwards to ongoing discussions with the applicants in respect of both setting effects upon heritage assets and direct impacts upon archaeological remains.
 - More credence should be placed on long distance views of and across the sites. We appreciate that the red line area is purely notional at the moment, there will be changes and not the entirety of the area will be given over to solar panels. Information on how views change as the viewer moves through the landscape, taking a more dynamic approach rather than an approach to views based on fixed points.
 - There is obviously going to be a lot of archaeology being done, and it would be useful if the consultant and the Principal Archaeologists at Durham County Council could agree a suite of overarching research questions for the project:

What do we need to know about the development of this area, what are the big archaeological / heritage questions?

- We note the iterative approach to investigations set out in the report and will look forwards to early sight of the results of cartographic, geophysical survey, lidar and aerial photographic analysis, geotechnical work, and the results of the applicant's detailed consultation with Local Authority Archaeological Curators and Historic Environment Records and Portable Antiquities Scheme Records.
- It is highly likely that further investigations will be necessary in advance of determination. We advise that the approach to setting assessment should follow the structured approach set out in out GPA3 Setting of Heritage Assets, the distance of search should be adaptive to the significance and sensitivity of the assets which the scheme interacts and the materiality of the works proposed, in particular in the case of designed landscapes.
- Views across landscape zones such as those where multiple assets such as church spires articulate with a common topographic space may require particular consideration both in terms of fixed point and kinetic views. Where pipelines bisect features such as parish boundaries banks, important field systems or areas of well preserved ridge and furrow etc reinstatement should include the earthwork form rather than introducing a flattened strip.
- Given the landscape scale of this and associated projects the schemes should seek to address the impact of structures in this landscape to ensure that localised archaeological interventions contribute to a whole (in terms of public value) which is more than the sum of their parts.
- We welcome the inclusion of heritage matters in the report and look forwards to ongoing discussions with the applicants in respect of both setting effects upon heritage assets and direct impacts upon archaeological remains and conservation areas."

NB – Historic England have since been back in touch with the Council to clarify that their previous response represented their outstanding concerns, rather than a formal objection to the current proposals.

- 4.16 Campaign for Rural England (North East and Yorkshire) – In response to the latest amended proposals, CPRENEY clarify that they objected to the application as originally submitted for the following reasons:
- The significant loss of BMV land and impact on soils;
 - The detrimental impact on two nationally protected landscapes (AONB and NP);
 - The eventual loss of Biodiversity Net Gain (after 40 years);
 - The detrimental impact on Conservation Areas; and
 - The proposals are contrary to local and national planning policy.

Having had the opportunity to consider the amended details, and whilst acknowledging the reduction in the footprint and number of PV panels, CPRENEY confirm that they maintain their objection to the proposal.

- 4.17 The General Aviation Awareness Council (GAAC) – The GAAC works for the protection of UK airfields from indiscriminate development, representing the interests of 30 Associations. The GAAC objects to the application (based on the latest amendments) on behalf of Baxby Manor Aerodrome, making the following comments/observations (as summarised):

- Insufficient weight has been given within the application to the value and types of activity at Baxby Aerodrome, and thus conflicts with the NPPF.
- The most recent Glint and Glare Study (November 2022) includes reference to Baxby Manor, however the study has not been revised properly to address aviation safety issues. The Study includes generalisations and has no specific assessment. The Study suggests that the existence of other solar installations in the area would offset any impacts of the proposed scheme; this does not constitute a proper assessment of the potential impact of the proposed development on aerodrome operations and its users.
- There is no mention in the Study to potential for aircraft engine failure or technical issues on take-off. No consideration of air turbulence is included as a recognised feature of larger solar installations and which light aircraft are particularly sensitive. These matters should be fully addressed. The methodology utilised is inadequate.
- No discussion with Baxby Aerodrome has taken place.
- Until a full assessment has been undertaken to the satisfaction of the Aerodrome Operator and the Civil Aviation Authority. The development is considered to be harmful to aerodrome operations and aviation safety.

4.18 Civil Aviation Authority (Airfield Advisory Team) – In respect to the latest amendments to the proposals, the C.A.A. have made the following comments/observations: “...Whilst the recent project update summary dated November 2022 indicates some change in the scope of the scheme, there has been no material change to the way in which the proposed scheme has been assessed in the recent solar photovoltaic glint and glare study. The same assessment criteria seems to have been used which does not adequately assess the impact of the Solar array on Baxby Aerodrome. Safety is at the heart of concerns raised by Baxby aerodrome. Additionally, impact on commercial viability is a key concern for this established and thriving aerodrome. There are not enough data points in the assessments being undertaken to understand the potential impact on Baxby aerodrome and so, I refer you to our previous commentary dated 05/08/2022. Aircraft using the aerodrome do not simply fly a 2nm straight in approach to runways as is being assessed. They fly dynamic, lower level flight tracks (circuits) over the ground which are a key element of flight training, a fundamental part of Baxby aerodrome’s operation. As such, a wide variety of factors should be assessed, taking in to account various tracks over the ground, various height above ground level and for multiple runways to name just a few...”

4.19 Baxby Airsports Club, Baxby Manor, Husthwaite – In respect to the latest amendments to the proposals, Baxby Airsports Club. have made the following comments/observations: “ We have operated a successful aviation business on our farm for 34 years. There are 33 small single engine aircraft hangared here and we employ 2 instructors and an aeronautical engineer, plus the services of numerous local businesses. Pilots fly in from airfields further afield to have their aircraft inspected and test flown: we are well known in the flying community for our safety record, friendly welcome and having accommodation nearby i.e. the nearby village pubs and The Hideaway campsite, for stopovers. The airfield itself has grass runways with associated hangars and offices: the rest of the airfield is managed to support the varied and plentiful wildlife that has established there over the years of operation. Our main runway is in direct line with, and 300m from the Woolpots North site. If we had the land to do so, we would change the orientation of the runway to mitigate the risks that the proposed development poses, but that is not possible.

The panels, fencing and associated structures would cover the 'Airfield Safety Area' (recommended by the CAA) and, particularly at such close proximity, would constitute a significant risk to pilots and aircraft, taking off and landing. The turbulence and 'glint and glare' created at this low level would be a significant hazard and has not been acknowledged by the applicant despite requests for them to provide a study on the effects on low level aviation."

4.20 Public comments – The representations to the latest amended proposals both in support and objection are summarised below:

Re-consultation (November 2022) – Letters of Support raise the following points:

- The development will help to eliminate carbon emissions and reduce the price of electricity generation.
- We are in a time of energy uncertainty we need to generate more energy in this country and we need to move away from reliance upon fossil fuels for electricity generation. This application will assist in fulfilling both objectives.

Re-consultation (November 2022) – Letters of Objection raise the following points:

- 1) The development is in the wrong place/unsuitable location and will have visual impacts on the Howardian Hills AONB; NYM National Park and the two conservation areas the proposed development would be situated between.
- 2) The development would be on an inappropriate, industrial scale within largely unspoilt countryside adversely affecting the settings of the conservation areas...the proposed substation (opposite the existing electricity substation) and battery plant will create 'a large industrial mass' by the roadside to and from the A19 (to and from the A19)
- 3) The development will detrimentally impact on the local economy and the lives/livelihood of villagers, particularly those that rely on tourism, hospitality and leisure.
- 4) Although the latest amended scheme will be smaller in area, the increased density of PV panels proposed will add to the visual impact, as will the cumulative (visual) impact of linking to the two existing solar farms (i.e. at Boscar Flatts and Peter Hill)...the local landscape has already been saturated with solar farm development and the cumulative impact on a high quality/sensitive landscape will be severe.
- 5) The site area (within the latest amended scheme) remains the same (i.e. 246 acres) meaning further expansion of the development within the land edged red could take place once the 'principle of development' has been established.
- 6) Amenity/Health and Safety - The position and density of the proposals raises noise, fire risk and pollution/contamination/toxic fumes concerns (i.e. resulting from the use of lithium-ion battery energy storage system (BESS) which can catch fire/create a thermal runaway and/or explode)...the submitted 'Outline Battery Fire Safety Management Plan' is inadequate...the distance between the battery storage containers are inadequate to prevent the spread of fire.... "it's a catastrophe waiting to happen, in such close proximity to the school, the village, the road."
- 7) The proposals will take up (in part) Best and Most Versatile agricultural land (i.e. Grade 2 and 3a) which should be kept for domestic food production., particularly because of the need for food security and the impacts of climate change.

- 8) The proposals would prevent 'more appropriate', small-scale installation from connecting to the national grid because of its size.... Whilst there is a need for renewables, smaller, considerately screened and well managed by operators with a proven track record is surely a preferable strategy. The Peter Hill solar farm is an example of one such solar farm.
- 9) There will be minimal community benefits
- 10) Landscaping – the development would be impossible to screen because of undulating land.
- 11) Wildlife – the development would harm wildlife habitats and biodiversity.
- 12) The proposed substation is large in scale and located in a prominent location adjacent to the roadside.
- 13) The acoustic fencing proposed will be ineffective from nearby properties experiencing noise issues from the substation and cooling system. The location of the substation should be reconsidered and more effective acoustic mitigation considered.
- 14) So surely food production in UK should be of prime importance
- 15) While it is acknowledged we must look to alternative sources of energy, there are many other sites in this country that are more suited.
- 16) question how an industrial scale development like this can actually result in a biodiversity net gain.
- 17) the pros of the scheme do not outweigh the cons.
- 18) The glint and glare from the panels so close to Baxby airfield remains an unresolved safety issue...will also impact on the business of the airfield, impacting the pleasure of flying on pilots.
- 19) If allowed, this application would establish a terrible 'principle of development'.

4.21 Howardian Hills AONB: No response has been received in relation to the latest re-consultation, although the following response was received in respect of the consultation exercise on the application as originally submitted, objecting to the proposals:

“The general area is on the northern edge of the Vale of York and the land then rises sharply as it enters the western edges of the AONB and the south west edge of the neighbouring North York Moors National Park, allowing panoramic views from both protected landscapes to the north, west and south. The importance of this area to the setting of the two protected landscapes is recognised in the recently adopted Joint Minerals and Waste Plan (NYCC, City of York and NYMNP) which defines a 3.5km “Visually Sensitive Zone” around the designated landscapes, where development is restricted. Although this is primarily related to surface development associated with minerals or waste development, it nevertheless recognises this area as one that is particularly sensitive to development which would impact on the two protected landscapes and/or their settings. The site itself is immediately outside of the western edge of the Howardian Hills AONB, between the main A19 road and the AONB boundary, and to the south west of the National Park. Within the AONB, there are iconic views from public rights of way on Beacon Banks (on high land to the east of Husthwaite village) and from other public rights of way to the north of Husthwaite church looking towards the distinctive wooded limestone hills and the White Horse of the National Park. These iconic views would be significantly affected by the northern element of the solar farm which would be clearly visible in the landscape between the AONB and the National Park and would represent an incongruous large scale development within this rural landscape, the setting of both

protected landscapes and the land linking them. The southern element of the solar farm, though also in close proximity to the AONB boundary, would be less visible from within the AONB. However, it lies close to the road which runs between the A19 and Husthwaite. This road forms an important 'gateway' to the AONB and the solar farm would have a significant effect on public perception of the rural nature of the setting of the AONB as they approach it. There would be a cumulative effect from the existing solar farm and power distribution infrastructure which is already sited close to the proposed site. I note that the visual effect of the existing solar farm is more dominant than expected from specific locations within the AONB, particularly when the panels are in a neutral, horizontal position which results in the visual effect of a continuous non-natural black surface covering the site. Thus, I object to both the northern and southern elements of this proposed development based on its impact on the setting of the Howardian Hills AONB."

- 4.22 National Highways: No response has been received in relation to the latest re-consultation, although the previously they had advised no objections subject to conditions including the requirement for a stage 1 safety audit and a construction management plan.
- 4.23 Publicity - Several site notices have posted adjacent to the application site and within the wider local area to advertise the application (time expired).

5.0 Analysis

The main issues to consider are:

- Principle
- The use of agricultural land
- Landscape and visual impacts
- Impact(s) on heritage assets
- Amenity/health and safety
- Flood risk and surface water drainage
- Highway impacts
- Ecology impacts and Biodiversity Net Gain

Principle

- 5.1 Following the Paris Agreement, the UK has committed to meeting a legally binding target to cut greenhouse gas emissions by at least 100% from the 1990 baseline by 2050, which would result in net zero greenhouse gas emissions. This target, which is set out in the Climate Change Act 2008 (2050 Target Amendment) Order 2019, is more ambitious than the 80% reduction set out in the 2011 National Policy Statement for Energy (EN-1). The 2008 Climate Change Act also introduced legally binding carbon budgets, which restrict maximum greenhouse emissions for five-year periods ahead of the 2050 Net Zero Target. The sixth carbon budget requires a 68% reduction in annual UK greenhouse gas emissions by 2030 relative to 1990 levels and a 78% reduction by 2035. In addition, the Government's Net Zero Strategy (2021) sets out a commitment for all electricity to come from low carbon sources by 2035.

- 5.2 The EN-1 Overarching National Policy Statement for Energy (published in July 2011) and EN-3 National Policy Statement for Renewable Energy Infrastructure (published in July 2011) are material considerations in the determination of large scale renewable energy developments such as the one proposed. Paragraph 3.4.1 of EN-1 makes reference to the UK commitment to sourcing 15% of energy from renewable sources by 2020. To reach this target, and to largely decarbonise the power sector by 2030, EN-1 states that “It is necessary to bring forward new renewable electricity generating projects as soon as possible. The need for new renewable energy generation is therefore urgent”. It should be noted that both National Policy Statements are under review and the Draft National Policy Statement for Energy (EN-1) (September 2021) and Draft National Policy Statement for Renewable Energy Infrastructure (EN-3) (September 2021) have been out for consultation. Draft EN-3 states that electricity generation from renewable sources of energy is an essential element of the transition to net zero), reflecting the important role that renewable will play in developing a low carbon economy and meeting the Government's targets of net zero.
- 5.3 Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the revised NPPF (July 2021) deals with the promotion of renewable energy projects. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. Paragraph 154 indicates that new development should be planned for in ways that:
- a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b. can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 5.4 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
 - b. approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.
- 5.5 National Planning Practice Guidance (PPG) states why the provision of renewable and low carbon energy is important: “Increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and

stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.” The PPG also emphasises that such schemes will help the Government meet its legal commitments to cut greenhouse gases and meet increased energy demand from renewable sources, although it is also important to note that the PPG is clear that the need for renewable or low carbon energy does not automatically override environmental protections.

5.6 The national Planning Practice Guidance (i.e. “Planning for renewable and low carbon energy” section) also indicates that particular factors a local planning authority will need to consider include:

- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
- where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal’s visual impact, the effect on landscape of glint and glare and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

5.7 In accordance with the aforementioned national planning policy and guidance, and building on the general support given to development that ‘supports and adapts’ to climate change as stated within part (g) of Strategic Policy S1, Policy RM6 (Renewable and Low Carbon Energy) of the Hambleton Local Plan also seeks to ‘encourage’ renewable energy installations:

“Renewable and low-carbon energy installations, including associated infrastructure, will be encouraged. A proposal, including community-led initiatives for renewable and low carbon energy, will be supported where it is

demonstrated that all potential adverse impacts, including cumulative impacts and those on aircraft, radar and telecommunications are, or can be made, acceptable.”

- 5.8 Policy RM6 goes on to state that when identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal. When identifying and considering landscape and visual impacts regard will be had to the Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) or successor documents. Having identified potential adverse planning impacts the proposal must seek to address them all firstly by seeking to avoid the impact, then to minimise the impact. Enhancement and/or compensatory measures should be assessed, as appropriate, and included in order to make the impact acceptable. All reasonable efforts to avoid, minimise and, where appropriate, compensate will be essential for significant adverse impacts to be considered as being fully addressed. Sufficient evidence will need to have been provided to demonstrate that adverse impacts on designated nature conservation sites can be adequately mitigated. Where relevant this will include sufficient information to inform a Habitats Regulations Assessment. Provision will be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant or at the end of the permitted period for time limited planning permissions.
- 5.9 Broadly speaking the principle of renewable and low carbon energy development is supported nationally through the aforementioned legislation and within the planning policy/guidance, and within the District by policy RM6 in particular, subject to compliance with other Local Plan policies. That said, Policy RM6 is clear that such general support for renewable energy proposals is dependent on the applicant demonstrating that all of the ‘potential adverse planning impacts’ of the proposed scheme are, or can be made, acceptable when weighed against the scheme’s ‘public benefits’. These matters will be considered below.

The use of agricultural land

- 5.10 The NPPF states that local planning authorities should recognise the economic and other benefits of the best and most versatile (BMV) agricultural land. Footnote 58 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. This is echoed within Policy S5 of the Local Plan which also states that where significant development in the countryside is demonstrated to be necessary, the loss of the BMV agricultural land (i.e. grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.
- 5.11 An Agricultural Land Classification Survey (May 2021) was submitted with the application as originally submitted together with a sequential site search document. Although this has not been updated based on the subsequent amendments to the layout of the scheme, it does still show that the fields comprising the amended Woolpots North site only contains a relatively a small portion of Grade 3a land

towards the northern boundary, straddling the boundary between fields, coded in the application as PDA1 and PDA2., the rest being Grade 3b. In Woolpots South, the opposite is true with the majority of the remaining operational land comprising of grade 2 and 3a land, with a section of Grade 3b land along the northern boundary of the Woolpots South site. The latest amendments have reduced the loss of the BMV land by lowering the proportion of fields used to accommodate the operational development within Woolpots South (i.e. fields PDA 17, 19 and 20) and also ensuring that the BMV land is not landlocked by the remaining operational development. It should be noted that the latest amendments also remove panels from most of field PDA21 although the Agricultural Land Classification Survey does not identify a land classification for this field, although based on the surrounding land classification, this is likely to be Grade 3a land.

- 5.12 It's clear from the Agricultural Land Classification Survey that the amended proposals would result in the loss of areas of BMV land, mainly within the Woolpots South part of the site. Planning policy expects such a loss to be avoided, wherever possible unless the benefits of the scheme outweigh the loss. Lower grades of agricultural land should be used instead, unless outweighed by other sustainability issues but if the benefits of the proposals outweigh the loss. The agent has argued within the Project Update Summary that the amendments to the layout have reduced the impact of the development on the BMV land and that a balance has been sought within the latest scheme to look to reduce the landscape impact, which is more effectively achieved by using the BMV within Woolpots South. For instance, the fields within the southern part of the south site adjacent to Boscar are set away from the roadside, are adjacent to the existing solar installation and are generally on flat, 'hedgerow-boundaries' fields, and thus are generally less visually prominent within the landscape, although consist of predominantly BMV. In order to maintain a viable scheme, to avoid the impact on the BMV completely would mean utilising lesser quality, but more visually prominent land and fields within the Woolpots North section which would not be sustainable due to the additional adverse impact on the landscape, including the AONB and NYM National Park. This argument carries some merit, as it is clear that avoiding using the BMV altogether would create more visual and landscape harm on the basis that the agent has confirmed that the current number of panels within the latest amended scheme is the minimum required to make the scheme viable. While the latest scheme therefore represents a reasonable and pragmatic approach/balance aimed at lessening the impacts on both the landscape and BMV agricultural land, there's still clear harm caused by the development in both regards. As such, policies S5 and RM6 require this harm to be weighed in the planning balance against the benefits of the proposals. This is done in the 'planning balance' section of this report.

Landscape and visual impacts

- 5.13 Policy S5 (Development in the Countryside) states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.14 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character of landscapes and townscapes 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. The Council will also protect

and enhance the distinctive landscapes of the district. A proposal will be supported where it:

- takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;
- conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
- conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;
- takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;
- protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.

- 5.15 Policy E6 (Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced, including the respective settings of the AONB and the North York Moors National Park. This will be achieved by: (c) resisting proposals that would have a harmful impact on AONBs and their settings or the setting of the North York Moors National Park, or on the objectives of the respective management plans for these designations.
- 5.16 The supporting text of Policy E6 confirms that great weight should be given to conserving landscape and scenic beauty, including wildlife and cultural heritage, in national parks and areas of outstanding natural beauty (AONBs), which are afforded the highest status of protection in relation to these interests. The policy seeks to ensure that development within or close to these nationally designations does not undermine the reasons for which they were designated. Development within the setting of the National Park could have an impact on the National Park purposes, and therefore the priorities of the National Park Management Plan. Proposals for renewable energy development must have regard to the potential impact on Hambleton's landscapes as identified in policy 'RM6: Renewable and Low Carbon Energy'.
- 5.17 The Hambleton Landscape Character Assessment and Sensitivity Study identifies 26 distinct landscape character areas across the district and for each for them sets out guidelines regarding landscape and visual sensitivity to development. The application site falls into the following Character Areas: North York Moors Fringe (16) which notes that there may be opportunity for small-scale renewables and describes the landscape as being similar in character and quality to the North York Moors National Park. The other is the Yearsley Ridge (23) which is described as having a tranquil, rural character and has a key relationship between the National Park and AONB, and therefore has a high sensitivity to intrusive change.
- 5.18 A Landscape and Visual Appraisal (LVA) was submitted in support of the application. Although this has not been updated based on the subsequent amendments to the scheme, the Project Update Summary contains an assessment of the landscape impact based on the latest amendments, while visualisations have been provided for years 1 and 15 in relation to specific viewpoints) The Project

Update Summary has considered the landscape impact from four specific viewpoints in particular:

- Viewpoint 6 – Carlton Husthwaite
- Viewpoint 7 – Thormanby
- Viewpoint 8 – Beacon Banks
- Viewpoint 9 – White Horse

While the conclusions of the aforementioned assessment are noted (i.e. that the proposals would not have an unacceptable visual and harmful impact on the landscape including its qualities and particular sensitives/characteristics), the overall conclusion of no significant harm is nonetheless disputed. Although it is recognised that the latest amendments – by reducing the land to be used for operational development and the use of fixed arrays – would result in a marked improvement overall in term of visual impact and landscape harm than the originally submitted proposals. However, even taking this into account, the substantial scale of the development as originally submitted; its siting and the sensitivities and characters of the landscape, even after the marked reduction in the operational site area would have significant and harmful landscape and visual impacts.

- 5.19 Although the topography is relatively varied, including both undulating fields and flat areas. Woolpots North is overall the more visually prominent of the two sites, located as it is on undulating fields and with little benefit of natural screening (rom public views from the North (looking southwards) from vantage along the road from Carlton Husthwaite due to a distinct lack of hedgerows and trees within the fields between Woolpots North and Carlton Husthwaite to the north. The agent has amended the latest proposals to omit panels from the higher topography within the Woolpots North site, however the extent of the PV panels coupled with open/unimpeded views from the north, and to a lesser extent the east, would mean the development would have a significant harmful visual and landscape impact.
- 5.20 As referred to above, the Woolpots South site generally involves the use of flatter and better screened fields. However, the amended proposals would involve the use of undulating land within the northern-most field in Woolpots South. It is acknowledged that the amended scheme uses less of this land and includes a landscape buffer in the northern boundary which, in part, would mitigate some of the visual and landscape impact of the use of this sloping land. Panels within this field would nevertheless be visible form vantage points along the adjacent roadside nonetheless. The Woolpots South site also includes an electricity sub-station to be built opposite the existing electricity sub-station and close to the roadside, together with the proposed 74MW battery plant. Although planting is proposed between the installations and the highways, given the scale and utilitarian appearance of these installations, it is likely that this part of the development (along with the existing substation and Pylons on the opposite side of the road), would create a large industrial mass on the roadside, harming the approach to the village of Husthwaite form the A19. The scale and longer range visual impacts of Woolpots South is considered to be less than the operational development within Woolpots North, there would nevertheless be significant harm caused to the local landscape character as a result of the proposed development that mitigation (through the aforementioned planting) would help soften, but not fully mitigate.
- 5.21 In accordance with Policy E6, the impacts on the settings of the NYM National Park and Howardian Hills AONB have to be considered. Both the Board of the Howardian Hills AONB and NYM National Park submitted objections to the

proposals due to the harmful impacts on the settings of both respective designated areas. Although the NYM have acknowledged that the latest amendments represent a significant improvement in this regard, they still have expressed concerns about the harmful impact on the setting of the NYM National Park, and request that this impact/harm is considered against any benefits of the scheme within the 'planning balance'.

Impact(s) on heritage assets

- 5.22 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 5.23 Policy S7 (Historic Environment) states that Heritage Assets will be conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Particular attention will be paid to the conservation of those elements which contribute most to Hambleton's distinctive character and sense of place.
- 5.24 Policy E5 (Development Affecting Heritage Assets) states (*inter alia*) a proposal will only be supported where it ensures that: (i.) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j.) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals; (n.) those elements which contribute to the significance of a non-designated archaeological sites will be conserved, in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation will be ensured through preservation of the remains in situ as a preferred solution. When 'in situ' preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Council and deposited with the Historic Environment Record.
- 5.25 Policy E5 also states that any harm to, or loss of, the significance of a designated Heritage Asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the NPPF.
- 5.26 A Heritage Impact Assessment (November 2021) has been submitted with the application as originally submitted, although it has not been updated/undertaken again to reflect the amendments within the latest revisions.

- 5.27 Having been reconsulted on the amended proposals, Historic England still maintain an objection to the proposals, stating that, 'whilst the amended panel areas will reduce this impact, we still have to highlight a level of harm which we find unacceptable. We appreciate that the harm will have to be balanced against public benefit of the proposal. Consequently, we do wish to maintain our objection.'
- 5.28 Based on the findings/conclusions of the H.I.A. and the recommendation and observations of Historic England, it is considered that the proposed development (as amended) would have a less than substantial impact on the respective settings of a number of designated Heritage Assets, including the Husthwaite and Carlton Husthwaite Conservation Areas and a number of listed buildings. The harm should be given substantial weight in the planning decision.

Flood risk and surface water drainage

- 5.29 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.
- 5.30 The Lead Local Flood Authority were consulted and based on the latest amended scheme (as well as the updated and additional flood risk information) have confirmed that they have no objections to the proposals.
- 5.31 In respect to surface water drainage, in general the design of photovoltaic (PV) panels means that the area represented by the proposed panels is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable. This common setup means sites are usually considered 95% permeable, but associated infrastructure like battery storage units, solar stations, substations, internal roads should be considered as fully impermeable.

- 5.32 In most circumstances rainfall will drain freely off the panels onto the ground beneath the panels where the surface remains permeable. Thus, the total surface area of the photovoltaic array is not considered to act as an impermeable area and the impact is assumed to be nil. However, the nature of the underlying groundcover and antecedent conditions can have a demonstrable influence on the surface water run-off characteristics of a site, i.e. if the ground cover beneath panels is proposed as bare earth which is susceptible to hardening in summer months, then peak discharges can increase significantly. As such, it should be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak, compared to the pre-development situation.
- 5.33 The surface water usually flows from the surface of the solar array to the areas in between the rows with an increased velocity. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. To mitigate this the following should be considered:
- Restrict vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations
 - Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. This can alter natural flow paths and should be avoided where possible
 - Maintaining the vegetative areas between the solar arrays to assist in interrupting the flows and promote infiltration and interception. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water
- 5.34 In light of the above information, should planning permission be granted, then it is recommended that a planning condition relating to the proper maintenance of ground conditions is imposed to ensure sustainable surface water drainage from the development.

Amenity/health and safety

- 5.35 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.36 In support of the application an amended/updated Glint and Glare study was carried out by PAGEPOWER Urban and Renewables. The study concluded that there would be no unacceptable impact on any aerodromes *including Baxby Manor) as a result of the proposed development, or on any highways. Baxby Manor, the GAAC and the CAA have however maintained concerns with the proposed development in terms of both safety and the sustainable continued operation of Baxby Manor aerodrome. In this regard, the CAA have requested that PAGEPOWER undertake additional modelling works based on approaches and routes used by aircraft using

Baxby Manor. The results of this additional modelling works are still outstanding, and thus the concerns of Baxby Manor, the GAAC and the CAA remain.

- 5.37 In terms of general amenity there would be potential for noise/disturbance during construction related to the movement of vehicles to and from the site and the actual installation of the panels themselves, although deliveries to the site could be phased. It is recommended that a construction phase management plan is submitted (via planning condition) should planning permission be granted.
- 5.38 In relation to noise during the normal operation of the site post construction the applicant, there is unlikely to be any significant noise associated with solar PV arrays during operation as the panels themselves do not make any noise. Any operational noise will come from the substation and/or invertors. The development would also include battery storage containers (within Woolpots South) and associated inverters and transformers. All sound-emitting plant would not be located in close proximity to any residential properties. A Noise Impact Assessment Report (NIA) (November 2021) has been submitted with the application as submitted, although has not been updated based on the latest amendments to the application. The NIA. concluded that there would be no significant or unacceptable noise impact on the nearest sensitive (residential) receptors, and although a number of local residents have queried various parts of the NIA., Environmental Health have not raised any objections to the methodology, results or conclusions of the NIA. Therefore, it is considered unlikely therefore that operational noise will have a significant impact on residential amenity.
- 5.39 A relatively substantial proportion of local residents responding to the proposals have raised concerns about the safety of the Battery Energy Storage System (BESS) and the risk posed to health and safety and the environment (from contamination) as a result of lithium batteries catching fire and/or causing an explosion. The agent has sought to address these concerns by submitting an Outline Battery Management Plan (November 2022) which outlines the measures and procedures for maintaining safety and for addressing any incidents involving fires caused by the overheating of the lithium batteries within the development. While a relatively large number of representations received from local residents have expressed the view that the Outline Battery Management Plan is lacking detail and is 'not fit for purpose', no representations have been received from SABIC, the Fire Service or Environmental Health to conclude that the use of lithium batteries in this location would pose a unacceptable health and safety, or pollution risk. If planning permission is granted, it is recommended that a condition is imposed to require a detailed Battery Management Plan to be submitted and agreed by the Local Planning Authority prior to works commencing involving the installation of any part of the BESS.

'Agent of Change' and the Impact on the current operations of Baxby Manor Aerodrome

- 5.40 As well as the safety concerns expressed by the C.A.A., the latest C.A.A. response has also reiterated their outstanding concerns relating to the impact of the 'Woolpots North' element of the proposals on the operation of the Baxby Manor Aerodrome. The aerodrome operates commercially, including providing flight training, using several runways. The outstanding concerns of both the owners of the aerodrome and the C.A.A. is that the presence of P.V. panels within

the various flight paths of the aerodrome has the potential to alter the nature and number of commercial and training flights from the aerodrome, due to the potential impact on aircraft using the aerodrome from glint and glare, turbulence and collision (should any aircraft need to safely crash land). As the 'agent of change', the amended proposals have failed to demonstrate (including providing suitable mitigation) to demonstrate that the proposed development would not place unreasonable restrictions on the operation of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187.

Highway impacts

- 5.41 Local Plan Policy IC2: Transport and Accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:
- a) 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;
 - b) where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
 - c) 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;
 - d) any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England; [now National Highways]
 - e) highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
 - f) adequate provision for servicing and emergency access is incorporated.
- 5.42 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.
- 5.43 In support of the application a Transport Statement (TS) was submitted. The TS provides an overview of the development in relation to traffic and assesses the anticipated impact of the development as a result of increased traffic and transportation movements within the local area. National Highways have been consulted on the application, and although they have not responded to the latest re-consultation (based on the recent amendments to the scheme), they did submit a representation in relation to the original proposals, confirming that they had no objections, subject to conditions including: requiring the undertaking of a collision data analysis (as part of a submitted Construction Traffic Management Plan); clarification on routes, and the provision of information regarding the likely impact of

construction traffic on the Strategic Road Network during the AM and PM peak hour periods and the need for mitigation. Having considered the results of the TS and taken into account the response of National Highways, the development (during and post construction) is not considered to result in severe impacts on the Strategic Road Network and would meet the requirements of Policy IC2 of the Local Plan.

Ecology impacts and Biodiversity Net Gain

- 5.44 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.
- 5.45 The revised biodiversity metric assessment confirms that the proposed development would deliver a 114.57% gain in habitats and 47.08% gain in hedgerow units, thereby making a substantial improvement to existing biodiversity which will have benefits on the site and to wildlife in the local area and meets the requirements and expectations of Policy E3 and the NPPF in terms of biodiversity net gain.
- 5.46 The application is supported by an Ecological Impact Assessment (November 2021) which details the results of an extended phase 1 habitat assessment, although the EIA has not been updated/undertaken again in relation to the latest amendments. However, subject to undertaking the recommendations and mitigation measures within the EIA, the EIA concludes that there would be no significant harm to ecology as a result of the proposed development.
- 5.47 It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit. Sites for solar energy generation are limited owing in part to the proximity to a suitable and viable grid connection point.
- 5.48 However, the proposed development will result in substantial harmful impacts to the visual landscape character of the area, as well as to the respective settings of the Howardian Hills AONB and the NYM National Park. There is also considered to be 'less than substantial harm' caused to the settings of the Conservation villages of Carlton Husthwaite and Husthwaite the Listed Buildings within proximity of the application site, protection of these Heritage Assets needs to be given substantial weight in the 'planning balance'.
- 5.49 The proposed development would also result in the use (and loss for the lifetime of the development) of areas of the BMV agricultural land.
- 5.50 Matters pertaining to glint and glare have been assessed and whilst an amended glint and Glare Study has been submitted, concerns remain outstanding from the CAA, the GAAC and Baxby Manor about the sustainable and safe operation of the Baxby Manor airfield as a result of the proposed development. The results of additional modelling recommended by the CAA remain outstanding at the time of writing. Furthermore, as the 'agent of change', the amended proposals have failed to demonstrate (including providing suitable mitigation) to demonstrate that the proposed development would not place unreasonable restrictions on the operation

of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187 of the NPPF.

- 5.51 As required by Policy RM6, these harmful impacts need to be weighed against the public benefits of the proposals, which would include a biodiversity net gain, the generation of renewable electricity/reduction in carbon emissions and increasing the security and diversity of the electricity supply. The agent has also confirmed that proposals relating to the provision of PV panels to a local school (which has been rejected) and a financial payment into a Yorkshire community fund.
- 5.52 On balance, the nature and range of harmful impacts resulting from the development outweigh the potential benefits of the scheme. As such, the proposed development would be contrary to Policy RM6 of the Hambleton Local Plan.

6.0 Recommendation

- 6.1 It is therefore recommended that the application is **REFUSED** for the following reasons:

1. The application proposes the use of Grade 2 and 3.a. agricultural land. Grade 2 and 3.a. agricultural land is the best and most versatile agricultural land and is a finite resource. The loss of use of the best and most versatile agricultural land is contrary to policies S1 and S5 of the Hambleton Local Plan and contrary to the objective of using natural resources prudently required by NPPF in paragraph 8, without appropriate justification. The harm that may occur in the objective to achieve a low carbon economy is to be balanced but should not override the objective to protect a finite resource and the ability to produce food for the security of the nation. Despite the latest amendments to the application that have reduced the amount of best and most versatile land to be utilised for operational development., the proposal is a significant development in the countryside involving a relatively substantial amount of the best and most versatile agricultural land, and it has not been satisfactorily demonstrated that the development is necessary in this location resulting in the loss of use of a substantial area of Grade 2 and 3.a. agricultural land. This loss, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.
2. The Woolpots North part of the development is located on the flight approach to Baxby Manor Aerodrome and within its vicinity. Despite the submission of an updated Glint and Glare Study, the Civil Aviation Authority maintain concerns about the assessment criteria used in the Study, while the results of additional modelling works (requested by the C.A.A.) based on the flight paths used by Baxby Manor Aerodrome remain outstanding. Notwithstanding the updated Glint and Glare Study, there is insufficient information submitted with the application to demonstrate that the proposed development would not have an unacceptable impact on the safe operation of Baxby Manor Aerodrome, contrary to Policy E2 (Amenity) of the Hambleton Local Plan. Furthermore, as the 'agent of change', the amended proposals have failed to demonstrate (including providing suitable mitigation) that the proposed development would not place unreasonable restrictions on the operation of Baxby Manor Aerodrome and how it currently operates, contrary to paragraph 187 of the

NPPF. This impact, when considered cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.

3. Policy E6 (Protected Landscapes) states that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced, including the respective settings of the AONB and the North York Moors National Park, resisting proposals that would have a harmful impact on their respective settings, with great weight to be given to conserving their landscape and scenic beauty. Although the amended proposals have reduced the extent and visual impact of the development on the respective settings of the North Yorks. Moors National Park and Howardian Hills AONB, the visual effect will still be dominant from viewpoints within the National Park and the AONB and detrimental/harmful to their settings. This harmful impact, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E6 and RM6 of the Hambleton Local Plan.
4. Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character in the district. Although the amended proposals have reduced the extent and visual impact of the development, the visual harm caused to the distinctive qualities of the local landscape from both the Woolpots North and South elements of the proposals would be substantial. This harm, when considered cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E7 and RM6 of the Hambleton Local Plan.
5. Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving the listed building or its setting or any features or special architectural or historic interest which it possesses. Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Policy E5 (Historic Environment) also states that any harm to, or loss of, the significance of a designated Heritage Asset will require clear and convincing justification. The proposed development (as amended) would have a less than substantial impact on the respective settings of a number of designated Heritage Assets, including the Husthwaite and Carlton Husthwaite Conservation Areas and a number of listed buildings. This harm, which is given substantial weight, when considered individually and cumulatively with the other reasons for refusal, would outweigh the public benefits of the proposals. The proposals would therefore be contrary to Policies E5 and RM6 of the Hambleton Local Plan.

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Parish: Easingwold

Ward: Easingwold

3

Committee Date : 19 January 2023

Officer dealing : Mr T J Wood

Target Date: 26 January 2023

Date of extension of time (if agreed):

22/02671/FUL

Siting of a portable building to be used as a community hub.

At: Easingwold AFC Stillington Road Easingwold North Yorkshire

For: Ms Di Watkins for Easingwold and District Community Care Association.

1.0 Site, Context and Proposal

- 1.1 The proposal is to site a modular building on land that is currently vacant grassland to the north of the pavilion building at Easingwold Football Club and south of, and bounded by a mixed species hedge from, the area of open space alongside the newly constructed residential estate at Partridge Road.
- 1.2 The modular building is noted to be 12 x 6m = 72sqm, a portable prefabricated building 3.7m high with walls overlaid with a steel covering finished in RAL6002 "Heritage Green" to match the adjacent building. No foul sewer is required for the modular building as facilities will be available within the Football Club building.
- 1.3 The applicant states: Easingwold District Community Care Association is a major charity in Easingwold and our aim is for Easingwold and District to be a true Community where all residents have a good quality of life, a sense of wellbeing and belonging, where needs are met, and everyone feels part of a caring and supportive environment.
We do not have any buildings or office space that belongs to us. We wish to establish a Community Hub in Easingwold using a portable building which our clients can use for various activities. We have a Men in Sheds project, knit and natter group, crossword club who would be able to avail themselves of this facility. We wish to erect a portable building in an area next to Easingwold Football Club. The land is currently in use as pertaining to sports activities, predominantly football. We have the permission of the Chair and Committee of the Football Club to site this building.
- 1.4 The opening hours have been provided noting operations during week days between 9am and 5pm with potential for weekend use by the football club.
- 1.5 An existing Football Club storage container is to be moved in a north-easterly direction to make space for the modular building.
- 1.6 Provision of a path to link the modular building with the footpath on the east side of Stillington Road is shown to be formed.

2.0 Relevant planning and enforcement history

- 2.1 05/00356/FUL Construction of a replacement football changing pavilion as amended by plans as received by Hambleton District Council on 6 May 2005 Approved 17 August 2005.

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy 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 IC3: Open Space, Sport and Recreation
Local Plan Policy IC4: Community Facilities
Local Plan Policy RM3: Surface Water and Drainage Management

4.0 Representations

- 4.1 Easingwold Town Council - wish to see the application approved.
- 4.2 Kyle and Upper Ouse Internal Drainage Board - no objection
- 4.3 Yorkshire Water - no response
- 4.4 Publicity - site notice and neighbour notifications - one response received from the Chairman of the Easingwold Town AFC fully supporting the application as it supports a very useful community initiative and facility.

5.0 Analysis

- 5.1 The following are the main planning issues to be considered in this case.
 - a) Principle of the siting of a community hub modular building on a site adjoining the built form of Easingwold
 - b) The accessibility of the site
 - c) Impacts, if any, upon residential amenity of neighbours
- 5.2 The site for the proposed modular building is adjoining the built form of Easingwold as it is next to the residential property of Partridge Road and the football club pavilion. The Local Plan supports community developments and at Policy IC4 requires that they be sited in a location where they are able to serve the community they are intended to serve. The proposal fulfils this requirement as it is adjoining the built form of Easingwold.
- 5.3 The site is accessible by foot along the Stillington Road (north-east side), footpath and a new link path is proposed to connect to the site of the community hub. This is an enhancement to the current accessibility of the football site from Stillington Road as there is no footpath on the north-east side beyond the Partridge Road estate, users either walk on the footway on the south-west side of Stillington Road. The site will also have access from the football club car park. The policy meets the accessibility requirements of Policy IC4.

- 5.4 The proposed use is of relatively small scale (6m x 12m) and operating time is between 0900-1700 during the week and occasional use by the football club during weekend. No external lighting is proposed other than a safety light over the entry door. There is no reason to conclude that such a modest building in community use for the purpose of a 'Men's shed', 'Knit and natter' and similar purposes would give rise to any impact upon the amenity of neighbours.
- 5.5 The proposed modular building would be partially screened by the roadside hedge, and football field hedgerow (with scope of reinforcement planting) and the existing pavilion building. A simple modular building of 3.7m in height will not result in any significant visual impact and subject to controls of the colour of the surface finish is an appropriate detail for the intended purpose.
- 5.6 The Hambleton DC Cabinet and Council at meetings in December 2022 resolved to provide Community Infrastructure Levy funding to assist in the cost of the provision of the modular building.
- 5.7 The proposal is considered to meet the requirements of the Hambleton Local Plan enabling support for the provision of a scheme to enhance the range of community facilities available within Easingwold.

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 drawings received by Hambleton District Council on 21 November 2022, 25 November 2022, 1 December 2022 and 19 December 2022 unless otherwise approved in writing by the Local Planning Authority.
 3. The external surfaces of the modular building shall be finished in a material the colour and texture of which are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. Thereafter the building shall be maintained in accordance with the approved details.
 4. The building shall not be used outside the hours 0900 and 1700 on any day.

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
4. To safeguard the amenity of residential neighbours in accordance with the Local Plan Policies S1 and E2.

Parish: East Cowton
Ward: Appleton Wiske & Smeatons
4

Committee Date : 19 January 2023
Officer dealing : Nathan Puckering
Target Date: 12 August 2021
Date of extension of time (if agreed): 20 January 2023

21/01361/OUT

Outline planning application with some matters reserved (considering access) for the construction of up to 15 dwellings and means of vehicular access as amended by plans received by Hambleton District Council on 01.12.2022.

**At: Land To The East Of Birkby Lane OS Field 4109 East Cowton North Yorkshire
For: B, P & M Tweddle.**

1.0 Site, Context and Proposal

- 1.1 The site is a parcel of agricultural grazing land to the south east of East Cowton. It is accessed via Birkby Lane, a C road that runs south eastwards out of the village towards Birkby before joining the A167 approximately 5km away. Birkby Terrace, a terrace of three dwellings sits directly to the west, with various detached and semi-detached dwellings along the northern boundary. Orchard Bungalow, a larger detached bungalow is set further back than these dwellings and sits at the mid-point of the western boundary. A hedgerow bounds the southern boundary, with several trees also sited here. Beyond these in this direction is open agricultural land.
- 1.2 The site and surrounding land is relatively flat, slightly rising as it moves eastwards. As a result, views are open as one approaches along Birkby Lane from the south east and the rear of the aforementioned dwellings to the north of the site are readily visible from a distance of up to around half a kilometre away. North Yorkshire County Council have advised that ridge and furrow earthworks exist on the site as part of a field system in the wider locality. This is defined as being a local interest rather than regional or national. Other than that, there are no site constraints by way of statutory designations either on, or immediately adjacent to, the site.
- 1.3 This application is seeking outline consent for the construction of 15 bungalows. Only access is to be considered at this stage, with the demolition of one of the aforementioned terraced dwellings on Birkby Terrace proposed to facilitate the new access. An indicative layout has been provided which shows the 15 units arranged as mainly semi-detached properties either side of an internal spine road that would run in roughly a north easterly direction from the south west corner of the site. Open space is shown as a buffer between the existing properties to the north and west.
- 1.4 Originally this application was for 21 dwellings, with this number reduced over the course of the application. The housing types were also altered to propose only bungalows as opposed to mostly two storey dwellings.

2.0 Relevant Planning History

- 2.1 91/0873/OUT - Outline Application for Residential Development - 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 S7: The Historic Environment
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy HG3: Affordable Housing Requirements
Local Plan Policy HG5: Windfall Housing Development
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E5: Development Affecting Heritage Assets
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

4.0 Consultations

4.1 Parish Council - Objected to the initial proposal for 21 units for the following reasons (it should be noted that this was pre-adoption of the Local Plan and this refers to several now out of date policies):

- The development is not allocated in the Local Plan nor the emerging Local Plan.
- The size and nature of the proposal means it cannot be considered under the Interim Policy Guidance for small scale housing.
- The need for the proposed housing is not understood.
- Surface water drainage in light of localised standing water is a concern.
- The foul water sewers are running at capacity.
- The application needs a detailed drainage plan signed off by Yorkshire Water before it can be properly considered.
- Increased traffic, coupled with the siting of an access road to the proposed development opposite commercial premises, is regarded as undesirable and potentially dangerous, taking into account also the lack of a public footpath within the village along Birkby Lane.
- Concerns about the maintenance of the proposed hedgerow.
- The Parish Council believe that rented dwellings are required within the village.
- The scale of the development proposed would be a dominant feature in the landscape from Birkby Lane.
- The demolition of 3 Birkby Terrace is an "attack on the history of the settlement".
- The development is without support from residents of the village.

Following amendments, a further re-consult was carried out. The Parish Council objected again to the revised scheme. New points raised can be summarised as followed:

- This amended (outline) application does not provide a detailed drainage plan but appears to assume reliance on an existing culverted drain to remove the surface

water and relies on the suitability of the existing infrastructure off site for foul and surface water and we question whether the developer has engaged with Yorkshire Water to plan for sewer network reinforcement.

- The applicant's justification for 15 bungalows relies heavily on providing suitable accommodation for elderly, disabled and vulnerable persons however the support services available in East Cowton are limited.
- There is currently a planning application for 70 dwellings in the village and we understand it is well progressed. There needs to be time to analyse the impact of that development on the village before considering any further development irrespective of size or whether it meets HG5 (Windfall) criteria.

4.2 Local Highway Authority - No objection to either the initial proposal or the re-consult, subject to conditions. Concerns are raised about the indicative layout significant potential issues with regard to the proposed alignment of certain of the proposed off-street parking spaces and driveways and with regard to the alignment of the proposed turning head and as a result it is recommended that the applicant engage with the LHA prior to a reserved matters application, should outline permission be granted.

4.3 Yorkshire Water - No objection subject to conditioning of submitted Drainage Statement. Note that to use the existing culverted watercourse will require permission from the Local Land Drainage Authority. No response received to the re-consult on the amended scheme.

4.4 Lead Local Flood Authority - Initially objected to the proposal as a result of the lack of information relating to how surface water would be dealt with and evidence to demonstrate exactly where the culvert is that they intend to use. Following an Outline Drainage Statement being submitted the LLFA were re-consulted and withdrew their objection with the following comments of note:

- The LLFA is content the culvert exists and a plan submitted shows where this runs to has been submitted. However, the applicant must ensure the receiving waterbody is in a suitable condition and consent may be required to discharge into this watercourse.
- It has been stated in the Drainage Statement that the final design will be as such that the peak flow will be as close as practical to the greenfield rate.
- Detailed Micro Drainage calculations will be required to confirm the required surface water attenuation volume for any reserved matters/discharge of conditions application. The proposed SuDS attenuation features should be able to provide the 1 in 100 years design flood event plus with an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.
- The drainage strategy states that the drainage system will be maintained by a paid for maintenance company and a typical maintenance schedule is outlined in the drainage strategy. It must be demonstrated to the satisfaction of the LPA that maintenance will be assured for the lifetime of the development.

4.5 Swale & Ure IDB - It's noted that the surface water is discharging beyond the IDB catchment before probably discharging back into the district. The Board are satisfied with the proposed discharge rate. The Board have no comment.

4.6 Environmental Health (Contaminated Land) - Given the former agricultural land use, the associated potential sources of contamination and the proposed vulnerable end use, the applicant is required to submit a Phase 1 Preliminary Risk Assessment.

Ideally this information should be submitted prior to determination, however, if you are minded to approve the application then I would recommend a condition in order to secure the investigation and, where necessary, remediation of any contamination on the site.

- 4.7 Natural England - No comments to make.
- 4.8 MOD - No safeguarding objections.
- 4.9 NYCC Heritage Services - The application site contains well-preserved ridge and furrow earthworks. These form part of a more extensive field system which extends to the south-east of East Cowton. The ridge and furrow within the development area is a heritage asset in its own right and forms part of a wider landscape providing the agricultural setting to the village. This adds to the significance of the ridge and furrow. On the converse side, the ridges are relatively straight and narrow suggesting that they are later rather than earlier medieval in date and this lowers their level of significance. On balance the ridge and furrow might be best described as a heritage asset of local interest rather than of regional or national interest.
- 4.10 Environmental Health - No objection initially subject to conditions requiring a Construction Management Plan and limiting working hours and external lighting. However, following the revised applications reference to air source heat pumps as part of the development on the indicative plans, concern has been raised about the potential for noise and disturbance. As such, a noise assessment would be required to address this.
- 4.11 The Environment Agency, Yorkshire Wildlife Trust and The Safety Regulation Group were consulted but did not respond.
- 4.12 Site Notice and Neighbour Notification - 18 letters of objection were received to the initial scheme. The comments and concerns can be summarised as follows:
- There are issues with the infrastructure in the village that cause flood risk and drainage issues and this scheme will compound this problem.
 - Residents of East Cowton are reliant on the car to access services owing to lack of alternatives and therefore the assumption residents of these dwellings will be using the bus is flawed.
 - The volume of traffic resulting from this development and the roads being in disrepair will cause highway safety issues.
 - The access being opposite an agricultural machinery business will cause safety issues.
 - The development will have a harmful landscape impact owing to the visibility upon approach from the south east.
 - There will be a negative impact on the daylight provision and privacy of adjacent residents.
 - The culvert proposed for use for surface water is inadequate.
 - The housing need set by the government for Hambleton has been met and thus no other residential development in East Cowton is needed.
 - East Cowton needs more houses to rent, which isn't mentioned as part of the application.
 - The demolition of the 100 years old cottage is unacceptable, and the worry and uncertainty is unfair on the occupant.

- Ecological impact of disturbance to birds and hedgerows.
- Loss of ridge and furrow field system.

Following a re-consult on the amendments, a further 12 objections were received. The majority of comments reiterated previous concerns. New issues raised can be summarised as follows:

- The number of units is too large to be considered a windfall housing development.
- There is no evidence to show that there are no previously developed sites in the settlement that could be used.
- The site is not appropriate for the development of bungalows for more elderly and vulnerable people who should be located closer to services and facilities.
- East Cowton lacks the facilities to serve residential development.

5.0 Analysis

- 5.1 The main issues for consideration in this instance are i) the principle of the development in this location, ii) affordable housing, iii) the implications for heritage assets, iv) residential amenity v) access/highway safety, vi) drainage & flood risk and vii) biodiversity net gain.

The Principle

- 5.2 The site in this instance is not allocated for housing development and therefore Policy HG5: Windfall Housing Development becomes the most relevant policy insofar as the principle of the development is concerned. This supports housing development when it is either "within" or "adjacent to" the built form of a defined settlement. The requirements of Policy HG5 differ depending on which of these descriptions the development site falls within and thus this is a key issue. Firstly, however, it is important to note that East Cowton is in fact defined as a Service Village and is therefore one of the more sustainable settlements in the district. It has a primary school, a public house/restaurant, a part time postal service within the village hall and a church. On this basis, it is considered that it can support a small-medium size windfall housing scheme such as this.
- 5.3 The Planning Statement submitted with the application asserts that owing to the fact the site bound by residential development on several sides and would not extend beyond the existing built form, it is a "logical rounding off of the village" and should therefore be classified as "within the built form" for the purposes of HG5. Officers disagree with this assertion.
- 5.4 Policy S5 sets out the definition of "built form" and specifically 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" from being considered as part of a settlement. It is noted that the site is bound on two sides by residential development, but it does not automatically follow that it relates well to the settlement and its development could be considered infill development or "rounding off". It is open, undeveloped and used for grazing land that is completely separate to the adjacent residential uses. Whilst it may only marginally extend further south than the row of dwellings to the west, it is still wholly different in character and is visibly open agricultural land that one would view as part of the countryside to the south, rather than the village to the north and west.

The built form to the east is a single residential dwelling and a large agricultural unit - neither of which engulf the site in a way that would change this impression of the site and its character. As a result, Officers would assert that this development must be assessed under the second part of Policy HG5.

- 5.5 The assessment for residential development adjacent to the built form requires the following:
- 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. to 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 to 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.
- 5.6 It is not clear from the supporting information whether a sequential approach to this development has been carried out as per requirement a) of Policy HG5. Nevertheless, East Cowton is a fairly densely developed settlement that lacks any substantial previously developed site that would be viewed as being within the built form and that could accommodate 15 dwellings such as those proposed in this instance. On that basis, HG5 a) is achieved.
- 5.7 The proposal is now for 15 bungalows. The exact design of these dwellings is not for consideration at this stage, although the indicative layout notes 10 x 2 bed units and 5 x 3 bed units would be possible. The Housing SPD (adopted May 2022) sets out that Hambleton has a very low proportion of bungalows within its existing stock and that the Council is keen to include more two-bedroom bungalows in their schemes to address this short coming, especially paying heed to the issue of ageing population set out in the SHMA. Clearly a scheme of 15 smaller bungalows as shown on the indicative plans would be fully in line with this overall aim of the SPD and SHMA, as well as policy HG2 of the Local Plan. In this respect, requirement b) of HG5 is met.
- 5.8 Requirement c) of HG5 requires an assessment of the size and scale of the development and the subsequent impact on the role of the settlement to which it relates. As set out above, East Cowton is considered to be one of the most sustainable settlements in the district owing to its positioning on the second tier of the settlement hierarchy. It therefore follows that it can support a greater amount of residential development than those settlements further down the hierarchy. As a result, 15 units is considered to be an acceptable amount without altering the scale and function of East Cowton. The Parish Council and a number of the public objections refer to the previously allocated site just to the west which is the subject of an ongoing outline application that is pending consideration at the time of writing. This is noted but the allocation of this for housing land has fallen away since the

adoption of the new Local Plan and the granting of this permission is not certain. In any event, every application has to be assessed on its own merits. The development is considered to be suitable in size for the location and therefore complies with HG5 c).

- 5.9 East Cowton is effectively dominated by late C20 residential development to the southern side of road that runs west-east through the main body of the village. Historically relevant areas of open space are very limited, and the site does not play any role in this respect. NYCC Archaeological Services' response regarding the ridge and furrow field system and the archaeological interest of this is noted and will be assessed in a subsequent section of this report but this does not mean the site is overtly important to the historic layout of the village, especially given the extent that this is still evident. As such, it complies with HG5 d).
- 5.10 Requirement e) requires an assessment of the development on the character and appearance of the village and the surrounding countryside that makes a significant contribution to the character or setting of that part of the village. Policy S5 is also relevant in this respect, which requires development to not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.11 Generally speaking the character of East Cowton is defined by the lack of depth to development to the north, with it mainly just comprising individual dwellings fronting the highway, contrasting sharply with the depth of the late C20 suburban style residential development to the south. This is clearly evident as one travels through the village. However, the wider context and setting is more nuanced. The approach to the village from the south east is characterised by the pleasant open character of the landscape. The flat nature of the land means that views of the settlement are readily available from quite a distance. The eastern part of the village is a lot less densely developed than the central and western parts and this juxtaposition means the open setting to the east becomes even more apparent. The only depth to the settlement to the south west comes from a large agricultural unit on the very edge of the settlement and a cluster of development around the junction to the north west of the site - most of which is concentrated on the western side of Birkby Lane. This set up means that the site actually plays quite a prominent role in the setting of the village upon approach from the south east, as it is this parcel of land that allows for the lack of depth and open nature of this part of the village to be perceived.
- 5.12 The development of this parcel of land would completely erode this setting and mean that the distinctive open setting of the village in the south easterly direction would be lost. In an attempt to overcome this concern, the scheme was reduced in scale and altered to bungalows only, which will obviously sit lower in the landscape. There is also a greater amount of open space in the top third of the site to 'break up' the development to a greater extent. Officers would concede that this is a much-improved proposal relative to the initial scheme, but it would still lead to the loss of an important aspect of the setting of this part of the village and in this respect is still in conflict with requirement e) of the Policy HG5 and Policy S5 of the Local Plan.
- 5.13 Consequently, this windfall housing scheme does not gain support in principle from the relevant Local Plan policy. Notwithstanding, other material considerations and technical issues will be assessed below.

Affordable Housing

- 5.14 Policy HG3 of the Local Plan requires all development of over 9 dwellings to provide the provision of 30% affordable housing. This would equate to 4.5 units in this case. The Housing SPD clarifies that when the figure is not a whole number, the Council will require a financial contribution for the difference - i.e. 0.5 units. Discussions with the applicant about this requirement have taken place and they have confirmed that they would deliver this requirement, with at least one unit shared ownership, one unit affordable rented and one social rented unit provided. The fourth unit would be provided as per recommendations from the Council and the outstanding 0.5 units would be in the form of a contribution. Consequently, should the Committee come to a different conclusion as to the principle of the development, the proposal would comply with Policy HG3 which must be given weight in the overall planning balance.

Impact on Heritage Assets

- 5.15 NYCC Archaeological Services have identified that the site contains well-preserved ridge and furrow earthworks which part of a more extensive field system which extends to the south-east of East Cowton. They outline that the fact it forms part of a wider landscape providing the agricultural setting of the village. That said, it is also said that the ridges are relatively straight and narrow suggesting that they are later rather than earlier medieval in date, and this lowers their level of significance. On balance, they are classified as being of local interest, rather than regional or national.
- 5.16 This development would lead to the loss of this local heritage asset. Policy EG5 states that those elements which contribute to the significance of a non-designated archaeological sites will be conserved, in line with the importance of the remains. The loss of these earthworks, which are limited to local importance only, is considered to equate to a low level of harm. This must be given weight in the planning balance but in and of itself is not considered to be a reason for refusal on this occasion.

Residential Amenity

- 5.17 Policy E2 of the Local Plan requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.18 In light of the detail available at outline stage, there are no concerns relating to the impact on the residential amenity of the existing neighbours. The site can comfortably accommodate 15 units without appearing overbearing to the surrounding units and potentially impacting their daylight provision or privacy. Equally, the future occupiers of the dwellings proposed could be afforded ample amenity space and separation distance from one another to ensure their living conditions were of a high standard.
- 5.19 Environmental Health's concerns relating to the inclusion of air source heat pumps and the potential for noise and disturbance is noted. The plans at this stage are indicative only and their inclusion isn't definite. Should this outline permission be granted, Officers are content that the applicant could address this issue at reserved matters by either omitting the ASHPs or carrying out a noise assessment. As such, this is not seen to be a reason for refusal.

- 5.20 Whilst the living standards of future and neighbouring residents could not be fully ensured until detailed design stage, for the purposes of this outline application, Officers are content the proposal complies with Policy E2.

Access and Highway Safety

- 5.21 Policy IC2 of the Local Plan requires development to, amongst other things, ensure that highway safety would not be compromised, and safe physical access can be provided to the proposed development from the footpath and highway networks. As set out in the introductory section, access will be created by the demolition of one of the terraced dwellings that front Birkby Lane. To assess this aspect of the development the Local Highway Authority were consulted. They subsequently offered no objection subject to conditions that could be addressed moving forward. On this basis, Officers are content that the development will not compromise highway safety and that the development complies with Policy IC2.

Drainage and Flood Risk

- 5.22 The vast majority of the objections from residents and the Parish Council refer to concerns with drainage which are effectively two-fold; surface water flooding of the site and surrounding area and the foul water sewer system having the capacity to deal with the development. Policy RM3 of the Local Plan sets out the Councils requirements for drainage and surface water management. Key requirements particularly relevant to this proposal are a) surface water run-off is limited to existing rates on greenfield sites and b) if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority.
- 5.23 Following an objection from the Lead Local Flood Authority (LLFA) on the basis of a lack of information, an Outline Drainage Statement was submitted by the applicant. It has been confirmed that it is likely infiltration methods of managing surface water are unfeasible due to slowly draining soils. The exact location of the culvert adjacent to the site has been provided on a plan and discussions with the Local Highway Authority have also taken place as this culvert also serves two highway gullies. Effectively, the surface water management plan will seek to mimic the existing arrangement in terms of the final outfall owing to the natural lie of the land going towards the existing culvert connection. SuDs will be incorporated to further mitigate some of the existing surface water flooding issues referred to in the objections by introducing slower runoff rates. Finally, it has been confirmed that the peak flow run off rate will be as close as practically possible to the existing greenfield rate. The final design detail of how this will be achieved will be secured at reserved matters stage, but a possible design is shown on the indicative drainage scheme. Owing to this additional information, the LLFA subsequently removed their objection.
- 5.24 Foul water is to be directed to the existing Yorkshire Water sewer under Birkby Terrace. The issue of the capacity of this to cope with the increased demand from the development has been raised on numerous occasions and it is understood that there has been occasions where the pumping station has failed previously, leading to problems with the sewer system in the village. This is noted but is considered to be an operational issue which is in the control of third parties and not for the applicant to address through this development. Yorkshire Water have not objected to the use of this sewer and therefore on that basis Officers are content the proposed measures are adequate.

5.25 Based on the above, Officers are content that the issues of foul and surface water management has adequately been considered for this outline application and notwithstanding wider concerns with the scheme, the proposal complies with policy RM3.

Biodiversity Net Gain

5.26 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain of biodiversity. Details of a calculation using the biodiversity metric 3.1 tool were submitted. At this stage there is no finalised landscape plan, but the calculations show that the loss of habitat units due to the development of the site will be minimal and with a fully considered landscape plan at reserved matters, this will be offset. Officers are content with this conclusion and that the deliverability of biodiversity net gain has been adequately demonstrated.

Planning Balance

5.27 Assessment in the context of the Local Plan has demonstrated that the application is on the most part compliant with Policy HG5, however falls at the last hurdle insofar as its impact on the setting of the village. This is owing to the development of an area of agricultural land that presently helps to create a more sporadic and open feel as one approaches East Cowton from the south east. The flat and open nature of the surrounding landscape allows one to perceive this setting which places even greater importance on its retention and protection.

5.28 Officers would concede that the amendment to a reduced scheme by the applicant and the introduction of bungalows has gone some way to addressing the wider landscape issues and it has to be noted that generally speaking East Cowton is characterised by this kind of suburban style development on the southern side, which this proposal would comply with. However, when the intricacies of this site and its role in the immediate locality are considered, it is still felt that on balance the development would still conflict with Policy HG5 e).

5.29 Weight has to be given to the fact the proposal will deliver bungalows and a provision of affordable housing that is in line with policies HG2 and HG3, as well as the Housing SPD. Furthermore, there are no other technical issues that weigh against this proposal. However, ultimately Officers feel the harm arising to the countryside and the setting of the village outweighs these facts and refusal is recommended on that basis.

6.0 Recommendation

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

The reasons are:-

1. The development of the agricultural land in question will erode the open nature of the setting of the south eastern part of the village and in this respect lead to the loss of an important part of the open countryside surrounding the village. The proposed development therefore conflicts with Policy HG5 and Policy S5 of the Local Plan.

Parish: Huby

Ward: Huby

5

Committee Date: 19 January 2023

Officer dealing: Mr Marc Pearson

Target Date: 20 June 2022

Date of extension of time (if agreed):

22/00786/FUL

Revised application for the construction of a terrace of 3 no three bed dwellings with associated garaging & amenity space

At: Land West Of The Forge, Tollerton Road, Huby

For: Queens Staith Leisure

This application is referred to the Planning Committee as it involves further balancing of the weight to be afforded to issues that have previously been considered in the determination of applications on nearby sites.

1.0 Site, Context & Proposal

- 1.1 The application site is located on the south side of Tollerton Road at the western end of Huby. Access to the site is via a field gate and the boundaries of the site are defined by hedgerows, trees and timber fencing. The surrounding context is defined by a variety of modern residential properties located on both sides of Tollerton Road. This includes a further planning permission for the construction of 3 properties on the north side of Tollerton Road immediately opposite the application site (ref no. 19/02169/FUL and subsequently amended by application ref no. 21/01643/FUL). In addition, a recent appeal decision to allow a proposal for a single dwelling and woodland planting is located immediately to the north the application site following (ref no. 21/00623/FUL and APP/G2713/W/22/3291469).
- 1.2 The remaining context is defined by agricultural land to the west and south that forms part of the rural setting to the village. In addition, immediately to the south of the application are overhead electricity wires with a large metal pylon located immediately adjacent to the south-west corner of the application site.
- 1.3 In July 2020 planning outline planning permission was granted on the application site for the construction of a single dwelling (ref no. 20/01600/OUT) and in March 2022 an application for the construction of two detached dwellings on the site was refused permission (ref no. 21/03002/FUL).
- 1.4 The proposal now involves the construction of a short two storey terrace that would provide 3 no. properties (2 x 2-bed dwellings and 1 x 3 bed dwelling). The terrace would be constructed in brick with a clay tile roof material and would be accessed via single access point that would lead to detached garages to the east and west of the terrace together with three parking spaces to the north of the dwellings. It also proposed to provide a narrow landscape/tree belt on along the western edge of the site.
- 1.5 During the course of the application the proposal was amended to re-position garages, adjust the position of the terrace, provide an alternative housing mix and provide additional parking.

2.0 Relevant Planning History

- 2.1 20/01600/OUT - Application for outline planning permission with some matters reserved (considering access and layout) for the construction of a new residential dwelling and associated vehicle parking. Approved.
- 2.2 21/03002/FUL - Construction of 2 detached 3 bed dwellings with associated garaging. Refused on the following grounds:
1. The proposed development of an additional dwelling in contrast to the approved single dwelling (ref no. 20/01600/OUT) in this location is considered to represent over-development in this part of Huby and fails the requirement of Local Plan Policy HG5 because it would not represent incremental growth the village.
 2. The proposed development of two dwellings on this site fails to comply with the requirements of Hambleton Local Plan policies HG2 and HG5, and the adopted Size, Type and Tenure of new homes Supplementary Planning Document (September 2015). The proposal does not provide smaller family homes as required by the policies, nor does it make provision for bungalows as required by the SPD. In the view of the LPA, given the size of the first floor office (greater than 7.5 sqm) this counts as the fourth bedroom in accordance with Nationally Described Space Standards.
 3. The proposal to provide two dwellings on the site is considered to be over-development that results in a cramped site layout that does not allow for sufficient rear garden space for the size of the properties and does not allow for the sufficient landscaping along the western boundary to assimilate the development into the landscape. The scale (noting the high ridge height) and appearance of the two storey houses as result of the double gable design approach would provide substantial massing that is considered to be inappropriate within the context. Furthermore, the cramped site layout is considered to exacerbate the impact of the proposed massing on the surrounding context. On this basis the proposals are considered to be incongruous to the site and the wider area and would fundamentally alter the existing character to the detriment of the character of the area. The proposal therefore fails to accord with Local Plan Policies HG5, E1 and E7.
 4. The cramped site layout and size of the proposed dwellings result in insufficient room to manoeuvre within the site to enable car to leave the plots in a forward gear. As result of position of the garages and the lack of sufficient driveway length, the proposed turning facility would be occupied by parked vehicles and thus result in the need for vehicle to reverse onto the highway and increased likelihood of on-street parking. On this basis the proposal is not considered to satisfy the requirements of Local Plan policy IC2.
 5. The positioning of such a large dwelling in close proximity to the eastern boundary adjacent to the neighbouring property is considered to provide unnecessary oppressive and overbearing impact on the amenity of the neighbouring. In addition, the presence of Juliet balconies on the rear façade is considered to provide the opportunity for overlooking in close proximity to the garden area of the property to the east. Furthermore, the shallow garden

depths and orientation of the site result in rear gardens that would be overshadowed by the retained belt of trees along the southern boundary and thus would have an unacceptable impact on the occupiers. Furthermore, the positioning of a dwelling and its small rear garden area in close proximity to overhead wires and the pylon immediately to the south-west would present a poor and oppressive outlook for the occupiers of the proposed dwelling at the western end of the site. On this basis the proposals fails to protect the amenity of surrounding or future occupiers as required by Local Plan Policy E2.

6. The proposed development does not provide sufficient evidence to demonstrate that surface water can be drained via soakaway and therefore does not accord with Local Plan policy RM3.
7. The proposed development has not demonstrated the delivery of a net gain for biodiversity and therefore fails to meet the Local Plan policy requirements set in Local Plan Policy E3.

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 HG5: Windfall Housing Development
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 RM3 – Surface Water and Drainage Management
Local Plan Policy IC2: Transport and Accessibility

4.0 Consultations

- 4.1 Huby Parish Council - Objection on the basis three dwellings on the same site does not change any of the reasons for refusal noted within application ref no. 21/03002/FUL. In addition, development of this site will lead to further creeping development outside the village boundary.
- 4.2 Contaminated Land - No objection based on the submitted PALC form.
- 4.3 Environmental Health - No objection.
- 4.4 NYCC Highways - No objection subject to conditions relating to surface water, access design, visibility splays, parking and turning and a construction management plan.
- 4.5 Yorkshire Water - No response received (expired 25.5.2022).

- 4.6 Yorkshire Wildlife Trust - No response received (expired 25.5.2022).
- 4.7 MOD - No safeguarding concerns.
- 4.8 Kyle & Upper Ouse IDB - No objection subject to conditions relating to surface water.
- 4.9 Site Notice (expired 1.6.2022) and Neighbour Consultation (expired 25.5.2022) - two objections as summarised below:
- Privacy concerns relating to a rear garden of Glenwood (not the immediate neighbour but one further to the west). Concern that if the existing tree line is removed the proposed house would have views to their rear garden area.
 - The majority of the points raised on the previous planning refusal remain valid.
 - The proposal is on land which is outside of the Huby Parish boundaries.
 - The addition of more houses would eventually appear down Tollerton Road removing the open & rural character of the village.
 - Despite the use a similar footprint for the previously accepted outline planning permission, the proposal would triple the amount of occupants & vehicles.
 - Consider this to be an over-development of the land and not sufficient garden space with trees along the southern boundary contributing to the issue.
 - The block of garages at eastern end of the site are positioned very close the boundary fence and would block sunlight into garden during the afternoon.
 - The garage to the west is positioned adjacent to the highway and is not in keeping with the context.
 - The houses will still be in close proximity to the pylon providing a very poor outlook.
 - The driveways do not provide turning areas so cars can exit onto the road in a forward gear.
 - The plans are assuming each house only has 1 vehicle especially with garages often being used as storage or home offices. The pedestrian access from the middle house to the garage is also very odd.
 - Concerned the soakaways will not be sufficient to drain the excess water from the field adjacent.

Observation following re-consultation exercise – only additional matters noted below:

- Many of the reasons for which I previously objected are still outstanding.

- No room for visitor parking and therefore would result in parking on pavements & verges making it difficult to see when exiting our driveway.
- The block of garages at eastern end of the site are positioned very close to my boundary fence & looks a very tight squeeze to have 2 vehicles parking outside them whilst leaving the occupants enough room to exit without impacting either my fence or the adjacent vehicle.
- The bathrooms are located at the front, overlooking the road. Having frosted glass windows on that elevation is not in keeping with the other houses on the street & would look out of character.
- Still no comment on whether the roadside hedges or rear trees are remaining.

5.0 Analysis

- 5.1 The main planning issues to take into account when considering this application relate to whether or not the proposed development is acceptable in principle, would impact upon the character and appearance of the area, impact upon the amenity of neighbouring properties, drainage issues, biodiversity net-gain and highways concerns.
- 5.2 It is noted the application site has an outline permission for residential development and therefore the principle of development has been established. However, since the approval in 2020 the new Local Plan has been adopted. With regard to the new Local Plan, Huby is still identified as a service village within the settlement hierarchy and is still considered to represent sustainable development in accordance with Local Plan Policy S3 subject to other relevant policies.
- 5.3 To comply with Local Plan HG5 new housing development needs to be located adjacent to the built form of village and must demonstrate there are no suitable and viable previously undeveloped sites within the built form of the village and provide suitable housing mix. The proposal would provide 2 x 2-bed dwellings and 1 x 3 bed dwelling and therefore satisfies the requirement to provide smaller dwellings in accordance Local Plan policy HG2 and the adopted Housing SPD.
- 5.4 Criterion c. of Policy HG5 requires that development, both individually and cumulatively, be commensurate with the size, scale, role and function of the settlement. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.
- 5.5 The concept of development adjacent to rural settlements was introduced by the National Planning Policy Framework. Paragraphs 78-79 now state that decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it will enhance or maintain

the vitality of rural communities. At the time of introduction, the Councils Local Development Framework (LDF) did not align with this principle and therefore the Interim Policy Guidance was introduced in 2015 to bridge the gap between the National Planning Policy Framework and the LDF. Since the introduction of the IPG 69 dwellings have been approved in Huby and some 40 have been completed.

- 5.6 The LDF has been superseded by the Local Plan which now requires an assessment of cumulative impact of development on the district's rural settlements. The settlement of Huby currently hosts approx. 440 dwellings. Prior to the IPG approvals the number of dwellings in Huby would have therefore been approximately 400. As mentioned above some 69 additional dwellings have been approved adjacent to the built form of Huby. There is also an allocation for 28 dwellings at Stillington Road Ref HUB1 which would bring the total of anticipated development to 97. This equates to a percentage increase of 24% (approximately a quarter) which is considered to be a significant increase in a relatively short period. It is noted that that the provision of 3 dwellings would add a further 1% giving a total of 25% increase in approximately 7 years. This is considered a significant increase in a relatively short period. Consideration must also be given to the impact of a current proposal for 16 dwellings at land to the north of Maple Lane, Huby also pending consideration (ref no. 22/01574/FUL), which would represent an additional 4% increase.
- 5.7 Up until the 1950s the main built form of the settlement had changed very little since the 1800s. The settlement extended only between the junction of Gracious Street and Main Street at its northern extent down to the Public House (Mended Drum) at its most southern extent. The 1950s saw a large extension of the settlement to the north creating the northern extremity that we see today. Development in the 1960s and 1970s filled in the spaces left between the settlement and the 1950s development. Further limited development in the 1980s and 1990s was located in smaller pockets at the southern end of the village. Later development has been somewhat more sympathetic to the form of the settlement which reflects the evolution of planning policy.
- 5.8 The point remains, however, that Huby has seen significant development in recent years and the cumulative impact of this on the character of the area and local services must be considered. In terms of the form of the settlement the development of this site would represent a rounding off the built form (in the context of the approved 4 dwellings to the north). However, the proposal to provide two additional dwellings in contrast to the approved single dwelling (outline application ref no. 20/01600/OUT) in this location was considered to represent over-development in this part of Huby. The immediate context to the application site is defined by the recent approval and completion of eight dwellings together with the approval of a further four houses immediately to the north on the opposite side of Tollerton Road to take the total to 12 dwellings in this short section of Tollerton Road. The proposal for 3 further dwellings would therefore result in the prospect of 15 dwellings along this particular section of Tollerton Road since 2015.
- 5.9 Concern is maintained, however, on the overall impact of development on the rural character of this settlement in how it is perceived by residents and visitors (i.e. bustling service village or a service village that is overwhelmed). The scale of this

individual development and cumulative impact of development overall has been raised by both the Parish Council and public observations.

- 5.10 It is clear that the development would not by itself harm the overall form of the settlement, and therefore does not contradict the advice in the supporting text of Policy HG5 at paragraph 5.70 of the Local Plan, but it does represent further incremental change that cumulatively is changing the scale of the settlement. No harm is identified to the “overall” form of the settlement or to the open countryside, it is considered that a refusal could not be sustained on the basis of a change to the “overall” form of the settlement. However, Policy HG5 requires that schemes have “no detrimental impact on the character and appearance of the village”. For the reasons noted the degree of change at the western part of the village would be harmed by further residential development and thus the proposal fails the requirement of Policy HG5 as it would have a detrimental impact on the character of the surroundings.
- 5.11 The proposal involves the construction of a short terrace of two storey properties. This is similar in design approach to that of the approved development to the north-east of the application site and other existing development to the east along Tollerton Road. On this basis the design approach is considered to be reflective of the surrounding context. The proposed terrace would follow the building line of development to the east and would provide sufficient rear garden space relative to the size of the proposed dwellings. Furthermore, public comments have been received regarding impact of shading by the trees belt along the southern boundary. Whilst it is noted that the trees would provide a degree of shading to the garden areas it is considered there is sufficient distance from the tree belt to the rear elevations and there is also sufficient area of rear amenity space that would not be impacted.
- 5.12 The approved outline application has a restrictive condition (no.13) attached to the permission to control the height of development on this site. This required the approved development to be a single storey or dormer bungalow scale. The proposal for a two storey development that is similar in eaves and ridge height to the context is considered to be appropriate within the streetscene. On the basis of the above the proposal is considered to be acceptable in terms of siting, scale, massing and design, and thus satisfies the requirements of Local Plan Policy E1.
- 5.13 The proposed site layout would retain the existing hedgerow adjacent to the highway access and the tree belt along the southern boundary. In addition, a landscape planting belt is proposed along the western boundary. On this basis the proposal are considered to comply with the requirements of Local Plan policy E1 and E7. In addition, the proposed submission includes a biodiversity net gain assessment that notes a 43% increase in biodiversity as result of the landscape proposals. On this basis the proposal also accords with the requirements of Local Plan Policy E3.
- 5.14 The proposed site layout indicates that the primary elevations would be orientated to face Tollerton Road. Given the separation distance of the dwellings to the approved properties on the opposite side of the highway and the existing dwelling to the east this element does not raise any amenity concerns. Public observations relating to the shading provided the garage to the east of the proposed terrace have been addressed following the submission of revised plans that have shifted the

garage block north to be aligned to adjacent property. Public observations relating to the impact of overlooking from the proposed dwellings to the garden area do not raise any concern. The dwellings are positioned c. 10m from the southern boundary and it is noted that the area in question represents a small portion of the neighbour's large garden area. In any event the trees provide a degree of screening particularly in the summer months when the garden area is more likely to be used. On this basis the proposal does not raise any overlooking concerns. The proposed layout provides sufficient off-set from the overhead wires and the pylon immediately to the south-west and is considered acceptable. On the basis of the above, it is considered that the proposals do not raise any amenity concerns and thus accords with Local Plan Policy E2.

5.15 It is noted that public observations relate to concerns relating to highways matters. NYCC Highways Authority recommends conditions regarding a requirement for the visibility splay, access, parking and turning details. The proposed site layout has been amended to provide additional parking to the north of dwellings, two spaces per dwelling are shown and is therefore considered to provide sufficient parking for the size of the dwellings. On this basis the proposal is considered to satisfy the requirements of Local Plan policy IC2.

5.16 The application submission also includes a drainage assessment that notes that soakaways would be suitable in this location. Whilst Yorkshire Water have not provided a consultation response it is considered that foul sewage can be provided either through connection to the main sewer or through private arrangements. On this basis and subject to a suitably worded condition the proposal does not raise any drainage concerns and would comply with Local Plan Policy RM 1 and RM3.

Planning Balance

5.17 The proposed development is not considered to be appropriate for this particular location and does not comply with the relevant Local Plan policy in terms of principle given the proposal would provide three additional dwellings in this area of Huby that is considered to represent a rate of growth that is too great and is not "incremental growth" as envisaged in the Local Plan as the development would provide two additional dwellings in contrast to the approval for one dwelling. It is therefore not in accordance with local and national policy requirements.

6.0 Recommendation

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

1. The proposed development of three dwellings in contrast to the approved single dwelling (ref no. 20/01600/OUT) in this location is considered to represent over-development in this part of Huby that would have a detrimental impact upon the character of this part of the village and fails the requirement of Local Plan Policy HG5.

Parish: Huby
Ward: Huby
6

Committee Date: 19 January 2023
Officer Dealing: A O'Driscoll
Target date: 21 October 2022

22/01574/FUL

Construction of 16no. residential dwellings and associated landscaping and infrastructure

At: Land to the north of Maple Lane
For: Northmead Developments Ltd

This application is referred to Planning Committee as the proposed development is a departure from the Local Plan.

1.0 Site, Context and Proposal

- 1.1 The application site is located to the north-east of Huby adjacent to Shaw Crescent and Maple Lane. The site is currently in agricultural use and is bordered to the west by hedgerow. To the north and east is open countryside. To the south of the site is a new development of 7 dwellings which was approved in 2019 under application 18/02502/FUL. To the south-west corner the site borders an area allocated as Local Green Space (ALT/E/070/017/G Land behind Maple Croft, Tally Hill).
- 1.2 Due to the location of the site adjacent to residential development the wider character is residential. The site itself, however, forms part of a large field and is therefore considered to be part of the open countryside.
- 1.3 This application, as amended, seeks full planning consent for 16 dwellings. The proposal includes a mix of 1, 2, 3 and 4 bedroom properties in various arrangements. An area of open space is proposed on the east side of the access. On the western side of the access a large strip (approx. 518sqm) of land along the boundary is to be given over to a dwelling on the adjacent development. This land is shown as garden with home office.
- 1.4 During the life of the application amendments have been made to address officer comments. The mix of dwellings now includes a 1 bedroom quarter house (i.e. four 1 bedroom dwellings). Alterations have been made to the design and layout including provision of two smaller 2 bed bungalows and other smaller dwellings, increased number of units, increased affordable housing, area of open space and visitor parking.

2.0 Relevant Planning and Enforcement History

- 2.1 Neighbouring site: 18/02502/FUL - Formation of access and construction of seven dwellings with garages to include means of enclosure and landscaping – Granted

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 HG2: Delivering the Right Type of Homes
Local Plan Policy HG3: Affordable Housing Requirements
Local Plan Policy HG5: Windfall Housing Development
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy IC3: Open Space, Sport and Recreation
Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution
National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Huby Parish Council object to the application and raise the following issues:

- This is a large development and far too big for Huby
- The local school is oversubscribed
- No local infrastructure improvements
- Additional burden on the sewerage system
- The additional land for garden and office for the neighbouring property is odd
- Contrary to claims that Parish Council was not approached for discussion
- The public consultation responses were 60% against development and none in favour
- The mix (as originally submitted) does not address the need for affordable housing

4.2 Highway Authority – No objection subject to conditions

4.3 Lead Local Flood Authority – Awaiting final comments

4.4 Yorkshire Water – No objection subject to condition

4.5 Environmental Health Officer Land Contamination – Preliminary assessment of land contamination form required but can condition the requirements relating to land contamination.

4.6 RAF MOD – No safeguarding objection

4.7 Housing Officer – Following revisions to the scheme the Housing Officer indicates that the inclusion of four x 1 bed properties to meet demonstrated need in the area is welcomed. The affordable properties exceed the Nationally Described Space Standards. The tenure of the quarter house as all affordable rent is acceptable in this case. The contribution to cover the remaining requirement i.e. 0.8 of a dwelling is acceptable. The affordable housing offer should be secured via S106 agreement.

- 4.8 Public comments – Two letters of objection were received raising the following issues:
- Huby has had over 40 houses built in the last 5 years alone
 - The local school is at capacity
 - Limited employment opportunities within the village
 - Inadequate public transport services.
 - Concerns that the site has been sub divided to reduce affordable housing and whether provision meets requirements
 - Environmental impact of construction

5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Housing mix
- Design and impact on the character of the area
- Affordable Housing
- Amenity
- Drainage and Flood Risk
- Highway 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. Huby is a service village within the Easingwold sub area. The spatial approach recognises that there are greater opportunities for development in locations that have good access to a range of services and facilities. 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 indicated that there are no previously developed sites available in the surrounding area. Although no further evidence of an assessment has been provided, it is accepted that there are no other previously developed site available at this time. A “previously developed land” site already has approval at the northern end of the settlement under 21/03048/OUT (Pine Period Doors, Helderleigh, Easingwold Road).

Housing Mix

- 5.8 Criterion b of HG5 requires that proposals provide a housing mix in terms of size, type and tenure, in accordance with the Council’s Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. In addition the Housing SPD (adopted on 26 July 2022) seeks the provision of affordable housing; a change in the types and sizes of homes built in the district; and more choice in tenure so that all residents can access a decent home that they can afford and which suits their needs. The SPD states that although there will be some demand for large homes, the main need is for a supply of housing that is affordable to those on modest incomes.
- 5.9 A summary of the proposed mix is outlined in the table below against the targets set out in the SPD. As can be seen from the table the mix reflects the target for 2 and 3 bed market dwellings. There is an over provision of 4 bed dwellings and no 1 bed market dwellings. Three of the plots are marked as ‘self build’.

House Size	Market No of Units	Market Housing Proposed	Market Housing Target	Affordable No of Units	Affordable Housing Proposed	Affordable Housing Target
1 bedroom	0	0%	5-10%	4	100%	20-25%
2 bedrooms	5	41.6%	40-45%	0	0%	50-60%
3 bedrooms	5	41.6%	40-45%	0	0%	10-20%
4+ bedrooms	2	16.6%	0-10%	0	0%	0-5%

- 5.10 Whilst the mix does not wholly reflect the targets for 1 and 4+ bed dwellings as it equates to a single dwelling it is not considered sufficient to recommend refusal on this point.
- 5.11 The affordable housing mix is concentrated wholly on 1 bedroom units. The Housing Officer indicated that there are 137 applicants with a 1 bed need in Easingwold and surrounding villages. The provision of four 1 bed units is therefore welcomed as an identified need the area.

- 5.12 All of the dwellings exceed the Nationally Described Space Standards (NDSS). The 2 bed properties do not excessively exceed the standards which is welcome as these provide more affordable market dwellings for which there is a need. The 3 beds are larger than the requirements, however, they are not so large as to cause concern. One 3 bed house type exceeds the NDSS by approx. 70m². As there are also smaller 3 bed dwellings proposed this is also not overly concerning. The 4 bed properties (of which two are proposed) are technically 5 bedrooms as the first floor study/office is large enough to be considered a single bedroom. These properties are also in excess of the NDSS and are above the minimum requirement for a 6 bedroom property. In terms of the housing mix, however, there is no distinction in the Housing SPD between 4, 5 or 6 bedroom properties as these are all under one category as 4+ bedrooms.

Design and Impact on the character of the area

- 5.13 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.
- 5.14 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.
- 5.15 The individual design of the properties is good and broadly reflective of the more historic characteristics of dwellings in wider Huby. The proposed dwellings are of traditional form and are to be constructed in red brick. Brick detailing is proposed at window heads with further detailing at the eaves. Windows are proposed at timber look PVC and show a sash design to principle elevations. The roof tiles are to be a mix of red and grey concrete interlocking tiles.
- 5.16 The layout of the site loosely reflects the linear form of development at Maple Lane and Shaw Crescent. The site is well spaced and allows for mostly side parking so that the street scene isn't dominated by parked vehicles. The layout also allows for 5 visitor parking spaces which will reduce the impact of on street parking.
- 5.17 One remaining issue is the area of land at the south-west end of the site which is to be given over as garden to a house on the neighbouring plot. A home office is also proposed on this site. This is considered to be an example of poor design creating an awkward plot for the dwelling and resulting in an inefficient use of land. This layout also ignores the requirement for a hedgerow to be planted along the boundary of the neighbouring development.
- 5.18 The applicant has indicated that the garden land and home office is for a farmer who has sold his farmhouse and moved onto the neighbouring development. A home office is now required from which to run the farm. It was requested that this area of the site be reconsidered, however, amendments were not forthcoming in this regard. It is considered that whilst this element is not ideal, it is not so harmful as to warrant a refusal of the entire scheme on this point. It is recommended therefore that the piece of land be restricted by condition for use solely for domestic

purposes ancillary to the host dwelling and that no further structures be built without the benefit of planning permission.

- 5.19 Criterion c. of Policy HG5 requires that development, both individually and cumulatively, be commensurate with the size, scale, role and function of the settlement. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.
- 5.20 The concept of development adjacent to rural settlements was introduced by the National Planning Policy Framework. Paragraphs 78-79 now state that decisions should be responsive to local circumstances and support housing developments that reflect local needs. Housing should be located where it will enhance or maintain the vitality of rural communities. At the time of introduction the Council's Local Development Framework (LDF) did not align with this principle and therefore the Interim Policy Guidance was introduced to bridge the gap between the National Planning Policy Framework and the LDF. Since the introduction of the IPG 69 dwellings have been approved in Huby and some 40 have been completed.
- 5.21 The LDF has been superseded by the Local Plan which now requires an assessment of cumulative impact of development on the district's rural settlements. The settlement of Huby currently hosts approx. 440 dwellings. Prior to this principle the number of dwellings in Huby would have therefore been approximately 400. As mentioned above some 69 additional dwellings have been approved adjacent to the built form of Huby. There is also an allocation for 28 dwellings at Stillington Road which would bring the total of anticipated development to 97. This equates to a percentage increase of 24%. The proposed development would add a further 4% giving a total of 28% increase in approximately 7 years. This is a significant increase in a relatively short period.
- 5.22 Up until the 1950s the main built form of the settlement had changed very little since the 1800s. The settlement extended only between the junction of Gracious Street and Main Street at its northern extent down to the Public House (Mended Drum) at its most southern extent. The 1950s saw a large extension of the settlement to the north creating the northern extremity that we see today. Development in the 1960s and 1970s filled in the spaces left between the settlement and the 1950s development. Further limited development in the 1980s and 1990s was located in smaller pockets at the southern end of the village. Later development has been somewhat more sympathetic to the form of the settlement which reflects the evolution of planning policy.
- 5.23 The point remains, however, that Huby has seen significant development in recent years and the cumulative impact of this on the character of the area and local services must be considered. In terms of the form of the settlement this development is not considered to be harmful in its immediate context and indeed appears to round off this section of the settlement. Similarly the site does not

contribute to any special area of open space. It is connected to the allocated green space, however, the green space is so well screened at the northern end there is very little visual connection to the open countryside.

- 5.24 With regard to services North Yorkshire County Council have indicated that the school has a capacity of 112 with 103 currently on roll. Taking into account already approved development in the village the forecast of pupils on roll for 2026/2027 is 121 showing a deficit of 9 places. This development would add a requirement for a further 4 places and the allocation another 7 (total 20). It should be noted, however, that the allocated site does not yet have a permission and is not currently included in school place projections.
- 5.25 Contributions for education are covered by the Community Infrastructure levy. This development will provide funding, therefore, which could be used towards the provision of additional education facilities where required. Bearing in mind that Hambleton District Council is due to merge with surrounding councils in April this funding will be directly available for use by the new Unitary Authority.
- 5.26 Concern is maintained, however, on the overall impact of development on the rural character of this settlement in how it is perceived by residents and visitors (i.e. bustling service village or a service village that is overwhelmed). The scale of this individual development and cumulative impact of development overall has been raised by both the Parish Council and a local resident.
- 5.27 In this case as no harm is identified to the overall form of the settlement or to the open countryside, the proposal meets the tests of HG5 c, d and e., in this case it is considered that a refusal could not be sustained on this basis.

Affordable Housing

- 5.28 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.

- 5.29 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.
- 5.30 The most recent housing needs survey (2018) identified a need for 17 affordable dwellings as follows 1 x 1bed, 12x 2bed and 4 x 3bed. A rural exception scheme was subsequently approved under 18/02660/FUL. This left an outstanding need for 1 x 1B and 4 x 2B dwellings (5 units in total). It is anticipated that this need plus a small buffer would be met by the allocation on Stillington Road which should provide 8 affordable units.
- 5.31 Following amendments to the scheme the proposal now seeks consent for 16 dwellings. This generates a requirement of 4.8 affordable dwellings. The Affordable housing offer therefore is four 1 bedroom dwellings (provided as a quarter house). As outlined above there is a need for 137 1 bed dwellings in the wider Easingwold area and therefore the provision of four 1bed units on this scheme is acceptable. The remaining 0.8 will be provided as a commuted sum.
- 5.32 The tenure for the 4 affordable units is proposed as affordable rent. Whilst the Local Plan requires a mix of tenures in this case as all four units are being provided as a quarter house the Housing Officer indicated that the proposed tenure is acceptable. The Officer provided some additional information relating to transfer prices and the calculation for the commuted sum and advises that the affordable housing be secured by S106.

Amenity

- 5.33 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.
- 5.34 The relationship and space between dwellings 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 22 - 31m are achieved where principal elevations face each other.

- 5.35 The rear of each plot can be accessed externally from the front which allows for safe and secure storage of both bins and bicycles. Some of the plots also feature garages which can also be used for secure storage of bicycles. The quarter house has allocated covered/secure space in a lean-to projection on the southern side of the building.
- 5.36 Each plot has a good size private amenity space. The Quarter houses each have an allocated private amenity space, albeit the gardens for plots 13 and 14 are remote from the dwellings. They still, however, provide enough space to enjoy sitting outside, hanging of washing or small scale gardening if desired.
- 5.37 Overall the layout indicates that the development will provide a good standard of amenity for occupants and will not detract from the amenity enjoyed by existing neighbouring residents.

Drainage and flood risk

- 5.38 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. It is proposed that foul drainage will be connected to the mains system. Yorkshire Water have not raised any objection to this.
- 5.39 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding. Surface Water drainage is to be dealt with via soakaway. Percolation test results indicate that the drainage strategy is viable. Final comments from the Lead Local Flood Authority are awaited.

Highways safety

- 5.40 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. Access is to be taken via the existing development and Maple Lane and will be built to adoptable standard. The Highways Officer has not raised any concerns subject to conditions relating to detailed plans, construction of adoptable roads, parking and a construction management plan.

Biodiversity

- 5.41 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.
- 5.42 The relevant metric tool has been submitted. This indicates that the development will result in a net gain of 3.27% for habitat units and 321.36% for hedgerow units. A supporting report was submitted alongside the metric tool. The report indicates that there is no evidence to suggest that protected species are using the site. The report also includes some habitat and hedgerow management recommendations,

however, the applicant has indicated that the management will fall to the residents via covenant. As the Council cannot enforce a covenant it is recommended that the net gain outlined above be secured by condition along with a long-term management plan.

- 5.43 A separate Ecological Impact Assessment was also submitted in support of the scheme. The EIA recommends that a 2m buffer be left between the plots and the hedgerows. The applicant has updated the site layout plan to show a fence to the western boundary to ensure the 2m buffer.
- 5.44 The report also indicates that the impact on commuting bats will not be significant, and no roosting bats will be impacted. Recommendations are made in relation to a lighting scheme to mitigate the impact of the development on wildlife. Other minor negative impacts have been identified for hedgehog, badger and brown hare. Mitigation measures are proposed such as covering trenches during construction and creating holes in boundary fences to allow commuting. Bat and bird boxes are also recommended to be incorporated into the scheme. It is recommended that the above measures be secure by condition.

Planning Balance

- 5.45 The proposal generally complies with the criteria outlined in Policy HG5 with a minor exception relating to the market mix. Concerns remain in relation to the additional garden land with office being given over to the neighbouring site as well as the cumulative impact of development on the settlement. Overall, however, the proposal is considered to be of good quality and the outstanding issues are not considered so significant as to warrant a refusal in this case.

6.0 Recommendation

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawing(s):

Site Layout Plan 3936-PD-02 Rev C received 09/01/2023

TYPE T1 / T1a - 2 bed semi-detached house 3936/PD/03 Rev C received 10/11/2022

TYPE T3 (AS) T1a / T3 (OP) - 3+2+3 bed terrace house elevations 3936/PD/15 received 10/11/2022

TYPE T3 (AS) T1a / T3 (OP) - 3+2+3 bed terrace house floor plans 3936/PD/14 received 10/11/2022

TYPE T4 - 3 bed detached house: 3936/PD/06 Rev B received 10/11/2022

T5 - 3 bed detached house 3936/PD/05 Rev D received 09/01/2023

T5 - 3 bed detached house with garage - elevations - PLOT 9: 3936/PD/17 Rev A received 09/01/2023

T5 - 3 bed detached house with garage - floor plans - PLOT 9 3936/PD/16 Rev A received 09/01/2023

TYPE T7 - 4 bed detached house 3936/PD/08 Rev C received 09/01/2023

TYPE T8 - 1 bed quarter house elevations 3936/PD/13 received 10/11/2022
TYPE T8 - 1 bed quarter house floor plans 3936/PD/12 received 10/11/2022
TYPE T9 - bed detached bungalow 3936/PD/18 received 10/11/2022
TYPE T10 - 2 bed detached bungalow 3936/PD/19 received 10/11/2022

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

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

6. 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.

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:

- details of any temporary construction access to the site including measures for removal following completion of construction 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.

8. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 22448 DR-C-0100 (revision P1) dated 12/08/22 that has been prepared by Topping", unless otherwise agreed in writing with the Local Planning Authority.

9. No development shall be commenced until a Phase 1 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.

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

11. The development shall not be occupied until a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species. The landscaping scheme shall include details to show the provision of a net gain for biodiversity and maintenance programme to achieve the biodiversity net gain as demonstrated ecological in the report that accompanied the planning application. Once approved the scheme for provision and maintenance programme shall be implemented in accordance with the approved documents for the lifetime of the development.

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

13. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

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

15. 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 further buildings or structures except for those already shown shall be erected within in the area of land marked "extended garden to number 11 Maple Lane" on drawing 3936-PD-02 Rev C received by Hambleton District Council on 09.01.2023 without express permission on an application made under Part III of the Town and Country Planning Act 1990.

16. The area of land marked "extended garden to number 11 Maple Lane" and home office building as shown on drawing 3936-PD-02 Rev C, received by Hambleton District Council on 09.01.2023, shall only be used for purposes ancillary to the dwelling 11 Maple Lane. Neither the land nor the home office building shall be used independently from the dwelling for business purposes. The land shall not be used for the keeping of livestock or other animals other than domestic pets.

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. For the avoidance of doubt and in the interest of proper planning.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
4. 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.
5. 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.
6. 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.
7. In the interest of public safety and amenity.
8. In the interest of satisfactory and sustainable drainage.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
11. In order to soften the visual appearance of the development and provide any appropriate screening and achieve a net gain in biodiversity for the lifetime of the development in accordance with the Local Plan Policies S1, E1, E3 and E7.
12. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
13. To ensure that the development is appropriate in terms of townscape and landscape impact in accordance with policy E1, E2 and E7.
14. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies S1 and E2.
15. 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.
16. In the interest of neighbouring amenity in relation to noise and smell.

Parish: Aiskew
Ward: Bedale
7

Committee Date: 19 January 2023
Officer dealing: Ian Nesbit
Target Date: 26 September 2022
Date of extension of time (if agreed):

22/01509/OUT

Outline planning application for residential development and associated infrastructure with all matters reserved other than access into the site.

At: Land on the South West side of 11 Harkness Drive Leeming Bar
For: Mr Paul Butler

1.0 Site context and proposal

- 1.1 The 3.3ha broadly rectangular (greenfield) site is located on the south-west edge of Leeming Bar. The site predominantly comprises of unmaintained grassland and scrub, although the site is essentially split (north-south) by a mature beech hedgerow. The northern boundary of the site adjoins the curtilages of the row of bungalows on Harkness Close, Harkness Drive and Grange Avenue. The eastern boundary adjoins the play area and allotments, and also the rear gardens of properties on Freemans Way. The southern boundary adjoins fields with a ditch and treeline separating the respective parcels of land. The western boundary adjoins the rear garden of 25 Bedale Road.
- 1.2 The application is for outline planning permission with some matters reserved, i.e. with access only to be considered as part of this outline application.
- 1.3 The agent has confirmed that although the layout, scale and appearance of the development are reserved matters, and thus yet to be finalised, it is the intention to provide up to 90 units (initially 100, noting the site allocation states “approximately 85”).
- 1.4 In addition to the application form and certificates and existing and proposed indicative plans, the following assessments/appraisals have been submitted with the application:
 - (a) archaeological evaluation (November 2022)
 - (b) phase 1 geo-environmental assessment (January 2020)
 - (c) noise impact assessment
- 1.5 The agent has subsequently submitted a Density and Dwelling Capacity Statement and Local Plan Main Modifications Statement in August 2022. In order to clarify issues raised with the agent by Yorkshire Water Services regarding the existing sewer and existing pumping station drainage, an amended Flood Risk Assessment/Surface Water Management Strategy (October 2020) and indicative Drainage Strategy Site Plan have subsequently been submitted. A Phase 1 Geo-Environmental Assessment has also been submitted, as well as a Archaeological Evaluation (November 2022) in order to address the initial observations/comments of the Principal Archaeologist.

2.0 Relevant planning history

- 2.1 78/0377/OUT: Outline application for residential development, APPROVED, 26.10.1978.

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.

Hambleton Local Plan

The Hambleton Local Plan was adopted on 22 February 2022 and, along with the accompanying Proposals Maps is Hambleton District Council's Development Plan. The Local Plan policies relevant to the consideration of this application are as follows:

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S2: Strategic Priorities and Requirements
Local Plan Policy S3: Spatial Distribution
Local Plan Policy S7: The Historic Environment

Local Plan Policy HG1: Housing Delivery
Housing Allocation LEB1: Harkness Drive, Leeming Bar
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy HG3: Affordable Housing Requirements

Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy E5: Development Affecting Heritage Assets
Local Plan Policy E6: Nationally Protected Landscapes
Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy IC1: Infrastructure Delivery
Local Plan Policy IC2: Transport and Accessibility
Local Plan Policy IC3: Open Space, Sport and Recreation

Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM4: Air Quality
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

Supplementary Planning Document(s):
Housing SPD (adopted July 2022)

4.0 Observations

4.1 Parish Council (PC) – The PC have made the following comments (as summarised):

- The access road through Harkness Drive is very narrow and the PC doesn't believe its width is sufficient to accommodate additional traffic (including construction traffic) from the proposed development, particularly as parts of Harkness Drive are already sinking.
- The current and aging sewage system in Leeming Bar already struggles to cope with the number of properties that are in the village now...adding the number of dwellings proposed within this application would overload the system completely.
- The application site is a haven for wildlife, including deer, barn owls, and bats...we need to preserve the green space, not develop it.
- The proposed site is 'boggy in winter', while the adjacent playing field and allotments experience flooding during the winter.
- There doesn't appear to be any provision for bungalows within the proposals...there is a community need for them rather than large houses.
- Any houses built bordering the existing bungalows will result in them being overlooked and occupants will have no privacy within their back gardens.
- The size of this development will affect existing residents' access to dentists and doctor's surgeries, and other such amenities, and add to the burden they already experience.
- The location of the green space is unacceptable. Issues with anti-social behaviour in the play areas within the village over recent years has been experienced, therefore locating this space within one corner of the development will only increase the potential for such behaviour. It would be better sited in the middle of the development/properties.

4.2 MOD Safeguarding (DIO) – Having provided an initial representation, the DIO provided a second response (superceding the first response), confirming the following matters: The DIO have confirmed that the application site occupies the aerodrome height, technical and bird strike safeguarding zones surrounding RAF Leeming (approximately 1.7km from the airfield centre) The application site also occupies the statutory safeguarding zones surrounding a new technical asset known as the North WAM Network. The MOD have asked to be consulted again once details of the height and scale of the proposed dwellings are submitted in order for the MOD to undertake technical assessments. The primary concern of the MOD in relation to this development within the statutory bird strike safeguarding zone is the provision of landscaping, open space, green/brown roofs and SUDS attenuation features that would potentially create new habitats for flocking birds. Such features should be designed in a way not to be attractive to birds, and where these features form part of the layout, design and landscaping of the development, the MOD may recommend conditions requiring the submission, approval and implementation of a Bird Hazard Management Plan and request to be consulted on all 'future stages' of the proposed development.

- 4.3 Note that the numbers have been subsequently changed to approximately 90 units since these comments were made.
HDC Planning Policy – The Planning Policy Manager noted that there is a difference between the proposed housing numbers as shown on the application form and within the Design and Access Statement, which have 100 and 80 (mostly) respectively.

The indicative layout (for 80 units) looks acceptable, so is not set. The concern is that the application form states 100 homes, and there doesn't seem to be anything that would justify 100 units, which is 15 more than the allocation. It is hard to see from the indicative layout plan how 100 homes could be accommodated without compromises on other policy requirements.

In response to the submitted Density and Dwelling Capacity Statement and Local Plan Main Modifications Statement (both submitted by the agent in August 2022), the Planning Policy Manager has stated that whilst he understands the points raised, clear evidence needs to be provided to demonstrate that 100 units is possible. This should be in the form of a revised Design and Access Statement and revised indicative layout plan.

- 4.4 Environment Agency (EA) – No representations received.

- 4.5 Lead Local Flood Authority (LLFA) – The LLFA have confirmed that the application demonstrates a reasonable approach to the management of surface water on the site, and have recommended the following conditions (as summarised) if outline permission is granted:

- The prior written approval of foul and surface water drainage schemes, which demonstrates that the surface water drainage system(s) is designed in accordance with the County Council's SuDS Design Guidance and principles of sustainable urban drainage, wherever possible. The surface water drainage scheme should be approved with a restricted maximum run-off flowrate of 3.73 l/s for up to the 1-in-100 flood event, with allowance made for the effects of climate change and urban creep (10 per cent) as well as '1-in-100 year' storage/attenuation. The details shall also include a maintenance and management regime, to be implemented for the lifetime of the development.
- The prior written approval of an appropriate Exceedance Flow Plan.

- 4.6 NYCC Local Highway Authority (LHA) – Based on the application documents and the proposed provision of 100 units, including additional information requested from the agent by the LHA which included a transport assessment (T.A.), the LHA are not objecting to the proposals, and have provided the following comments and recommendations for conditions as summarised below:

Comments:

- Note that the development's access to the highway network (by extending Harkness Drive) would meet the width and design standards.
- The T.A. has shown that there is spare capacity for additional traffic to the existing Harkness Road-Bedale Road junction.
- The proposed footways will connect to the existing footway network, allowing people to walk to local amenities, with bus routes along Bedale Road facilitating travel to Northallerton, Bedale and beyond.

- The additional traffic generation (i.e. 48 vehicles in the AM peak hour, both directions) is not considered to be significant, although it is recognised that at present Harkness Drive has relatively few properties gaining access to the public highway, and the impact on the surrounding highway network could not be considered to be severe.
- Concerns expressed regarding potential damage caused during construction to the highway (i.e. Harkness Drive), and any damage (including resurfacing) should be reviewed and where necessary repaired to a reasonable standard.

Recommended Conditions:

- Submission and prior written approval of full/detailed engineering drawings of all roads, sewers and highway structures, including a programme for their delivery.
- The development should not be brought into use until the carriageway and footways have been appropriately surfaced, kerbed, lit and connected to the existing highway network.
- The prior approval in writing of details of vehicle/cycle/pedestrian accesses; vehicle/cycle parking; vehicle turning/manoeuvring arrangements, and loading/unloading arrangements. The development shall not be brought into use until these are provided.
- The development must be carried out and operated in accordance with the approved Travel Plan and any timetable contained therein.
- The prior written approval of a Construction Management Plan, to include specific details including: any temporary construction access; restrictions on use of Harkness Drive for construction purposes; wheel washing facilities; construction-related parking; plant/materials storage and delivery routes, times and loading/unloading areas; HGV construction traffic routes and highway condition surveys; carriageway protection measures; site working hours; hoardings/security fencing; construction noise and dust suppression and monitoring measures; tree protection measures; external lighting and a detailed method statement and programme of building works.

4.7 National Highways – National Highways have confirmed that they offer no objections to the proposals, having made the following comments, observations and recommendations:

- Note that the application site is allocated for residential use within the Hambleton Local Plan for approximately 85 dwellings, although the proposals comprise of 100 dwellings (15 more units than anticipated within the Local Plan) However, the vehicle trip generation and subsequent vehicle trip distribution/assignment for the proposed development would nevertheless be very similar, and National Highways accept the use of the LTP trip rates/subsequent vehicle trip generation as being appropriate.
- Consider the forecast trip generation and distribution across the A1(M); Junction 51 to be minimal and unlikely to result in a detrimental impact on the operation of the Strategic Road Network (SRN)
- Having reviewed a Travel Plan, they consider its contents to be acceptable, although recommend that the following matters are included: firm financial comments with regards to the measures proposed; targets for vehicle trip generation that match the vehicle trips assessed within the T.A.; a monitoring strategy for the vehicle trip targets; and a plan in the event of the targets not being met.

4.8 Local Access Forum - No representations received.

4.9 Environmental Health (EH)- EH have considered the potential impact of the development in amenity and the likelihood of the development to cause, or be affected by, nuisance, and have provided the following comments and recommended conditions (as summarised) below:

- Construction Management: Due to the proximity to adjacent residential properties, a condition is recommended requiring the pre-commencement approval of a construction management scheme, detailing (amongst other matters) noise, lighting, dust and vibration mitigation during the construction phase of the development; contractor parking and siting of materials.
- Internal and External Noise Impacts: EH consider that there is the potential for there to be a negative impact in terms of noise from nearby road sources on future residents. In addition, at least part of the above application falls within the 70 dB contour of RAF Leeming and as such there is a requirement to protect the amenity of the residents by reducing the effects of aircraft noise. To this end suitable glazing, and ventilation, must be installed in all habitable rooms of the properties to acceptably mitigate noise impacts. EH consider that houses built within the RAF zone/contour should provide similar noise impact mitigation that is currently being proposed by an existing MOD scheme to address noise issues (around MOD sites) in relation to existing housing within the aforementioned RAF zone/contour, i.e. a glazing system of at least 6.4L/12/10 which is likely to give a sound reduction of 40dB (Rw). Therefore, while EH acknowledge that the submitted Noise Impact Assessment has made recommendations for sound attenuation measures (including glazing, ventilation and boundary treatments such as solid fencing/acoustic barriers) in respect of internal and external noise impacts, EH would expect the 'advance standards' of the aforementioned MOD scheme to be adopted, and as such, a revision of the glazing specifications as set out/recommended within the Noise Impact Assessment would be required as part of the agreed final layout.
- Information and Recommended Conditions: While EH would ideally expect further information to be submitted in this regard, including revised glazing specifications, location and specification of any acoustic barriers as well as detailed noise contour maps (with and without the acoustic barriers) and the level of attenuation to be provided by the noise barriers. However, if the recommended additional information and clarification is not forthcoming before the determination of this outline application, then the EH have recommended that the following two conditions are imposed if planning permission is to be granted:
 - The provision and agreement in writing by the LPA) of a detailed building envelope specification once the layout is determined prior to the commencement of the development to demonstrate how a sound reduction of 40dB (Rw) will be achieved based on the 70dB (MOD) contour.
 - A requirement that noise levels in external amenity (garden) areas do not exceed 50dB LAeq,T. Details of how this would be achieved and maintained in perpetuity would need to be provided to, and agreed in writing, by the LPA, prior to the commencement of the development.

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

- Prior to commencement of the development, the submission and approval by the LPA of a Phase 2 assessment of the risks posed by contamination.
- Prior to commencement of the development, the submission and approval by the LPA of a detailed remediation scheme.
- Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the LPA.
- In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the LPA. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the LPA. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the LPA.

4.11 NYP Designing Out Crime Officer (DOCO) – The DOCO has submitted a Designing Out Crime Report, making observations/recommendations in relation to the following crime/design-related matters (as summarised) in order to provide a safe and secure environment and reduce the opportunities for crime/anti-social behaviour:

- Permeability: The indicative site layout plan shows two pedestrian footpath links to the eastern site boundary, with the southern link making Freemans Way a 'leaky cul-de-sac, although it is accepted that it will provide a walking route to the nearby school. It is however recommended that the two eastern pedestrian footpath links are: (a) overlooked and illuminated (either directly or indirectly), and (b) Short, direct, wide and attractive to use and avoid passing along rear boundaries.
- Access to Rear Gardens: For any proposed terraced housing, rear garden access must be gated (following specific recommendations, including height)
- Design and Layout: The indicative site layout plan is to be commended as it incorporates a number of 'Designing Out Crime' features, including active frontages (providing natural public realm surveillance); the use of a perimeter block structure with back-to-back/interlocking back gardens (providing community resilience to crime and disorder)
- Car Parking: In general, the proposed parking provision (shown on the indicative site layout plan) is commended as it complies with best practice by providing a garage, in curtilage parking, or on street parking in front of dwellings it serves, while avoiding the use of rear parking courts.
- Lighting: It is recommended that all roads and segregated footpaths comply with BS 5489-1:2020. Any lighting scheme should take into consideration landscaping proposals to avoid lighting being obscured and shadowing. It is

recommended that any lighting scheme provides external lighting to any elevation that contains a doorset.

- **Public Open Space:** It is good practice to ensure that any POS has good natural surveillance from nearby dwellings. The indicative site layout plan shows that the existing play area would not be overlooked.
- **Defensible Space:** There should be a clear definition between public and private space to support privacy and security.
- **Ambiguous Space:** Informal or left-over grassed areas that offer no public or private use or value (i.e. ambiguous space) should be avoided, and should be included within the curtilage areas of individual properties.
- **Boundary Treatment:** There are currently no details of the intended boundary protection. It is recommended that the boundary protection to the rear of each property should be a minimum height of 1.8m. Gates to the rear should be of the same height and should be as close to the front building line as possible.

4.12 Yorkshire Water Services (YWS) – If outline planning permission is granted, YW have recommended that conditions are imposed.

4.13 NYCC Archaeological Services –The Principal Archaeologist has confirmed that the applicant has submitted the results of archaeological trial trenching, which follows on from the desk-based assessment and geophysical survey. He considers that together these documents represent a suitable baseline from which to assess the impact of the proposal on heritage assets of archaeological interest (NPPF para. 194). In this case the archaeological trial trenching was negative and the anomalies identified in the geophysical survey were all found to have prosaic explanations. Following these negative results there is no further requirement for further archaeological works at this site. Therefore, the Principal Archaeologist has no objections to the proposal.

4.14 NYCC Planning Services (Minerals and Waste) – No comments to make.

4.15 Natural England – No representations received.

4.16 Historic England – Have confirmed that they are not offering any advice/comment on the application.

4.17 Public Comments – 14 representations have been received, with multiple responses being submitted by some local residents. All representations received are objecting to the application, raising the following issues, as summarised below:

- Amenity (Noise) - The proposals will create noise issues, particularly as the POS would be sited directly behind residential properties on Freemans Way.
- Amenity (Overlooking) – Existing houses located closer to the development site would be overlooked due to the differences in heights between the proposed two storey dwellings and the existing bungalows (i.e. on Harkness Close) Bungalows sited along the boundary of the site would be less invasive with regards to the properties on Harkness Close...the 2 metre high fence would block out light...pedestrians using the footways would be able to overlook the gardens of existing properties on both Harkness Drive and Harkness Close.
- Amenity (Loss of Light/Overshadowing) – the dwellings of the proposals would potentially cause a loss of light and overshadowing.

- Amenity (Loss of Community) – The proposals would result in the loss of the existing ‘community feel’ of the cul-de-sac and affect the current peaceful and ‘sense of place’ dynamic.
- Amenity and Accessibility (During Construction) – The traffic movements, deliveries, noise, dust/dirt and other activities associated with the construction phase of the proposals would disrupt/disturb the lives of local residents for a period of months... concern expressed (by a disabled resident) over the reduction in his access, particularly during the construction phase of the development.
- Design and Aesthetics – Existing properties in front of the development site are bungalows. The proposals would not fit with ‘the lay and look of the land’...more bungalows should be included within the proposals...the proposals would have a negative visual impact on the estate.
- Biodiversity - The proposals will disturb wildlife, including bats (that roost in the trees), deer, barn owls, birds of prey, amphibians, dragonflies and other fauna and flora... the proposals would not adequately compensate for the existing loss of habitat...a existing cherry blossom tree (to the rear of 9 Harkness Close) should be retained and appropriately protected within the site.
- Climate Change – the proposals would not be in keeping with the Council’s commitment to be carbon neutral by 2034...the proposals would result in the loss of old and established trees as well as a wetland area, which both have carbon sequestration benefits.
- Vehicular Access and Traffic – The proposed vehicular access from Bedale Road (through Harkness Drive) will not suffice, is too narrow and would not cope with the increase in traffic...additional traffic will increase the risk of traffic accidents which some local residents have stated is already a safety hazard. The existing highway is not wide enough (to be utilised), particularly with cars parked on the road along the carriageway of Harkness Drive, putting pedestrians (including children) at risk....the straight road access would encourage speeding,; would a curved road be more beneficial in this regard?
- Foul Drainage – The additional houses proposed would make existing capacity and other problems (with regards to foul drainage back up, blockages and odours within the surrounding residential development) worse.
- Flood Risk and Subsistence – Surface water flooding of the site during winter months has been noted. Displacement of water and impact on the water table as a result of the development may lead to increased subsistence issues with regards to adjacent properties (within Harkness Drive)...the application site has various soil types that could lead to subsistence problems (within the site) No account has been made within the proposals for the existing on-site pond...flooding takes place in the area of the POS, which would render the use of this space useless for a significant part of the year.
- Existing Services – The proposals would put additional strain on local services, including schools, public transport services, dental practice and doctors surgeries.
- Loss of Green Space – The proposals would result in the loss of precious green space, used by local residents (e.g. dog walking and children’s play) and those from further afield
- Layout (Anti-Social Behaviour) – With the proposed POS locate within the corner of the proposed development site, this would increase the potential for anti-social behaviour and reduced its useability/attractiveness, particularly by the elderly...the POS would eb better sited in the middle of the proposed development.

- Number of Units – The number of properties proposed seems excessive and would potentially create a claustrophobic feeling to Harkness Drive and Harkness Close.
- Land Ownership - A 1 metre strip of land was held by the original owners right down the rear of Harkness Close to the corner of the field to prevent cattle reaching over into the gardens and as far as can be ascertained the ownership of that still remains, and hence there would potentially be no access.

4.18 Publicity – A press advertisement was published in the Darlington and Stockton Times (expired 22.08.2022) Site notices were posted adjacent to the site (expired 09.09.2022)

5.0 Analysis

5.1 The main issues to consider are:

- Principle of development
- Housing numbers and the effective and efficient use of land
- Affordable housing and affordable housing tenure types/mix
- Housing mix
- Housing adaptability and Nationally Described Space Standards (NDSS)
- Design and Impact on the character of the area
- Green infrastructure, landscaping and POS
- Amenity
- Highway Safety and Access
- Flood risk, drainage (surface water and foul) and water management
- Biodiversity and BNG
- Heritage impacts
- Other considerations

Principle of development

5.2 The application site is a specific housing allocation within the Hambleton Local Plan, i.e. 'LEB1: Harkness Drive, Leeming Bar'. Given the site's status in the Hambleton Local Plan as part of a specific housing site allocation, it is considered that the principle of development is already established, although it is important that the specific 'development requirements' within the Local Plan for this allocation are met through the submission and / or planning conditions. These requirements will be addressed within the relevant 'issues' below.

Housing numbers and the effective and efficient use of land

5.3 The Local Plan confirms that allocation LEB1 is proposed to accommodate approximately 85 homes within the 3.3ha greenfield site. Notwithstanding the submitted indicative layout plan (which shows the provision of 80 units), the agent has subsequently confirmed that it is the intention to achieve approximately 90 units on the site (revised from 100), although they are keen to stress that the precise figure would be dependent on achieving the relevant other policy requirements, including an appropriate/policy-compliant housing mix; public open space; minimum parking standards, biodiversity net gain; landscaping scheme; SuDS and achieving

Nationally Described Space Standards. An revised indicative plan is to be submitted by the agent to illustrate a policy compliant 100 unit scheme.

Officers were concerned as to how 100 units would be accommodated on the application site without compromises in regard to other (Local Plan) policy requirements, including those mentioned above. However, the revision to approximately 90 units is considered to be acceptable. A revised indicative layout is being submitted and will be reported to Members through the Committee update.

- 5.4 However, the agent has also sought to address these concerns within the submitted Density and Dwelling Capacity Statement and Local Plan Main Modifications Statement, stating that they recognise that the site is allocated for approximately 85 homes, it is their belief that the site is capable of achieving 90 units whilst still providing affordable housing and community benefits (including public open space). In fact, the agent makes the case that an increase in unit numbers would result in the benefit of increasing the number of on-site affordable units. The agent also argues that the inclusion of the word 'approximately' within the allocation allowing for a degree of flexibility in regard to the provision of higher unit numbers should the application details demonstrate that this is appropriate.
- 5.5 However, the main justification put forward by the agent for an increase in unit numbers centres around the density of the development. It is stated within the Density and Dwelling Capacity Statement that an 85 unit scheme on the site would achieve a density of 26 dwellings per hectare (dph), which would be below the 30dph generally considered to be an appropriate density to achieve the effective and efficient use of land as required by Local Plan policy and the NPPF.
- 5.6 The agent has confirmed that it is not the intention at outline stage to establish the 'final quantum' of units, confirming that any future reserved matters application would establish the final size and scale of the development. The agent to keen to avoid at outline stage (through planning condition) the setting of a minimum unit number for the development so that flexibility will remain at the point when a future reserved matters application is submitted, to ensure that the housing needs and demands of the area can be assessed at that time, alongside other detailed design elements.
- 5.8 In order to progress the application, the agent has confirmed that he would accept a condition that, rather than limiting the number of units, would instead limit the dwellings per hectare (dph) delivering approximately 90 dwellings. Unlike setting a maximum number of units, a maximum dph would provide more flexibility and could encourage the provision (within the final layout) of smaller house types required within the District, such as one bed quarter houses and two and three bed market and affordable dwellings. While this 'dph-approach' may encourage the provision of apartment block development or other multi-storey development, in practice, providing the maximum dph is set at a reasonable level (i.e. no more than 30 dph, which for a suburban area involving largely dwellings would generally be considered to be at the lower end of a moderate density) this should not present an issue. There would also be further 'checks and balances' in terms of providing dwellings of an appropriate size and with sufficient storage through the policy requirement for the development to comply with the current nationally described space standards. While there is the risk that the area of amenity space of each unit as well as separation distances between properties within and adjacent to the site could potentially be compromised as a result of a higher dph than was expected

within the allocation, this doesn't necessarily have to be the case, particularly if the maximum dph is set at a not unreasonable level, while the LPA would in any case need to approve the final layout, scale, landscaping and appearance of the development at reserved matters stage where such design and amenity-related issues would be appropriately considered/determined.

Affordable housing and affordable housing tenure types/mix

5.9 Since the submission of the application, the agent has subsequently clarified that agent that a 'policy-compliant' 30 per cent affordable housing provision is proposed. This level of provision would accord with the affordable housing requirement of policy HG3 of the Local Plan for all new market housing developments. It is recommended that a policy compliant 30% affordable housing provision be required through a S106 agreement.

5.10 Although the precise details of the affordable housing types and tenure would be agreed latterly, it is stated on the application form that a mixture of social, intermediate rent and affordable home ownership will be considered, which would be in general compliance with the affordable housing tenure mix stated within (c) of Policy HG3 subject to the agreement of the final (proportionate) affordable tenure mix.

Housing mix

5.11 In terms of the affordable and market housing mix for the proposed development, it is expected that a housing mix in line with table 3.1 of the Council's newly adopted Housing SPD (reproduced below), is achieved for the proposed development@

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	40-45%	40-45%	0-10%
Affordable	20-25%	50-60%	10-20%	0-5%

5.12 The predominance of 2 and 3 bedroom properties within the housing mix reflects the Council's objective to increase the number of 2 and 3 bed homes for the benefit of smaller families and couples within the district. The Council's preference is for one-bedroom properties to be made up of a small number of apartments, in blocks of a maximum of four dwellings, all with their own entrance, or for 'quarter houses'. This target for single bedroom properties is intended to meet the needs of young single people and couples. To assist older people to downsize and improve the offer of smaller accommodation the Council will seek bungalow provision where there is an evidenced need. Bungalows should normally be two bedroom. However, some three-bedroom bungalows of an appropriate size will also be supported where they meet an identified need. During the course of the consideration of the application, the agent has confirmed (in writing the intention to meet the housing mix expectations (i.e. as set out in table 3.1 of the SPD) The precise market and affordable housing mix for the site (based on the Council's housing mix expectations within the Housing SPD) can be required through a planning condition, if outline planning permission is approved.

Housing Adaptability and Nationally Described Space Standards (NDSS)

5.13 In order to help achieve the Council's aim of creating sustainable and inclusive communities, Policy HG2 (Delivering the Right Types of Homes) states that the Council will (criterion a) seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet

changing needs over a lifetime and reduced fuel poverty. Policy HG2 also states that the Council will support housing development where all homes meet the NDSS (criterion g). The proposals are for outline planning permission so the precise sizes, internal layouts and specifications will be agreed as part of detailed plans for the scale, layout and appearance of the development at reserved matters stage. It is worth noting that the agent has acknowledged the policy requirement for the detailed designs of the dwellings to meet current NDSS. However, it is recommended that if permission is granted, a condition is imposed requiring the reserved matters details to demonstrate compliance with current NDSS.

Design and Impact on the character of the area

- 5.14 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.
- 5.15 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it: considers the degree of openness and special characteristics of the landscape (criterion a.); conserves, and where possible, enhances any natural and historic landscape features that contribute to the character of the local area (criterion b.) and protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (part e.).
- 5.16 A Landscape Visual Appraisal (LVA) was submitted in support of the application. The LVA confirms that the site is located within Character Area 13 (Leeming Corridor) and subsection 5b. of the Hambleton Landscape character Assessment and Sensitivity Study. Of relevance to the application site, are the following facets of the Character Area and sub-area:
- A varied topography, gently undulating throughout, with a subtle central ridge in the north, petering out in the south into lower broader and more open topography.
 - A central hub of activity around Leeming, including the RAF station, industrial estate and business park at Leeming Bar, and forthcoming Bedale, Aiskew and Leeming Bar bypass.
 - A strong sense of the large scale of the lowland area between the
 - Yorkshire Dales and North York Moors, with a vast open sky.
- 5.17 The LVA has assessed the landscape quality to be at the lower end of 'Good/Medium'. The site is not considered to contribute to the overall vista of the wider landscape, with the mature treeline along the south boundary and south-west

corner of the site providing the greatest contribution to the surrounding landscape. In relation to landscape sensitivity, the LVA has assessed the site as 'Medium/Low, for the following reasons:

- The site is at a low elevation within the landscape and either fully or partially screened from all directions, with the exception of the north.
- The proposed residential development on the site would be for a residential scheme, in keeping with the immediate surroundings.
- The area within which the site is located is dominated by industrial sites (i.e. to the north) and by the A1(M) motorway (to the west)
- The public footpath to the south with views towards the site is frequented by local users only and provides a means of pedestrian access under the A1(M). Therefore, the number of receptors is judged to be low.

5.18 The conclusion of the LVA states that the site has no relationship with the open countryside to the south, sandwiched as it is between existing residential areas, the A1(m) and Bedale Road. In terms of pedestrian, vehicle and residential receptors, the LVA concludes that there are few public footpaths in the area, most of which are some distance away to the south with no views of the site. The impact on receptors would be two-fold: disturbance during the construction phase and the extension of the residential landscape. For pedestrian, vehicle and the majority of residential receptors the impact of the site would be neutral or minor adverse as the proposals do not make a significant change to their views. The change to the view from Harkness Road and Harkness Close would be moderate adverse as these properties would see a change to their outlook from an open vista to that of residential properties.

5.19 Overall, it is considered that the LVA has provided an accurate assessment of the site. While there would be a moderate adverse impact on the views from residential properties on Harkness Road and Harkness Close that currently overlook the undeveloped site, this impact can look to be mitigated through a sensitive layout and landscaping scheme, as well as the appropriate design and scale of buildings to be agreed at reserved matters stage. At this stage it is considered that the development would not have a significant detrimental impact on the character of the area that would warrant the refusal of planning permission.

Green infrastructure, landscaping and POS

5.20 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.

- 5.21 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it: considers the degree of openness and special characteristics of the landscape (criterion a.); conserves, and where possible, enhances any natural and historic landscape features that contribute to the character of the local area (criterion b.) and protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (part e.).
- 5.22 Policy E4 (Green Infrastructure) that states that the Council will seek to protect existing green infrastructure, secure improvements to its safety and accessibility, and secure net gains to green infrastructure provision by requiring development proposals to (*inter alia*):
- a. incorporate and where possible enhance existing green infrastructure features as an integral part of the design, and provision of a landscaping scheme which deals positively with the transition between development and adjoining land;
 - b. capitalise on opportunities to enhance and/or create links between green infrastructure features within the site and, where possible, with nearby features beyond the site, for example with multi-user paths, including linking green spaces, and/or address fragmentation of green infrastructure through inclusion of street trees, green roofs and other features as appropriate;
 - c. where the site is located within, or in close proximity to a green infrastructure corridor, or a component of green infrastructure, enhance or create links within, to and between the site and the corridor and to enhance the functionality of the corridor.
- 5.23 Similarly, Policy IC3 (Open Space, Sport and Recreation) states that development will be supported where it delivers net gains to the network of green infrastructure and is designed to encourage healthy lifestyles by incorporating such features as cycleways, footpaths and other informal facilities.
- 5.24 Policy IC3 also states that the Council will seek to protect and enhance open space, Local Green Space and sport and recreational facilities in order to support the health and well-being of local communities. A proposal for housing development of 10 or more dwellings will only be supported where:
- a. it incorporates or otherwise makes provision for open space, sport and recreational facilities to meet the needs arising from the development in line with the standards set out in Appendix E: 'Open Space, Sport and Recreation Standards'. Provision should be made on site where possible, but contributions to the improvement and/or enhancement of existing provision will be supported where it is accessible from the proposed development. Based on the size of the proposed development, there will be a requirement within Appendix E to provide for village green/amenity open space as well as children play areas, including a LAP and LEAP; facilities of young people/teenagers; outdoor sports facilities and allotment gardens, although financial contributions should be considered where such existing facilities are within walking distance.
- 5.25 Two of the specific 'development requirements' stated within the Local Plan for allocation LEB1 are as follows:
9. The site is within the North Yorkshire Green Infrastructure corridor and the development should seek to enhance connectivity to adjacent green infrastructure, particularly areas of accessible local green space.

10. A development statement outlining the proposals will be required to show how the development will successfully integrate with the surrounding area and the neighbouring residential area. The statement will also need to address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking.

5.26 In terms of landscaping and green infrastructure, the application documents confirm the intention to preserve and enhance (as part of the development) the existing hedge and trees to the site boundaries (including the enhancement of the existing tree/hedge buffer along the south-east boundary); and retain and maintain the run of mature beech hedge which runs north to south within the site. Areas of public open space are shown on the indicative site plan along the south-eastern boundary of the site. However, it is important to note that the site adjoins an existing play area and allotments to the north-east, and thus are within the relevant 'walking distances' of Appendix E. As such, there is the potential within IC3 and appendix E for a financial contribution to be made for improvements to these existing facilities, rather than providing them fully on-site.

Amenity

5.27 Policy E2 (Amenity) expects 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.

5.27.1 The site lies within the designated noise insulation area of RAF Leeming Bar. A Noise Impact Assessment has been submitted with the application. Having considered the application, including the N.I.A, and the recommended mitigation, Environmental Health have confirmed that they have no objections, subject to conditions.

5.29 Layout is not being considered at this stage, although an indicative plan has been provided in support of the application. The north-western site boundary adjoins the rear of properties along the south of Harkness Close and a property on Harkness Drive. While the north-east boundary adjoins the rear gardens of several properties on Freemans Way. Concerns have been expressed by local residents about amenity impacts on their respective properties that adjoin the site. Therefore, it is important at reserved matters stage that the orientation, height and design of dwellings is carefully considered to avoid any significant and unacceptable amenity impacts. A sensitive landscaping scheme should also be considered in terms of providing additional buffering between the proposed development and existing dwellings. Overall, there is no reason to suspect that an adequate level of residential amenity can not be achieved through the development.

Highway Safety and Access

5.30 Policy IC2 states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that: the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.); The

need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.); Highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.) Adequate provision for servicing and emergency access is to be incorporated (criterion f.), and appropriate provision for parking is incorporated...(criterion g.)

- 5.31 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it: Promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through, putting people before traffic, and integrating land uses and transport (criterion e.); and is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (part f.)
- 5.32 Two of the specific 'development requirements' stated within the Local Plan for allocation LEB1 are as follows:
1. Vehicle, cycle and pedestrian access will be taken from Harkness Drive.
 2. Works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Freemans Way and to the open space and play area to the northeast.
- 5.33 The indicative layout shows that the site would be directly accessed by a single point of entry from Harkness Drive. Footways running either side of Harkness Drive would lead directly into the site and will follow the internal road layout, dropping down to single sided footway further within the site. Two new pedestrian footpath links are to be introduced to the eastern boundary of the proposed development. The northern link will pass through the neighbouring existing play area and on into the Freemans Way estate. The southern link will connect directly into Freemans Way. These two links will provide alternative pedestrian access to the village centre, including the village primary school. The vehicle access and pedestrian connectivity (as shown on the indicative plan) would accord with the requirements and expectations of the LEB1 allocation and IC2. The Local Highway Authority have no objections, subject to the recommended conditions summarised at 4.6.
- Flood risk, drainage (surface water and foul) and water management
- 5.34 Policy RM 3 relates to surface water and drainage management and includes the requirement (in accordance with the NPPF) that SuDS be incorporated in the drainage design.
- 5.35 Two of the specific 'development requirements' stated within the Local Plan for allocation LEB1 are as follows:
3. Parts of the site to the south, east and along the south eastern boundary are vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary.
 4. The site includes public surface water sewers which must be taken into account in the site layout. There is also a sewage pumping station adjacent to the site where access must be maintained at all times.

- 5.36 The application site is located within Flood Zone 1 (of the EA flood maps) and therefore is at low risk of flooding from fluvial sources. Surface water would be discharged on the adjacent watercourse. The LLFA have confirmed that they consider that the application demonstrates a reasonable approach to the management of surface water on the site, and have no objections.
- 5.37 In respect to the Yorkshire Water infrastructure, Yorkshire Water have raised some concerns in their consultation response about potential impacts on their infrastructure. Discussions with Yorkshire Water remain ongoing to address this matter, and an update will be provided to Members before the Committee meeting in this regard.

Biodiversity and BNG

- 5.38 In accordance with paragraph 180 of the NPPF, Policy E3 (The Natural Environment) of the Hambleton Local Plan expects all development to demonstrate the delivery of a net gain for biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.
- 5.39 A specific 'development requirement' stated within the Local Plan for allocation LEB1 is as follows:
5. A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Existing features should be retained, including hedgerows and mature trees, and boundaries features enhanced to screen views of the site from the south. Habitats must be protected from adverse impacts, such as obtrusive light.
- 5.40 A Preliminary Ecological Appraisal has been submitted with the application and several species surveys. Although no significant impacts on biodiversity (including Protected Species) were identified, a number of recommendations were made within section 5 of the P.E.A. It is recommended that these are required to be undertaken (via condition) if planning permission is approved.
- 5.41 It is acknowledged that there are likely to be notable biodiversity gains available from the proposed planting within the site. However, as an outline application, only limited and indicative landscaping proposals have been submitted (landscaping is a reserved matter). However, there would be opportunities for relatively extensive additional tree and hedgerow planting along site boundaries (particularly the south-eastern boundary) to supplement, enhance and link to the existing trees and hedgerows within and adjacent to the site. Although indicative, the proposed site plan shows a relatively large areas for public open space which would provide further opportunities for tree planting and other potential habitat creation and enhancement features, while also providing potential enhanced connections and improvements to both the immediate and wider green infrastructure network. If outline planning permission is approved, it is important that a planning condition is imposed requiring the applicant to demonstrate biodiversity net gains (in accordance with current DEFRA guidance and metric) and enhancements to the green infrastructure network.

Heritage impacts

5.42 A specific 'development requirement' stated within the Local Plan for allocation LEB1 is as follows:

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

5.43 Having submitted the results of the trial trenching (requested by the Principal Archaeologist), NYCC Archaeology have confirmed that they have no objections to the proposals. It is considered that the proposals comply with the relevant policy requirements.

Other considerations

5.44 A specific 'development requirement' stated within the Local Plan for allocation LEB1 is as follows:

7. The site is in a minerals safeguarding area for brick and clay and sand and gravel; safeguarding considerations will need to be adequately addressed with engagement with North Yorkshire County Council.

5.45 NYCC have been consulted on the application and have confirmed that they have no objections.

Planning balance

5.46 The principle of the development of this site is established as part of the LEB1 allocation in the Local Plan. Matters pertaining to housing mix can be dealt with through condition and a policy compliant 30% affordable housing is to be provided through the S106 agreement. Matters pertaining to residential amenity, biodiversity net gain and highway safety in terms of the layout will be considered in more detail at the time of the Reserved Matters submission. However, there is no reason to expect that these matters could not be fully compliant with policy.

5.47 It is considered that the technical requirements of highways and drainage are met and again these matters are considered to be compliant with relevant policy.

6.0 Recommendation

6.1 That subject to the satisfactory prior completion of a planning obligation to secure the 30 percent affordable housing provision and any provision and/or financial contributions towards the provision of play facilities, POS and the other requirements of Appendix E, is **GRANTED** subject to the following conditions:

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

(a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
4. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.
5. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. unless construction access to the application site is to be via the completed approved accesses to the site (in accordance with the requirements specified in all other relevant planning conditions of this planning permission) then details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. restriction on the use of access for construction purposes;
 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 4. the parking of contractors' site operatives and visitor's vehicles;
 5. areas for storage of plant and materials used in constructing the development clear of the highway;
 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
 8. protection of carriageway and footway users at all times during demolition and construction;
 9. protection of contractors working adjacent to the highway;
 10. details of site working hours;
 11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
 12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 13. measures to control and monitor construction noise;

14. an undertaking that there must be no burning of materials on site at any time during construction;
 15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
 16. details of the measures to be taken for the protection of trees;
 17. details of external lighting equipment;
 18. details of ditches to be piped during the construction phases;
 19. a detailed method statement and programme for the building works; and
 20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
6. Development shall not commence until a scheme detailing surface water drainage (including a scheme detailing its future management and maintenance) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Yorkshire Water and the Lead Local Flood Authority. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with any 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.
 7. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
 8. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme, including any storage and attenuation facilities, has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
 9. 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.
 10. Prior to commencement of the development hereby approved a biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. In accordance with current DEFRA guidance and relevant metric, the scheme shall demonstrate how the development will achieve a measurable net gain for biodiversity including on site provision for habitats. The scheme shall also demonstrate the protection of, and enhancement to, the green infrastructure

corridor within and adjacent to the application site. The development shall thereafter be carried out in accordance with the approved scheme.

11. The development shall be carried out in accordance with the recommendations, mitigation measures, working practices and timings within the approved Ecological Impact Assessment
12. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter
13. Prior to or alongside the submission of any relevant reserved matters application, a housing schedule shall be submitted to the Local Planning Authority detailing the housing size, type and tenure in accordance with the Council's current Housing SPD, or otherwise with an identified local need in the Northallerton, which has first been submitted and agreed in writing with the Local Planning Authority. The layout, appearance and scale of the reserved matters application shall thereafter be in accordance with the approved housing schedule.
14. Prior to or alongside the submission of any relevant reserved matters application, a detailed schedule shall be submitted to and agreed in writing by the Local Planning Authority stating how the development will comply with 'Secured by Design' principles having taken in account the recommendations of the North Yorkshire Police in their consultation response submitted in relation to the this outline planning permission. . The layout, appearance, landscaping and scale of the reserved matters application shall be in accordance with the approved housing schedule.
15. Prior to or alongside the submission of any relevant reserved matters application, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings and amenity areas can meet required noise levels stated by Environmental Health. Where noise levels cannot be met, designs or noise mitigation either through design or technology will be required to be submitted to and to be approved by the local planning authority prior to the development taking place. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied. The layout, appearance, landscaping and scale of the reserved matters application shall be in accordance with any recommended mitigation measures within the Noise Impact Assessment.
16. This application grants planning permission for approximately 90 dwellings with a housing density of no more than 30 dwellings per hectare.

17. The details of the appearance, scale and layout of the development as submitted as part of the reserved matters shall ensure that all dwellings meet the current Nationally Described Space Standards (NDSS)
18. Prior to the commencement of the development, plans showing the existing and proposed site and finished floor levels of each building shall be submitted to and approved in writing by the Local Planning Authority. Levels shall include the existing and proposed site levels along with proposed finished floor, eaves and ridge levels. The development shall thereafter be undertaken in accordance with the approved finished floor levels.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure that the Travel Plan is adhered to.
5. In the interests of highway safety.
6. In the interest of satisfactory and sustainable drainage.
7. In the interest of satisfactory and sustainable drainage.
8. In the interest of satisfactory and sustainable drainage.
9. In the interest of satisfactory and sustainable drainage.
10. In the interest of biodiversity and protecting and enhancing the green infrastructure network.
11. In the interest of achieving biodiversity net gain.
12. In order to comply with the requirements of IC 3 and Appendix E of the Hambleton Local Plan.
13. To ensure that the proposed development meets local need for housing in accordance with HG2 of the emerging Local Plan.
14. To ensure that the development is in accordance with Secured by Design Principles.
15. To ensure the amenity of residents.

16. To ensure an appropriate housing density for the scheme is agreed.
17. To ensure that the approved scheme accords with the Nationally Described Space Standards (NDSS)
18. To ensure that the finished floor levels of the buildings within the approved scheme are appropriate.

Parish: Shipton
Ward: Easingwold
8

Committee date: 19 January 2023
Officer dealing: Mr A Cotton
Target date: 28 January 2022

21/02870/FUL

Conversion of existing coach house into 3no. dwellings (Use Class C3) and demolition of existing storage buildings to create 2no. new build dwellings (Use Class C3) with associated landscaping and highways improvements along Court House Lane.

At: Stack House Farm, Shipton By Beningbrough, YO30 1AR
For: Mr Mike Green

This application is referred to 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 at the northern end of Court House Lane, the site is west of the A19 approximately 3km north of Shipton by Beningbrough. which is a Secondary Village. The site sits within a small cluster of buildings including North Court, East Court, West Court, West Court Cottage, South Court and Ingfield Farm.
- 1.2 The application site comprises a 0.9ha piece of land which includes Dawnay Coach House a group Victorian outbuildings which once housed the stagecoaches serving Grade I listed Beningbrough Hall (1.9km to the south west). The site is also occupied by a number of delapidated large portal storage style buildings which are relatively modern in the context of the site and a scrap yard to the rear. The site has served as a storage yard for GEM Construction for over 15 years. The Dawnay Coach house is considered to be a non-designated heritage asset (NDHA) due to its association with Grade I listed Beningbrough Hall, the Dawnay Family and history of the local area.
- 1.3 The site is not covered by any statutory designations and is located within Flood Zone 1.
- 1.4 The proposed development comprises the following elements:
 - Conversion of the existing Dawnay Coach House into three new dwellings: 2x four bed units, and 1x three/four bed unit;
 - Construction of two new build dwellings: 2x four bed units.
- 1.5 The proposed new build elements are laid out in a manner to reflect traditional farmstead buildings and seek to achieve a modern appearance which references the traditional form and scale of rural outbuildings, whilst not appearing pastiche.
- 1.6 Access to the site would use the existing access, albeit upgraded.
- 1.7 Members undertook a site visit on 9th May 2022. Subsequently a review of the financial viability of the scheme to provide affordable housing has been undertaken. The review shows that whilst a contribution of an affordable dwelling on the site would not be viable, a contribution of £153,639 for off-site provision of affordable

housing can be made and the applicant agrees to this contribution being made and controlled by a Planning Obligation (unilateral undertaking under section 106).

2.0 Relevant Planning and Enforcement History

2.1 None relevant.

3.0 Relevant Planning Policies

3.1 The relevant policies are:

S1 – Sustainable development principles

S2 – Strategic priorities and urban requirements

S3 – Spatial distribution

S5 – Development in the countryside

S7 – The Historic Environment

HG2 - Delivering the right type of homes

HG3 – Affordable Housing Requirements

HG4 – Housing Exceptions

HG5 – Windfall housing development

E1 - Design

E2 - Amenity

E3 - The natural environment

IC2 – Transport and accessibility

RM1 – Water quality, supply, and foul drainage

RM2 – Flood risk

RM3 – Surface water and drainage management

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

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – No objections but following concerns raised:

- Water pressure/supply issues;
- Oil tanks should be sensitively sited/screened; and
- Bat survey recommendation should be taken into consideration.

4.2 Ministry of Defence – No safeguarding objections.

4.3 Yorkshire Water – Site not served by public sewer.

4.4 Environmental Health (amenity) - The applicant has provided further information about the impact of odour, noise and flies on the residents of the proposed development and concluded from this that odour and flies are unlikely to be an issue there is no need for additional mitigation. The applicant has indicated that the building methods employed, along with the orientation of bedrooms and generally low ambient noise levels, will achieve levels of 35dB within bedrooms.

Based on the information provided by the applicant, plus the lack of complaints from existing residences, Environmental Health considers that the impact from the adjacent farm activities on amenity for future occupiers is likely to be low and therefore has no objections

- 4.5 Environmental Health (land contamination) – No objection subject to conditions.
- 4.6 NYCC Highways – No objections subject to conditions.
- 4.7 Kyle and Ouse IDB – standing advice issued, no objection to the principle of soakaways.
- 4.8 Natural England – No comments to make.
- 4.9 Public comments – Three letters of objection received raising the following concerns:

- Concern with existing and proposed drainage;
- Provision of bin storage and accessibility;
- Additional traffic and highways safety impacts;
- Rights of access for septic tank;
- Provision of fuel burning stoves/ air source heat pumps and oil tanks;
- Inappropriate use of zinc roofing materials;
- Water Supply/low pressure issues;
- Additional wear and tear on private access road;
- Ownership of the coach house;
- Proximity of new dwellings to livestock buildings, resulting in poor levels of amenity for future residents;
- Contaminated land issues;
- Increased cost of insurance for adjacent farm due to fire risk and other matters;
- Harm to protected species; and
- Loss of privacy.

One neutral comment raising the following points:

- Water supply is inadequate to be able to cope with this development, it is already low pressure.

Three letters of support raising the following points:

- Plans look positive;
- Current state of buildings is very poor;
- Benefits of environmental improvement for all residents;
- Improvement to Court House Lane will benefit all residents;
- Building will be in keeping with immediate surroundings;
- Restoration of original features of this important building as well as sympathetic additional development to fund the heritage project should be supported;
- we feel that it is absolutely necessary to maintain the history and provenance of any of the Dawnay buildings and estates; and
- A further pleasing point to note is that the renovation is being carried out by a local construction company who we are aware have made several sympathetic renovations and restorations to historic buildings in Yorkshire.

5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing and housing mix; (iii) heritage; (iv) design and visual amenity; (v) residential amenity; (vi) highway safety; (vii) flood risk and drainage and (vi) biodiversity.

Principle of Development

- 5.2 The development can be broken down into two elements: conversion of Dawnay Coach House and new build dwellings. Taking each matter in turn:

Conversion of the Dawnay Coach House

- 5.3 The application site lies in open countryside approximately 3km north of Shipton by Beningbrough and as such could not be consider adjacent to the built up area of any settlement (policy S5) and policy S3 relating to development within the open countryside is applicable. The site is currently used as storage for a construction company and as such falls within the definition of brownfield land.
- 5.4 Policy S5 states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located. Policy S5 goes on to state that with regard to rural buildings conversion will only be supported where:

f. the building is:

- i. redundant or disused;
- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
- iv. structurally capable of being converted for the proposed use; and

g. the proposal:

- i. would enhance the immediate setting; and
- ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

- 5.5 Policies S7 and E5 also lends weight to schemes which help to ensure a sustainable future for heritage assets especially those identified as being at greatest risk of loss or decay, including the principle of enabling development. Through pre-application discussions it has been established the buildings should be considered non-designated heritage assets (NDHA) as such their preservation and restoration is important. The buildings are currently disused and in a poor state of repair. The proposal is accompanied by Structural Survey which confirms the buildings are of permanent construction and capable of conversion and whilst those works are substantial, they are considered to be within the scope of the policy and are not “major reconstruction works”. The conversion of the buildings would lead to an enhancement of the immediate setting by renovation of the building, re-use of the site including the removal of a “non-conforming” use as a builders’ yard. The landscaping proposals for the site are important to secure the enhancement of the

immediate setting and can be controlled by the use of a planning condition. The works to convert the buildings are not considered to adversely affect their form, scale massing or proportions.

- 5.6 Considering the principle of the conversion element of the proposal it is clear that the scheme would accord with the requirement of the above criteria of policy S5 and the principles set out in policies S7 and E5.

New build development

- 5.7 The applicant is proposing two large new build dwellings to the rear of the site. Policy S3 seeks to focus new residential development within the built form of settlements within the hierarchy. As mentioned above Shipton is the nearest settlement defined within the settlement hierarchy within policy S3 located approximately 3km away. Therefore, the proposal cannot draw support from policy S3. However, policy S5 states that Development in the countryside will be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.8 The applicant submission notes that the conversion and restoration of the NDHA Dawnay Coach House will result in a conservation deficit. The applicant argues that the new build element of the proposal is enabling development.
- 5.9 Historic England have produced a guidance note on enabling development and heritage assets (June 2020). This documents sets out that paragraph 202 of the NPPF recognises that enabling development is development that would not normally be given planning permission as it is not in compliance with local or national policies save for the fact it would secure the future of heritage asset. NPPF paragraph 80b permits enabling development as an exception to isolated dwellings within the countryside once all other relevant tests in the NPPF, including paragraph 208 which requires the decision maker to weigh the wider benefits against the disbenefits of not adhering to planning policies, are satisfied. A conservation deficit is the amount by which the cost of repair and conversion to optimal viable use of a heritage asset exceeds its market value on completion.
- 5.10 The applicant has considered alternative uses however there would be an extremely limited market for any use other than residential following the relocation of the construction business. A residential use is considered to be the optimal viable use in order to secure the preservation of this NDHA.
- 5.11 The applicant has submitted a viability appraisal which confirms that the conversion element of the scheme alone would generate a considerable conservation deficit. The applicant therefore has proposed the new build element of the proposal to cross-fund the conversion element thereby ensuring the restoration and preservation of this heritage asset. The viability appraisal determines that the proposed scheme would result in a viable scheme.
- 5.12 The proposed new build element does not accord with local policy. However, it is considered that sufficient evidence has been provided to demonstrate that the proposed new build units would be considered enabling development and that without the new build elements the conversion and restoration of the Dawnay Coach House NDHA would not be viable. Therefore, the proposal can draw weight

from paragraph 80b, 202 and 206 of the NPPF as a result of the proposed new build dwellings enabling the preservation of a heritage asset. As per the requirements of paragraph 208 these benefits will need to be weighed in the balance against any disbenefits of not adhering to planning policy.

Affordable housing and housing mix

- 5.13 Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 4 or less units in a designated rural parish. Given the location of the site and that the site would result in the creation of 5 new dwellings the proposal falls within the parameters of HG3 and therefore is expected to provide 30% affordable housing. Policy HG3 goes on to state 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. A development viability assessment is required if a lower level of affordable housing provision is made. Based on a 5 unit scheme the site would be expected to provide 1.5 affordable units.
- 5.14 The applicant has included within the viability appraisal submitted, consideration of the provision of affordable housing. As mentioned in the section above conversion of the NDHA generate a sizable conservation deficit and the site is only made viable through the inclusion of two large new dwellings as enabling units to cross-fund the conversion element of the scheme. Given the need for sensitive restoration works to the NDHA and the fact the site is previously brownfield land there are a number of abnormal costs associated with the sites development through review of the viability appraisal with assistance to the Council from Align Property Partners the applicant has agreed that an off-site contribution towards the provision of affordable housing can be made. A planning obligation for the payment of £153,639 by means of a unilateral undertaking is to be secured before the issue of any approval of this application.
- 5.15 It is considered that the site specific circumstances and accompanying viability appraisal are in this instance sufficient to demonstrate that the site would not be able to provide the required level of on-site affordable housing. Therefore, in accordance with Policy HG3 the provision of a sum towards off-site affordable housing on the scheme is considered acceptable in this case.
- 5.16 Policy HG2 of the Hambleton Local Plan and the guidance set out in the House type, size and tenure SPD require schemes to provide a mix of dwelling sizes with 65% of dwellings being 2 and 3 bed units. Again, similarly to the requirement to provide affordable housing set out above the viability of the scheme, as set out in the viability appraisal, is such that in order to maximise market value to ensure the cross-funding of the conversion element of the scheme and offset abnormal development costs associated with the site, the applicant requires a mix of larger units to ensure the site remains viable. Policy HG2 criterion (f) allows for a mix of dwelling sizes which respond to the ability of the site to accommodate the required mix. It is considered that the applicant has provided sufficient evidence to show that in this particular instance the mix being skewed to larger homes is justified.

Heritage

- 5.17 Policy S7 of the Hambleton Local Plan sets out that the council seeks to conserve heritage assets in an appropriate manner and that development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Policy E5 of the Hambleton Local Plan goes on to confer specific requirement for development which affects a heritage asset including the requirements for a robust heritage statement and goes on to talk specifically of NDHAs stating any harm or loss of significance will need to be justified and weighed in the balance. The NPPF provides similar protection at a national policy level.
- 5.18 A Heritage Impact Assessment (HIA) and Heritage has been prepared and submitted in support of the proposal. The applicant has also commissioned a Heritage and Future Development Document which compiles oral histories of the site and recognises its significant social history. The HIA considered the significance of the Dawnay Coach House as a NDHA and finds that this comprises social and community value with its strong links to Grade I listed Beningbrough Hall and Estate as well as architectural value in itself. The HIA concludes that overall, the impact of the proposed development upon the significance of the NDHA is low and finds that through ensuring a long term viable use for the site and environmental enhancements proposed will achieve long term preservation of this heritage asset for the future.
- 5.19 The preservation and enhancement of the Dawnay Coach House is therefore considered to accord with the provisions of Policies S7 and E5 of the Hambleton Local Plan as well as paragraphs 190, 203 and 206 of the NPPF.

Design and Visual amenity

- 5.20 Policy E1 of the Hambleton Local Plan seeks to ensure all development proposals are of high-quality design which will reinforce local distinctiveness and integrate successfully into its surroundings. Policy E7 of the Hambleton Local Plan seeks to ensure development proposal respect, protect, and enhance the districts distinctive landscapes. Policy E7 also confers protection for trees, hedgerows, and woodland.
- 5.21 The applicant has submitted a Design & Access Statement, Heritage Impact Assessment and Supporting Planning Statement, all of which set the context for the design and layout of the site. Whilst the proposal would result in two large new build dwellings it would result in a reduction of the overall volume of built form on the site currently, largely due to the removal of the large portal frame structures which are in a poor state of repair. The key driver of the layout was the retention of the Dawnay Coach House complex and the removal of the large portal frame structure and their replacement with the enabling development which as a result of their placement results in a sense of clustered farm buildings which is a common site within the locality, including on the adjacent Ingfield Farm.
- 5.22 The conversion element of the scheme would involve the removal of the large central roof and now unstable brick supporting pillars, a later addition to the complex, to result in a cluster of dwellings around an open central courtyard. The building is then subdivided into three plots with plot 1 principally facing onto the central courtyard, plot 2 to the north and plot 3 to the east. Internally the plots have zoned spaces with the social spaces being full height and having exposed roof

timbers with more private rooms such as bedrooms and bathrooms having lower ceiling heights and a more intimate scale.

- 5.23 The arch features will be visible in the internal courtyard with infill which respond to the room they serve but retain a cohesive architectural form. New apertures will be simple in design with a scale to match the existing building apertures consist of exposed steel lintels, wood and glazing: being clearly of their time whilst complementing the original historic features of the building.
- 5.24 The new build elements of the scheme would have a modern barn like appearance. The dwelling would be constructed with brick lower halves and timber top halves and zinc roof coverings to break up their massing and make reference to the typical agricultural buildings found within the locality and wider countryside. Whilst zinc roof coverings are not common on residential properties given the sites unique make-up and the architectural style achieving visual cohesion throughout both the conversion and new build elements the roofing is considered appropriate.
- 5.25 There are garages proposed which are lower level giving a subservient appearance with a materials palette to compliment the dwellings and wider site. The garages are also only partially enclosed to allow views through and reduce their bulk.
- 5.26 Landscaping and materials are key to the project. The architect has carefully selected the proposed design and materials, taking into consideration the heritage specialist advice to ensure the scheme acknowledges and draws upon local distinctiveness.
- 5.27 The design approach is considered to be sensitive to the NDHA and historic use of the site and has responded well to the site constraints by proposing a high-quality design as required by policy E1. The uses proposed for these buildings would make a positive contribution to the area and is consistent with their conservation and preservation.
- 5.28 The final matter to be considered in terms of character and appearance is the impact of the development on the surrounding countryside. The proposed layout is contained within the existing curtilage of the site which is currently utilised as a storage and scrap yard for GEM Construction. As stated above the site is brownfield land. The proposed development would also see the removal of large steel portal frame structures and a general betterment of the site in visual terms as well as an overall reduction in volume of built form. As such it is considered that the proposal would have no greater impact upon the character and appearance of the countryside above that already experienced as a result of the extant use, as well as leading to visual betterment of the site through the removal of waste and materials and provision of new landscaping.
- 5.29 Careful consideration will be needed with regard to the hard and soft landscaping schemes particularly for any boundary treatments/hedge and hard surfacing materials. It is noted the Design and Access statement includes landscape precedents and the proposed site plan shows indicative landscape plans. Landscape materials and design of these element must appropriate to the character of the area and therefore it is recommended that this detail be the subject of a condition.

- 5.30 The proposal would not appear unduly intrusive and would respect the open character and appearance of the countryside. As a consequence of the above it is considered that the proposed layout of the site, design of both the conversion and new build element of the scheme and indicative landscaping proposals are of a very high quality which would not only enable the restoration and enhancement of this NDHA but lead to a visual betterment of the site and surrounding area.

Residential Amenity

- 5.31 Policy E2 of the Hambleton Local Plan sets high standards for the provision of amenity of both existing and future users and occupiers. The site is located within a cluster of residential and farm buildings.
- 5.32 The scheme makes provision for each unit to have an adequately sized area of private amenity space, as well as natural light/outlook to all habitable rooms. Proposed separation distances between habitable room windows are such that they would ensure adequate levels of privacy for future occupiers. All proposed windows and door in the site would not directly face or look onto existing neighbouring properties or existing neighbour's private outdoor space.
- 5.33 The site lies in proximity to an existing farm complex, as do the existing residential properties within the cluster which is not an unusual arrangement given the countryside location. With regards to noise and odour the applicant has submitted an odour risk assessment which identifies the odour potential of Ingfield Farm as small and as such the risk of odour exposure is negligible. As such the risk of adverse impacts from odour is not significant and as such would not require mitigation. The applicant has provided details of likely impact from flies and it is considered that these are unlikely to be an issue and without the need for additional mitigation.
- 5.34 With regards to noise impacts the applicant has taken a fabric first approach and the proposal has been designed to reduce noise impacts whilst improving thermal performance, achieving levels of 35dB within bedrooms. Environmental Health have reviewed the proposal and raised no objection.
- 5.34 Overall it is considered that the development will deliver an acceptable level of amenity for the future occupants of the houses as required by Policy E2 and would not be harmful to the amenity of any existing neighbouring residents/uses.

Highways

- 5.35 The existing access would be utilised into the site from Chapmans Lane. The applicant has submitted a Transport Technical Note (TTN) which considers the highways implications of the proposal. The proposal will result in the creation of 5 new dwellings however the site currently operates as a base for GEM Construction which would cease when the residential use commences. The TTN shows that the additional traffic generated at peak times will be three additional vehicle movements in each peak period as such it is not considered that the intensification of use of the access would be so significant compared to the existing use so as to result in highways safety or operation concerns. The access road will be resurfaced with new passing paces created. Concern has been raised by a member of the public regarding additional wear and tear on the access road, as mentioned above the

applicant will resurface the access road as part of the installation of a new water supply works which will be of a benefit to all surrounding users of the road.

- 5.35 Parking is provided for each dwelling up to a suitable level in accordance with the councils parking standards.

Flood risk and drainage

- 5.36 The application site is located within flood zone 1 and as such is at the lowest risk from flooding. The applicant proposes to use a package treatment plant to deal with foul water, surface water will be dealt with using sustainable drainage methods. Detailed drainage plans will be secured by condition. The site is within the Kyle and Ouse internal drainage area and as such should surface water need to be discharged to an ordinary watercourse the applicant would require consent from the Internal Drainage Board.
- 5.37 Water pressure and supply to the site and the impacts upon surrounding properties has been raised by both public comments and parish council comments as a concern. The applicant states that it is their intention to cap off the farm's existing supply (which is the same supply shared with the surrounding properties) and connect to the main water supply off Chapmans Lane. This work would be undertaken as part of the development and as part of the road resurfacing works. This would therefore provide a benefit to existing properties as there will be one less user from this supply.

Biodiversity

- 5.38 The NPPF and Policy E3 of the Hambleton Local Plan expect development proposals to conserve and enhance the natural environment. Policy E3 stipulates that all development is expected to achieve biodiversity net gain (BNG).
- 5.39 The application has been accompanied by a Preliminary Ecological Appraisal (PEA) and Bat surveys prepared by Quants, October 2021. The PEA identified that the site comprises predominantly buildings and hardstanding with large areas of tall ruderal with hedgerows and sporadic trees to the boundaries. Himalayan Balsam (schedule 9 Invasive weed) was identified at several locations across the site. A condition will secure an invasive species management plan to be submitted and approved by the LPA. The PEA identifies that no impacts on protected sites are predicted and the overall value of the habitats on the site are of local value.

Bats

- 5.40 Bat roosts have been identified within building 1 (Dawnay Coach House) which contained a maternity roost of Whiskered bat (*Myotis mystacinus*) and a day roost of common pipistrelle bats (*pipistrellus*). During dusk and dawn surveys no bats were identified in other buildings in the site. Conversion works will result in the loss of all bat roosts within building 1. As such a European Protected Species (EPS) Licence will need to be obtained from Natural England before works can proceed.
- 5.41 Due to the loss of bat roosts an offence is likely under Regulation 43 (1) of the Conservation of Habitats and Species Regulations 2017 and therefore a European Protected Species Mitigation (EPSM) licence is likely to be required under Regulation 55 of the same. In order to obtain an EPSM licence the three derogation tests must be considered.

- 5.42 A bat mitigation strategy is recommended which will inform the bat method statement which is required as part of the derogation test. The Preliminary Ecological Appraisal (PEA) considers that based on the available information, it is likely that impacts on bats can be satisfactorily managed through standard mitigation measures and it is likely that Natural England will grant an EPSM licence upon application. Bat mitigation measures will be secured via condition which will require the submission of an Ecological Enhancement and Management Plan.

Nesting birds

- 5.43 Several old nests were identified within building 1 as likely to be that of pigeon or jackdaw. No evidence of barn owl was observed. Nonetheless all nesting birds are protected under the wildlife and Countryside Act 1981 and therefore any works to the buildings shall not take place between 1 March and 31 August inclusive (bird nesting season) unless they have first been surveyed for nesting birds by a qualified ecologist. Compensatory nesting features have been proposed, which will also enhance the nesting opportunities on site.

Amphibians

- 5.44 There are several ponds within 500m of the applications site and the site itself is considered to provide good quality terrestrial habitat for Great Crested Newts (GCN). The PEA notes that generally the majority of GCN will remain within 100 metres of breeding sites provided suitability terrestrial habitat is present. It is noted that suitable terrestrial habitat does appear to be present within 100 metres of all seven ponds and it is therefore likely that GCN, if present, would remain within 100 metres of ponds at all times. However in order to ensure legal compliance the PEA recommends a GCN presence/absence survey to be carried out the results of which would inform a EPSM licence if required. However, given the distance of the ponds from the site it is considered that appropriate mitigation and avoidance measures could be implemented and the granting of an EPSM licence by Natural England, if required, would be likely.
- 5.45 In this instance it is considered reasonable to secure the recommendations in the PEA and other biodiversity enhancements through a condition requiring the submission and approval of an Ecological Enhancement and Management Plan in order that the site delivers a biodiversity net gain in line with the requirements of policy E3 of the Hambleton Local Plan.

Other Matters

- 5.46 Public comment have raised a number of issues which are not addressed in the report above including insurance costs for farm buildings, rights of access and land ownership. With regards to the cost of insurance of farm buildings this is not a material planning consideration. Private rights of access are a civil matter and not something that can be dealt with through the planning application process. The applicant has signed certificate B on the planning application form serving notice on all parties who are owners or agricultural tenants of any part of the land or building to which the application relates, insofar as land ownership is relevant to the planning application process the applicant has fulfilled all their obligations. Any disputes in land ownership or legal rights are civil matters and not something that can be dealt with through the planning application process.

Planning Balance

- 5.47 By and large the proposal complies with the relevant policies of the Hambleton Local Plan with the exception of the two new build dwellings, being located outside of a settlement within the countryside and the mix of dwellings, being skewed to the larger size units rather than a mix of 2/3 bed units. However, there is provision within local policy and national policy which permits enabling development to cross-fund development which secures restoration and preservation of heritage assets. Paragraph 208 of the NPPF in particular acknowledges that conflict with planning policies may be justified if the development proposal would secure the future conservation of the asset and the wider benefits outweigh the disbenefits of not adhering to those policies. The proposed enabling development would allow the preservation of this NDHA which has an important connection to the Grade I listed Beningbrough Hall and Estate by cross-funding to offset the conservation deficit. A condition to require the implementation of the works to the NDHA prior to the occupation of the new build dwellings is appropriate to ensure that the enabling development is not undertaken in isolation and without restoration of the heritage asset.
- 5.48 The proposal would provide social benefits through the provision of new housing and ensuring the social and community value of the NDHA, set out in the Heritage and Future Development document, is preserved for future generations.
- 5.49 The proposal would provide economic benefits throughout the construction phase as a result of construction jobs and materials sourced from the local area. The proposal would also be liable for CIL contributions and as such would make contribute towards local infrastructure improvements.
- 5.50 The proposal would provide environmental benefits through the conservation and restoration of the NDHA, utilisation of brownfield land for residential development and the environmental improvements that would be brought about by the tidying of the site and end of its use as a builders storage/scrap yard.
- 5.51 On balance and considering the provision of paragraph 208 of the NPPF, it is considered that the policy conflict identified is justified given that the benefits of the proposal outweigh the disbenefits of not adhering to planning policy.
- 5.52 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Plan Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the completion of a planning obligation (by means of a unilateral undertaking under section 106 of the Act) to provide the sum of £153,639 for off-site provision of affordable housing and 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:

AP(0)001_Site Location Plan
AP(0)002_Site Block Plan
AP(0)003_Existing Site Plan
AP(0)010_Existing Ground Floor Plan
AP(0)020_Plot 1, 2 and 3 Existing Elevations A B
AP(0)021_Plot 1, 2 and 3 Existing Elevations C D
AP(0)022_Plot 1, 2 and 3 Existing Elevations E F
AP(0)030_Proposed Site Plan
AP(0)035_Proposed Site Plan_Detail
AP(0)040_Plot 1, 2 and 3 Proposed Elevations A B
AP(0)041_Plot 1, 2 and 3 Proposed Elevations C D
AP(0)042_Plot 1, 2 and 3 Proposed Elevations E F
AP(0)043_Plot 4 and 5 Proposed Elevations G H
AP(0)044_Plot 4 and 5 Proposed Elevations I J K L
AP(0)045_Plot 1 and 2 Proposed Garage Elevations
AP(0)046_Plot 3 Proposed Garage Elevations
AP(0)050_Plot 1 Proposed Ground Floor Plan
AP(0)051_Plot 1 Proposed Roof Plan
AP(0)100_Plot 2 Proposed Ground Floor Plan
AP(0)101_Plot 2 Proposed Roof Plan
AP(0)150_Plot 3 Proposed Ground Floor Plan
AP(0)151_Plot 3 Proposed Roof Plan
AP(0)200_Plot 4 Proposed Floor Plans
AP(0)250_Plot 5 Proposed Floor Plans

As received by Hambleton District Council on 03 December 2021 unless otherwise approved in writing by the Local Planning Authority.

3. The implementation of the works to the Coach House to secure it in a secure, weathertight and stable condition shall be completed prior to the occupation of either of the new build dwellings.
4. Prior to their first use on site details of the materials to be used in the construction of the walls, roof coverings, doors and windows of the proposed dwellings and detached garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using only the approved materials
5. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. 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 unless agreed otherwise in writing by the Local Planning Authority.

6. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
8. No above ground development shall be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
9. Notwithstanding any details approved, the boundary treatments as set out in condition 7 above shall include suitable holes (13cm x 13cm) at ground level and appropriate signage to allow for movement of hedgehogs. The hedgehog holes and signage thereafter shall be maintained for the intended purpose and shall not be blocked up or removed.
10. The development shall be carried out in complete accordance with the mitigation and enhancement measures, as described in the Quant Preliminary Ecological Appraisal dated October 2021.
11. Prior to the commencement of development an Ecological Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement and Management Plan shall include but not be limited to:
 - Bat mitigation and enhancement features;
 - Bird nesting boxes (boxes will be suitable for a range of species); and
 - Management of enhancement features.

The approved Ecological Enhancement and Management Plan shall then be implemented prior to the first occupation of any dwelling on the site.

12. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
13. No development excluding demolition shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.
14. Prior to development, excluding demolition, 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.

15. 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.
16. 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.
17. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.
 - 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.

18. A new water supply shall be provided at the commencement of the development and the previous supply shall not be used during development or subsequent occupation. Resurfacing of the access from the application property to the highway shall be provided prior to occupation of the dwellings.
19. The development permitted shall not commence until an Invasive Species Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail measures to be implemented in order to minimise the risk of aiding the spread of the invasive plant species that are known to be located at the Site. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

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.
3. To ensure that heritage asset is secured for the future and that the enabling development is not undertaken in isolation without restoration of the heritage asset.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site.

5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
6. In order to avoid the pollution of watercourses and land and in the interest of ensuring the provision of proper drainage.
7. In order to avoid the pollution of watercourses and land and in the interest of ensuring the provision of proper drainage.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To provide adequate safeguards for the protection of any protected species or habitats existing on the site.
10. To provide adequate safeguards for the protection of any protected species or habitats existing on the site.
11. To provide adequate safeguards for the protection of any protected species or habitats existing on the site and to ensure the site achieves biodiversity net gain.
12. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution.
13. 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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17. 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.
18. In the interests of the amenity of residents.
19. To ensure the risk posed by invasive weeds is minimised.

Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
1 x 55 litre blue recycling box for glass bottles and jars.

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

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

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

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7th April 2015.
3. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site.

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