

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 8 February 2023

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 16 February 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: 358 008 594# 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 19 January 2023 (P.21 - P.22), 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, 19th January, 2023 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor J Noone (in the Chair)

Councillor	M A Barningham	Councillor	B Phillips
	D B Elders		A Robinson
	Mrs B S Fortune		M G Taylor (morning session only)
	B Griffiths (morning session only)		D A Webster
	K G Hardisty		

Also in Attendance

Councillor	P A James	Councillor	S Watson
	M S Robson		P R Thompson
	D Watkins		

Apologies for absence were received from Councillors P Bardon and A Wake.

Apologies for absence were received from Councillors B Griffiths and M G Taylor for the afternoon session which commenced at 1.30pm.

P.21 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 22 December 2022 (P.19 - P.20), previously circulated, be signed as a correct record.

P.22 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) 22/02606/OUT - 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

Permission Refused. The Committee found that, having taken into account the existing planning permission for an extension to no. 8, the proposed development would result in over-development of the site and would not meet the requirements of Policy E1 on design as the resulting dwelling would be out of character within the area.

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

(The applicant's agent, Gary Swarbrick, spoke in support of the application).

(Andy Wiggins spoke objecting to the application.)

Note: Councillor P A James arrived at the meeting at 10.16am.

- (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

Permission Refused subject to an amendment to the second reason for refusal regarding the potential glint and glare from the proposed development and the safety risk this would post to aircraft following the representation from the Civil Aviation Authority.

(The applicant Richard Buffey, spoke in support of the application.)

(The applicant's agent, Chris Sowerbutts, spoke in support of the application).

(Kevin Harrison and Chris Nichols spoke on behalf of Carlton Husthwaite and Husthwaite Parish Councils objecting to the application.)

(Rory Menage and Molly Hill spoke objecting to the application.)

Note: Councillor M S Robson arrived at the meeting at 11.05am.

Councillor P A James left the meeting at 12 noon.

The meeting adjourned at 12 noon and reconvened at 1.30pm.

Councillors P A Thompson and S Watson arrived at the meeting at 1.30pm

- (3) 22/02671/FUL - Siting of a portable building to be used as a community hub at Easingwold AFC, Stillington Road, Easingwold for Easingwold District Community Care Association

Permission Granted subject to an amendment to condition 4 to extend the use of the building until 7pm on any day.

(The applicant, Ms Di Watkins, spoke in support of the application.)

Note: Councillor D Watkins arrived at the meeting at 1.45pm.

- (4) 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 for B, P & M Twedde

Permission Refused subject to an amendment to the reason for refusal to include reference to the detrimental impact on the character of the settlement in respect of the proposed demolition of no. 3 Birkby Lane.

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

(Elaine Simpson spoke on behalf of East Cowton Parish Council objecting to the application.)

(Alison Wragg spoke objecting to the application.)

Note: Councillor M S Robson and S Watson left the meeting at 2.10pm.

- (5) 22/00786/FUL - Revised application for the construction of a terrace of 3no dwellings with associated garaging and amenity space at Land at West of The Forge, Tollerton Road for Queens Staith Leisure

Permission Granted. The Committee found that the proposal would not constitute overdevelopment and that the provision of three smaller terraced dwellings will better meet the housing requirements of the village and is more in keeping with the character and form of the settlement compared to the single dormer bungalow as previously approved.

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

(The applicant's agent, Matthew Groom, spoke in support of the application.)

Note: Councillor D Watkins left the meeting at 2.50pm.

The meeting was adjourned at 2.50pm and reconvened at 3pm.

- (6) 22/01574/FUL - Construction of 16no. residential dwellings and associated landscaping and infrastructure at Land to the North of Maple Lane, Huby for Mr P Mead

Permission Granted

(The applicant's agent, Philip Mead, spoke in support of the application.)

- (7) 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

Permission Granted subject to an amendment to condition 3 to refer to Bedale sub area, an amendment to condition 5 to including piling in the construction management plan and an amendment to condition 16 to limit the approval to approximately 85 dwellings.

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

(Bernard Liddle spoke objecting to the application.)

- (8) 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 for Mr Mike Green

Permission Refused. The Committee found that the proposed development was sited in close proximity to existing farm buildings housing livestock. The Committee considered that the proposed

development was sited too close to the existing farm buildings which houses livestock. Given this, the Committee had concerns that there was a risk of odour and pests with additional fire risk due to storage of hay and straw near residential dwellings.

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

(The applicant's agent, Maria Boyce, spoke in support of the application.)

(Malcolm Galtrey spoke objecting to the application.)

The meeting closed at 4.10 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 16 February 2023. The meeting will commence at 1.30pm.

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

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at www.planning.hambleton.gov.uk. Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt
Deputy Chief Executive

Site Visit Criteria

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members sufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

PLANNING COMMITTEE

Thursday 16th February 2023

10am Morning Session

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	21/02643/FUL Marc Pearson Raskelf Page no: 13	Construction of 6no poultry buildings, associated infrastructure, attenuation pond, new access track and hardstanding At: Land North of Hag Lane, Raskelf For: Mr Henry Dent RECOMMENDATION: REFUSAL
2	22/01955/FUL Andrew Cotton Catton Page no: 27	Application for Proposed residential development comprising of 1No. bungalows with detached garage. At: Land Rear Of Swale Reach, Catton For: Mr & Mrs A & S Trueman RECOMMENDATION: REFUSAL
3	22/02156/OUT Andrew Cotton Dalton Page no: 35	Application for Outline Planning Permission [with all matters reserved except access] for the construction of 21no. dwellings At: Land West of Dalton Motors, Dalton For: Mr Hugh Roberts RECOMMEDATION: APPROVAL

1.30pm Afternoon Session

Item No	Application Ref / Officer / Parish	Proposal / Site Description
4	22/01354/FUL Nathan Puckering Great Ayton Page no: 59	Proposed conversion of redundant building to a residential dwellinghouse At: Ayton Firs Manor, Ayton Firs, Green Lane, Great Ayton For: Mr N Flintoft RECOMMENDATION: APPROVAL

Item No	Application Ref / Officer / Parish	Proposal / Site Description
5	22/02397/FUL Marc Pearson Huby Page no: 71	Application for the demolition of existing detached house, erection of new detached house, including landscape and driveway improvements. Installation of renewable technology and site habitat enhancements. At: Alcar Farm, Brownmoor Lane, Huby For: Mr and Mrs Whitwam RECOMMENDATION: REFUSAL
6	22/02609/MRC Helen Ledger Hutton Bonville Page no: 79	Removal of condition 5 (Occupation) from previously approved application 05/00577/FUL - Revised application for the change of use of redundant agricultural building to holiday accommodation At: Appletree Cottage, Lovesome Hill For: Ms B Noda RECOMMENDATION: APPROVAL
7	22/02147/FUL Nathan Puckering Nether Silton Page no: 87	Demolition of existing all purpose agricultural building and erection of a new dwelling At: School Farm, Lead Lane, Nether Silton, Thirsk For: Mr Mike Craddock. RECOMMENDATION: APPROVAL
8	22/01117/FUL Mark Russell Shipton By Beningbrough Page no: 101	Application for continuation of site operations as a petrol station and retail shop (including deli element) to include food preparation area for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. At: Will and Freddie's, North Road Garage, Shipton By Beningbrough For: Mr Thomas Brooke RECOMMENDATION: APPROVAL

Item No	Application Ref / Officer / Parish	Proposal / Site Description
<p>9</p>	<p>22/01288/ADV Mark Russell Shipton By Beningbrough</p> <p>Page no: 117</p>	<p>Application for advertisement consent for 1No. site entry and 1No. exit non-illuminated signage for existing on-site business.</p> <p>At: Will and Freddie's, North Road Garage, Shipton By Beningbrough For: Mr Thomas Brooke</p> <p>RECOMMENDATION: APPROVAL</p>
<p>10</p>	<p>22/02019/FUL Aisling O'Driscoll Stillington</p> <p>Page no: 125</p>	<p>Proposed residential development comprising 35 dwellings (and 1 self-build plot), means of access, site infrastructure and associated landscaping.</p> <p>At: Land North of Stillington Social Club, York Road, Stillington For: Mr D Gath</p> <p>RECOMMENDATION: APPROVAL</p>

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Parish: Raskelf
Ward: Raskelf & White Horse

Committee date: 16th February 2023
Officer dealing: Marc Pearson
Target date: 24th February 2022
Extension of time (if agreed:

1

21/02643/FUL

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

At: Land North of Hag Lane, Raskelf
For: Mr Henry Dent, Dinsdale Farming

The application was heard at Planning Committee on the 27th October 2022 and deferred.

1.0 Matters of deferral

1.1 At the 27th October 2022 Planning Committee the was deferred in order to request the presence of a Local Highways Authority Officer at a Planning Committee meeting in order to answer questions on specific highways concerns and to obtain further information on the economic and amenity impact of the proposal. The agent has subsequently provided additional information relating economic matters and amenity impact that includes additional information relating to traffic counts. The following paragraphs set out the new information and assesses the additional detail, the remainder of the report is largely as previously published in October 2022 updated at section 6 relating to highways, residential amenity and air quality.

Economic Impact

1.2 The additional information clarifies the proposed site would provide 3 full-time jobs plus teams of contract labour at peak periods during the flock cycle and provides a financial breakdown of operating costs for another broiler unit owned by the applicant. This demonstrates a total of c.£4.8 million spend per year to provide stock, feed, bedding, power supply, permanent and contractor staff wages, general maintenance of the buildings and veterinary care. On this basis officers consider the site would bring some local economic benefit through the creation of full-time and temporary jobs and may bring about associated benefits to other local business in terms of general building maintenance or veterinary care.

Amenity Impact

1.3 The additional information includes clarification on air quality and notes that parameters and emission factors are set by the Environment Agency. The agents set out that air quality modelling undertaken with this application demonstrates that the air quality impacts fall under the category of 'insignificant' and are fully compliant with the regulatory thresholds. The agent claims that the air quality impacts of this development are insignificant, and the issue is controlled through a separate permitting regime, air quality impacts are protected. The additional information also presents a discussion on the need for air scrubbers mitigation which can be required to further mitigate air quality impacts, with the highest level of mitigation being the addition of air scrubbers. It is stated that these are rare within England with only one operational poultry unit in England with air scrubbing.

- 1.4 Local Plan Policy RM4, seeks to protect and improve air quality within the district. It is noted that air quality will reduce as some pollutants will be released to the air. On this basis and contrary to the previous assessment in paragraph 5.24 of the October 2022 report, the loss of air quality unless adequately mitigated is contrary to Local Plan policy RM4. This is discussed in full at section 6 paragraphs 6.16 amenity and 6.26 air quality of this report.
- 1.5 The agent submitted additional commentary and traffic data from an Automated Traffic Count, with the counter located on Alne Road at the west side of Tollerton to determine the level of traffic already using the proposed vehicle route. This identified a 60 HGVs per day average with daily fluctuations of 22 and 86 per day. It is stated that on the busiest days of the flock cycle when catching is taking place the site will generate a maximum of 13 HGVs (26 movements) and the agent states that he considers this to be well within the normal daily fluctuations of traffic along the route. The additional information also notes during the normal operation of the flock, vehicle movements will be limited to 07.00 to 20.00 for deliveries. However, during catching, which is undertaken on day 30, 37 and 38 of each flock cycle, this would normally be commenced during the early hours of the morning 2am to 3pm. At the final catch this will commence at 2am and continue for 37 hours ending 3pm the following during which hourly vehicle movements will occur until the site has been emptied. The catching process is undertaken for 3 nights per flock cycle and with 7 cycles this would equate to catching lorries operating beyond the proposed operating hours on 23 nights a year.
- 1.6 The additional information also clarifies that no agricultural land would be lost due the fact would remain in agricultural use albeit a change from arable to poultry production. Officers concur with this assessment.

2.0 Site, Context and Proposal

- 2.1 The 6 hectare application site is located on the north side of Hag Lane approximately 2km west of Raskelf beyond the East Coast railway line. The site would utilise an existing vehicle access point and access track that leads to a field enclosure about 200 m from Hag Lane. The site is level and is enclosed by an existing hedgerow and is currently utilised for agricultural purposes. Immediately to the west of the application site (adjacent to the access track) are overhead power lines that run in a north/south direction. The immediate context is defined by remaining agricultural land and approximately 400m to the west, south-west and south-east are a number of residential properties. Short and medium distance views towards the site are possible from Hag Lane over the hedgerows adjacent to the highway. From the east longer distance views towards the application site are possible from the public footpath network, however, these views are dominated by the railway line and overhead power lines.
- 2.2 The proposal seeks consent for the erection of 6 poultry buildings and associated infrastructure. The poultry buildings each measure 126m x 20m in footprint with an eaves height of 3m and a ridge height of 5.7 m. Each poultry building is of steel portal frame construction, with concrete walls to 0.6m with polyester coated profile sheeting above for the walls and roof which will be coloured olive green. The proposed buildings will be fitted with high velocity ridge mounted ventilation fans and side inlet vents. An amenity building/boiler house measuring 30m x 18m with an eaves height of 6m and a ridge height of 8.4m of similar construction is also proposed, together with feed bins at 8.5m in height and smaller ancillary structures,

gas and water tanks. Furthermore, landscape planting is proposed adjacent to the southern and eastern field boundaries.

- 2.3 The broiler rearing cycle operates on an all-in all-out system, and each cycle takes 48 days. Chicks will be delivered to the site as one day olds and will be reared on the site for approximately 38 days, following which they will be removed live to the processors. Following the removal of the birds, the site will be empty for around 10 days for cleaning and preparation for the next flock. The manure removed and transported to Thetford Power Station. The site will operate with approximately 300,000 broilers per production cycle.
- 2.4 The proposal has been submitted with a landscape and visual impact assessment (LVIA), transport study, Archaeological Geophysical Survey, design and access statement, study of the Impact of Odour and flood risk assessment. As part of the application submission a highway vehicle routing plan is proposed that would provide a vehicle route in a southerly direction to connect to the A19 avoiding Raskelf village. Birds arrive from the hatchery at Thirsk, feed delivery from the Mill at York following the A1237, A19 and High Moor Lane, whilst manure removal will be taken to Thetford Power Station, routed from the site following the A19, A64, A1 southwards to the A14 and A11.
- 2.5 The proposal is subject to an Environmental Statement due to the number of birds being above 85,000, the buildings would provide for a total of 300,000 birds, this has been provided and the Secretary of the State has been consulted on the proposal. The proposal has not been called in by the Secretary of State so can therefore proceed to determination.
- 2.6 During the course of the application solar panels were added to the elevation drawings by the applicant. The updated drawings illustrate solar panels on the south facing roof slope of each poultry unit.

3.0 Relevant Planning History

- 3.1 No planning history for this particular site.

4.0 Relevant Planning Policy

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

Local Plan Policy S1: Sustainable Development Principles

Local Plan Policy EG7: Businesses in Rural Areas

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E7: Hambleton's Landscapes

Local Plan Policy RM2: Flood Risk

Local Plan Policy RM3: Surface Water and Drainage Management

Local Plan Policy RM4: Air Quality

Local Plan Policy RM5: Ground Contamination and Groundwater Pollution

Local Plan Policy IC1: Transport

Local Plan Policy IC2: Transport and Accessibility

5.0 Consultations

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

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

Tollerton Parish Council – object as summarised below:

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

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

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

Raskelf Parish Council - object as summarised below:

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

Aldwark Parish Council (includes the village of Flawith)

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

- Concern about the traffic generation and the traffic movements affecting the local highway network and the unclassified Hag Lane.
- No explanation or logic has been provided as to why the anticipated numbers of HGVs are to be routed in this direction through three villages (Tholthorpe, Flawith and Tollerton) instead of being routed via the shortest route onto the A19 through Raskelf. The alternative route through Raskelf is the most direct route and would cause the least disruption to residents.
- Concern about HGV volumes and speeding vehicles through the village despite local residents operating speedwatch and the installation of a speed matrix sign.
- Despite a number of requests, North Yorkshire Police have been reluctant to install a speed camera or to undertake active speed monitoring with a camera van. Equally, North Yorkshire County Council as the highway authority have yet to come forward with any proposals to mitigate against speeding traffic. Any approval of this application in its current form should be conditional upon speed reduction measures being implemented across all three affected villages.

Further consultation response:

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

Tholthorpe Parish Council - objects as summarised below:

- If implemented, this proposed development would bring a substantial and potentially dangerous increase in Heavy Goods Vehicle movements over wholly unsuitable roads through three villages and past a number of dangerous junctions, over a route which has had 95 personal injury/accidents, 3 of them fatal, in the last 22 years. Concern that the Transport Impact Statement offered in support of the

proposal is wholly inadequate. It is further submitted that at the very least a far fuller Statement dealing with the matters identified in these submissions should be provided but that, in reality, this is a development in such a place and generating such a traffic flow over a difficult unclassified road route that a full Assessment should have been offered, and, if not offered, required.

- The Environmental Impact Statement is deficient in that it does not consider the greenhouse gas emissions resulting from either the construction or operation of this development. That failure, it is submitted, means that the EIS does not comply with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Schedule 4 §5 specifically requires consideration of the impact of the development on emissions of greenhouse gases. Without a proper or adequate EIS which complies with the Regulations this proposal should be rejected.
- There are potential health risks from this development but the application does not refer to them or the growing body of research which identifies them.

5.3 NYCC Highways – Note that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The routes leading to and from the site leading to the A19 have been assessed and are mostly "C" classified roads with minimum width of 5.5 metres which is suitable for large vehicles to pass others. The routes are considered suitable for the proposed traffic and a highway recommendation of refusal of this application would not be appropriate. On this basis no objection but recommends conditions regarding verge crossing details and visibility. Additionally, the NYCC Officer has responded to a queries on the carriageway and HGV vehicle widths together with data provided by Tholthorpe PC relating to traffic speeds in the village of Tholthorpe.

5.4 Environmental Health – No objection but notes that due to the nature and size of the development operations will be controlled under separate legislation for Environmental permits for intensive rearing of poultry to the Environment Agency for a permit to operate. This permit will regulate the business to ensure that the necessary technology and management techniques are in place to prevent emissions to air, water and land with enforcement sanctions available should emissions occur.

A number of conditions are recommended regarding acoustic matters (relating to fans, acoustic barriers and attenuators), restriction of vehicle movement to, from and on the site between 07:00 – 20:00, measures regarding the control of flies and insects given the nearby residential properties, no burning of waste materials and no disposal of waste on site.

5.5 NYCC Heritage – No objection following receipt of a geophysical survey that concluded no archaeological results.

5.6 Lead Local Flood Authority – No objection subject to the implementation of the submitted drainage proposals.

5.7 Environment Agency – No objection based on updated site layout drawing but recommends a condition relating to non-mains drainage proposals.

- 5.8 Kyle IDB – No objection but recommends conditions on surface water. (Officer note: that the rate of discharge of surface water is 3 litres per second for the whole of the developed site and meets the requirements of the IDB and LLFA conditions.)
- 5.9 MOD – No safeguarding concerns.
- 5.10 Natural England – Standard response but does request Air Quality screening SSSI's. [See section within the analysis on Air Quality]
- 5.11 Yorkshire Wildlife Trust – No response received (expired 24.12.2021).
- 5.12 Yorkshire Water – No response received (expired 24.12.2021).
- 5.13 CPRE – No response received (expired 24.12.2021).
- 5.14 Access Forum – No response received (expired 24.12.2021).
- 5.15 National Grid – No response received (expired 24.12.2021).
- 5.16 Contaminated Land – No objection.
- 5.17 Site notice and Neighbour Notifications – 119 objections as summarised below:
- The ES is flawed
 - Loss of agricultural land
 - Not supporting a local business – applicant based in Darlington
 - No evidence of why alternative sites dismissed.
 - Traffic and vehicles through villages – enforcement of routing problematic.
 - Noise and disturbance from vehicle traffic
 - Smell concerns for local residents
 - Visual impact of proposals
 - Pollution of watercourse
 - Concern about of special measures by DEFRA because of the risk of bird flu as recently as last year, November 2021. Additional facilities such as this increase the risk of bird flu in this area happening and or spreading.
 - Cumulative impact of intensive poultry farm on top of the 31 farms currently operational.

6.0 Analysis

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

Principle

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

- 6.3 Policy EG7 states:

Agriculture

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

- e. it is demonstrated that it is reasonably necessary for the purposes of agriculture within that unit and cannot be met by existing buildings within that unit or in the vicinity and the scale of the building is commensurate with its proposed use;
 - f. the building is sited so that it is physically and functionally related with existing buildings associated with the farm unit unless there is a demonstrable need for a more isolated location;
 - g. the building would be well integrated with its surroundings, being of appropriate location, scale, design and materials and with appropriate landscaping so as not to harm the character, appearance and amenity of the area; and
 - h. the approach roads and access to the site have the capacity to cater for the type and levels of traffic likely to be generated by the development.
- Promotion of sustainable forms of agriculture which include environmentally sensitive organic and locally distinctive food production together with its processing, marketing and retailing will be encouraged as part of a thriving and diverse rural economy.

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

Environmental Statement

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

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

Landscape impact

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

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

- 6.9 Furthermore, in this instance it noted that there are distracting feature within the landscape due to the large-scale overhead powerlines and infrastructure associated with the east coast railway line including the overhead power lines and gantry frames these dominate the landscape in this area. On this basis and subject to the imposition of condition to require the landscape planting the proposal is considered to be acceptable from a landscape impact perspective.

Highways

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

Residential amenity

- 6.15 Local Plan policy E2 seeks to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. The application site is situated about 350 metres from residential properties to the west, 500 metres to the south-west and south-east. Environmental Health has been consulted on the application and note that the operation of the site would be controlled via permits from the Environment Agency. On this basis the application raises no significant concerns regarding the potential amenity impact from the poultry sheds subject to conditions relating to noise, odours and amenity.
- 6.16 Consideration has been given to the impacts of vehicle movements along the vehicle route through countryside and villages, particularly on the most vulnerable in society. The orientation of dwellings fronting on to the road in Tholthorpe, Flawith and Tollerton is likely to increase the impacts on those properties to a greater extent than other property which does not front on to the highway. Homes close to the road will experience night-time noise relating to the transport of birds after catching, these as noted at 1.5 will occur on 2 successive nights at the end of each 38 day growing cycle.
- 6.17 Whilst the number of movements and size of vehicles cannot reasonably be reduced the impact can be reduced in part through the imposition of a working hours condition. However, the applicants' agent has identified that the vehicle movements during the catching period would need to be an exception to the controls. The traffic count data supplied by the applicant shows that there are no HGV movements on Alne Road, Tollerton between 11pm and 4am and only 4 vehicles in the week-long survey between 4am and 7am. HGV movements throughout the night resulting in a new noise source that could cause sleep disturbance to those properties adjacent to the road and result in a loss of amenity to those residents.

Drainage

- 6.18 Local Plan policies RM1 and RM3 require the appropriate drainage for foul and surface water to be provided. The application site is located in flood zone 1 and is therefore at low risk of flooding from rivers. Furthermore, no surface water flooding is recorded on the application site. The ground conditions prevent soakaways and therefore it is proposed to drain the proposal to the drainage ditch that runs along the northern field boundary via an attenuation pond.
- 6.19 Dirty water from the washdown of the buildings will be collected in underground storage tanks and this is subject to separate legislation via Environmental Permit regimes through the Environment Agency. In addition, foul water from the staff facilities on site will discharge to a private package treatment plant.
- 6.20 The Local Lead Flood Authority, Internal Drainage Board and Environment Agency raise no concerns subject to conditions relating to the implementation of the drainage proposals.

Biodiversity

- 6.21 Local Plan policy E3 requires all developments to demonstrate the delivery of a net gain for biodiversity. An ecology report submitted with the application notes there would be no adverse impact on ecology given the existing use. Furthermore, the introduction of landscape planting together with an attenuation pond could ensure there is no net loss to biodiversity.
- 6.22 Local Plan policy E3 requires proposals to demonstrate biodiversity net gain. The submitted ecology information illustrates no net loss, given the existing arable land use and subject to a detailed biodiversity metric assessment and proposals to enhance biodiversity (that can be controlled via a suitably worded condition) it is considered that a biodiversity net gain can be achieved on the application site and adjoining land within the applicant's control.

Archaeology

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

Climate change and Greenhouse gas emissions

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

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

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

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

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

Air Quality

- 6.26 The Hambleton Local Plan notes the importance of improving air quality due to the harm to human health caused by poor air quality. Policy E2 amenity requires proposals to ensure that the adverse impacts of air pollution are made acceptable. Policy RM4 sets the requirement:

The Council will seek to protect and improve air quality within the district. Proposals will be categorised based on the extent to which there is potential for adverse air quality impacts. Categorisation will be based on factors including the:

- a. scale and nature of the proposed development;
- b. type and volume of traffic generation and whether production of a travel plan, travel assessment or travel statement are required, in relation to the requirements of policy 'IC2: Transport and Accessibility';
- c. requirement for assessments, such as an environmental impact assessment or habitats regulations assessment, that could indicate the potential for adverse air quality impacts;
- d. location of the site in relation to designated air quality management areas (AQMA), clean air zones (CAZ) or identified areas of air quality concern; and
- e. extent to which people or sensitive receptors may be exposed to poor air quality.

The categorisation factors and air quality impact assessment, where required, will determine whether mitigation measures are necessary and the form they need to take.

Development will only be supported where the location of the proposed development does not adversely affect a special area of conservation (SAC), special protection area (SPA) or Ramsar site within or close to the local plan area by way of increased air pollution. This includes increases in traffic on roads within 200m of a SAC, SPA or Ramsar site that is vulnerable to nitrogen deposition/acidification.

Where mitigation measures are necessary the proposal will only be supported where they will be implemented and, as necessary, maintained. Where adequate mitigation measures are not possible, compensatory measures may be appropriate. If appropriate compensatory measures cannot be found the development will not be supported.

- 6.27 Applying the categorisation factors of RM4:

a., it is clear that the scale of the poultry unit is large and the nature of the use for growing poultry will result in a substantial change from use of the land for arable cultivation to the keeping of poultry. The development would result in a very substantial increase in ammonia release to the atmosphere. Ammonia release and nitrogen deposition is a pollutant that has the potential to cause harm to the environment. The release of ammonia triggers a requirement to consider mitigation measures.

b., the proposal is supported by a Transport Statement that shows that chicks, feed, grown birds and waste will all be brought to and removed from the site by road. The

volume of traffic generated would be an increase from the arable use of the land, the Transport Statement notes 94 HGVs (192 movements per cycle). Activity would continue throughout the year with a series of peak periods, about 48 days apart, when at the end of the cycle the grown birds are removed, and waste is cleared from the site (42 HGV vehicles, 84 movements) and restocking occurs. The volume and nature of vehicle movements are considered to be within the normal range for a large poultry unit. The length of the journeys may be relatively long, as birds are processed at Thorne (57 miles) and waste is to be transported for processing at Thetford Power Station (204 miles).

c., the proposal has been the subject of an Environmental Statement, as the number of birds exceeds the Schedule 1 threshold of 85,000.

d., the site is not in an area that has been designated to require action because of existing poor air quality.

e., the population density of the site surroundings is relatively low.

- 6.28 The application's Environmental Statement notes under Air Quality Assessment, an Odour Impact Assessment has been undertaken and responds to the finding of that study through "Use of high-speed roof mounted fans".
- 6.29 The report on the modelling and dispersion and deposition of ammonia uses the modelling and emission factors of the Environment Agency. The results of the study acknowledges the impact upon the Pilmoor Woods SSSI is in excess of the "Critical Level/Load" due to the increased release of ammonia from the proposal. The ES, whilst accepting that the development results in an increased Ammonia Load does not address the level of harm caused to the SSSI. This leaves an unacceptable environmental risk to the condition of the SSSI.
- 6.30 The applicant has been invited to identify additional mitigation measure(s) that could be provided to address the release of ammonia. The agent has responded on behalf of the applicant to set out that the modelling work undertaken found the impacts to be "insignificant" and fully compliant with the Environment Agency permitting regime regulatory thresholds. The agent then notes the requirements of the Local Plan RM4, and finds the air quality impacts are "protected". Given that it has been shown in other locations that harm still results from compliance with the Environment Agency Permitting regime, this cannot be relied on to ensure that the high bar set by policy RM4 is met.
- 6.31 The agent considers that the use of "Air Scrubbers" is not a mandatory requirement, there are no comparable poultry units in operation, but records that "there are three units approved in England (two in Shropshire and one in Gloucestershire) which require air scrubbers and these stem from a requirement for mitigation as part of a Habitat Regulations Assessment. None of these three approved units have been completed to date."
- 6.32 The agent finds that the use of "air scrubbers" is unnecessary and no other mitigation measures to reduce ammonia release have been proposed. The proposals made have not changed and rely upon dispersion rather than reduction of ammonia release.

- 6.33 Air quality is not just an issue to be addressed in the planning decision, the amount of ammonia release also falls within the remit of the Environment Agency permitting regime as the premises can hold more than 40,000 birds. The tests set by the permitting regime are less onerous than the requirements of the Local Plan policy RM4.
- 6.34 It is considered that the proposal will result in a substantial increase in ammonia release, that the scheme has not prepared mitigation measures to address the threat to air quality through ammonia release. No measures have been taken to mitigate or compensate for the ammonia release. No measures have been taken to mitigate or compensate for the impacts of vehicle movements and pollution impacts of long road haulage journeys. The proposal is considered to fail to meet the higher standard required by the Local Plan policy RM4.

Animal Health

- 6.35 Avian flu continues to effect both wild birds and farmed birds. The prevalence of avian influenza has resulted in control measures within the local area and have been imposed across Great Britain on 17 October 2022. The responsibility for this issue rests with the Animal and Plant Health Agency (an executive agent of the Department for Environment, Food and Rural Affairs who work to safeguard animal and plant health for the benefit of people, the environment and the economy. In the press statement of 17 October 2022 that imposes restrictions on those keeping poultry it also notes that The UK Health Security Agency (UKHSA) advises that the risk to public health from the virus is very low and the Food Standards Agency advises that avian influenzas pose a very low food safety risk for consumers.
- 6.36 There is no change to planning policy released from Government to preclude the development of new poultry premises and no planning reason to resist the proposal on the basis of the risk to animal or human health.

Planning Balance

- 6.37 Taking all of the above into account it is considered that the proposed development fails to comply with the relevant Local Plan policies in terms of amenity and air quality. Although some weight can be afforded to the economic benefits of the jobs and spending associated with the development this does not outweigh the environmental and social harm caused.

7.0 Recommendation:

- 7.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposal will result in a substantial increase in ammonia release. The scheme has not been prepared with sufficient mitigation measures to address the threat to air quality. No measures have been taken to mitigate or compensate for the ammonia release. The proposal is considered to fail to meet the higher standard required by the Local Plan policy RM4.
 2. The number of HGV movements associated with the delivery of live birds from the site along the pre-determined vehicle route to processing facilities, that will continue throughout the night, will result in a new noise source that could cause sleep disturbance to residents of properties adjacent to the route and result in a loss of amenity contrary to Local Plan policy E2.

Parish: Catton

Ward: Thirsk

2

Committee Date : 16 February 2023

Officer dealing : Mr Andrew Cotton

Target Date: 17 October 2022

Date of extension of time (if agreed):

22/01955/FUL

Application for proposed residential development comprising of 1No. bungalow with detached garage.

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

For: Mr & Mrs A & S Trueman

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

The application was previously considered by the planning committee in December 2022. It was considered by members that the applicant be given additional opportunity to amend the proposal to seek to address some of the reasons for refusal set out in the committee report. Amended plans have been received since the application was presented to planning committee, reducing the number of dwellings down to 1no. dwelling with an appropriate change in the description of development to reflect this change. A further round of consultations has been carried out.

During the intervening period to ensure compliance with Policy S3 the applicant has submitted a further set of amended plans to reduce the overall scale and footprint of the proposed dwelling which results in the interface distances shown in the previous amendments being increased. Given that the scale of development has been reduced, the interface distances increased and no further change in the description of development is required, it was determined that an addition round of consultation was not required.

The officer report set out below has been updated accordingly to consider the proposed amended scheme.

1.0 Site, context and proposal

- 1.1 The application site is located within Catton, a small village made up of around 40 houses and some extensive farm buildings, and to the south of an area shown on Ordnance Survey maps as "The Ruins". It lies to the rear (west) of "Swale Reach" a bungalow fronting Catton's main street. The site includes a section of a private track which also serves other houses and provides access to another dwelling, "The Chevins", to the rear which in turn adjoins the River Swale.
- 1.2 The site is laid out in grass, appearing as paddock grazing land and is roughly rectangular in shape, with timber post and rail fencing. The site gently slopes away from the access track towards the northern boundary. The site contains a number of mature trees in the north-west corner of the site and along the western edge of the site is a belt of mature trees located beyond the site boundary that are understood to be in the ownership of The Chevins. A narrow area of paddock (about 15m wide) separates the site from the barn buildings of The Ruins to the north, which was

approved for conversion to 6 dwellings in March 2015 (ref. no.13/02323/FUL). This permission has been implemented and the units are now occupied.

- 1.3 This application seeks permission, in its revised form, for the erection of 1no. detached 2 bedroom bungalow dwelling orientated in a north/south direction with the principal facade overlooking the private access track from the village street that would serve the proposed unit. The proposed unit would be single storey in height with accommodation set out over the ground floor.
- 1.4 There are no significant services within the village. Residents therefore rely on local services available in Topcliffe, Carlton Miniott, Thirsk and other centres for varying degrees of support. The village is located approximately 4.5km to the north west of Topcliffe (hosting a local primary school, surgery, Church, local shop and two pubs) and approximately 6km south of Thirsk, the Service Centre for the area. In addition, Catton village has no bus service.
- 1.5 The site is not within a conservation area and there are no heritage assets nearby. Despite its proximity to the River Swale, the site is not located in within an area at risk of flooding.

2.0 Relevant planning and enforcement history

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

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

- 2.2 Other nearby developments:

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

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

3.0 Relevant planning policies

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

The relevant policies are:

- S1 – Sustainable development principles
- S3 – Spatial distribution
- HG2 - Delivering the right type of homes
- HG5 – Windfall housing development
- E1 - Design
- E2 - Amenity
- E3 - The natural environment

IC2 – Transport and accessibility
RM1 – Water quality, supply, and foul drainage
RM2 – Flood risk
RM3 – Surface water and drainage management
National Planning Policy Framework

4.0 Consultations

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

- No real changes (aside from Local Plan) since previous refusals;
- Would like to see application taken to planning committee;
- Infrastructure impacts/ supply/capacity issues;
- Proximity of chimney to fuel tanks;
- Highways safety and operation concerns;
- Construction noise and vibration impacts;
- Impacts upon neighbours amenity/privacy;
- Extent of impact to trees unknown; and
- No 'green notice' displayed by Hambleton District Council (*officer comment: a site notice was displayed on 12.09.22*)

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

4.3 Yorkshire Wildlife Trust – No comments to make.

4.4 Ministry of Defence – No safeguarding objections.

4.5 Yorkshire Water – No objection subject to conditions.

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

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

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

An additional round of consultation has been carried out and the following summarised concerns were raised from 8 objectors:

- Most objection maintained for the reasons set out in letters of objection to the initial scheme;
- Amenity impacts/loss of privacy;
- Loss of view;
- Highways safety concern/insufficient parking;
- Insufficient services available to service new development (sewage/electricity etc)
- Noise, vibration and disturbance; and

- Inappropriate back land/tandem development.

5.0 Analysis

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

Principle of development

- 5.2 The application site lies in Catton which is defined as a Small Village under policy S3 of the Local Plan. Policy S3 states that, the development strategy for Hambleton is to focus growth at: d. Identified rural communities, defined in the settlement hierarchy as Small Villages, where limited development will be supported to help address affordable housing requirements and where development can support social and economic sustainability. Policy S3 states that, 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 HG4: Housing Exceptions, HG5: Windfall Housing Development.
- 5.3 It is considered that the provision of one smaller 2 bedroomed single storey bungalow (3 person) with a footprint of 78.4 sqm would be a more affordable type of property, which would also help to provide for the needs of the elderly or differently abled members of the community. As such the proposal is considered to be in keeping with the principles of criterion d.
- 5.4 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:
- any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;
 - 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;
 - 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;
 - agricultural buildings on the edge of the settlement; and
 - outdoor sports and recreational spaces on the edge of the settlement.
- 5.5 It is considered that the site is located relatively centrally within Catton, albeit set back behind the properties fronting onto the main street. Nonetheless it is noted that there is a property immediately south of the access track which is also set back behind the properties fronting the main street, there is 'The Chevins' a residential property located to the south west of the site significantly further back from the main street and the aforementioned converted stables to the north of the application state which are now in residential use. As such it is not considered that any of the above exception criteria a-e would apply. Therefore it is concluded the site is within the

built form of the settlement within the definition set out in policy S5 of the Local Plan.

- 5.6 Policy HG5 states that, a proposal for housing development within the main built form (defined in policy S5: Development in the Countryside) of a defined settlement (see policy S3: Spatial Distribution) will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. It states that, all proposals will individually or cumulatively; c. represent incremental growth of the village that is commensurate to its size, scale, role and function; d. not result in the loss of open space that is important to the historic form and layout of the village; and e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.
- 5.7 Policy S3 states that development will be supported in settlements in the settlement hierarchy that is proportionate to the size of the settlement and its level in the hierarchy. 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 and HG5. The Parish Council also raise concern with the incremental impact development would have on the village.
- 5.8 When considering the site both individually and cumulatively with surrounding approvals (as set out in the section (planning history) of this report, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement. Since the approval of planning ref: 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 over as well as its scale. Furthermore, it is noted both previous refusal of planning permission on this site (15/02079/FUL and 19/01020/OUT) did not consider the addition of 2 dwellings as disproportionate for the settlement. Impact upon drainage and highway safety will be considered later in the report.
- 5.9 It is not considered that the proposal would result in the loss of open space that is important to the historic form and layout of the village given the site given its siting on a small area of paddock land to the rear of and adjacent existing dwellings.
- 5.10 Therefore it is considered that the principle of a new residential dwelling, as proposed, in its revised form, within this location is in accordance with policy S1, S3, S5 and the majority of criteria set out in policy HG5 of the Local Plan.

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. Criteria e. of policy HG5 states that all proposals, will individually or cumulatively, 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.

- 5.12 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 village is primarily a linear settlement, with the application site lying within an area that departs slightly from this established pattern of development. As noted within the previous refusals on the site an access track leads to The Chevins, approximately 100m from the Village Street and Bramley House lies on the southern side of the track, to the rear of 1 and 2 Catton Village Street.
- 5.13 The Chevins is not apparent in views from the Village Street and whilst it is acknowledged that the proposed dwellings would be largely obscured in views by Swale Reach, as Bramley House is by numbers 1 and 2, nevertheless being mindful of their design and orientation relative to Swale Reach, it is considered the development would be in tandem form and as such uncharacteristic with the predominantly linear form of the village, with this proposal lying behind existing residential properties.
- 5.14 It is also noted that the plot to dwelling ratio proposed in the amended scheme is now more in keeping with those found locally.
- 5.15 The proposal is therefore considered to fail to comply with Policies E1 and criteria e. of policy HG5 of the Local Plan as it would not integrate successfully within its surroundings being alien to the built form of Catton and failing to reinforce local distinctiveness through the incongruous pattern of development, having a detrimental impact on the character of the village.
- 5.16 No supporting statement has been provided to justify or explain why the applicant believes this proposal overcomes the second reason for refusal on application 19/01020/OUT and as such as set out above it is considered this reason still stands.
- 5.17 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of brick, clay pantile roof covering. Considering the materials palette of the nearby built form and the location of the site the proposed materials palette is considered to be acceptable. The design of the properties is relatively traditional with header and cill details to doors and window openings, chimneys and a variation in style which will provide some visual interest. Overall the design of the properties are considered to be acceptable.
- 5.18 However, while the design and appearance of the dwellings are in and of themselves acceptable, the proposal as a whole is considered harmful to the character of the area and the traditional linear form of the village as set out above contrary to policy E1 of the Hambleton Local Plan.

Residential amenity

- 5.19 The proposed dwelling would be sited c.18m to the west of the bungalow at Swale Reach, and c.38m to the north-east of The Chevins. The barns at The Ruins are sited c.26m from the northern elevation of the proposed house.
- 5.20 As with the previous application, which was refused, a number of concerns have been raised by members of the public and the Parish Council regarding impacts upon residential amenity. It is considered unlikely that the proposed residential use of the site would lead to any concerns in respect of noise and disturbance. Similarly,

while noise would clearly be a feature of the construction period, but the impacts of this would be best controlled by a standard hours of construction time limitation in the event that planning permission was granted. With regard to the concerns raised with potential for vibration from construction traffic impacting upon the integrity of the surrounding residential dwellings, considering the limited scale of the proposal and therefore the scale and duration of the construction period it is unlikely that any vibration from construction traffic would be of such a magnitude so as to cause structural damage.

5.21 Overall it is considered the proposal would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the neighbouring properties main amenity spaces due to the properties scale, siting, orientation, and separation distances.

5.22 Adequate provision of private amenity space and bin storage is set out for the dwelling. The proposal complies with the national described space standards. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

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

5.24 As such subject to the imposition of appropriately worded conditions the proposal is considered the comply with Policy IC2 of the Local Plan.

Flood risk and drainage

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

5.26 The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition. Connection to the mains public sewer is proposed for foul water with soakaway indicated on the site plan to deal with surface water drainage.

5.27 Given the low flood risk of the site it is considered that adequate drainage details could be secured via condition. As such the proposal is considered to accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Trees and ecology

5.28 Policy E3 of the Hambleton Local Plan seeks to ensure proposals demonstrate delivery of biodiversity net gain. Policy E1 (b) seeks to ensure the use of appropriate landscaping and tree planting within schemes.

- 5.29 The proposed site plan identifies some proposed landscaping as well as the addition of one bat brick and one nest brick within each dwelling. In addition, the applicant has submitted biodiversity calculations to demonstrate a net gain in accordance with Policy E3 through a mix of native landscaping and the inclusion of biodiversity enhancement features. Appropriate conditions could be used to secure these enhancements.
- 5.30 Following amendments to the scheme resulting in a reduction to a single unit, the proposed dwelling would be a significant distance outside of the root protection areas of a number of large trees to the western boundary of the site. No arboricultural impact assessment has been submitted however given the siting of the proposed dwelling there are unlikely to be impacts to these mature trees.

Services and utilities

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

Planning balance

- 5.32 While the principle of one smaller 2 bedroomed bungalow in this location is acceptable under policies S1, S3, S5 and the majority of criteria set out in policy HG5 of the Local Plan, due to the siting of the site behind existing houses, the proposal is considered to cause detrimental harm to the built form, character and local distinctiveness of the linear settlement of Catton contrary to policy E1 and criteria e. of policy HG5 of the local plan.

6.0 RECOMMENDATION:

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposed development by virtue of its layout, siting, scale and form would result in tandem development and thus uncharacteristic of the linear village, contrary to the provisions of the Hambleton Local Plan Policy E1 and criteria e. of policy HG5 that seeks to achieve development of a high quality, integrating successfully with its surroundings, reinforcing local distinctiveness, protecting the character of the area and helping to create a strong sense of place.

Parish: Dalton
Ward: Sowerby & Topcliffe
3

Committee date: 16 February 2023
Officer dealing: Mr A Cotton
Target date: 21 December 2022
Extension of Time 20th February 2023
(if agreed):

22/02156/OUT

Application for outline planning permission [with all matters reserved except access] for the construction of 21no. dwellings

At: Land West of Dalton Motors, Dalton, North Yorkshire
For: Mr Hugh Roberts

This application is referred to Planning Committee due to significant public interest

1.0 Site, context, and proposal

- 1.1 This planning application is in outline form with permission being sought for access only for the erection of 21 no. dwellings with all other matters reserved for future consideration.
- 1.2 Given the nature of the application being in outline form with access only to be considered with all other matters reserved for future consideration, the submission includes plans consisting of a location plan, site access layout, illustrative site layout plan and indicative landscape and open space plan. Accompanying these plans and in support of the proposal the following documents have also been received:
- Site Location plan;
 - Indicative site layout;
 - Design and access statement;
 - Planning statement;
 - Highways Supporting Statement;
 - Drainage Strategy;
 - Phase 1 Ground Investigation;
 - Arboricultural Impact Assessment;
 - Arboricultural Surveys;
 - Tree Protection Plan;
 - Landscape Plan;
 - Landscape and Visual Impact Assessment; and
 - Preliminary Ecological Assessment.
- 1.3 The site currently comprises of a 0.79 hectare parcel of agricultural/grazing land of roughly a square shape. Visually the site appears to be unmanaged grassland. The site is located towards the south western end of the village of Dalton. The south, east and north-east of the site is bound by existing residential properties. To the north lies other agricultural fields with open countryside beyond. Further to the south-west and west there are industrial buildings. The application site is currently accessed via a field access on the bend on the road of Dalton Lane.

- 1.4 The Village of Dalton itself is made up of approximately 355 dwellings as well as a post office, public house, village hall, St John the Evangelist Church, and a car repair garage. Bus stops are located at Chapel Row/Main Street a short walk from the site served by bus no.60 Great Thirkleby to Thirsk and no.150 Thirsk to Ripon of which there are services, amenities, and facilities available. Public footpaths begin within the village close to the site on the south side of Dalton Lane running from Pond House (close to the corner of Dalton Lane) eastwards into the village. It is evident Dalton has developed over time with no overriding historical or cohesive visual characteristics or appearance. Dalton is also in close proximity to a number of large industrial/commercial sites including Dalton Moor Business Park to the east of the village, Dalton Airfield Industrial Estate to the southwest of the village and Mill Industrial Estate to the northwest of the village.
- 1.5 The site is not within a Conservation Area; there are no listed buildings within the immediate vicinity and the site is located in Flood Zone 1.
- 1.6 The proposal is liable for 30% affordable housing which equates to a 6.3 unit affordable housing provision. The applicant has agreed to provide a total of 6no. affordable units out of the 21no. units proposed with a commuted sum to be paid for the remainder. Should outline permission be granted, a condition would be imposed to secure compliance with the councils Housing SPD to meet locally identified need. A policy compliant indicative split is set out within the submission to demonstrate that the scheme is capable of complying at the appropriate stage, of which is the applicant's intention.
- 1.7 A draft Section 106 Agreement which is currently under review by the Councils legal department has been submitted which seeks to ensure the following is secured:
- 30% affordable housing. A total of 6.3 units, to include on site provision of 6 units and a commuted sum of £34,800.00 for the remaining 0.3 units.
 - Provision of a minimum of 1940sqm Public Open space. To include a local equipped area of play (min 140sqm) and allotments (min 100sqm) The Section 106 would secure full details of this through the submission of a required scheme for public open space.
 - A bond to provide surety that the provision of public open space would be brought forward. The bond amount is being agreed with the Councils estates team at the present time.
 - The Parish Council have confirmed they wish to take on the responsibility of open space maintenance and management including allotments and play space, which can be secured through the Section 106 agreement.

2.0 Relevant planning and enforcement history

2.1 None relevant

3.0 Relevant planning policies

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

38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Policy S1 – Sustainable Development Principles
Policy S3 – Spatial Distribution
Policy S5 – Development in the Countryside
Policy HG2 – Delivering the Right Types of Homes
Policy HG3 – Affordable Housing
Policy HG5 – Windfall Housing Development
Policy E1 – Design
Policy E2 – Amenity
Policy E3 – Natural Environment
Policy E4 - Green Infrastructure
Policy E7 – Hambleton’s Landscape
Policy IC2 - Transport and Accessibility
Policy IC3 – Open Space, Sport and Recreation
Policy RM2 – Flood Risk
Policy RM3 – Surface Water and Drainage Management

Housing Supplementary Planning Document, Adopted July 2022

Open Space Sport and Recreation Supplementary Planning Document, Adopted February 2011

National Planning Policy Framework (NPPF)

4.0 Consultations

- 4.1 Dalton Parish Council – Support the proposal. However, the Parish also raise a number of points as follows:
- Where will the surface water go could this increase flooding elsewhere;
 - Highways safety and operation concerns, particularly placement of site access, increased traffic through the village, capacity issues with local roads.
 - Parking also a concern as is visibility splays;
 - Sewage capacity issues have arising in the past within the village, does the sewage network have capacity for this development;
 - Will the local schools have capacity for this development;
 - What will happen with the electricity pole near the proposed entrance;
 - Development of this size would be better suited in Topcliffe being a primary village;
 - Why is there a footpath across the site when there are no existing footpaths at the end of this;
 - When there was a call for sites why was this site not put forward;
 - A condition of this permission should be to give or sell the remaining area of land to the Parish Council to provide for allotments.
- 4.2 NYCC Highways Authority– No objection subject to conditions.

- 4.3 NYCC Lead Local Flood Authority (LLFA)- No objection subject to conditions.
- 4.4 Ministry of Defence – No safeguarding concerns at this stage but would need reconsulting upon reserved matters stages.
- 4.5 Yorkshire Water – No objection subject to conditions.
- 4.6 Environment Agency – No comments received.
- 4.7 Environmental Health (Contaminated Land) - No objection subject to conditions.
- 4.8 Environmental Health (Amenity) – No objection. Noise impact assessment should be submitted with future stage of application.
- 4.9 Street naming and numbering – No application required at this stage.
- 4.10 NYCC Education – No objection but request contributions through S106 agreement.
- 4.11 Rural Housing Enabler – Affordable housing position is policy compliant with. Would welcome a discussion at a later stage when house types/sizes etc are fixed. Both the size and layout of the properties would be expected to meet the policy requirements.
- 4.12 Public comments –1 neutral, 1 letter of support and 8 letters of objection with two supplementary objections from the same property. The comments received have been summarised below:

Support

- If approved, we would like to by one of the houses.

Neutral

- Surface water drainage need to be reviewed as currently floods onto Dalton Lane. Highways surface water drainage should be improved.

Objection

- Highways safety concerns/increased traffic through the village;
- No access to doctors, school, shop, or other amenities/inadequate village amenities;
- Do we need more houses/when are green fields going to stop being built on;
- Does not accord with recently adopted Local Plan being major development outside of a village;
- Concern with proximity of proposed dwellings to warehouses and the implications this could have for future residents and existing businesses;
- Loss of view;
- Loss of privacy;
- Amenity impacts upon existing residents during construction/ additional noise and loss of village tranquillity;
- Ecological impacts;

- Elderly member of the community believes an ancient battle may have taken place on this land/ topography of land suggest ancient earthworks;
- Concern this would allow further applications to extend the village;
- Detrimental impact upon character and appearance of the village;
- Does not represent organic incremental growth;
- Dalton Transport site should have been considered under criteria a of HG5;
- Other ongoing housing developments and allocated sites negate the need for additional housing development;
- Clarification of house types/location of play area dangerous next to main road/additional parking for play area should be provided;
- Concern over flood risk/surface water drainage and highways surface water drainage;
- Is there adequate electricity supply to serve this development;
- Social and economic benefits are overstated/ will not be realised;
- Concern over limited play space available for village children; and
- Concern over limited dog walking areas within the village.

5.0 Analysis

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

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

Principle of development

5.2 Policy S3 states that, the development strategy for Hambleton is to focus growth at: c. the market towns of Bedale, Easingwold, and Stokesley and large villages, defined in the settlement hierarchy as Service and Secondary Villages, commensurate with their size, character and the concentration of services and facilities in these locations and their role in providing services to residents of other nearby communities. The settlement Hierarchy within policy S3 defines Dalton as a Secondary Village. Policy S3 also sets out that, to help maintain the sustainability of rural communities and to address affordable housing and other housing requirements, limited development will be located in service villages and secondary villages where there are a good range of services and facilities to support the level

of growth proposed. Policy S3 finally goes on to state that 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 inter alia policy HG5, Windfall Housing Development.

- 5.3 Policy HG5 makes provision for residential housing development within and adjacent to the built form of a settlement. Policy S5 defines the built form of the settlement as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them, as well as setting out exceptions to this (criteria a-e).
- 5.4 The site is located to the western end of the village adjacent to residential properties to the northeast and east and a large commercial site is located to the southwest/west. As such criteria a, b, and e of S5 do not apply. It is noted that the site is undeveloped land on the edge of the settlement, however given that visually the site appears to be relatively enclosed by the surrounding built form as set out above, it is considered that the site visually relates more closely to the built form of the settlement than the open countryside further to the north. Therefore, in this instance the site does not fall within criterion c or d. As such considering the definition set out in policy S5 the site is considered to be adjacent to the built form of the settlement.
- 5.5 Policy S5 also states that, where significant development in the countryside is demonstrated to be necessary, the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Natural England's (NE) Land classification maps reveal the site is classified as grade 3 (NE does not provide details on subgrade) and no further agricultural land classification surveys have been carried out for the site to determine the subgrade. However, given the site area is 0.79 hectares in size, even if the site was subgrade 3a and therefore at the lowest end of BMV, in agricultural terms the loss is not considered to be of such a scale so as to warrant refusal on these grounds. The site is not classed as grade 1 or 2. The size of the site is not considered to amount to 'significant' development in the countryside.
- 5.6 Adjacent to the built form of a settlement Policy HG5 supports residential development where it complies with criteria a – e. Criteria a-e are set out below:
- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
 - b. it will provide a housing mix in terms of size, type, and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.
- All proposals will individually or cumulatively;
- c. represent incremental growth of the village that is commensurate to its size, scale, role, and function;

d. not result in the loss of open space that is important to the historic form and layout of the village; and

e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

5.7 The applicant has carried out a site search considering previously developed land which is commensurate with the size of the development within Dalton. The site search completed identified the following possible alternative sites listed below with whether each was considered suitable, available, or viable.

- a. Ivy House Farm – Not of an appropriate scale and unavailable.
- b. Southland Farm – Unavailable for development and potential technical matters (contamination) which may render it unviable.
- c. Curtilage of Pond House - Not of an appropriate scale and unavailable for development.
- d. Curtilage of Willow House – Not currently unavailable, and unlikely to be viable due to the access via private drive.
- e. In addition, the councils Brownfield Land register listed no other sites in the area.

No suitable, available, or viable sites were able to be identified. The applicant has satisfied criterion a.

5.8 With regard to criterion b there is scope within the confines of the site to achieve an appropriate mix of dwellings in terms of size, type, and tenure at the appropriate reserved matters stage. A condition can be imposed to secure this. This in no reason that the proposal could not provide for an appropriate mix of dwellings and indeed the illustrative information provides for an appropriate mix. This matter is also explored further in the affordable housing provision and housing mix section of the report below.

5.9 Criterion c requires consideration of whether the proposal would represent incremental growth commensurate to the size, scale, role, and function of the village both individually and cumulatively. 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.

5.10 The concept of development adjacent to rural settlements was introduced by the National Planning Policy Framework (NPPF). 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 (IPG) was introduced in April 2015 to bridge the gap between the NPPF and the LDF. Since the introduction of the IPG 34 dwellings have been approved in Dalton and some 24 have been completed.

- 5.11 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 Dalton currently comprises approximately 355 dwellings. Prior to April 2015 the number of dwellings in Dalton would have therefore been approximately 331. As mentioned above some 24 additional dwellings have been approved and built out adjacent to and within the built form of Dalton. This equates to a percentage increase of 7% in approximately 7-8 years. The proposed development of 21 units would add a further 5.92% giving a total of 13.59% increase upon the 331 dwellings prior to April 2015. It is determined that an increase of 5.92% individually and a cumulative increase of 13.9% would be considered a moderately significant increase in this period.
- 5.12 Whilst the increase in recent years is moderately significant, the cumulative impact of this development on the character of the area and local services must be considered further in order to determine if the proposed development would 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 and as such not be supported.
- 5.13 Criteria d and e of HG5 require consideration of the loss of open space that is important to the historic form and layout of the village and consideration of the impacts upon character and appearance of the village and surrounding countryside respectively. Historic maps and aerial photography reveal that the main built form of Dalton grew significantly in the period 1850 -1910, with a further period of significant expansion between the 1960s-1980s. Development since the 1980s has been of lesser scale. In terms of the form of the settlement this proposed development is not considered to be harmful in its immediate context and appears to round off this section of the settlement, given it is surrounded on three sides by existing built form. There appears to be no reason to suggest the site forms a key open space within the historic form of the village.
- 5.14 Given the sites current use, the location of the site and its relationship to the historic pattern of development within the village it is considered that the development would not result in the loss of open space that is important to the historic form and layout of the village.
- 5.15 Specifically relating to criterion e of HG5, in terms of impact on the character and appearance of the village and wider surrounding countryside, the applicant has demonstrated through the submission of a landscape and visual impact assessment (LVIA) that there would be a minimal impact upon the wider landscape resulting from the proposal in part due to the topography of the surrounding landscape and intervening vegetation. Additionally, it is noted that the established boundaries to the north of the site form a sense of enclosure, particularly on the approach to the village from the north when travelling along Dalton Lane, with the industrial units to the west and existing residential properties to the south and east. The proposed

open space and landscaping, as shown on the indicative plan would also provide a further buffer, softening the built form of proposed development. Satisfactory landscaping of the site would be ensured by the imposition of condition. Exiting the village when travelling along Dalton Lane from the east, the industrial units and housing to the south Dalton Lane dominate the view to the degree that visually the site does not feel part of the open countryside. Additionally it is noted that on the indicative plan the proposed built form would extend no further north than the existing built form of the residential properties to the east, nor further than the built form and storage area of the industrial units to the west. Given the above the proposal would comply with criterion e.

- 5.16 Concern has been raised with the capacity of local schools to cope with the additional demand from this development. North Yorkshire County Council have indicated that the Topcliffe Church of England Academy has a capacity of 105 with 112 currently on roll, a shortfall of 7 spaces. This development would generate an additional 4.25 pupils increasing the forecast deficit to 11.25 places. NYCC have sought a developer contribution of £68,250.75 for the 4.25 places generated from this development, through Section 106 agreement.
- 5.17 Hambleton District Council operates a Community Infrastructure Levy (CIL) for which this development would be liable. Hambleton's Infrastructure Funding Statement covers the provision of education therefore this money cannot be secured through a Section 106 in this instance. CIL monies can however be used towards the provision of additional education facilities and bearing in mind that Hambleton District Council is due to merge with surrounding district councils and the county council in April this funding could be available for use by the new Unitary Authority.
- 5.18 Therefore, given the above assessment does not identify harm to the overall form of the settlement or to the open countryside, the proposal would meet the test of policy HG5 criteria c, d and e.
- 5.19 It is also noted that a development of this scale, rather than smaller incremental developments over a period of time would trigger additional requirements with regards to open space, allotments, a play area and affordable housing which, although a policy requirement for the scale of development would nonetheless be a benefit of a scheme of this scale coming forward.
- 5.20 Therefore it is considered that the principle of a residential development of 21no. dwellings within this location is acceptable in accordance with policy S1, S3, S5 and HG5 of the Local Plan.

Affordable housing provision and housing mix

- 5.21 Local Plan policy HG3 requires that for residential development within a designated rural parish of 5 units or more a provision of 30% affordable housing should be provided unless a viability appraisal evidences that this is not deliverable.

- 5.22 The applicant has agreed to a policy compliant provision of 30% affordable housing, which on a site of 21 units would equate to 6.3 units of affordable housing. In accordance with the guidance of the Housing Supplementary Planning Document (Housing SPD) 6 affordable units would be provided onsite with the remainder 0.3 units as a commuted sum. The Councils housing team have confirmed they are satisfied with this provision and indicated the commuted sum of £34,800 should be secured through the S106 agreement.
- 5.23 With respect to Affordable housing the Council's new Housing SPD (Table 3.1, page 10) seeks an affordable house type mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes with a tenure split of 33% social rent, 33% affordable rent and 33% affordable home ownership (intermediate housing) in accordance Policy HG3 of the Local Plan. The below table sets out the indicative mix of affordable housing presented by the applicant compared to the required affordable housing mix.

Type	Target affordable %	No. Proposed	Proposal %
One Bedroom	20-25%	2	34%
Two Bedroom	50-60%	3	50%
Three Bedroom	10-20%	1	16%
Four Bedroom	0-5%	0	0%

- 5.24 Similarly the table below shows the indicative mix of market housing presented by the applicant compared to the required housing mix as set out in the Housing SPD.

Type	Target market %	No. Proposed	Proposal %
One Bedroom	5-10%	2	13%
Two Bedroom	40-45%	6	40%
Three Bedroom	40-45%	6	40%
Four Bedroom	0-10%	1	7%

- 5.25 The indicative layout and details submitted within the planning statement shows a suitable mix of dwellings of both market and affordable housing could be accommodated within the site (as also set out in the tables above), however at this stage these details are indicative and would be fixed at the appropriate reserved matters stage. An appropriate mix of market housing and compliance with the Councils Housing SPD should be a condition of any grant of planning permission with the affordable housing requirements, including appropriate tenure split secured as part of the section 106 agreement.

Impact on character, appearance, and visual amenity

- 5.26 As set out in the principle of development section above, the impacts of the development as a whole upon the character of the built form of the settlement, open countryside and wider landscape as required by criteria d and e of policy HG5 are considered to be acceptable.

- 5.27 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.
- 5.28 Policy E1, Design 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 helping to create a strong sense of place.
- 5.29 The site is essentially an open grass paddock with residential properties along its north-eastern boundary and the highway curving around its southern and south-western boundary, to the north is further open fields. There are no buildings within the site. There are some mature trees and hedgerows within the site mainly located on the peripheries, which would be retained. A tree survey and tree protection plan has been submitted and condition proposed to secure the implementation of tree protection measures.
- 5.30 At this outline stage it is considered that based on the information provided, including the indicative site layout and indicative landscaping and open space layout, the site would be capable of accommodating a development of 21no. 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 and E7 of the Local Plan.
- 5.31 Whilst the details on the indicative plans is not fixed at this stage and subject to further consideration, it is worth noting the following comments when considering any further design work. Plots adjacent to Dalton Lane (i.e. indicative plots 1, 20 and 21 should either have their principal elevations facing onto Dalton Lane or the side elevations of these plots should be designed in such a way so as to include architectural interest and fenestration. Additionally, whilst noting the internal layout road and footway layout it not yet fixed, pedestrian access through the site to the open space would be essential in ensuring that any future occupiers of the development as well as the wider village can safely access the open space and other facilities on foot. These elements will require careful consideration at the detailed design stage.

Highways safety, access, and car parking

- 5.32 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. Detailed access drawings have been provided which show a suitable vehicular and pedestrian access can be achieved from Dalton Lane. The main access road is indicatively shown to run roughly perpendicular with Dalton Lane northward through the site and terminating close to the northern boundary of the site.
- 5.33 Additionally the indicative plans show how the development could be laid out with roads, footways and off-street parking to an appropriate level as required by the councils parking standards.

- 5.34 North Yorkshire County Council's Highways Officers were consulted on the application and are satisfied that the level of information provided at this stage is sufficient and demonstrates that subject to conditions the proposal would not result in highways safety or operation concerns.
- 5.35 The Highways Officer recommends a number of conditions and informatives relating to matters regarding the provision of detailed road and footway layouts; construction of adoptable roads and footways; visibility splays; details of offsite highway works (footpath to the front of the site), details of turning, manoeuvring and parking areas and the provision of a construction management plan. The Highways officer has suggested a condition to restrict the conversion of garages, however as this is outline for access only and no fixed details are known about the layout this condition would not meet the five tests as set out in the NPPF.
- 5.36 As stated above the application is in outline form and as such detailed matters relating to layout are not fixed at this stage. In terms of connectivity and ensuring the site is sustainably linked to the wider village the highways authority have requested a condition to ensure off-site works to create a pedestrian footpath to the frontage of the site on Dalton Lane. This would ensure safe and adequate pedestrian access from the site to the wider village and its amenities. Internally as also noted in paragraph 5.31 above there should be a pedestrian access through the site to the open space. The pedestrian route through the open space as shown on the indicative plan is unlikely to be practical or safe as it offers openings onto the highway where there are no footpaths. Therefore a future path should consider safety and be designed accordingly.
- 5.37 Given the above and that the application is in outline considering access only, the level of information provided demonstrates that the site can be developed safely and without impacts upon the operation of the highway network for 21 units.
- 5.38 The proposal accords with policy IC1 and IC2 of the Local Plan.

Flooding and drainage

- 5.39 The site application site is within flood zone 1 on the EA Flood maps and as such is a suitable place for residential development. As the site is less than 1 hectare there is no requirement for a flood risk assessment.
- 5.40 The applicant has submitted a drainage strategy in support of the application. The LLFA have reviewed these documents and initially requested additional information including an exceedance plan and confirmation regarding the climate change calculation. Subsequently the applicant submitted a proposed drainage strategy plan, a climate change allowance statement and attenuation estimate for the site.
- 5.41 The proposed drainage strategy identifies that foul water would be discharged to the public sewer which has been determined in consultation with Yorkshire Water who did not raise any capacity issues which would hinder development.

- 5.42 Concerns have been raised with regard to the capacity of the sewage network in the area. The council have consulted Yorkshire Water on this application and Yorkshire Water have commented on the application raising no objection to the proposed foul sewer connection. Additionally, it is noted that sewage network capacity issues are an operational matter to be dealt with separately from planning legislation.
- 5.43 With regards to surface water drainage, the proposed drainage strategy considers sustainable drainage methods within the hierarchy to determine the most sequentially preferable solution for this site. Infiltration is discounted due to the results of a September 2022 percolation test which identifies that the onsite infiltration is not viable for this site. Investigations reveal that discharge into the watercourse to the north of the site to 'old beck' is viable. On site attenuation with a hydrobrake to achieve an appropriate max discharge rate of 3.5l/s is indicated on the proposed drainage strategy plan which demonstrate how this on-site attenuation and surface water drainage solution could work.
- 5.44 The LLFA have reviewed the updated information and are satisfied with the detail provided at this stage recommending a number of conditions to ensure an adequate drainage strategy is secured at the detailed design stage. Given that the application is in outline with all matters reserved except for access, for a site which is in flood zone 1, it is considered that this information can be secured through appropriately worded planning conditions which request submission of this information at a later stage (e.g. pre-commencement of development) once the detailed design is fixed.
- 5.45 Concern has also been raised with regard to existing highways surface water issues in this location. Planning applications cannot be required to resolve issues which are not arising from the proposed development. As set out above an adequate drainage strategy has been shown to be feasible which would not lead to additional impacts from this development upon the highway surface. Highway surface water within the site would be dealt with through onsite drainage within the access road details of which are secured by condition 14.
- 5.46 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

Impact on neighbouring amenity

- 5.47 The application is in outline for access only and as such the layout of the proposed development is not yet fixed.
- 5.48 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate 21 dwellings and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site could be developed maintaining suitable

privacy distances and as such without having a detrimental impact upon neighbouring amenity.

- 5.49 The development of this site for housing is considered to be acceptable both in terms of the residential amenity of existing and future occupiers. Space standards can be suitably ensured by planning condition.
- 5.50 Any development will likely result in some disruption and localised amenity impact during the construction process. These impacts would be localised, only last for a short period of time and could be suitably mitigated through the developer adhering to a construction management plan and restriction of working hours during construction. It is considered conditions can secure full details of site operation, wheel cleaning and working hours at the site.
- 5.51 Concern has been raised with regard to the proximity of the site to the nearby industrial/commercial uses. The councils Environmental Health Officers have reviewed the proposal and raised no concern subject to a noise impact assessment (NIA) at the appropriate reserved matters stage once details of layout, design and construction are known and can be considered. It is considered that this request is appropriate at this stage, particularly given that the site is immediately adjoined to existing residential properties to the northeast and the indicative layout shows the proposed properties being a similar distance from the industrial and commercial uses as the residential property to the south (Pond House) and as such it would be difficult to justify that there are no circumstance in which housing would be acceptable in this location from a noise perspective. Additionally, the NIA would need to factor in layout and construction to ensure future occupiers a suitable level of amenity and at this stage these details are unknown. In light of the above the proposal accords with Policy E2 of the Local Plan.

Trees and Ecology

- 5.52 A Preliminary Ecological Assessment (PEA) has been submitted in support of the application which identifies that the site has no particular significance to flora and fauna, other than the mature trees being of moderate ecological value to bird and bats. The PEA adequately assesses the site in terms of its ecological value and the presence or absence of protected species. No protected species were recorded using the site other than hedgehogs. The trees within the site have moderate potential for bat roosting, however as they are proposed to be retained, it is recommended that a condition secure an appropriate lighting scheme so as not to result in negative impacts. The PEA also recommends landscape planting should comprise native species or species of known wildlife value in order to enhance the ecological value of the site, enhancement of the existing hedgerows with native species through notch planting, the incorporation of bird and bat boxes/bricks within new properties, and the inclusion of suitable gaps in boundary treatments to allow free movement of small mammals.
- 5.53 The applicant has also submitted a Biodiversity Net Gain (BNG) assessment which uses the DEFRA 3.1 metric to calculate the sites biodiversity value and potential net gain post development. The BNG assessment identifies the sites baseline measurements would give 4.22 habitat units and 0.52 hedgerow units. The BNG

assessment goes on to demonstrate that the site could achieve +1.69 habitat units and +0.89 hedgerow units. These equate to a potential biodiversity net gain of +39.97% for habitats and +170.57% net gain for hedgerows.

- 5.54 These calculations could change once the layout and landscaping are fixed at subsequent reserved matters stages however at this point the PEA and BNG assessment demonstrates that the site could be developed for 21 dwellings without harmful ecological impacts and is able to achieve significant biodiversity net gain on the site in accordance with Policy E3 of the Local Plan.
- 5.55 A Tree Survey and Tree Protection Plan have been submitted with the application which makes an assessment of the trees and hedgerows on site and how the proposed development would impact upon these. The submitted documents show that, other than the unprotected hedgerow formerly in the centre of the site which has already been removed, the identified trees on the site would be retained. A small section of the northern boundary hedgerow would be removed/cut back likely to facilitate the garden space of plot 9. However, this is a small section and the indicative landscape plan demonstrates how adequate planting to mitigate the loss, as well as the PEA and BNG assessment supporting this, could be provided. Tree protection would be secured through a condition.

Land contamination

- 5.56 A Preliminary assessment of land contamination (PALC) and Phase I Site investigation report (Phase I) has been submitted in support of the application. The council's Environmental Health officers dealing with land contamination have assessed the information submitted and commented that there is potential for contamination from previous uses at the site and concurs with the conclusion that a Phase II site investigation and Risk Assessment should be undertaken.
- 5.57 No issues of land contamination have been identified that would preclude the development of this site subject to conditions regarding any remediation requirements. The Environmental Health Officer has raised no concerns about the proposed development in these terms. A suite of conditions is proposed to ensure further investigation and appropriate remediation takes place.

Open space, sport, and recreation

- 5.58 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.
- 5.59 As the application is in outline with all matters reserved, at this stage the layout of the site and as such layout of the open space is not fixed. However, it is calculated that under the SPD a provision of a minimum 919.22 sq. m of public amenity space would be required for this scheme including an equipped children's play area (minimum 132.89 sq. m) and allotments (minimum 99.5 sq. m).

- 5.60 On the indicative landscape plan an area of open space is shown to the western side of the site which could accommodate an overall 1940 sq. m including 140 sq. m equipped play space and 100 sq. m allotment area. These indicated provisions are all above the minimum standards set out in the SPD. The details provided are considered adequate at this stage to demonstrate the site can accommodate this quantum of development as well as provide the required open space provision. Full details of the provision, safe siting, design, and management of the open space, play area and allotments can be secured through a section 106 agreement attached to any grant of permission.
- 5.61 Taking all the above into consideration, the proposal therefore is considered able to meet the requirements of Policy IC3 and the Public Open Space SPD.

Other Matters

- 5.62 Other comments made queries why the site was not put forward at the Local Plan Call for Sites stage. The site was not put forward during the call for sites however this is not a material planning consideration and does not alter the assessment of the application or influence the recommendation made. Alternative locations have been suggested for the development; however, the Local Authority must assess the application it has been presented upon its own merits. A request was made in the comments received that the applicant should sell or gift the remaining land outside the development site, this is not a material planning consideration and falls outside the remit of this planning application.
- 5.63 Concern has been raised with potential for the site having historic merit or archaeological interest. From the information on the councils mapping system the site is not of particular historic or archaeological potential and does not warrant additional archaeological evaluation.
- 5.64 The application site is private land and as such its change of use for residential purposes does not require consideration of loss of public open space. The provision of public open space however would be a public benefit of the proposal.
- 5.65 The applicant's criteria for considering alternative sites is considered to be suitable. Concern has been raised that the Dalton Transport site should have been considered as an alternative site. Criteria a of HG5 requires consideration of 'suitable and viable previously developed land available within the built form of the village', whilst the Dalton Transport site could be considered previously development land it is not considered that this would be a suitable or viable alternative for this proposal.
- 5.66 Concern has been raised with regards to the electricity pole within the grass verge beyond the edge of the application site. The electricity pole location is shown on the access point drawings and could be left in situ despite the proposed access. The applicant however has stated that they intend to underground the electricity services. This is outside of the application site and the matter would be for the applicant to pursue with the relevant statutory provider.

Planning Balance

- 5.67 It is considered that the principle of development on this site is acceptable, given the sites location adjacent to a secondary village and compliance with criteria a-e of policy HG5. The scale of housing proposed and access to the site is considered appropriate. The proposed quotient of affordable housing meets the requirements of HG3 and as such is considered to be acceptable. The Highway Authority has confirmed that the existing road network can accommodate the development and there are no highways safety or operation concerns with the access proposed.

6.0 Recommendation:

That subject to any outstanding consultations planning permission is **GRANTED** subject to:

- (a) The applicant entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- (i) Six affordable dwellings within the red line boundary application site, of size, type and tenure in accordance with the Council's Housing Supplementary Planning Document 2022;
 - (ii) A commuted sum of £34,800.00 towards the provision of affordable housing of size, type and tenure in accordance with the Council's Housing Supplementary Planning Document 2022;
 - (iii) Provision of a minimum of 1940sqm Public Open space, to include a local equipped area of play (minimum 140sqm) and allotments (minimum 100sqm);
 - (iv) A bond to provide surety that the provision of public open space would be brought forward.
 - (v) Appropriate maintenance and management of on-site open space, allotments and local equipped area of play.
- (b) The following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
 2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:
 - (a) The layout of the site
 - (b) The scale and external appearance of each building;
 - (c) the landscaping of the site.

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, including external surfaces of buildings, hard surfacing and boundary treatments, have been submitted to the Local Planning Authority for approval in writing 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). The development shall be constructed of the approved materials in accordance with the approved method.

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

Location plan ref: 3315-001; and

Site access design and visibility splays ref: AMA/21652/SK001

as received by Hambleton District Council on 15 September 2022 unless otherwise agreed in writing by the Local Planning Authority.

5. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

6. 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.

7. 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.

8. 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.

9. Unless the outcome of the 'Phase 2 Investigation' shows that remediation is not required, prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A

of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

10. 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.
11. 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.
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. The development hereby approved shall be for no more than 21 dwelling units and shall comply with the requirements of the Council's Housing Supplementary Planning Document - July 2022.
14. 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.
15. 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.
16. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring

the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

17. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: • vehicular, cycle, and pedestrian accesses; • vehicular and cycle parking; and • vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

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

18. 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.

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

- Provision of a 2.0 metre wide footway on the site frontage. The footway is to be provided prior to the development being brought into use.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including

any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

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

20. Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment as prepared by Estrada Ecology ref SQ-620 September 2022 and SQ-620.1 September 2022.

21. No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

22. 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.

23. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.5 litres per second for up to the 1 in 100 year event. A 40% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the

approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

24. No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to 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. If the drainage system is to be adopted by Yorkshire Water/Northumbria Water a maintenance plan should be included up to the date at which it is vested.

25. Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

26. 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.

27. The development shall not be commenced until the tree protection measures as set out in the Arboricultural Survey BS5837:2012 ref: Tree Survey 0306 Rev B; and Tree Protection Plan ref: Land North of Dalton Lane, Dalton Thirsk, Rev B are installed. The protective fencing and tree guards shall be maintained in position and good order during the whole period of construction works on site.

28. Prior to the submission of the first reserved matters application a Noise Impact Assessment, considering all noise sources including both the industrial units to the east and the garage to the west of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme and any necessary mitigation shall be incorporated into the final design and layout of the scheme. Approved measures shall be implemented prior to the occupation of the first dwelling.

The reasons are: -

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
4. In 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. In the interest of satisfactory and sustainable drainage.
6. 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.
7. 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.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. In the interests of highway safety.
17. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
18. In the interest of public safety and amenity.
19. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
20. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
21. In the interest of public health and maintaining the public sewer network.
22. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
23. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.
24. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.
25. To accommodate flows in storm events and allow for future maintenance.
26. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.
27. To ensure appropriate protection for trees and to enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
28. In the interest of residential amenity and in accordance with Policy E2 of the Hambleton Local Plan.

Parish: Little Ayton
Ward: Great Ayton

4

Committee Date: 16 February 2023
Officer dealing: Mr Nathan Puckering
Target Date: 27 July 2022
Date of extension of time (if agreed):
17 February 2023

22/01354/FUL

Proposed conversion of redundant building to a residential dwellinghouse.

At: Ayton Firs Manor, Ayton Firs, Green Lane, Great Ayton
For: Mr N Flintoft.

1.0 Site, Context and Proposal

- 1.1 The site in this instance is a building associated with Ayton Firs Manor, one of the dwellings located on the former Ayton Firs estate approximately 1km south of Great Ayton. Ayton Firs Manor now adjoins Ayton Firs Hall, and these operate as two separate dwellings. However, at one point they were an impressive manor house. The wider site extends to the south and east of this and now also comprises several separate dwellings which have arisen from conversions of various outbuildings that would presumably, at one stage, been associated with the original manor house.
- 1.2 Approximately 45m to the south of Ayton Firs Manor is a single storey detached building measuring around 400sqm in size which is a gym, indoor swimming pool and garage associated with Ayton Firs Manor. Permission for the building was originally granted at appeal in 2007 but the planning history shows that as of 2014 the building was only partly finished. A revised application was then submitted (14/00478/FUL) which effectively included the completion of the building but with an integral garage which was not part of the original permission from 7 years earlier. The building is now fully complete.
- 1.3 Permission is sought for the conversion of the building to an independent dwelling. It will be a two-bed, single storey bungalow. External alterations are limited to works to the fenestration by way of the insertion of several windows on the front and rear of the building, as well as the side (eastern) elevation. There is presently a triple garage within the building that will be reduced in size and incorporated as residential space and therefore one of the three garage doors will be bricked up. A Landscape Plan has been submitted which identifies that a new hedgerow and trees will be planted to the south of the building, as well as additional underplanting in the area of trees to the south-west.
- 1.4 This application is a resubmission of two previous applications, one of which was for more substantial alterations to the building to create a one and a half storey dwelling which was refused in November 2021. The second was closer to this current proposal but was withdrawn in March 2022.

2.0 Relevant Planning History

- 2.1 06/02401/FUL - Construction of a building to be used as a swimming pool and gym - Refused but allowed on appeal.
- 2.2 14/00478/FUL - Revised scheme for approved outbuilding to include domestic garage - Granted
- 2.3 21/01918/FUL - Application for approval for the proposed change of use of an outbuilding to form a dwelling. - Refused for the following reasons:
1. Whilst the proposal is acknowledged as a re-use of an existing building, it will not fulfil any demonstrable local need for affordable housing and nor will it help to support a sustainable rural economy. It therefore fails to meet the requirements of policies DP9 and CP4. Furthermore, the building cannot be considered to be disused/derelict and the development will not enhance the immediate setting and as such it also fails to gain support from the NPPF. Consequently, the principle of the development is in direct conflict with both national and local policy.
 2. The proposal will give way to a loss of privacy for both the future occupiers of the proposed dwelling and the residents of the existing terraced dwellings immediately to the east of the building. As a result, it is in direct conflict with policy DP1 of the Local Development Framework.
- 2.4 21/03044/FUL - Proposed conversion of domestic swimming pool building to a residential dwelling house - Withdrawn

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S5: Development in the Countryside
Local Plan Policy HG2: Delivering the Right Type of Homes
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 RM1: Water Quality, Supply and Foul Drainage

National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council - No comments received.

- 4.2 NYCC Highways - The speed limit on Easby Lane is derestricted however the driven speeds are approximately 40 mph which accords to the visibility that is available at the access. The access already serves a number of properties with no apparent issues on Easby Lane and as such a refusal, on highway grounds would be difficult to sustain. As a result, no objections are raised but a condition requiring details of parking and turning areas is requested.
- 4.3 Natural England - This proposal potentially affects European Sites vulnerable to nutrient impacts. Please refer to Natural England's overarching advice dated 16th March 2022 and sent to all relevant Local Planning Authorities. When consulting Natural England on proposals with the potential to affect water quality resulting in nutrient impacts on European Sites, please ensure that a Habitats Regulations Assessment is included which has been informed by the Nutrient Neutrality Methodology (provided within our overarching advice letter). Without this information Natural England will not be in a position to comment on the significance of the impacts.
- 4.4 Environmental Health (Contaminated Land) - No objections.
- 4.5 Environmental Health, Yorkshire Wildlife Trust, Northumbrian Water and Street Naming & Numbering were consulted but submitted no comments.
- 4.6 Site Notice & Neighbour Notification - Initially 3 letters of objection, 4 letters of support and 1 neutral letter were received. The comments can be summarised as follows:
Object
- The building was initially granted on the premise that it would not be converted to a dwelling.
 - No enhancement to the setting of the building will be achieved and it therefore fails the test set out for conversions in Policy S5.
 - The building is not truly redundant or disused, with "swimming parties" being held as late as May 2022 and the garages being used until June 2022. The pool was emptied only to aid this application. This also conflicts with Policy S5.
 - The existing sewage treatment plant does not meet the regulations and with the increase in use resulting from the conversion, this will pose a risk to the surrounding environment. The drainage pipe that serves the adjacent cottages and runs into the adjacent field does not have capacity to deal with any additional strain and the applicant has no legal right to use it. The existing package treatment plant is presently piped into a culvert on this nearby field which does not meet regulations.
 - Concerns with right of access of the existing driveway and the adequacy of visibility splays at this access, especially given the increase in use that will arise from the conversion. Furthermore, any delivery vehicles would not be able to come up this access and thus would have to park up and may block the access.
 - The loss of garage space serving the existing Ayton Firs Manor will create parking issues for them.
 - The overshadowing from the adjacent trees will harm the living conditions of future occupants and lead to pressure to fell these trees.
 - The increase in the number of dwellings using the private water supply that serves the wider area will further diminish the water pressure, which is already an issue.

Support:

- Whilst 4 letters of support were received, these letters contained no specific comments other than citing support for the proposals.

Neutral:

- There is an opportunity to reinstate the 'lost' PROW adjacent to the site that has been lost owing to electric gates, along with the reinstatement of signage showing the footpath.

Following the submission of a rebuttal letter in response to the objections above, a further 5 letters of objection from 3 residents were received. The majority of these were restating previous points set out above, new points can be summarised as follows:

- The draining of the pool is not enough to claim the building is disused. There remains a heating supply to the building and the garages are retained.
- The proposed enhancement of the installation of a hedgerow is misleading as this hedge was required by the previous application. The claim that there will be a biodiversity enhancement has not been backed up.
- The issue of nutrient neutrality has not been addressed.
- The issue of water pressure has not been addressed.
- It is still not clear where the overflow pipe from the package treatment plant leads. Furthermore, this treatment plant still does not comply with building regulations.
- Planting of new trees in the area adjacent to the site as shown on the Landscape Plan is not possible due to the package treatment plant.
- The delivery of a net gain in biodiversity is reliant on improving ground water and with the current package treatment plant this will not be possible.
- The neighbour has a pond which is an important part of the "biodiversity chain" and protected species, including newts, use this.

5.0 Analysis

- 5.1 The main determining issues in this instance are i) the principle of the change of use, ii) design and the impact on the locality, iii) amenity, iv) landscaping and biodiversity, v) nutrient neutrality, vi) drainage and water supply and vii) access and highway safety.

The Principle

- 5.2 The site is in the open countryside in policy terms, although for clarity is not considered to be an isolated location. Policy S5 of the Local Plan concerns development in such locations but more specifically the conversion of existing rural buildings. The policy sets out a list of criteria that such development must meet. This is as follows:

- f. the building is:
 - i. redundant or disused;

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

g. the proposal:

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

- 5.3 The building in question has until recently been used as a swimming pool and garage associated with another dwelling on the Ayton Firs complex (Ayton Firs Manor). The building is a substantial, detached building located some distance from the host building. There have previously been discussions between the agent and Officers regarding the exact status of the building. Upon Officers conducting a site visit it was clear that the pool had been drained and the agent has provided photographs confirming this to be the case. Objections have been raised claiming that the pool had been drained and the contents of the garage moved to another building just prior to this application being submitted. Furthermore, it is claimed that the heating system serving Ayton Firs Manor, as well as the pool building, is within the site and has continued to be used. Both of these facts have called into question the 'redundancy' of the building and thus compliance with policy S5. In terms of this issue, the starting point has to be the dictionary definition of the word 'redundant' which is as follows: "not or no longer needed or useful". The pool having been drained and lying dormant and the contents of the garage being removed, is considered by definition to demonstrate that they are no longer needed. The policy does not seek to establish a length of time that the building must be in a state of disuse and therefore the fact that it was taken out of use just before the submission of the application is not considered to be a determining issue. Clarification on the heating set up has been sought from the applicant who has informed Officers that the heating system actually sits outside of the building. The relevance of this is that the fact the heating system continues to be used has no impact on the consideration of the redundancy of the pool building as the system can be used to heat Ayton Firs Manor without the need for the pool building. On balance, Officers are content it has been demonstrated the building is redundant and therefore meets the requirements of policy S5 paragraph f.i.
- 5.4 It is clear upon visiting the site that the building in question is of a permanent and substantial construction, that it is in very good condition and no reconstruction/rebuild will be required. Indeed, the building itself is less than 10 years old. There are to be no physical alterations to the building except for internal works and the insertion of several windows. As a result, requirements f. ii. - iv. are met.
- 5.5 On submission concerns were expressed to the applicant that the development did not secure an 'enhancement' of the immediate setting, which would then result in a failure to meet the full requirements of Policy S5. Following discussions with the agent, a Landscape Plan and biodiversity assessment was submitted. This includes the planting of an additional hedgerow to the south, tree planting within the proposed hedgerow and finally additional underplanting within the area of trees to

the south west. Biodiversity net gain will be assessed in greater detail in a later section but ultimately this would secure a 58.88% increase in habitat units.

5.6 The 'enhancement' secured is considered to be two-fold: the visual enhancement by way of the additional screening from the hedgerow and tree line and secondly the biodiversity value of such a substantial gain in habitat units. The visual improvement will be fairly localised as there are a lack of public vantage points in the immediate locality, with a PROW to the north that does not offer substantial views of the site. That said, the enhancement will still be secured nonetheless and thus the proposal is considered to meet the requirements of policy S5 para g. i. The second requirement of para g. relates to extensions during conversions but none are proposed on this occasion so that element can be discounted.

5.7 On the whole, the above assessment demonstrates that this conversion scheme meets all relevant requirements set out in policy S5 and on that basis Officers are content that the principle of the change of use is acceptable.

Design & Impact on the Locality

5.8 Policy E1 of the Local Plan relates to design and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to list a number of design principles that help to achieve this overarching aim, including responding positively to a sites context and drawing inspiration from the key characteristics of its surroundings.

5.9 As set out in the introductory section, the physical changes to the building are very limited. Standard windows will be inserted on the side elevations and these are considered acceptable in terms of number and positioning and will not significantly change the appearance of the building. No extensions are proposed that will alter the size and scale of the building or make it any more visible and therefore the impact on the locality will be minimal. Overall, the design of the building is suitable for a two-bedroom dwelling and complies with the requirements of policy E1.

Amenity

5.10 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.

5.11 One of the reasons for the refusal of the previous application related to the impact on the privacy of the terraced cottages directly to the east of the site. To address this issue, the number of windows on the eastern elevation of the proposed dwelling have been reduced significantly. There are now only two windows facing eastwards, with the one serving the would-be master bedroom actually facing the gable end of the terrace as opposed to the rear garden owing to the layout of the two buildings. This latest scheme has also removed the first floor and the rooflights which will address overlooking. The other dwellings on the wider complex are separated to the extent that there will be no issues with regards to loss of privacy.

- 5.12 One of the public objections refer to the living conditions of the future occupants of the proposed dwelling and concern with overshadowing owing to the trees to the west and the proposed planting. These concerns are noted but the south facing principal elevation is to be very heavily glazed which will maximise the amount of natural light serving the dwelling. The additional tree planting will not be so substantial that means it'll be overbearing or overshadow the house to any great extent.
- 5.13 All in all it is considered that the amenity of both existing neighbours and future occupants of the proposed development will be of a high standard and not adversely impacted by this development. The proposal therefore complies with policy E2.

Landscaping, Biodiversity & Ecology

- 5.14 Policy E3 of the Local Plan requires all development to demonstrate the deliverability of a net gain in biodiversity. A biodiversity assessment in the context of the proposed landscaping has been submitted as part of this application. This proposed landscaping includes additional hedgerow planting along the southern boundary of the site, which will be reinforced by additional tree planting. Furthermore, the existing mixed woodland directly to the west will be enhanced by underplanting.
- 5.15 The biodiversity enhancement equates to a total of 58.28% increase in habitat units and 15.82% increase in hedgerow units. Clearly this is way above the 10 percent benchmark which will soon form part of national policy. One of the public objections refers to the fact that the hedgerow along the southern boundary was actually conditioned as part of the original permission and has only been implemented recently on the back of an enforcement case. Whilst this is noted, the hedgerow and tree planting now proposed is in addition to this existing hedgerow. On balance, Officers are content that the proposal meets the requirements of policy E3.
- 5.16 One of the public objections refers to the presence of protected species, including great crested newts, in the neighbour's ornamental pond that they are concerned will be adversely impacted by this development. Whilst it may be that newts do frequent the nearby pond, owing to the nature of the site and the fact there will be minimal physical works required, Officers are content that the risk is very low in terms of the impacts on these protected species. Should they be discovered during the construction phase, a licence may need to be obtained from Natural England.

Nutrient Neutrality

- 5.17 In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This effects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment.

- 5.18 To address this issue and provide the Council with sufficient information to carry out a Habitats Assessment, the applicant commissioned a 'Nutrient Neutrality Review' through WSP Golder, a consultancy offering services linked to development and environmental impacts. This review uses the Natural England document entitled "Advice for development proposals with the potential to affect water quality resulting in adverse nutrient impacts on habitats sites." from March 2022 and specifically the decision tree in Annex E of this document, which effectively allows one to answer several questions to come to a decision on whether an HRA is required or the development can be screened from the requirement for HRA.
- 5.19 Q1 of this decision tree states:
"Does the plan or project create a source of water pollution or have an impact on water quality (e.g. alters dilution)? AND
Is the plan or project within the hydrological catchment of a habitats site which includes interest features that are sensitive to the water quality impacts from the plan or project?"
- 5.20 WSP Golder has carried out an assessment using industry standard quantitative modelling (ConSim) to assess the likelihood of a pathway between the development (i.e. the source) and the SPA (i.e. the receptor). The potential pathways are two-fold, direct groundwater migration and indirect pathway migration via lateral shallow groundwater migration/surface water runoff through local ditches to the River Leven (which is the nearest surface water feature), then surface water migration to River Tees and then to the SPA as receptor. The result of the modelling is that there would be no breakthrough of nitrogen from the development within the first 9,000 years post-development and even at 20,000 years there will be no discernible concentration of nitrogen. As a result of this, the conclusion is that there is no pathway between the source and receptor on this occasion.
- 5.21 On this basis, paying heed to the Natural England advice outlined above, as the answer to both questions is not "Yes", the decision tree dictates no Habitat Regulations Assessment is required and, on that basis, Officers are content no harm will arise to the SPA and the issue should not prevent the granting of permission on this occasion.
- Drainage and Water Supply
- 5.22 Policy RM1 sets out the Council's policy on water supply and states that A proposal will only be supported where it can be demonstrated that:
- there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water or groundwater, or on meeting the objectives of the Water Framework Directive and the Habitats Directive, or the abstraction of water; and
 - there is or will be adequate water supply and treatment capacity in place to serve the development.
- 5.23 The issue of water pressure was another that was presented in the neighbour objections. The site and neighbouring houses are served by a private water supply. The owners of the dwelling at the end of the supply have raised concerns that the conversion of this dwelling will further exacerbate the issue of them having a low water pressure. This is an issue that was subject of discussions between Officers

and the agent under the previously withdrawn scheme. Through these discussions the agent responded to this claim with in-depth information on water usage associated with the previous pool relative to the average water use across the applicant's main dwelling, which is also situated on the wider complex, to give an idea as to how the present use may compare with a dwelling. Effectively the conclusion of this assessment was that there'd be a negligible difference between the water used in a dwelling occupied by three people and the existing pool building. As such, nothing would change that would materially impact the existing water usage or pressure in the water supply. Whilst Officers acknowledge there may be low pressure, it is not for the applicant to fix that issue through this development and as it has been demonstrated no further harm will arise, Officers are content the proposal meets the requirements of policy RM1.

- 5.24 An issue that has been raised on several occasions by two neighbours is that of how foul water will be dealt with. Policy RM1 also requires development to be served by a waste disposal system will be safe over the lifetime of the development. The main concerns have been the fact the applicant uses a package treatment plant to serve the pool building that, according to the objections, has an outflow pipe discharging into a culvert in a nearby field that they do not have a legal right to use. Furthermore, a neighbour is also claiming this PTP is harming his ornamental pond and has submitted a report from a water quality test from his pond.
- 5.25 The applicant has clarified that a package sewage treatment plant was installed when the building was constructed and has been sufficiently operational since without any issue. Details of the specification of this were provided and it is specified as a six-person occupancy system. The agent has stated the pipe to the culvert is in fact a surface water drain. In any event, the matter of ownership and right to use the culvert is not a material planning consideration and Officers must just be content there is a suitable system in place, which it is considered has been demonstrated. Whilst it is acknowledged the neighbour may well have issues with contamination in his pond as per the water quality test, there is nothing to suggest it is coming from a problem with the package sewage treatment plant.
- 5.26 All in all, Officers are content that it has been demonstrated that the development will be served by adequate foul water systems and will not harm the water supply or pressure in the surrounding area. It therefore complies with policy RM1.

Access and Highway Safety

- 5.27 Policy IC2 of the Local Plan concerns transport and accessibility and requires the Council to work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all.
- 5.28 The wider Ayton Firs complex is served by two accesses, one off Easby Lane to the east and one off the Easby-Stokesley road to the south. The access that is intended to serve this dwelling is the former. The Local Highway Authority were consulted on this aspect of the proposal and did not object to the proposal subject to a standard condition requiring the submission of details relating to parking and turning provision.

- 5.29 The increase in traffic using the access and also potentially other vehicles such as deliveries has been cited as a concern in the objections. It is also claimed there is a lack of turning places in the access off Easby Lane and parking spaces when one reaches the proposed dwelling, which could lead to the track becoming blocked. This is noted but the addition of one two-bedroom dwelling will not lead to an increase in the number of cars using this access over and above the existing situation to the extent that would compromise highway safety.
- 5.30 Officers are content highway safety will not be compromised by this development and therefore the proposal complies with policy IC2.

Planning Balance

- 5.31 The proposal has been demonstrated as meeting the requirements of the policy S5 which governs the conversion of rural buildings. It will secure an enhancement to the setting of the building through a landscape scheme that will improve the visual amenity of the immediate locality whilst also securing a significant uplift in the biodiversity value of the site. The design and impact on amenity have been assessed as acceptable and there are no technical issues with the proposal that render it unacceptable. Approval is recommended on that basis.
- 5.32 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 the representations made and has subsequently determined that it is appropriate 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 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 21061-ZZ-GA-A-002 and Landscape Plan received by Hambleton District Council on 01.06.2022 and 25.01.2023 unless otherwise approved in writing by the Local Planning Authority.
 3. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on 25.01.2023 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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

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 to soften the visual appearance of the development and secure a net gain in biodiversity.

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

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Parish: Huby

Ward: Huby

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Committee Date: 16th February 2023

Officer dealing: Mr Marc Pearson

Target Date: 22nd December 2022

Date of extension of time (if agreed):
2nd March 2023

22/02397/FUL

Application for the demolition of existing detached house, erection of new detached house, including landscape and driveway improvements. Installation of renewable technology and site habitat enhancements.

At: Alcar Farm, Brownmoor Lane, Huby

For: Mr & Mrs A Whitwam

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

1.0 Site, Context & Proposal

- 1.1 The application site is located at a former farm complex known as Alcar Farm that is located in an isolated location off the west side of Brownmoor Lane, south of Huby. The complex comprises a much altered two storey farmhouse set in generous grounds that is constructed in brick under a pitched slate roof. The principal elevation of the farmhouse faces south and to the north-west are a series of outbuildings that are also constructed in brick with pitched pantile roofs. These buildings provide ancillary accommodation to the farmhouse. To the south of the outbuildings is a large pond. Access to the complex is via two entrance points off Brownmoor Lane. The boundary to the complex is defined by a variety of fencing/hedgerows together with belts of trees that screen views towards the farmhouse from Brownmoor Lane and the surrounding public footpath network. Whilst the farmhouse is an historic building it has been substantially altered through recently approved alterations and extensions and not considered to meet the attributes of a non-designated heritage asset.
- 1.2 The surrounding context is defined by agricultural land that forms part of the rural setting to Huby. To the north, a public footpath traverses close to the northern boundary before turning northwards towards Huby. Overhead power lines also cross close to the application site in east/west direction.
- 1.3 The proposal involves the demolition of the existing two storey farmhouse and construction of a five-bedroom, three storey replacement dwelling in a different location. The design approach blends the classical and the vernacular. The formal symmetrical composition is repeated on all facades with a long rear wing extending close to the existing outbuildings. The new dwelling would be constructed in brick with stone detailing and would provide a gabled slate covered roof that also includes roof dormers to accommodate second floor accommodation. The proposal also includes alterations to the access drive, provision of ground mounted solar panels and new hedgerows on land to the west together with landscape planting to the south.

- 1.4 The footprint of the existing farmhouse is 233 sqm on footprint with a total floor space of 337 sqm, whilst the replacement building would have a footprint 500 sqm and a total floorspace of 885 sqm. The applicants have also submitted a series of larger home prior notification and certificate of lawful proposed development applications to demonstrate a legal fall-back position for the how the existing house could be extended under existing residential permitted development rights.
- 1.5 In addition, the applicants have also prepared a draft Unilateral Undertaking to secure the demolition of the existing dwelling once the replacement dwelling is built and capable of occupation.

2.0 Relevant Planning History

- 2.1 10/01970/FUL - Proposed alterations and extensions to existing dwelling. Approved.
- 2.2 13/00431/FUL - Alterations to existing barn to form games room and gym plus alterations to existing stable block to form 2 annexes. Approved.
- 2.3 21/01868/FUL - Demolition of existing dwellinghouse and construction of a new dwelling with alterations to the existing driveway. Refused on the following grounds;
1. The proposed development has not demonstrated how the replacement dwelling would achieve a more acceptable and sustainable development form of development located outside development limits having regard to the provisions of Local Development Framework Core Policy CP4 or Development Policy DP9.
 2. The proposed scale, mass and appearance of the proposed development would result in a disproportionality larger dwelling that is considered to be incongruous to the character of the site and the surrounding rural context and therefore does not accord with Local Development Framework Core Policy CP17 or Development Policy DP32 and paragraph 134 of the NPPF (July 2021).
- 2.4 22/02938/CLP - Erection of outbuilding (swimming pool). Pending determination.
- 2.5 22/02939/CLP - Erection of side and rear extensions. Pending determination.
- 2.6 22/02940/CLP - Erection of dormer windows. Pending determination.
- 2.7 23/00001/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.50m. Pending determination.
- 2.8 23/00002/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.30m. Pending determination.

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S3: Spatial Distribution
Local Plan Policy S5: Development in the countryside
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy RM3 – Surface Water and Drainage Management
Local Plan Policy IC2: Transport and Accessibility

4.0 Consultations

4.1 Huby Parish Council - No objection.

4.2 NYCC Highways - No objection.

4.3 Environmental Health - No objection.

4.4 Contaminated Land - No objection based on the information received.

4.5 Yorkshire Water - No response received (expired 22.11.2022).

4.6 MOD (RAF Linton on Ouse) - No safeguarding concerns.

4.7 NYCC Footpaths – Note the need to protect the adjacent public footpath.

4.8 KUOIDB - Kyle & Upper Ouse IDB - No objection subject to a surface water condition.

4.9 Yorkshire Wildlife Trust – No comments.

4.10 Site Notice and Neighbour Consultation – 17 observations in support of the proposal as summarised below:

- Suitable location that is well screened from views with no negative effects on the surrounding area.
- Impressive design quality, proportionate to the site and ties in nicely with the existing outbuildings. The proposal will therefore enhance the area
- Demolition of existing building and replacement with stringent sustainable design is welcomed.

5.0 Analysis

5.1 The main issues to consider relate to the i) principle, ii) design and appearance of the proposal, iii) landscape impact and iv) Protected species and biodiversity net gain.

i) Principle

5.2 The proposal for a replacement dwelling needs to comply with Local Plan Policy S5. The policy states:

“A proposal for the replacement of an existing building (including a dwelling) in the countryside will only be supported where it is of permanent and substantial construction and the proposal is of a high-quality design, being sympathetic with its surroundings and takes opportunities to enhance the immediate surroundings. Only limited increases in floorspace will be supported and development proposals must be proportionate to the building(s) that they replace.

The position of the replacement buildings within the site should be considered comprehensively so that it is located where it would have the least possible adverse impact on the immediate surroundings, the wider landscape and the amenity of the users of existing buildings nearby.”

5.3 The existing dwelling at Alcar Farm is occupied and well maintained and is of permanent and substantial construction. On this basis the proposal satisfies the first part of the policy test.

5.4 The proposed design approach is discussed in more detail in Section ii) below. In summary, whilst the proposal is architecturally well handled through a high-quality design approach officers consider that due to the size, scale, form and massing of the replacement dwelling it would not be sympathetic to its surroundings and thus fails the second part of the policy test.

5.5 With regard to enhancement the existing farmhouse including its outbuildings and wider landownership is a well-maintained property of similar characteristics to many former farm complexes within the district. Following the historic research provided by the applicant it is acknowledged that the original farmhouse has been demolished and replaced with the current dwelling on the site. The submission suggests that the dwelling was constructed as a speculative “country house” and was segregated from the farm operation and thus is not a typical Yorkshire farmhouse and is abnormally orientated in relation to the nearby farmyard and not characteristic of the local/rural vernacular with respect to farm buildings/stead development. The historic research summarises that the siting and orientation of the house clearly indicates a distinct evolutionary change from its original farming use to a country home, with a planned domestic form. Whilst the case presented is plausible, the resultant dwelling constructed in the nineteenth century was still a modest two storey 3-bay cottage at the time of construction, with a typical symmetrical south facing principal façade and informal off-shoots to the rear. It was constructed utilising brick under a pitched slate roof with decorative timber barge boards. Whilst it is acknowledged that decorative barge boards add a little more interest to the building, such an approach is simply considered to reflect a design approach at the time of construction. It is also acknowledged that the rear of the house (facing north) is less attractive than the formal principal façade; it is not

considered to a negative feature of the complex. Despite its numerous extensions, the existing farmhouse is considered to be an attractive building, set in well-maintained gardens and lawned area that also includes the former agricultural buildings. It is also noted the applicants have already planted a significant number of trees at the southern end of the complex and this adds to visual interest of the wider curtilage.

- 5.6 On this basis the existing complex is considered to be very attractive in appearance and thus it is considered difficult to identify any enhancement opportunity from the baseline position identified above. The submission contends that the combination of the design quality of the replacement dwelling, the sustainability credentials (including ground mounted solar panels) together with landscape and biodiversity net-gain the proposal would provide enhancement.
- 5.7 Whilst no specific assessment has been provided the existing house is noted to be energy intensive to run, it is oil heated, with solid brick walls leading to significant energy use and carbon emissions. It is generally acknowledged that older buildings are not as sustainable as current modern design, but nevertheless can be retrofitted to improve sustainability credentials. As noted above the Local Plan guidance at HG4 paragraph 5.65 acknowledges that there may be circumstances where the property is in an unsatisfactory state of repair and replacement would be more economically viable than refurbishment. The demolition of well-maintained house and replacement with a building of the very substantial scale proposed, with the loss of the embodied carbon of the existing dwelling and carbon footprint in manufacture of new materials is itself somewhat of negative position in terms of sustainability credentials. Policy S1 seeks to support development... that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and makes prudent and efficient use of natural resources. Policy E1 supports design where it “achieves climate change mitigation measure through location, orientation and design and takes account of land form, massing and landscaping to minimise energy consumption”.
- 5.8 With regard to the landscape and biodiversity proposals it is noted that Local Plan policy E3 requires such an enhancement of biodiversity. The proposals do not demonstrate any additional benefit to landscape and biodiversity above the requirement of the policy test. Given this assessment it is considered that hedgerow or tree planting will not result in a scheme that is an enhancement of the immediate setting as required by Policy S5 it is simply compliant with the policy requirement for appropriate landscaping/biodiversity net gain.
- 5.9 In terms of the quantum of floorspace proposed, the footprint of the new dwelling would be 500sqm and with total floorspace of 885sqm. The existing dwelling has footprint of 233sqm and a floorspace of 337sqm and on this basis the proposed dwelling would represent a 153% increase in floorspace. Clearly this is not a “limited increase in floorspace” or “proportionate to the building(s)”, the farmhouse, to be replaced as required by Local Plan policy S5.
- 5.8 The applicants contend that through residential permitted development rights the farmhouse could be extended to provide additional floorspace and therefore the baseline position of existing floorspace could be increased to reduce the percentage increase from the existing to the replacement dwelling. The applicant has submitted applications to confirm the lawfulness of the extensions.

- 22/02938/CLP - Erection of outbuilding (swimming pool).
 - 22/02939/CLP - Erection of side and rear extensions.
 - 22/02940/CLP - Erection of dormer windows.
 - 23/00001/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.50m.
 - 23/00002/RPN - Application to determine if prior approval is required for a single storey rear extension, extending beyond the rear wall of the original dwelling 8.00m; maximum height of the extension 4.00m; maximum height at the eaves measured from natural ground level 2.30m.
- 5.9 It is for the decision taker to decide the weight to be afforded to the fallback position. If there is a “real prospect of the development coming forward” greater weight can be afforded than there being just a “possibility of the development”. Less weight can be afforded if the fallback position is “notional”, such as a scheme that is not supported by a certificate of lawfulness or approval of permitted development as a larger home extension. At the time of writing the various applications are pending determination.
- 5.10 The application details show that it is not likely that all the extensions would have a realistic prospect of being built out due to the awkward floorplan arrangements including an unusual narrow double wall arrangement on the dwelling between a proposed side and rear extension.
- 5.11 Furthermore, whilst the detached outbuilding is a possibility under permitted development, the likelihood of such a building to be constructed for use as a swimming pool in the location illustrated is considered to be remote. As a consequence, it is considered that only limited weight can be afforded to the fallback position.

	Footprint	Floorspace	% change in floorspace
Existing	233 sqm	337 sqm	N/A
Proposed replacement	500 sqm	885 sqm	162% bigger floorspace than existing
Existing + PD extensions and detached swimming pool	233 + 380 = 613 sqm	717 sqm	23% bigger than the existing + PD extensions
Existing + PD extensions to dwelling (excluding detached swimming pool of 149sqm)	233 + 231 = 464 sqm	568 sqm	55% bigger than the existing+ PD extensions to dwelling only

- 5.12 The best case scenario fallback position (should all the pending applications be approved) would create 380 sqm of additional floorspace that would provide 613 sqm of footprint to take the total floorspace to 717 sqm. This would result in the proposed dwelling representing a 23% increase. However, officers consider the best-case scenario cannot include a detached building because this is clearly not an extension to the dwelling. On this basis it is considered that the best scenario represents a 55% increase. Clearly, this is a significant increase above a substantial fallback position. The replacement is not considered to be limited or proportionate to the dwelling to be replaced as required by Local Plan policy S5.
- 5.13 The siting and landscape impact of the dwelling is discussed in section iii) below but in summary the proposal does not raise any landscape or visual concerns and given the isolated nature of the complex it does not impact upon any neighbouring properties.
- 5.14 In view of the above, the proposal is not considered to comply with all the required elements of Local Plan policy S5 relating to the provision of replacement dwellings.

ii) Design and appearance of the proposal

- 5.15 The alterations to the scale, form, massing and appearance to the current proposals following the refusal of the application ref. no 21/01868/FUL are noted and to a degree are welcomed. However, and in light of the additional historical research, it is not considered the approach to provide a “country house” approach to be appropriate on the site of a former farm complex. Given the established character of the site, the extent of ownership, together with its isolated location (accessed off a shared access route) it is not considered a proposal that follows a “country house” design approach of such a grand scale is appropriate. Whilst the elevational design is well handled, the provision of a 9 bay principle façade, overall scale and massing of the proposals, particularly with the treatment to the second floor and resultant roof form results in an incongruous feature within the context. The proposed rear courtyard, landscape gardens and grounds together with the wider tree planting proposals are considered to be appropriate within the context.
- 5.16 Whilst it is noted that all buildings are designed to a function and to be used by occupiers, it is considered that the proposals for a five-bedroom dwelling are substantial. It is appreciated that on this occasion ground floor spaces are design to be multi-functional, but it is noted that all five bedroom are provided with ensembles and dressing rooms and that large areas of floorspace are dedicated to ancillary functions.

iii) Landscape impact.

- 5.17 It is noted that the application submission includes a landscape impact assessment that demonstrates the application site is relatively well screened within the landscape and officers concur with the assessment. It is noted that the replacement dwelling would be slightly greater in height than the existing dwelling but given the isolated location and limited views to the site, this raises no landscape impact concerns. Furthermore, provision of ground mounted solar panels on land to the west does not raise any visual impact concerns. The site is relatively well screened from public vantage points. Whilst the building does not respect the local character, identity, distinctiveness or form, scale, layout or height the existing landscaping through trees and hedgerows on this occasions is not harmful to the landscape. The

proposal is not considered to satisfy the requirements of Local Plan Policy E1 but does not result in direct harm to the openness or special characteristics of Hambleton's landscape and does not breach Policy E7: Hambleton's Landscapes due to the trees that screen the site.

iv) Protected species and biodiversity net gain.

- 5.16 It is noted that an ecology survey submitted with the application considers there will be no impact on the bats or great crested newts. Furthermore, the onus is on the applicant to comply with the relevant legislation should any protected species be discovered on the site in due course. On this basis the proposal raises no concerns and is considered to satisfy the requirements of Local Plan policy E3.
- 5.17 The submitted Biodiversity net gain report concludes that the proposals will result in a 12.76% biodiversity net gain for the site, achieving the improvements required to meet Local Plan policy E3.
- 5.18 A draft legal agreement (Unilateral Undertaking) to secure the demolition of the existing dwelling once the replacement dwelling is built and capable of occupation has been agreed in principle with officers and the applicant.

Planning Balance

- 5.19 The proposed development is not considered to be acceptable in principle and the proposed design, scale and massing is not considered appropriate on this occasion. The proposed development does not comply with the relevant Local Plan in terms of principle and design and is therefore not in accordance with local and national policy requirements pertaining to such matters.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):
1. The proposed development has not demonstrated how the replacement dwelling would provide enhancement to the site and provide a limited increase in floorspace and therefore does not accord with the provisions of Local Plan Policy S5.
 2. The proposed scale, mass and appearance of the proposed development would result in a disproportionality larger dwelling that is considered to be incongruous to the character of the site and therefore does not accord with Local Plan Policy E1 and paragraph 134 of the NPPF (July 2021).

Parish: Hutton Bonville
Ward: Appleton Wiske & Smeatons

Committee Date : 16 February 2023
Officer dealing : Ms Helen Ledger
Target Date: 16th November 2022
Date of extension of time (if agreed):
17th February 2023

6

22/02609/MRC

**Removal of condition 5 (Occupation) from previously approved application
05/00577/FUL Revised application for the change of use of redundant agricultural
building to holiday accommodation**

At: Appletree Cottage Lovesome Hill
For: Ms B Noda.

**The application is brought to Planning Committee owing to lack of compliance with
Planning Policy.**

1.0 Site Description and Proposal

- 1.1 The site is located within the strip of ribbon development along the west side of the A167 in the group of buildings known as Lovesome Hill. It comprises single storey holiday accommodation with two bedrooms, off road parking and an extensive rear garden.
- 1.2 The application seeks to remove a restrictive occupancy condition limiting the use of the building today know as 'Appletree Cottage' for use as holiday occupancy only. It is not on a wider holiday park nor has any linkage to a wider holiday accommodation business. The site has been occupied as a second home by the applicant and her previous husband.
- 1.3 The detached single storey building was converted from an agricultural use following planning applications in 2004 and 2005. The relevant condition is no.5 of application ref no. 2/04/072/0008B and 2/05/072/0008C which states that

"The occupation of the residential accommodation hereby approved shall be restricted to holiday visitors only and no person or persons shall occupy the accommodation for more than eight weeks consecutively".
- 1.4 This condition was subject to an application to remove the condition in 2014 which was refused for the reason set out below. It was most recently also subject to a certificate of lawfulness application attempting to demonstrate the building was not occupied as holiday accommodation, this was also refused for the reason set out in the planning history below.

- 1.5 The applicant is severely disabled and dependent upon a wheelchair. The submitted details describe that it is very difficult to find accessible affordable accommodation. It is understood that the applicant is in full time residence in the property and has been so since May 2022.

2.0 Relevant Planning History

- 2.1 2/04/072/0008B - Change of use of agricultural building to holiday accommodation granted 2004
- 2.2 2/05/072/0008C - Revised application for Change of use of agricultural building to holiday accommodation granted 2005
- 2.3 14/00540/MRC - Removal of Condition 5 of Planning permissions 2/04/072/0008B & 2/05/072/0008C to allow holiday accommodation to be occupied as a dwelling - Refused for the following reason:

The property is located outside any defined Development Limits where the permanent residential use will only be permitted in an exceptional case. Insufficient justification and evidence has been put forward in this case to demonstrate why the property is no longer viable as a holiday let. As such there are no proven exceptional circumstances and the proposal is therefore contrary to Policy CP4 of the Hambleton Local Development Framework.

- 2.4 22/01987/CLE - Application for a Lawful Development Certificate (existing) for permanent residential use. - Refused.

The information provided fails to demonstrate that on the balance of probabilities the stable has been used as a main dwelling house.

3.0 Relevant Planning Policies

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S2: Strategic Priorities and Requirements
Local Plan Policy S5: Development in the Countryside
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy HG2: Delivering the Right Type of Homes
Housing Size Type and Tenure Supplementary Guidance
National Planning Policy Framework

4.0 Consultations

- 4.1 Hutton Bonville Parish Council - no response forthcoming

- 4.2 NYCC Highways - No objections
- 4.3 Teesside airport - no aerodrome safeguarding objection
- 4.4 MOD has no safeguarding objections
- 4.5 Site notice posted and neighbours notified. Two public comments received, both objecting. Comments summarised below.
 - Untrue the building was redundant and disused, formally it was a workshop and store
 - A barn and agricultural land it would be an asset to the rural economy, opportunities to expand rural enterprise, not redundant
 - The property has two offers at the time of sale from agricultural purchasers.
 - The conversion to a private dwelling would not benefit the local economy
 - Such erosion of the rural economy and enterprise is not in the spirit of local or national policy
 - For the previous attempt to overturn this condition (Ref. No: 22/01987/CLE) an email was provided from applicant that stated that the property would be let as holiday accommodation if these applications failed, in benefit of the local economy.
 - NYCC have agreed to double council tax on second homes, as Appletree Cottage has been until the recent breach of condition.
 - Likely to be a great deal of public interest in this case as other second homeowners look to convert their properties profit from sale at inflated prices as domestic dwellings
 - Where would B&B guests stay in the small 2 bed dwelling?
 - If Yurt used loss of amenity and privacy noted, and planning permission/building regulations clarification required
 - Impact on amenity through conversion of existing vestibule area.

5.0 Analysis

- 5.1 The main considerations are firstly whether the planning condition still serves a purpose and meets the tests for planning conditions as set out in the NPPF paragraph 55 and 56. It is noted that the applicant failed in a recent application to demonstrate that the building had been occupied as a sole dwelling long enough in order to grant a certificate of lawful use and now seeks to apply the 2022 new Local Plan policy S5 - Development in the Countryside to determine if the condition is still valid. Finally, given the applicant's disability this application requires assessment under the 2010 Equalities Act
- 5.2 The site provides a small single storey unit of accommodation with a large garden to the rear and short access drive to the front along the narrow frontage. It provides an attractive rural setting for holiday accommodation in a setting not available in more urban areas. It is set in the countryside being within a small group of ribbon development and not within the built form of a settlement. It is well located on the public transport network being on the main Northallerton to Darlington bus route.

- 5.3 Paragraph 56 of the NPPF sets out the tests for conditions as; necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. At the time of the original application in 2004 the planning decision followed the extant development planning policies at the time which prevented new market housing in the countryside save exceptions such as holiday accommodation, which provided an economic benefit.
- 5.4 Current adopted policy S5 describes that development in the countryside will only be supported where it is in accordance with national 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. With regard to rural buildings, it notes that it needs to be demonstrated that 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 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 In this case the site is an established holiday use lawfully used by the current and past occupants as a holiday home. There is no evidence that this lawful use has become redundant or disused. In recent years the holiday at home boom has generated many applications for rural holiday uses within the district; including at the adjacent Lovesome Hill farm that has a camping barn and holiday cottage with consent for a further glamping pod. No details have been put forward to provide evidence as to why the property is no longer considered viable as a holiday cottage.
- 5.6 The submitted details instead argue that the site makes use of a very small former agricultural building of which, despite the one objection received, would have very limited feasible agricultural use with residential neighbours so close and the site access by a narrow single track lane. It notes that this application would create a new dwelling in the countryside but this is now in alignment with policy S5, in that it is the past agricultural use that needs to be considered not it's current holiday use; and on this basis it is considered it can be acceptable under policy S5.
- 5.7 The site is an established unit of holiday accommodation and there is no evidence from officer site visit or otherwise that the building is not structurally sound, and it is clearly capable of conversion to a permanent dwelling. However, no evidence has been presented to show that its conversion to a permanent dwelling would enhance its immediate setting, it is a small holiday dwelling set within domestic gardens. No further changes, such as extension, are proposed and the established changes do not affect the proportions of the building.
- 5.8 It is found that the condition as drafted would still be enforceable and precise enough to identify the limitations. The reasonableness test falls on whether it is found to meet the policy considerations above and is reasonable in regard to these.

- 5.9 It is noted that an application to remove the occupancy condition was first submitted in 2014 (ref:14/00540/MRC) and then considered under the LDF policy CP4. The consideration of this 2014 application was limited to whether a new dwelling in the countryside was acceptable under this policy. It was refused on principle on this basis only, with no further issues raised. There was no indication that the site was unsuitable for holiday use.
- 5.10 The application could deliver a wheelchair accessible home which could be protected as such through an appropriately worded planning condition. It is noted that policy HG2 along with the Council's supplementary guidance on housing size, type and tenure seeks to deliver a proportion of Part M4(3) compliant dwellings, albeit as part of larger developments. The Council's Supplementary Planning Guidance re-iterates this goal. Whilst this policy strictly applies to larger developments, the provision of such a home can be given weight in the planning balance. To this end a condition is recommended, requiring compliance with Part M4(3) of the building regulations.

The Equalities Act 2010

- 5.11 The Equalities Act identifies 9 protected characteristics of which disability is one. Section 149 of the Equality Act 2010 states a public authority must, in the exercise of its functions, have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations. In this case note is made of the requirement to meet the needs of disabled persons that are different from the needs of persons who are not disabled including steps to take account of disabled persons' disabilities.
- 5.12 To help to consider the requirements of the Act in this case the applicant has written to the Council to describe her circumstances. This notes that within the limits of her mobility, chest down paralysis, it is exceedingly hard to find affordable accessible housing. The applicant is dependent on having an adapted bathroom, bedroom and kitchen. Appletree Cottage, being single storey and partly open plan is already partly adapted for these needs. It has the benefit of accessible parking immediately outside the main door. The bathroom is currently wheelchair friendly, but she would like to improve this and further adapt the kitchen to ensure it safely provides the facilities needed. She feels she cannot do this unless she had the assurance of a permanent residence. Her spinal injury specialists are at James Cook Middlesbrough, where the applicant attends for regular visits to the neurologist and urologist. As a Hambleton resident, all her crucial support network is in the surrounding area. The property is also relatively convenient for accessing the East Coast Main Line from the station in Northallerton.
- 5.13 No evidence has been provided to demonstrate the poor market provision of accessible dwellings for the applicant, although it is noted that as described Appletree cottage is single storey and obviously meets the majority of the specific needs of the applicant. It is indeed well located for her medical appointments but so would be a number of settlements within and to the north of Hambleton. Though perhaps these places would be outside the immediate areas for the support of friends and family.

5.14 It is understood that the applicant is currently residing at the premises, in breach of the condition and that she has no alternative accommodation. As such it must be understood that the effect of a refusal in this case would result in the applicant needing to seek alternative accommodation. This impact needs to be considered in the planning balance in the light of the Equalities Act.

Planning balance

5.15 The balance is between the requirement to consider a protected characteristic as identified in the Equalities Act along with the provision of a Part M4(3) wheelchair accessible home and whether the condition limiting the occupation of the dwelling is still valid considering the planning tests for conditions as set out above. The Equalities Act requires the consideration of the disability of the applicant in making the decision but it does not require that the protected characteristic be given great weight over any other material or policy considerations in the decision.

5.16 In this case it is considered that the personal circumstances of the applicant, combined with the provision of a Part M4(3) wheelchair accessible home is sufficient to outweigh the other material considerations in this case and as such the application is recommended for approval.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **Granted** subject to the following conditions:

1. Within three months of the date of this approval details of the foul sewage and surface water disposal facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timescale for the implementation of any amendments to the existing drainage necessary. The development shall then be implemented in accordance with the approved details.
2. The access to the site shall be laid out and constructed in accordance with the following requirements:-
 - (ii) Any gates, barriers or other means of enclosure shall be erected a minimum distance of 4.5 metres back from the carriageway of the existing highway and shall open into the site.
 - (iv) That part of the access extending 4.5 metres into the site from the carriageway of the existing highway shall be made up and surfaced in accordance with Standard Detail number E6 and the Specification of the Local Highway Authority.
3. Visibility splays providing clear visibility of 2.4 metres x 33 metres measured down the centre line of the access road and the nearside channel line of the major road shall be maintained at the junction of the access road with the county highway. These visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

4. Within 6 months of the date of this permission a scheme shall be submitted to and approved by the Local Planning Authority setting out details to demonstrate compliance with Part M4(3) of the Building Regulations to ensure that the property is wheelchair accessible. The scheme shall include a time table for implementation. The development shall be implemented and maintained in accordance with the approved details.

The reasons for the above conditions are:-

1. In order to avoid the pollution of watercourses and land in accordance with Hambleton District Local Plan Policy RM3.
2. In order to provide suitable access to the site.
3. In the interests of road safety to provide for drivers of vehicles using the access road to the site and the public highway with a standard of intervisibility commensurate with the vehicular traffic flows and road conditions
4. In order to ensure that a wheelchair accessible home is provided.

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Parish: Nether Silton
Ward: Bagby & Thorntons
7

Committee Date: 16 February 2023
Officer dealing: Mr Nathan Puckering
Target Date: 10 November 2022
Date of extension of time (if agreed):
17th February 2023

22/02147/FUL

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

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

This application is referred to the Planning Committee following a deferral at the December Committee to allow a review of the design.

1.0 Update

- 1.1 The matter was initially considered at the December Planning Committee, for further consideration of the design, noting in particular the north elevation fronting onto the road.
- 1.2 The applicant has undertaken a design review and has made a number of amendments to the proposals as set out below:
 - Reduction in height of the central door feature to the road elevation.
 - Replacement of slit window with hopper style agricultural window as found in local agricultural buildings.
 - Simplification of fenestration of the east elevation gable.
 - Re-design of the rear elevation fenestration to create a more vernacular appearance.
 - Removal of the roof/wall velux window
 - Use of traditional style openings to the rear outshoot
 - Use of traditional style openings across the rear (south) elevation.
- 1.3 Officers have considered the proposed amendments to the scheme and undertaken a further 10-day consultation with local residents and the Parish Council. The Parish Council responded as follows:

“At the Parish Council meeting last night, Councillors considered the revised application for the demolition of existing all-purpose agricultural building and erection of a new dwelling at School Farm.

Councillors did not feel this revised application had changed enough to alter the Parish Council’s original opinion. In particular the slit type windows and the addition of shutters are not a feature of this area. The shutters draw further attention to the large, glazed areas and, in reality, seem to be for aesthetics rather than use given that in the closed position they would significantly impact on the amount of light entering the building.

Councillors are opposed to the development of such a contemporary design in an Article 4 Area and with its proximity to a listed building.

They are concerned that if approved, it will set a precedent which could lead to the special architectural and historic interest of the village being put at risk.

”

The new building exceeds the footprint of the existing barn and due to the size of the new building, Councillors feel this is over-development of the site with no demonstration of this type of housing need.

Taking all this into account the Parish Council still objects to this application and would like to see it refused.”

- 1.4 4 letters of objection were received during this consultation period which raised the following concerns:
- The introduction of architectural features that are not found elsewhere in the village.
 - The proposal does not comply with policy S5 owing to it not being within the settlement, representing a more than “limited” increase in floorspace and the harm that will occur to the immediate surroundings.
 - The size remains too large.
 - The solar panels will make the building highly visible during daylight hours.
 - There has been no requirement for such a large dwelling identified in the Housing Needs Assessment.
 - The issues with loss of privacy for the garden opposite have not been addressed.
 - There are no dimensions written on the drawings.
 - There will still be harm to the adjacent listed building owing to it not being subservient.
 - The design will harm the character and appearance of the conservation area.
 - It will set a harmful precedent.
 - It will compromise highway safety, especially during construction.
- 1.5 Officers have considered the revisions to the scheme along with the additional representations. Officers consider that the amendments to the proposals result in a more vernacular appearance to the proposed dwelling. In particular the east elevation and approach to the building, when viewed from the road to the east of the village, results in a less fussy appearance more akin to an agricultural building that one might expect to be found in this location adjacent the village. The revised scheme is considered to meet Members requests for amendments to the design.
- 1.6 The remainder of the report remains as previously set out to Members in December and the recommendation remains as previously published, subject to minor amendments to the conditions to reflect the updated drawings.

2.0 Site, Context & Proposal

- 2.1 School Farm is a grade II listed dwelling located within the village of Nether Silton, on the boundary of the North York Moors National Park (NYMNP). The village is linear in form, with dwellings sited on both the northern and southern side of Lead Lane that runs east-west through the settlement - School Farm being to the south. The boundary of the NYMNP follows Lead Lane, with the area to the south being outside the National Park. The southern part of the village is less densely developed, with less of a main frontage on the road. Nevertheless, School Farm is one of the buildings that does directly front Lead Lane.
- 2.2 Directly to the east of School Farm is an open sided agricultural building. It is constructed in black profile sheeting and a fibre cement roof. It is described as being "general purpose" which it is understood is used alongside a parcel of land

the applicant owns that stretches southwards adjacent to the site. The boundary of the Nether Silton Conservation Area runs down the driveway that separates the agricultural building from School Farm, with the former just outside. Nevertheless, the building itself is in a very prominent location on the roadside at the edge of the village and as such it presently dominates views of the southern side of the village upon approach from the east.

- 2.3 This application is seeking permission for the demolition of the agricultural building and the construction of a detached two storey dwelling in its place. It will be similar in scale to School Farm, with the main frontage facing northwards towards Lead Lane. A step down in the roof ridge at the eastern side to a smaller two storey section and a small single storey element set forward from the main dwelling breaks up the frontage. There'll also be a single storey rear offshoot. The dwelling will be constructed in coursed natural stone, with a natural slate roof. Instead of traditional window fenestration to the road facing elevation, the application proposes glazed vents in the principle elevation taking inspiration from agricultural building design. All other elevations will have more standard fenestration in an off-white finish. Access will be taken through an existing gate onto a private parking area.
- 2.4 Throughout the consideration of the application, alterations were secured which can be summarised as follows:
- A step down in the roof ridge to help address concerns with the massing of the building.
 - An alteration to the windows from anthracite grey to a more traditional off-white alternative.
 - Removal of a 2.1m high garden wall from the side of the dwelling.

3.0 Relevant Planning History

- 3.1 19/02412/MBN - Conversion of redundant agricultural storage barn to two storey residential unit. - Prior Approval Refused for the following reasons:
- Based on the information submitted and that gained from a site visit - it has not been demonstrated that the last use of the building was solely for agricultural purposes as required in order to benefit from permitted development rights under Part 3, Class Q of the General Permitted Development Order.
 - It is considered that the proposed development is harmful to the setting of the listed building located adjacent the application site and as such leads to less than substantial harm to the significance of the listed building, this in turn leads to the conclusion that the proposed change of use is otherwise considered undesirable in this location. When the tests set out within the National Planning Policy Framework (NPPF) are applied, as required by para. W(10) of the General Permitted Development Order, it is considered that the proposal causes less than substantial harm to the significance of the heritage asset, which is not outweighed by any public benefit, and therefore fails the test set out in the National Planning Policy Framework for development impacting heritage assets.

4.0 Relevant Planning Policies

- 4.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan

unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S3: Spatial Distribution
Local Plan Policy S7: The Historic Environment
Local Plan Policy HG5: Windfall Housing Development
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy E5: Development Affecting Heritage Assets
Local Plan Policy E6: Nationally Protected Landscapes
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy IC2: Transport and Accessibility

National Planning Policy Framework

5.0 Consultations

5.1 Parish Council - Object with the following comments:

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

5.2 NYCC Highways - No objections subject to conditions.

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

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

5.5 Environmental Health - No objections.

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

5.7 Yorkshire Wildlife Trust - No comments to make.

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

Support:

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

Object:

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

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

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

demonstration of this type of housing need. Taking all this into account the Parish Council objects to this application and would like to see it refused."

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

Objection

- The alterations do not address the impact on the village and surrounding area.
- There is no reason why the conclusion that the change of use was undesirable, as decided under the previous prior notification, has changed due to the demolition and rebuild.
- The house will appear overbearing and not in proportion to those around it.
- It appears the street plans are not to scale which is misleading and does not allow residents to make an informed decision.
- The new dwelling would be closer to School Farm and obscure the natural landscape between the buildings.
- The size and position of the proposed dwelling would have a negative impact on surrounding properties (including listed buildings) the conservation area within the village and wider landscape.
- The village is in a Conservation Area, with half the village being in the North York Moors National Park and the other half to be converted to NYM National Park in the near future, all of which points to the necessity of adherence to current norms of design and construction of buildings within the Park.
- The proposal has architectural features that are not evident within the village, and it does not resemble any other stone outbuilding in the village.
- The new dwelling would be the largest stone building in the village and comparable to Silton Hall.
- The new dwelling would not be subservient to the listed building.
- The glare from the windows may affect neighbours.
- The development will alter the street scene.
- The fact it's on the edge of an Article 4 area should prevent development.
- The proposal does not gain support from policy S5 for replacement buildings.

Support

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

6.0 Analysis

- 6.1 The main issues in this instance are i) the principle of a new dwelling in this location, ii) the impact on the setting of the listed School Farm, iii) the impact on the

setting of the Conservation Area, iv) design, v) residential amenity, vi) ecology and biodiversity and vii) highway safety.

The Principle

- 6.2 The site in this instance is not allocated for housing development and therefore policy HG5: Windfall Housing Development is relevant. This states "A proposal for housing development within the main built form (defined in policy S5: Development in the Countryside) of a defined settlement (see policy S3: Spatial Distribution) will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development."
- 6.3 Policy S3 defines Nether Silton as a "Small Village", which is the lowest tier of the Settlement Hierarchy. It has limited services by way of a single public house and a church. The justification for policy HG5 sets out how in rural areas windfall housing development can help support local services and facilities and thus the sustainability of these settlements. As such, it is recognised that, whilst these smaller defined settlements may be more limited in the services they offer, their longevity and sustainability requires small scale housing development. As a result, subject to the site being 'within the main built form', policy HG5 supports residential development in principle in this location.
- 6.4 Policy S5 states that "The built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them." It then lists a number of exceptions that should not be considered part of the built form. These are as follows:
- any individual building or group of dispersed buildings...which are clearly detached from the main part of the settlement;
 - agricultural buildings on the edge of the settlement.
- 6.5 This building is clearly an agricultural building that sits on the end of the row of built form and in this sense is on the 'edge of the settlement'. However, the justification of policy S5 and the definition sets out that "a decision as to whether land is considered to be part of the built form will be made on a case-by-case basis taking account of all prevailing circumstances." On this occasion, given the greater amount of development on the northern side of Nether Silton and the fact it extends some way beyond the edge of the southern part of the village, one gets the sense that the edge of the village is further east than where the building in question sits. Furthermore, the nature of the site and the relationship with School Farm and its domestic curtilage means that the building and site very much feels like part of the village, as opposed to the open countryside beyond.
- 6.6 On this basis, Officer's consider that whilst the building is on the edge of the village in the sense of the row of built form of this particular part of the settlement, owing to the characteristics of the village and the relationship between the site and the settlement, i.e. "other prevailing circumstances", it can still be said to be part of the built form of Nether Silton. Consequently, as the proposal constitutes residential development within the main built form of the settlement, it gains support in principle from policy HG5.

The Impact on the Setting of School Farm

- 6.7 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.8 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building. Policy E5 of the Local Plan echoes this test of harm being weighed up against public benefit, as set out in national policy.
- 6.9 A professionally prepared Heritage Statement was submitted in support of this application. This concludes that the development will have a 'minor beneficial' impact on the setting of School Farm owing to the removal of the barn and the design and alignment of the proposal being suitable in comparison. Officers would broadly agree with this conclusion.
- 6.10 The existing barn is considered to have a harmful impact on the setting of the heritage asset at present. Whilst it is noted that School Farm as a former agricultural unit will have probably been set amongst outbuildings, the current barn is a 1980s building which is of an unattractive, functional design, that dominates views of the heritage asset from the east. In this respect, its removal is welcomed and this aspect of the works will in and of itself enhance the setting of the listed building.
- 6.11 The alignment of Lead Lane and the fact that the proposed dwelling is to be set back from the highway will open up views of the heritage asset upon approach from the east. The design of the dwelling will be explored in greater depth in subsequent sections of the report but on the whole, the barn-like vernacular is considered to be suitable for its location and in keeping with the rural character of the village. In this respect, it will sit comfortably alongside the listed building.
- 6.12 The quality of the design and suitable siting, in addition to the removal of the harmful barn, means that on the whole Officers are content that the development will not be harmful to the setting or significance of the listed building. It is therefore considered acceptable when assessed against policy E5 of the Local Plan and the requirements of the NPPF.
- #### Impact on the setting of the Conservation Area
- 6.13 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 6.14 The Heritage Statement submitted also assesses the impact on the setting of the Nether Silton Conservation Area. It also concludes that owing to the removal of an unsightly building and the improvement of the general approach to the Conservation

Area, the development will have a minor beneficial impact on the setting of the Conservation Area. Again, Officers would agree with this conclusion.

- 6.15 As set out above, the current barn is in a prominent location, being on the roadside and the first building that one sees upon approaches from the east. Owing to the size and design of the barn, it appears even more incongruous. This harmful feature will be replaced by a more suitably designed building that is more in keeping with the character of the rest of the Conservation Area. Views of the listed building, one of the focal points of the Conservation Area, will be opened up and more readily available - allowing one to experience this historic interest and architectural features of the Conservation Area as well.
- 6.16 As a result, the setting of the Conservation Area will be enhanced as a result of this development and consequently the proposal also complies with policy E5 and the NPPF in this respect.

Design

- 6.17 Policy E1 of the Local Plan concerns the design of development. Generally speaking it requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. It then goes on to list a number of design principles that help to achieve this overarching aim. These include ensuring development responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, as well as contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 6.18 The proposed design has clearly been informed by the rural character of the village. It is understood the design has taken inspiration from a traditional barn and features such as glazed vents and the 'hit and miss vertical timber' glazing and large stone head above the door, creating the illusion of a large barn opening, helps to ensure this is well executed.
- 6.19 Initially the scale and massing of the proposal was of concern in terms of the fact it may appear overbearing and harmful to the surrounding street scene. The surrounding buildings vary in size and orientation which creates a less formal frontage and "breaks up" the street scene. Officers wanted to ensure this character was respected. The subsequent reduction in height of the eastern-most section and the smaller single storey element to the front addresses this initial issue and will mean the dwelling would sit more comfortably within the surrounding context. The hedgerow to the front of the site is to be retained, which is welcomed. This will further soften the visual impact of the dwelling, especially when viewed from directly in front.
- 6.20 A 2.1m high stone wall was initially proposed to project from the eastern side of the building. The exact reason for this wasn't clear. The overly tall structure in such a prominent location would have been incongruous and thus was omitted. The small section of wall to the rear has been retained as this will effectively be invisible and will help to ensure mutual privacy for residents of both the proposed dwelling and School Farm.

6.21 The rear elevation in contrast to the front is in a more domestic, although relatively contemporary idiom. In order to achieve a satisfactory level of daylight into the habitable parts of the dwelling, bearing in mind the limited fenestration to the roadside elevation, the rear is dominated by glazing. These elements are not readily visible from the public frontage and do not as a result impact in any significant way on the appearance of the area.

6.22 All in all, the design of the proposed dwelling is considered to be appropriate for the location and a high-quality proposal. It achieves the requirements of policy E1 and is therefore ultimately acceptable.

Residential Amenity

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

6.24 Two of the objections received from members of the public raise concerns about the impact of the development on the privacy and daylight provision of Bellwood Cottage, a small two storey dwelling that sits opposite the site on the other side of Lead Lane. It is noted that Bellwood Cottage sits closer to the road, and thus the site, than may ordinarily be the case and therefore it may be more susceptible to an impact in this respect. The separation distance between the new dwelling and Bellwood Cottage will be 20m. It is worth noting that the lack of full-sized traditional windows in the elevation of the new dwelling that faces northwards, will significantly negate this problem when combined with the 20m separation distance. In terms of daylight provision for this adjacent existing dwelling, the height of the new dwelling and the separation distance will ensure that there will be no discernible difference in the amount of light reaching the property opposite. Reference is made in the objection to the width of the proposed dwelling. However, Bellwood will still sit directly within the gap between the new dwelling and School Farm, so the fact the dwelling will be wider than the barn is considered relatively inconsequential.

6.25 The separation distance between the dwelling and School Farm will ensure mutual privacy and daylight provision for both dwellings. There would be a large opening on the elevation of the new dwelling that will face School Farm, but this will look directly onto the blank elevation of an outbuilding and thus isn't considered to result in a loss of amenity.

6.26 The proposed dwelling will be served by ample natural light. Despite the lack of any windows on the front elevation, the glazed slits will serve only non-habitable rooms save for one bedroom on the first floor. This room will be served by an additional opening on the side elevation so will still receive ample daylight. There is adequate amenity space provided to both the front and rear of the dwelling. All in all, the living conditions of the occupants will be of a high standard.

6.27 The above assessment demonstrates that the proposal will ensure a high standard of amenity for both existing residents and the future occupiers of the proposed development. The proposed development is considered to comply with policy E2.

Ecology & Biodiversity

- 6.28 An Ecological Impact Assessment was submitted as part of the application. Also to note is the fact the site is within the 2.5km buffer zone around the North York Moors National Park and therefore policy E3 requires evidence of the extent to which the site and surrounding land is used by golden plover to ensure that loss of supporting habitat outside of the Special Protection Area does not occur. Policy E3 also requires all development to now demonstrate the deliverability of a biodiversity net gain.
- 6.29 The Ecological Impact Assessment concludes, following a desktop study and field survey, that several mitigation measures will be required to ensure no harm arises to breeding birds and bats. There will be no loss of potential bat roosting habitat but there will be a minor loss of sub-optimal foraging habitat (modified grassland). The removal of the existing pole barn will result in the loss of at least 1x passerine nest. These impacts are minimal and can be mitigated against through suitable measures. A condition ensuring the building is not removed during bird nesting season is recommended.
- 6.30 The assessment also addresses the potential impact on golden plover. It states "There is negligible risk of Golden Plover (*Pluvialis apricaria*), a Hambleton biodiversity action plan species utilising the site. There is no nesting habitat on-site (moorland habitat), and due to the small field size, and mature trees along the boundary, there will likely be an increased risk of predation, which will likely preclude winter foraging. Additionally, the site is within the village curtilage and is subject to frequent disturbance, which will likely inhibit use of the site by this species." On this basis, Officers are content no harm will arise and the requirements of policy E3 are met insofar as this issue is concerned.
- 6.31 The Ecological Impact Assessment also sets out that through additional planting along the eastern boundary and integral bat roost features, a net gain in biodiversity is deliverable. A condition ensuring final details of this to be submitted and approved, is recommended.
- 6.32 On the whole, the requirements of policy E3 are met and the impact on protected species and biodiversity is acceptable.

Highway Safety

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

Planning Balance

- 6.34 The proposal has been assessed as resulting in no harm to the significance of the adjacent listed building, as well as the Nether Siltan Conservation Area. Furthermore, the design is considered to be of a high quality and appropriate for the location more generally.

6.35 Compliance with policies E1 and E5 of the Local Plan is therefore assured. The impact on the living conditions of surrounding neighbours, as well as on the natural environment has been assessed as acceptable and no other technical issues have arisen. Approval is recommended on that basis.

7.0 Recommendation:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 216-03 Revision F, 216-06 Revision L, 216-05 Revision N and 216-04 Revision N; received by Hambleton District Council on 23.01.2023; unless otherwise approved in writing by the Local Planning Authority.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. There must be no installation of external lighting until full details of the lighting scheme are agreed in writing with the Local Planning Authority. The scheme must then be implemented in full accordance with this scheme.
5. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
6. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

7. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

8. The existing barn shall not be demolished during bird nesting season (March - August inclusive).

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

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

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

The reasons are:-

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1, E1 and E5.

3. To ensure that the appearance of the materials is suitable for the locality.
4. In order to protect the Dark Sky Reserve above the North York Moors National Park.
5. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.
8. In the interest of protecting nesting birds.
9. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
10. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
11. In the interest of public safety and amenity.

Parish:
Ward:
8

Committee Date: 16 February 2023
Officer dealing: Mr Mark Russell
Target Date: 18th July 2022
Date of extension of time:

22/01117/FUL

Application for continuation of site operations as a petrol station and retail shop (including deli element) to include food preparation area for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area.

At: Will and Freddie's, North Road Garage, Shipton by Beningbrough, North Yorkshire
For: Mr Thomas Brooke

This application is brought to Members given the complex planning history.

1.0 Site, context and proposal

- 1.1 The site lies approximately 1.2km to the north of the village of Shipton and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the application site with 2 more dwellings approximately 70m further north. The Wilson building lies immediately to the south of the application site and shares the same access, though approval has been given (22/01435/FUL) for an access from the A19 to site. This building is currently vacant.
- 1.2 The building was previously used as a car showroom, servicing, MOT station and petrol filling station; the petrol pumps are still in operation at the front of the site. A shop associated with the filling station used to occupy an area of 110sqm, approximately 40% of the original building.
- 1.3 The application seeks permission for the continuation of site operations as a petrol station and retail shop (including deli element) to include food preparation area for sale on the premises, and alterations to the arrangement for the provision of parking, manoeuvring with turning area.
- 1.4 The applicant has confirmed that the application is not retrospective. Some of the existing on-site operations are lawful (as addressed below) and others have been implemented pursuant to planning permission granted under application reference number 13/01238/FUL, "the 2013 permission".
- 1.5 The applicant further confirms that the red line plan approved as part of the 2013 permission was incorrect and so neither condition 4 nor condition 5 of the 2013 permission could be wholly complied with. A subsequent application (20/00794/MRC) to vary these 2 conditions was refused. notice. A subsequent appeal was dismissed as the red line plan was incorrect and the applicant had failed to serve the appropriate land ownership notice.

- 1.6 A further application was submitted under application reference 21/00209/MRC to vary condition 3 of planning permission 13/01238/FUL and enable the preparation of food for sale from the premises. This application was approved by the Council then challenged and subsequently the planning permission was quashed. The issue again related to an incorrect red line application plan and the appropriate service of notice.
- 1.7 A total of 13 car parking spaces are proposed including 4 disabled drivers' spaces, and 1 light goods vehicle space. The application indicates that two full time and 6 part time workers would be employed.
- 1.8 The original planning permission 13/01238/FUL imposed a number of conditions specifically those as set out below:

Condition 3 Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a Class A1 Shop for the sale of convenience goods as shown on drawing number 13- SHIP-PFP received by Hambleton District Council on 14 June 2013 and no food shall be prepared on the premises for sale.

Condition 4 Within 2 months of the date of this decision the vehicle parking, manoeuvring, and turning areas shall be constructed in accordance with the submitted Drawing no. 13-SHIP-PSP Rev A). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Condition 5 The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawings numbered 13-SHIP-PFP, 13-SHIP-PE1, 13-SHIP-PE2 and 13-SHIP-PSP Rev A received by Hambleton District Council on 14, 27 and 28 June, 21 August and 8 October 2013 unless otherwise approved in writing by the Local Planning Authority.

- 1.9 In essence the applicant has confirmed that the current application seeks to gain planning permission to continue the use of the of site operations as a petrol station and retail shop (including deli element) to include food preparation area for sale on premises through submission of an accurate red line plan together with alterations to the arrangements for the provision of parking, manoeuvring and turning areas within the site.

2.0 Relevant Planning History

- 2.1 2/79/131/0019D - Construction of a forecourt canopy. Permission granted 30/8/1979.
- 2.2 10/00378/ADV - Application for advertisement consent to display 7 non illuminated signs. Consent granted 12 April 2010
- 2.3 10/00377/FUL - Re-siting of two underground petrol tanks and three petrol pumps, alterations to the existing shop/car showroom and forecourt canopy and creation of car parking areas. Permission granted 12 May 2010.

- 2.4 12/02368/MRC - Application to vary condition 02 of planning approval 10/00377/FUL to amend the position of the pumps and tanks. Permission granted 8 February 2013.
- 2.5 13/01238/FUL - "the 2013 permission" - Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates. Permission granted on the 31 October 2013. The officer recommendation was to refuse the planning application, but this was approved at the Planning Committee on the 12 September 2013.
- 2.6 20/00794/MRC - Application for variation of condition No:4 (new drawing number for vehicle parking numbers SHIP-APR20) & No:5 (approved drawings - new drawing SHIP-APR20 - inclusion of shipping container for storage purposes only and to move and increase parking spaces from 12no to 16no, to remove fence and gate and the addition of 2no electric charge points) to previously approved application reference: 13/01238/FUL for the demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates as amended by plan received by Hambleton District Council on 21 August 2013 - Refused on 7 July 2020 for the following reason:

"The revised layout of the site fails to provide a safe environment for customers to visit whilst utilising the shop and deli facility. The absence of appropriate on-site parking and turning space for deliveries results in vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users. The proposal is therefore contrary to Local Development Framework policies CP1, DP3 and DP4 and as the proposal would result in an unacceptable impact on highway safety the proposal is also contrary to the NPPF, noting particularly the provisions of paragraph 109."

- 2.7 21/00209/MRC - Application for removal of condition 3 (specifically to no food shall be prepared on the premises for sale) to previously approved application 13/01238/FUL for Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates as amended by plan received by Hambleton District Council on 21 August 2013.
- The was granted planning permission on 6 May 2021, that decision was challenged and subsequently the decision was quashed (as referred to below). Following that quashing of permission, the planning application was withdrawn.

Judicial Review

- 2.8 The above planning permission (21/00209/MRC) has been the subject of a Judicial Review. The Claimant Mr Wilson who owns the building to the south of the subject site applied for permission to judicially review this decision on the following grounds:
- Grounds 1 and 2 related to the applicant's failure to notify Mr Wilson (as owner of part of the application site) of the application.

- Ground 3 related to the implications of the applicant of not owning part of the site.
- Ground 4 related to the consideration of Highways matters in determining the application.
- Ground 5 was an additional ground of claim which was submitted after the Council filed its defence. The Council had relied on 'Highways Note' in consideration of the application, however, that Highways Note was not published on the Council's website.

Ultimately, the Council consented to judgment on Ground 5 as set out above.

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. Relevant policies of the Development Plan include;

Local Plan Policy S1: Sustainable Development Principles
 Local Plan Policy S5: Development in the Countryside
 Local Plan Policy S6: York Green Belt
 Local Plan Policy E2: Amenity
 Local Plan Policy IC2: Transport and Accessibility
 Local Plan Policy EG3: Town Centre Retail and Leisure Provision
 Local Plan Policy EG7: Businesses in Rural Areas
 Local Plan Policy EG8: The Visitor Economy

4.0 Consultations

- 4.1 Shipton-by-Beningbrough Parish Council – The Parish Council would note there is no Highways report regarding the proposals in the application. The PC notes cars entering and exiting this garage are a cause of frequent accidents on the A19. While the entrance/ exit system is felt to be a positive step to trying to mitigate dangers, there is concern that the proposed signage (Entrance Only/ Exit Only) is too large (particularly too high) and will block visibility further for cars exiting the forecourt onto the A19. The visuals of the signs show the station logo which makes the signs considerably larger than necessary. The Parish Council is also confused with regards to the proposed flow pattern once cars are on the forecourt – the logical pattern for cars to maximise flow and minimise obstruction would appear to be a clockwise flow around the back of the building for those parking up to use the shop only. This does not appear to be the case on the plans. Can this be clarified, and an explanation be given?
- 4.2 NYCC Highways – Offer no objection. The highway engineer sets out: I do not have an objection to the proposal. I have previously visited the site and assessed the routeing and measured the “pinch point” and confirmed that it works. I have also agreed to the placing of signage within the public highway to give some clarity to the

use of access and flow around the site subject to a size and location that does not impact driver visibility. The details shown within planning application 22/01288/ADV accord with the requirements of the Local Highway Authority.

- 4.3 Yorkshire Wildlife Trust – No comments
- 4.4 North Yorkshire Police: Having reviewed the accompanying documents and drawings that were submitted with the application, I have no comments to make in relation to Designing Out Crime.
- 4.5 Environmental Health (contaminated land)- I have assessed the application, and from a contaminated land perspective I have no observations/comments at this stage. Therefore, I have no objections to this application.
- 4.6 Environmental Health (Residential Services) This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections to the application.
- 4.7 National Highways – offer no objections and recommend approval stating the reason: The improvement works should improve the onsite operation and subsequently minimise the impact on the A19.

National Highways has been appointed by the Secretary of State for Transport as a strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity.

- 4.8 MOD – Offer no safeguarding objection.
- 4.9 Site notice/local residents – 9 letters of objection have been received from one person who owns the building south of the subject site. A summary of these are as follows:

Blocking of entrance to objectors' site - regularly congested and obstructed by customers of, and deliveries to, Brookes Garage despite the requirement of planning condition 4 to the 2013 Planning Permission requiring that such areas must be "...maintained clear of any obstruction and retained for their intended purpose at all times". The objector will not surrender the easement across the highway frontage of Brookes Garage that passes between the A19 and the fuel pumps.

Petroleum Certificate -The NYCC Petroleum License can often prevent the objector's use of the North entrance as temporary closure of access to the Hazardous Zone Area is required during tanker refuelling operations. If HDC approve the current Planning Application for Brookes, the objector claims that access to his site would be fully prevented as users will be unable to enter via the south entrance.

Unaccredited Statements - HDC have accepted and published unaccredited documents (Highways Supporting Statement and a Design & Access Statement).

Parking - On the Planning Application it is claimed that the parking spaces will increase from 12 to 13. The objector considers that the parking provision is inadequate, that parking occurs on the lawful access route to the adjoining site to the south and on the exit route from the Brookes garages site, that the scheme is an overdevelopment and alleges that the increase is dependent on:

- Removing the requirement for landscaping where the site joins objector's site.
- The parking spaces 6 to 11 (6 parking places) on the "Site Plan as Proposed" are marked in the area previously allocated for landscaping. NB: This is currently used for "unofficial" parking.
- When the landscaping is put in place this will result in parking spaces reducing from 12 to 7, of which 2 are for disabled parking. A loss of 5 parking places.
- The application makes no allowance for up to 4 cars that usually park at the residential dwelling.
- The application makes no allowance for staff parking.
- The application makes no allowance for the parking of fuel tankers.
- The application makes no allowance for the parking of vehicles queuing to use the jet wash – this will obstruct the "one-way system" and the delivery access.
- The application makes no allowance for the parking of vehicles to pick up heavy gas bottles from the front of the shop.
- No coach parking or turning space is available.

Parking Signage

Entry – One Way sign is suggested to be placed behind the objector's "concrete buffers". The objector states that the applicant has no right of a view across his site.

Highway Safety –

- The proposal fails to address highway safety adequately.
- The site layout results in vehicles waiting on and reversing on to and off the A19, resulting in a dangerous obstruction to traffic on the A19
- The signage at the entry and exit will be a clear obstruction to the required sight lines and thus cause a danger to road safety on the A19.
- As all signage must give their message to road users clearly and unambiguously, how will this be achieved after the entrance?
- As evidenced by the Land Registry the grass verge next to Brookes Garage is not owned by the applicant so where would the required signage be erected?
- All signage on the Public Highway must be contained in the Traffic Signs Regulations and General Directions (TSRGD) 2016 – the suggested signage is not contained in the TSRGD.
- Any prohibition on the Public Highway - as these signs will - can only be enforced with lawful signage and would require a TRO (Traffic Regulation Order). An advertisement consent cannot be approved in relation to giving messages to road users.

- 2013 Application – False Plans. The application must be considered in full knowledge that the application was only approved due to false plans being submitted. These plans claimed that the objector’s land was owned or leased by the applicant. This was, and continues to be, incorrect.

HGV manoeuvres –

- HGVs are unable to both manoeuvre and turn around on the Brookes Garage site and therefore a danger to Highway Safety, resulting in reversing on to and off the A19.

5.0 Analysis

- 5.1 The issues to be considered include the principle of development; whether the continuation of the existing uses is still acceptable in this location; the impact on the amenity of neighbouring residents, highway matters and the petroleum certificate relating to the subject site. It is important to consider whether the previous reason for refusal 20/00794/MRC that set the following has been addressed. “...turning space for deliveries results in vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users.”

Principle of development

- 5.2 The principle of a shop (but not the on-site preparation of food for sale) has already been established through the planning consent, reference number 13/01238/FUL. The petrol station element was established in 1957. The site is in both open countryside and within the York Green Belt and Local Plan strategic policies S1, S5 and S6 apply (including reference to the NPPF), as no additional built development is proposed and the scheme is not a material change of use of land, the determination is made with reference to the Local Plan development management policies referred to in the remainder of this report.

Continuation of the current uses

- 5.3 It is necessary to consider whether the use of the Site as a petrol station and retail shop (including deli element) to include the on-site preparation of food for sale on the premises is acceptable.
- 5.4 It is considered the petrol station with the retail element is a rural business and therefore Local Plan Policy EG7: Businesses in Rural Areas is engaged here. The Policy states that employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:

- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
- b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or

- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
- d. other proposals specifically requiring a countryside location.

- 5.5 As set out in paragraph 1.7 of this report a condition 3 attached to the planning permission 13/01238/FUL prohibits the on-site preparation of food for sale. Notwithstanding that prohibition, the on-site preparation of food and the sale of that food is sought through this planning application.
- 5.6 The purpose of Policy EG7 is to promote a vibrant rural economy within the district's extensive countryside to support businesses with a genuine need to be located in the countryside. In terms of this Policy, it is considered that the proposal is compliant with sub-paragraph (d). It comprises a change to the operation of an existing business (to allow the on-site preparation of food for sale), that requires a countryside location (given the existing location of that business).
- 5.7 Local Plan Policy EG3 states under *Outside defined Town, District and Village Centres* that outside the defined centres in the hierarchy, the Council will seek to maintain and, where appropriate, enhance retail facilities that provide for local needs. It is considered that the retail element of the business does provide further retail provision in the local area with the further provision of food prepared and sold on the premises. It is noted there is no known facility of this kind within the village of Shipton by Beningbrough, which is the nearest settlement being less than a mile away from the subject site and therefore it can reasonably be concluded that the expanded on-site food preparation and retail function of the proposal will serve local needs and some weight can be afforded to this benefit.
- 5.8 It is considered that retail element of the proposal is in accordance with the Council's Local Plan Policies.

Impact on residential Amenity

- 5.9 Policy E2 Amenity 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. The purpose of this policy is to ensure that the physical environment created by new development protects and promotes a high standard of amenity both for future occupiers and users, and for surrounding uses. Whilst the policy is particularly relevant to residential development it is still applicable here to this proposal.
- 5.10 The site is located adjacent to the A19 and one residential property which is within close proximity to the site. The applicant has confirmed that all ingredients will be sourced from existing suppliers who are already delivering to the site and the preparation of food on site would not lead, it is considered, to an increase in delivery vehicles visiting the site.
- 5.11 Having regard to the policy E2 and in particular, to the eight limbs of the policy a - g inclusive it is considered that the proposal is compliant with this policy for the following reasons:

- There would be no loss of daylight or sunlight from the proposed use and will not result in any significant effects of overshadowing and the need for artificial light;
- The proposal would not be overbearing, oppressive or overbearing impacts, and in particular will not result in overlooking causing loss of privacy for any residents;
- there would be no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character, Additionally the Environmental Health service have commented that it has considered the potential impact on amenity and the likelihood of the development to cause a nuisance, and consider that there will be no negative impact. Therefore, the Environmental Health Service has no objections to the application.
- adequate and convenient provision is made for the storage and collection of waste and recycling to the rear of the main building;
- there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation;

5.12 It considered taking all this into account that the development is in accordance with Local Plan policy E2.

Highway matters

5.13 The applicant proposes a number of alterations to the internal layout. These are described by the applicant as follows:

- Additional customer parking is provided compared to 12 existing car parking spaces as well as an area for the manoeuvring of service vehicles delivering to the site and customer routing throughout the site.
 - Relocation of the five parking spaces to the rear of the existing store, the introduction of a new internal one-way circulation system and the formalisation of the delivery area and company van parking to the rear of the store.
1. The parking spaces would be relocated to the south of the building regularising the parking area adjacent to spaces 11 and 12.
 2. One additional parking space would also be provided, taking the total car parking provision to 13 spaces and 1 light goods vehicle space. The relocation of parking creates two formal parking areas and facilitates the introduction of a specific delivery area to the rear of the main building.
- A designated company van parking space would be provided to the north of the jet car washing facility.
 - A one-way system would be put in place, directing vehicles around the southern extent of the store through directional road markings.

- Before the parking area to the south, signage would be added to the south-eastern corner of the store setting out: 'Entry – One Way'; and 'Entry – Max Width 3.2m'. Signage would be placed at the back of the highway verge at the site access and egress (on private land that is owned by the applicant and off the adopted highway) that sets out 'Entry Only' and 'No Exit' for the ingress and 'Exit Only' and 'No Entry' for the egress. The applicant has stated that the introduction of the concrete bollards by the adjacent landowner to delineate his boundary leaves a 3.7m distance between the bollards and the building. This has been reduced to 3.2m to provide an additional safe distance for vehicles. These details together with the proposed internal site movement arrangements, parking and signage have all been discussed and agreed with NYCC highways who have raised no objections to the application proposals.
- Signage will also be placed to the north of the store that sets out 'Deliveries Only to Rear of Building'; and 'Parking to Right of Building' to provide directional instructions for both customer and delivery trips.
- Refuse Collection and Servicing will be conducted to the rear of the store, forming a service area which is facilitated by the relocation of the five car-parking spaces.

5.14 The proposal does not reduce the need for travel, although given the location of the site adjacent to the A19 journeys to the site are necessary. As part of the application, the applicant is seeking to prepare and sell food products on site. Food is currently sold on site as part of the business, however this is prepared off site by third party suppliers and delivered to site by those companies using their delivery service vehicles. If food is prepared on-site, the applicant has confirmed that all ingredients will be sourced from existing suppliers and the level of deliveries will remain the same.

5.15 It is considered that the provision of food prepared on the premises may attract visitors to the shop without making a linked trip for fuel. It is considered that the trip generation from this source is likely to remain small and not significant to the overall level of activity at this Site. The applicants submitted Highway Statement concludes that the proposals will regularise the existing layout by creating a formalised parking area to the south of the main building and a one-way system throughout the site to facilitate customer and delivery trips to/from the site. The relocated parking area and increased parking provision will provide an improvement to the existing situation leading to the safer operation of the site.

5.16 In regard to the parking on the site, a specific layout was approved under the 2013 planning permission. However, it became evident to the Council that the parking had not been laid out as shown in accordance with these plans. A subsequent application was submitted to vary the approved plans under planning reference: 20/00794/MRC, and was refused planning permission for the following reason:

"The revised layout of the site fails to provide a safe environment for customers to visit whilst utilising the shop and deli facility. The absence of appropriate on-site parking and turning space for deliveries results in

vehicles parking in a manner that is detrimental to the free flow of traffic on the A19, the adjoining highway, and would be a danger to all road users. The proposal is therefore contrary to Local Development Framework policies CP1, DP3 and DP4 and as the proposal would result in an unacceptable impact on highway safety the proposal is also contrary to the NPPF, noting particularly the provisions of paragraph 109."

5.17 At the time of the 2020 application NYCC Highways recommended the refusal of the planning application on the following grounds:

"The Planning Authority considers that in the absence of adequate on-site parking and manoeuvring space the proposed development would be likely to result in vehicles being parked in a manner that is detrimental to the free flow of traffic within the site with consequent danger to users."

5.18 The applicant appealed against the 2020 decision to the Planning Inspector who dismissed the appeal owing to the fact that third party evidence including a Land Registry Title Plan showed part of the land subject to the planning appeal, to be outside the ownership of the appellant. The Inspector concluded that in such instances Section 13 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires that an applicant for planning permission must give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates.

5.19 Additionally in arriving at his decision the Inspector commented that he was not presented with any evidence that the above requirements of notification to other owners have been complied with and so on this basis the appeal should be dismissed.

5.20 North Yorkshire County Council (Highways) in relation to this 2022 planning application (22/01117/FUL) have raised no objection to the application.

5.21 As set out in 4.9 of this report the application has received a number of objections, some of which focus on highway safety issues. Regarding these, the following should be noted:

- The Highway Authority have commented that the Traffic Signs Regulations and General Directions 2016 (TSRGD) is not relevant to this application. The signs are advisory only and would be subject to a separate licence between the Local Highway Authority (LHA)] and the applicant.
- The location and size of the signage was discussed with NYCC Highway Authority and this has been confirmed by them. The Highway Authority also confirm that the size and location does not impinge on the required visibility.
- The applicant has confirmed that the application proposals do not impact on the adjacent landowners (objectors) easement (registered on the 23rd of December 2019) or their right of way.
- The applicant has confirmed that proposed signage is to make traffic and visitors to the site aware of what manoeuvring is expected of them. This has been discussed

with NYCC highways with the objective of enhancing the safety of road users and traffic using the application site's facilities.

- The applicant has confirmed that the current application does not amend any of the entrance or exit points to the site. They remain as they are currently. The arrangements proposed have been discussed and agreed with NYCC highways to improve the overall situation and no objections are raised to the proposals.
- The Highway Authority have confirmed that sign is not a “prohibition” sign and that the signs are “advisory” only and siting of the signs would be subject to a separate licence between the Local Highway Authority and the applicant. The advisory signs would not preclude access to the Wilson building via either the entry or exit route.
- In relation to the objector's observations, it must be borne in mind that planning permission has been granted (reference 22/01435/FUL) for the formation of a new access from the A19 highway into the objector's vacant premises to the south of the subject site. This new access would be formed some 10 metres north of the vacant building. A supporting statement accompanying the planning application dated April 2022 states that *the proposed new access would be formed in the verge in the position indicated on the accompanying plans and be formed to create a one-way system within the site to avoid potential conflict at the entrance.*
- The Supporting Statement concludes *that the proposed access would significantly improve the safety of vehicles entering and leaving both the garage and retail unit site and reduce the likelihood of conflict at the entrance and exits which would avoid undue delay reducing the frequency of stationary vehicles on the main highway.*
- It is considered that the proposed alterations to the arrangement for the provision of parking, manoeuvring with turning area would a more efficient use of the site with the additional customer parking as well as an area for the manoeuvring of service vehicles delivering to the site and customer routing throughout the site.
- There would be no additional floor space resulting from the proposal and it is further considered there would be limited intensification of the existing uses.
- The relocation of the five parking spaces to the rear of the existing store; the introduction of a new internal one-way circulation system; and formalisation of delivery area and company van parking to the rear of the store is to be welcomed and means that any potential conflict to the front of the site where most vehicle movements would occur between the applicants and the site to the south should be kept to a minimum.
- Similarly, the applicant is proposing to relocate parking spaces to the south of the building regularising the parking area adjacent to spaces 11 and 12 as set out in the existing site layout plan. One additional parking space will also be provided, taking the total parking provision to 13 spaces.
- The relocation of parking creates two formal parking areas and facilitates the introduction of a specific delivery area to the rear of the main building. A designated company van parking space will be provided to the north of the jet car washing facility. To ensure the relocated parking spaces are accessible following the use of

the pumps, a one-way system would be put in place, directing vehicles around the southern extent of the store through directional road markings.

- Signage is proposed at the south-eastern corner of the store setting out: 'Entry – One Way'; and 'Entry – Max Width 3.2m'. Signage will be placed at the back of the highway verge at the site access and egress (on private land that is owned by the applicant and off the adopted highway) that sets out 'Entry Only' and 'No Exit' for the ingress and 'Exit Only' and 'No Entry' for the egress. Signage to the north of the store is proposed to state: 'Deliveries Only to Rear of Building'; and 'Parking to Right of Building' to provide directional instructions for both customer and delivery trips.

- 5.22 Taking the above into account it is considered that highway safety would not be compromised as a safe physical access can be provided to the proposed development from the highway networks. Additionally adequate provision for servicing access can be incorporated and appropriate provision for parking.
- 5.23 It is therefore considered that having regard to the above that the proposal from a highways perspective is compliant with Local Plan Policy IC2: Transport and Accessibility and the overarching principles of the National Planning Policy Framework.
- 5.24 Weighing up all the policies and the issues raised as set out above it is considered that the proposal is acceptable and meets the terms of the Local Plan policies as set out accordingly. The alterations to the manoeuvring and further car parking provision are supported by the Highway Authority who offer no objection.
- 5.25 In arriving at this recommendation consideration has been given to the objector's comments which has raised important issues relative to the determination of the application. These have been considered accordingly with input from statutory consultees including NYCC Highways and Trading Standards but ultimately this recommendation has been arrived at independently based on the provisions of the Local Plan and the nature of the proposal that is being proposed.
- 5.26 This is an existing business that has been lawfully established for a number of years. The inclusion of a food preparation area for sale on premises and alterations to the arrangement for the provision of parking, manoeuvring with turning area have been addressed appropriately. There are no reasons that would justify a refusal of planning permission on highway matters.

Petroleum Certificate

- 5.27 As set out in paragraph 4.13 concerns have been raised in respect of the extant petroleum certificate.
- 5.28 NYCC Trading Standards were consulted in relation to this. Their comments made via letter dated 28 October 2022 are in relation to: general considerations of the petroleum certificate, turning circle, submitted plans (in relation to the petroleum certificate), concrete blocks, plans and right of way. These are as follows:

General consideration - It should be noted that the criteria for the consideration of the issue of a petroleum certificate are solely those set out in Regulation 6 of the

Petroleum (Consolidation) Regulations 2014. That is, whether North Yorkshire County Council, as the petroleum enforcement authority, is ‘...satisfied that the containment system for petrol at the dispensing premises, including storage tanks, pipework, and dispensers, may reasonably be used to store petrol and would not create an unacceptable risk to the health or safety of any person.’ The petroleum enforcement authority shall only provide comment in respect of matters outlined above by addressing the requirements of Regulation 6 of the Petroleum (Consolidation) Regulations 2014.

Turning circle - For fuel delivery tankers accessing the site, the position and location of the tanker stand follows the APEA Blue Guide by allowing tankers to enter the site and unload without the need to reverse or make other manoeuvres and provides a clear exit route in a forward direction. In this instance, upon entry to the site via the north entrance/exit, the fuel delivery tanker drives onto the designated fuel delivery stand parallel to the A19. Following the fuel drop, the tanker drives forward to exit the site via the south entrance/exit.

The designation of the tanker stand means that the tanker does not use a turning circle or other similar manoeuvre. Consideration has been made of other on-site activities and vehicle movements such as shop or car wash customers and other delivery vehicles on the site, based on the submitted plans and a site visit. The Blue Guide sets out considerations for vehicle movements as far as such movements could impact on the safety of containment and dispensing of petrol.

The introduction of a one-way system for vehicles accessing the site, along with clear signage, would also follow the APEA Blue Guide by further reducing the possibility of vehicles making unnecessary manoeuvres on the forecourt as this activity takes place to the rear or side of the shop. Designated parking spaces and the area for non-petroleum deliveries are currently sited outside of the immediate forecourt area and allows manoeuvres to be made without compromising safety around the fuel dispensers.

Plans -The plans that were submitted to our service are satisfactory for petroleum certification purposes and have been considered during a site visit. Our inspector did note that whilst parking spaces to the rear of the shop building were depicted on the plans they were not actually marked up for use as parking areas on site, this in turn gave greater space for vehicle manoeuvre to the rear of the shop. This is not in the vicinity of the forecourt area or any dispensing of fuel. It does not impact arrangements for the containment or dispensing of petrol.

Concrete blocks - The blocks on the site perimeter do not affect the containment system for petrol and are not in the vicinity of the forecourt area.

Right of way - Issues relating to rights of way are civil matters, and not a consideration for petroleum certification. The objector has been advised previously that this is the case. NYCC Trading Standards (in a further letter to the Objector dated 14 November 2022) states that during tanker fuel delivery it is not necessary to close this site in full, however, it is necessary to temporarily close areas that are within the hazardous zone. It is possible to close off all fuel deliveries without closing down the whole site.

The bollards are not sited on the tanker delivery area and the tanker does not enter the area where the concrete blocks are located. The tanker or fuel delivery is not inhibited by the concrete bollards and the bollards are not within the hazardous zone. Details associated with the rights of access are not a petroleum licensing function.

Planning Balance

- 5.29 The application for the continuation of site operations as a petrol station and retail shop (including deli element) to include food preparation area for sale on premises including alterations to the arrangement for the provision of parking, manoeuvring with turning area is considered acceptable and is compliant with those policies as set out above in this report.
- 5.30 The Economic Objective - The economic benefits are, in accordance with the NPPF, afforded reasonable weight as the operation of the development generates full-time jobs and be likely to generate spin off employment with the applicant indicating that there would be the creation of two new full time staff jobs.
- 5.31 The Social Objective - The proposed development has a small benefit by improvement to the retail function and has been afforded limited weight. The development is not inappropriate development in the Green Belt and there is no harm to the York Green Belt. The proposal would provide accessible facilities for residents and road users.
- 5.32 The Environmental Objective – There is no significant environmental impact.
- 5.33 The proposal would support the Council's objectives through promoting Hambleton as a recognised location for business by meeting the needs of new and expanding businesses. It is considered that the proposal provides improved parking arrangements, to reduce congestion and the likelihood of vehicles queuing or reversing onto the highway.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition:
1. The development hereby permitted shall be begun within three years of the date of this permission.
 2. Within 2 months of the date of this decision the vehicle parking, shall be marked on the ground in accordance with the submitted Drawing no. 002 Rev B dated 8.4.2022).
 3. Within 1 month of the date of this decision a plan to show the areas of manoeuvring and turning shall be submitted for the written approval of the Local Planning Authority. Within 1 month of the date of the approval of the plan showing the areas of manoeuvring and turning the areas shall be made clear and kept clear of any obstruction and retained for their intended purpose at all times

4. Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special Development Order for the time being in force relating to 'permitted development' the premises shall not be used for any purpose other than a petrol station and retail shop (Use Class E)(including deli element) including food preparation area for sales on the premises as shown on drawing number 002 Rev B dated 08.04.2022 (Site plan as proposed) and drawing number 004 Rev A 8.4.2022 (Floor plan as proposed) received by Hambleton District Council on 5 May 2022.

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. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan Policies E2: Amenity Local Plan Policy IC2: Transport and Accessibility.
3. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan Policies E2: Amenity Local Plan Policy IC2: Transport and Accessibility
4. The development is only considered acceptable as an exception to the control of retail uses outside defined centres on the basis that Shipton does not have a village store and the development provides a similar facility and in order to prevent any alternative use, which would require further consideration by the Local Planning Authority in terms of location, access, parking and amenity in accordance with Local Plan Policies.

Informative

The permission granted does not include use of the premises as a Hot Food Takeaway.

Parish: Shipton
Ward: Easingwold
9

Committee Date: 16 February 2023
Officer dealing: Mr Mark Russell
Target Date: 17.08.2022
Date of extension of time:

22/01288/ADV

Application for advertisement consent for 1No. site entry and 1No. exit non-illuminated signage for existing on-site business.

At: Will and Freddie's Garage, Beningbrough, North Yorkshire
For: Mr Thomas Brooke

This application is brought to Members owing to the complex planning history relating to the subject site.

1.0 Site, context and proposal

- 1.1 The site lies approximately 1.2km to the north of the village of Shipton and is sited on the eastern side of the A19. The site lies within the York Green Belt. A dwelling lies immediately to the north of the application site with 2 more dwellings approximately 70m further north. A vacant former retail store and takeaway lies immediately to the south of the application site.
- 1.2 The subject building was previously used as a car showroom, servicing, MOT station and petrol filling station; the petrol pumps are still in operation at the front of the site. A shop associated with the filling station used to occupy an area of 110sqm, approximately, 40% of the original building.
- 1.3 The application seeks advertisement consent for 1 site entry and 1 exit non-illuminated sign for the existing on-site business.

2.0 Relevant planning history

- 2.1 2/79/131/0019D - Construction of a forecourt canopy. Permission granted 30/8/1979.
- 2.2 10/00378/ADV- Application for advertisement consent to display 7 non illuminated signs. Consent granted 12 April 2010
- 2.3 10/00377/FUL - Re-siting of two underground petrol tanks and three petrol pumps, alterations to the existing shop/car showroom and forecourt canopy and creation of car parking areas. Permission granted 12 May 2010.
- 2.4 12/02368/MRC - Application to vary condition 02 of planning approval 10/00377/FUL to amend the position of the pumps and tanks. Permission granted 8 February 2013.
- 2.5 13/01238/FUL | Demolition of existing extension, change of use of existing car showroom, MOT car servicing garage to class A1 use (retail) along with external alterations, single storey extension, formation of car parking and construction of boundary fence and gates. Permission granted on the 31 October 2013. The officer

recommendation was to refuse the planning application, but this was approved by Planning Committee on the 12 September 2013.

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. Relevant Development Plan policies are:

- Local Plan Policy EG6: Commercial Buildings, Signs and Advertisements
- National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Shipton Parish Council would like to reiterate their previous response to this application: The Parish Council would note there is no Highways report regarding the proposals in the application. The PC notes cars entering and exiting this garage are a cause of frequent accidents on the A19. While the entrance/ exit system is felt to be a positive step to trying to mitigate dangers, there is concern that the proposed signage (Entrance Only/ Exit Only) is too large (particularly too high) and will block visibility further for cars exiting the forecourt onto the A19. The visuals of the signs show the station logo which makes the signs considerably larger than necessary.

4.2 Highways North Yorkshire - The details shown within planning application 22/01288/ADV accord with the requirements of the Local Highway Authority.

4.3 Site notice –One letter of objection has been received a summary of which is as follows:

- Application form: there are numerous false statements, omissions and unacceptable aspects on the application:
- Will the advertisement be illuminated?
- Will the proposed advertisement(s) project over a footpath or other public highway? – No – This is false as they will be fully on the Highway.
- The application is for a period of 50 years, this is unacceptable in the extreme.
- Does the applicant own the land or buildings where the adverts are to be placed? – Yes – This is false as no one owns the Highway where the applicant wants to place the proposed advertisements.
- Declaration - I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate – The applicant/agent has agreed to this statement. I have demonstrated in number 1, 2 and 4 that this is false. The plans submitted by the applicant/agent clearly confirms that they are aware of this.

The objector also would suggest to HDC Planning, NYCC Highways and the applicant to be mindful of the following:

- The purpose of the signage is to give messages to road users on the Public Highway. As such, all signage must be contained in the Traffic Signs Regulations and General Directions 2016 (TSRGD) 2016.
- The signage at the entry and exit will be a clear obstruction to the required sight lines and thus cause a danger to road safety on the A19.
- It is suggested to erect the “entry only” sign after the entry. As all signage must give their message to road users clearly and unambiguously, how will this be achieved after the entrance?
- As evidenced by the Land Registry and the Plans submitted the grass verge next to Brookes Garage is not owned by the applicant so where would the signage be erected?
- All signage on the Public Highway must be contained in the TSRGD 2016 – the suggested signage is not contained in the TSRGD.
- Any prohibition on the Public Highway - as these signs will - can only be enforced with lawful signage and would require a TRO (Traffic Regulation Order). An advertisement consent cannot be approved in relation to giving messages to road users.
- As the signage is not as prescribed as per the TSRGD it will fail to give messages to road users in the dark as it will not be reflective.
- The applicant must have two “No Exit” signs at the entrance to ensure vehicles do not exit via the entrance. The applicant has failed to include these.
- The applicant must have two “Entry Only” signs at the entrance to ensure adequate signage for a 60-mph road. The applicant has only included one of these.
- All signage on the Public Highway must be contained in the TSRGD 2016. Any prohibition on the Public Highway must be covered by a TRO (Traffic Regulation Order).
- The applicant must have two “No Entry” signs at the exit to ensure vehicles do not enter via the exit. The applicant has failed to include these.
- The applicant must have two “Exit Only” signs at the exit to ensure vehicles leave via the exit. The applicant has only included one of these.
- All signage on the Public Highway must be contained in the TSRGD 2016. Any prohibition on the Public Highway must be covered by a TRO (Traffic Regulation Order).

- The one-way system is an impossibility as I, and all visitors to my site, have an easement (right of way) from both entrances to access and egress my site. This also includes the area between the fuel pumps and the A19. I do not have a right of access between the fuel pumps and the shop.
- This easement is a business asset. I place on the public record that I will not surrender my easement and that I will continue to exercise my full right of way.
- My easement means that there cannot be a one-way system as proposed at Brookes Garage without my agreement. I confirm that the applicant does not have my agreement.
- This makes the intended purpose of the signage null and void – thus it will be mere road clutter.

4.4 In response the above the applicant has responded as follows:

The Application Form

- The applicants have confirmed that the signage will be non- illuminated.
- Signage will be sited on adopted highway land and approval for this is being sought.
- The period is for 5 years at which point a renewed consent is required.
- The No box should have been ticked – an amended application form has been submitted.
- The siting of the signage has been agreed with NYCC highways.
- The signage is to be sited on adopted highway land.

5.0 Analysis

5.1 The key issues to consider are the impact of the signage on the visual amenity of the surrounding area and the impact on public safety.

5.2 It is important to understand the lawful position with regard to existing signage at the site. Many forms of signage do not require a formal application for advertisement consent as they are granted deemed consent under the Advertisement Regulations 2007. In terms of the signs that exist on site presently these can be summarised as follows:

- On pump area roofing – Gulf & Brookes – Classes of Advertisement benefiting from deemed consent -Class 5 – (namely notices, signs and advertisements to draw attention to any commercial services, goods for sale, or other services available at the premises) - the name of the firm or person providing the service at the premises.
- The Vacuum/Jet Wash and Parking Signs – Classes of Advertisement benefiting from deemed consent – Class 2(A) – notices or signs to be displayed on buildings or land as means of identification, direction or warning.
- The long green signs above the main frontage of the shop – ‘Your locally sourced quality produce’ – Classes of Advertisement benefiting from deemed consent – Class 5 – (namely notices, signs and advertisements to draw attention to any commercial services, goods for sale, or other services available at the premises) - the goods for sale or the services available.
- Several portable signs by the main front verge (3), gas bottle sign by gas bottle

cages and one A board by the shop – Classes of Advertisement benefiting from deemed consent – Class 6 – Advertisements on forecourts of business premises – (notices, signs or advertisements at ground level) – total permitted area for all forecourt advertisements must not exceed 4.6 square metres. These do not exceed 4.6 square metres and therefore are deemed consent.

- There is no fuel prices advertisement sign to the front verge now although the large white pole remains.

5.3 Local Plan Policy EG6 states that signs and advertisements will only be supported where they:

- Respect the character and appearance of the area, site or host building being of appropriate siting, location, design, size, scale, number, colour and method of illumination, working with the architectural features of any buildings against which they would be viewed.
- Would not be the dominant feature of any location, leading to an excessive, visually cluttered or over-bearing appearance.
- Do not contribute to an unsightly proliferation or clutter of signs/advertisements in the vicinity.
- Do not interfere with footpath or highway safety, block routes in any way, cause obtrusive light or cause any other safety hazard.

5.4 Paragraph 136 of the NPPF states that the quality and character of places can suffer when advertisements are poorly sited and designed.

5.5 The applicant is seeking advertisement consent for 1 site entry and 1 exit non-illuminated sign for the existing on-site business. The applicant has confirmed that all of the signage will be non-illuminated and will be sited on adopted highway land and separate approval for this is being sought from the Local Highway Authority whom have confirmed that the signs are advisory only and would be subject to a separate licence between the Local Highway Authority and the applicant.

5.6 There would be two V shaped signs for the entrance and exit of the site. These would both be 1.0 metres in height as measured from the ground and 600 mm in width.

5.7 As set out in paragraph 5.2 of this report there are a number of signs present on site. There is a large totem pole sign typical of a petrol station located on the grass verge to the west of the subject site, which has been established for a number of years. In addition, there are three other separate smaller adverts of a temporary nature with the largest being just over one metre in height, all of which are located on the grass verge. The applicant has indicated that these would be removed should the two 'V' shaped signs be approved.

5.8 It is considered that small scale of the signs, the position, number, colour and absence of illumination are such that the proposal would not cause significant harm or adverse impact to the appearance, character or setting of the surrounding area,

the site, or adjacent uses and in terms of their siting. The proposal is compliant with Local Plan policy EG6.

- 5.9 The removal of the smaller signs from the grass verge would declutter the area.
- 5.10 The Highways Authority have commented that the proposed signage accords with their requirements and therefore recommend the application for approval.
- 5.11 The issue of easement as referred to by the objector above is a legal matter and not relevant to planning. The signs are “advisory” and those with a right of access (easement) are not prohibited from access against the direction indicated in the signage.
- 5.12 Having regard to the General Observations section (4.4) of this report, the following should be noted:
- The Highway Authority have confirmed that the Traffic Signs Regulations and General Directions 2016 (TSRGD) is not relevant to this application. The signs are advisory only and would be subject to a separate licence between the LHA and the applicant.
 - The applicant has confirmed that the location and size of the signage was discussed and agreed with NYCC highways prior to the application being submitted. If required, it could be re-sited. The Highway Authority have confirmed that this statement from the applicant is correct and that the size and location does not impinge on the required visibility.
 - NYCC Highways can grant consent for signage within the highway, and this has been further confirmed by the Highways Authority in addition to commenting that the signage would still be visible to users.

The applicant has confirmed that the application proposals do not impact on the adjacent landowner’s easement (registered on the 23rd of December 2019) or their right of way. This is clear from the siting of the concrete bollards on site. Given this is a private matter the Highway Authority have not commented upon this.

- 5.13 It is considered that the advertisements by reason of their design and siting would not be visually intrusive in the landscape to the detriment of the character and appearance of the surrounding countryside. Nor is the signage considered to result in a harmful impact on highway safety. The proposal would therefore not conflict with Policy EG6 of the Hambleton Local Plan.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered RH/002 Rev A and

2216.01 received by Hambleton District Council on 22.06.2022 & 24.08.2022 unless otherwise approved in writing by the Local Planning Authority.

3. Before the signage is installed the existing totem pole sign on the grass verge to the west of the site, and three other separate smaller adverts located on the grass verge shall be removed.

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.

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Parish; Stillington

Ward: Huby

10

Committee Date: 16.02.2023

Officer Dealing: A O'Driscoll

Target Date: 29th November 2022

Extension of time (If agreed): 17th March 2023

22/02019/FUL

Proposed residential development comprising 35 dwellings (including 1 self build plot), means of access, site infrastructure and associated landscaping.

At: Land North Of Stillington Social Club, York Road, Stillington

For: Mr D Gath

This application is referred to Planning Committee as the proposed development is a major development.

1.0 Site, Context and Proposal

- 1.1 The application site is located at the southern end of the settlement of Stillington and to the north of Stillington Sports and Social Club. Immediately to the north of the site is a development of 24 dwellings by the same developer which was approved in 2015. This "first phase" now makes up Chantry Gardens and Thompson Garth and is completed and occupied. To the west and partially south of the site is an area allocated as Local Green Space. The Stillington Conservation Area borders the northern side of South Back Lane, to the north of the "phase 1" development.
- 1.2 The site for "phase 2" is currently green field in agricultural use and has a gentle slope of 4.5m falling diagonally from the North East to the South West from a level of 42.0m AOD to 37.5m AOD. It is currently divided into two parts by a mature hedgerow and both sides are bordered on three sides by mature hedgerow. The northern boundary with the phase 1 development is bordered by a post and rail fence. The Sports Club buildings and some dwellings which border the site to the south, east and west respectively are visible from within the site. Although in agricultural use the site does relate more to the settlement than to the open countryside.
- 1.3 The site is allocated for housing in the Local Plan under STL1: North of Stillington Social Club, Stillington. The allocation includes 1.31ha of land for approximately 35 homes. The policy indicates that access should be taken from Chantry Gardens and/or Thompson Garth. Pedestrian and cycle links to surrounding streets and the recreation grounds should be provided. The western part of the site is vulnerable to surface water flooding and mitigation may be required. Existing landscape features should be retained except to facilitate access into and across the site. The allocation also stipulates that the development must integrate with the surrounding area through scale, massing and density whilst guarding against impacts of overshadowing and overlooking of the existing properties to the north.
- 1.4 The application is for a total of 35 dwellings one of which is earmarked as a self-build plot. Two access points are proposed, one through Chantry Gardens (the western access) serving 15 dwellings and one from Thompson

Garth (the eastern access) serving 20 dwellings. The two access roads will not allow through vehicular traffic; however, they will be linked by a pedestrian and cycle path. A further pedestrian link will join the site to the recreation grounds. This also allows for a shorter, more direct, faster route for the eastern part of the settlement to access the recreation grounds without having to travel around via Carr Lane.

- 1.5 During the life of the application the layout has been amended in response to officer and consultee comments. The alterations were minor and included improvements to street scene, parking and defensible boundaries.

2.0 Relevant Planning and Enforcement History

- 2.1 The site itself is greenfield with no planning history
- 2.2 Phase 1: 14/02389/FUL - Construction of 24 houses with associated garages and parking areas. Formation of 4 new means of access to South Back Lane, provision of underground gas tank, landscaping and enclosures as amended by plans received by Hambleton District Council on 2 March 2015 – 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 HG1: Housing Delivery
Local Plan Policy HG2: Delivering the Right Type of Homes
Local Plan Policy HG3: Affordable Housing Requirements
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E4: Green Infrastructure
Local Plan Policy 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 RM3: Surface Water and Drainage Management
National Planning Policy Framework

4.0 Consultations

- 4.1 Parish Council – Stillington Parish Council wish to see the development refused and raise the following concerns:
- Concern re surface water flooding and capacity of existing drains
 - Increased traffic and highways safety
 - Density too high for the area and cumulatively with phase 1
 - Public Open Space payments should be increased due to the benefit of not having to provide open space on site
- 4.2 Highway Authority – No objection subject to conditions

- 4.3 Lead Local Flood Authority – Further information requested on the rights to discharge water across third party land easements with ongoing access and maintenance rights. Exceedance flow route details taking account for the lifetime of the development and temporary mitigation measures during construction works are sought. Also full details of maintenance and finish floor levels.
- 4.4 Foss Internal Drainage Board – No objections subject to condition
- 4.5 Yorkshire Water – No objection subject to condition, however, it must be noted that if the drainage system is to be adopted the discharge rate would need to be increased as this is the minimum rate adoptable of discharge as stipulated under 'codes for adoption.
- 4.6 North Yorkshire Police Designing Out Crime Officer – Following amendments to the scheme most of the issues previously raised were addressed however the frontages of plots 1, 2, 29 and 30, lack demarcation between frontages, Plots 11, 12 and 28 lack demarcation between public and private space.
- 4.7 Yorkshire Wildlife Trust - There are no specific constraints on this site which warrant comment from us, due to our limited resources. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of any proposed development.
- 4.8 Historic England – Does not wish to comment.
- 4.9 MOD Safeguarding RAF Linton on Ouse – No safeguarding objections
- 4.10 Waste and Street Scene -
- 4.11 Public comments – 16 letters of representation were received from members of the public. 12 letters were in objection, 1 in support and 3 neutral but raising concerns/issues. Issues raised include:
- Highways Safety/increased traffic
 - Visibility on Thompson Garth junction and York Road junction is poor
 - South Back Lane is unsafe for pedestrians
 - Will Chantry Gardens be adopted?
 - Thompson Garth is a private road and residents are responsible for upkeep, will new residents also be responsible for the upkeep?

 - Impact on amenity through increased traffic through phase 1
 - Impact on privacy of existing dwellings (phase 1)
 - Direct access to York Road should be provided
 - Lack of parking
 - Road not wide enough

 - Pedestrian link to recreation grounds will cause anti-social behaviour
 - Use of private roads for parking by patrons using local services
 - Density too high for rural setting
 - Lack of open space

- What improvements will be made to public open space and playground with the contribution from this development?
- Impact on local services and drainage
- Overlooking between plot 35 and 4 Thompson Garth
- Surface water flooding to western part of site
- Affordable Housing distribution, all on the western side
- The extent of any work to the central hedgerow should be limited
- Future management of all hedgerows should be secured
- Unclear on who will be responsible for the landscape buffer between phases
- 5m buffer on previous phase was not planted and now appears reduced in width
- Landscape buffer should be included at 5m width to maintain rural appearance and privacy
- Landscape buffer ends before Calor Gas site
- Do not want to maintain the northern boundary landscape buffer or have garden shaded by trees. The hedge may also interfere with drains
- Ground water level is very high raising concern that the site isn't suitable for development
- Run off from Calor Gas site
- Are the proposed heating systems environmentally friendly?
- Disruption during construction
- No information on construction management submitted
- Impact on biodiversity
- No need for street lighting as this is a dark skies area
- Self-build plot is very big with external stairs
- Impact on the Village character/rural nature of the area
- No need for additional pavement on Chantry Gardens

5.0 Analysis

5.1 As mentioned above the application is allocated for housing in the Local Plan. The policy indicates that 1.31ha of land is allocated for approximately 35 dwellings. The proposal meets the main criteria of the allocation being for 35 dwellings on approx. 1.31ha of land. The principle of residential development is therefore established in this case.

5.2 The main issues to consider are:

- Affordable housing, mix and Nationally Described Space Standards
- Design and impact on the character of the area
- Heritage
- Amenity
- Drainage and Flood Risk
- Highways safety
- Biodiversity

Affordable housing, mix and Nationally Described Space Standards

- 5.3 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.
- 5.4 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.
- 5.5 The Housing SPD states that as part of achieving its aims and objectives the Council wants to ensure that new housing meets housing needs and demand and supports the economic growth ambitions of the Economic Strategy; for local businesses to grow and new ones to set up there needs to be assurance for investors that there is a range of good quality housing for their workforce. 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.
- 5.6 As the development is for 35 dwellings the affordable housing requirement in this case is 10.5 dwellings. The proposal includes the provision of 10 dwellings on site. The remainder of the requirement will be provided through commuted sum and secured as part of the S106 legal agreement. The affordable housing is to be located on plots 7-12, 20-21 and 24-25. This distribution is considered to be acceptable as it meets the requirements to be dispersed across the site. The affordable dwellings appear to be designed to the same standard as the market dwellings.
- 5.7 The proposed mix for Market and Affordable housing is detailed in the following table:

House Size	Market No of Units	Market Housing Proposed	Market Housing Target	Affordable No of Units	Affordable Housing Proposed	Affordable Housing Target
1 bedroom	2	8%	5-10%	2	20%	20-25%
2 bedrooms	10	40%	40-45%	6	60%	50-60%
3 bedrooms	10	40%	40-45%	2	20%	10-20%
4+ bedrooms	3	12%	0-10%	0	0%	0-5%

5.8 As can be seen from the table the mix is within the target ranges across the board with the minor exception of 1 four-bedroom market dwelling over the target. As the self-build dwelling is a four-bedroom property this is considered to be acceptable. 6 of the dwellings are designed as bungalows, 3 of which are two-bedroom bungalows. This would equate to 17% of the mix as single storey and 8.5% as 2-bedroom single storey.

5.9 All of the house types comply with or exceed the Nationally Described Space Standards as shown in the table below. The table shows that the majority of dwelling types do not exceed the standards by excessive amounts. In this case therefore it is considered that the mix provides a good range of house sizes which would meet the requirement of the SPD in relation to affordability to those on a modest income.

House Type	Size type	NDSS	Gross Internal Area	No of Units
*1BH	1B2P	58	61.54	2
*AB2	2B3PSS	61	62.04	2
*Linton	2B3P	70	70	4
*Newton	3B4P	84	90	2
Marion	1B2P	58	68.66	2
Cundall	2B3PSS	61	68.67	1
Wistow	2B3P	70	71	4
Hepton	2B3P	70	75.2	4
Denby	2B3P	70	83.6	1
Spode	3B4P	84	84.2	2
Flawith	3B5PSS	86	102	2
Stillington	3B5PSS	86	137.19	1
Doulton	3B4P	84	126.7	2
Whixley	3B6P	102	116	3
Ainsty	4B7P	115	159.56	2
Self-Build	4B8P	124	315.8	1

*Affordable house types

- 5.10 The tenure arrangements are proposed to be 6 discount market sale, 2 social rent and 2 affordable rent following the preferences expressed by those choosing to respond to an enquiry at a community. Officers have requested the mix be adjusted to comply with the policy requirement of 1 third for each of the three types, comprising 3 or 4 each of discount market sale, social rent and affordable rent. Any update to this mix will be provided to the Planning Committee meeting.

Design and Impact on the character of the area

- 5.11 Local Plan Policy E1: Design states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. Development should respond positively to its context, draw inspiration from its surroundings, contribute to local distinctiveness, create safe accessible environments which maximise health outcomes whilst making efficient use of land.
- 5.12 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.
- 5.13 The allocation policy STL1 indicates that a design statement 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 to guard against impacts of overshadowing and overlooking of the neighbouring property to the north of the site.
- 5.14 The Design and Access Statement identified the main constraints and opportunities to be:
- Location of access point from South Back Lane
 - Relationship to existing properties to minimize impact and protect amenity
 - Retention where possible of existing hedgerows and trees and respecting root protection zones
 - Footpath link through site to Stillington Sports and Social Club
 - Provision of a broad mix of dwelling types to complement the existing housing stock, including affordable homes and bungalows
 - New housing and increase population helping to sustain local services
 - Contributions towards local services through CIL
 - Generation of employment during construction process
- 5.15 In addition to the above the applicant has identified the following factors as influencing the layout:
- Respecting privacy and amenity of adjacent existing properties with appropriate relationship and scale,

- Respecting the character and densities of dwellings around the village, particularly those in the immediate vicinity,
 - Retention of existing trees and hedges wherever possible,
 - Provision of a pedestrian link to Stillington Sports and Social Club benefitting the occupants and wider community,
 - Improve the landscape buffer between the village and the Club.
- 5.16 The application is for 35 dwellings on 1.31ha of land. This gives a density of approx. 26.7 dwellings per hectare. The adjacent development to the north of the site has a density of approx. 24 dwellings per hectare. Given the density set out in the allocation policy it is considered that the density strikes a balance between maintaining the grain of the settlement against the efficient use of land.
- 5.17 The proposal makes use of the existing vehicular access points through Chantry Gardens and Thompson Garth as outlined in the allocation policy. further pedestrian access is provided through the centre of the site and to the south connecting to the recreation grounds. The landscaping scheme shows a 3.5m buffer on the northern boundary. This will be made up of a native hedge mix and native woodland mix. A 5m buffer was supposed to be planted as part of the development to the north, however, it appears that this never occurred. It is considered, however, that 3.5m is sufficient to provide privacy between the developments. The buffer will also help to integrate the development into its surroundings, softening the built form and contributing to Biodiversity Net Gain.
- 5.18 The development will be somewhat visible from Carr Lane to the west where gaps in the existing hedgerow allow views across the site. This will be mitigated, however, by the existing open paddock between the western boundary of the site and Carr Lane and to the south of Soutersfield. This paddock will be undeveloped and therefore the impact on the character of this part of the village will be minimal. In addition to this the development will not encroach any further south than that on the western side of Carr Lane.
- 5.19 The individual designs of the dwellings are traditional in form with a mix of single and two storey properties. Decorative detailing such as soldier courses, eaves detailing, window heads and door surrounds are reflective of the dwellings found within the Stillington Conservation Area.
- 5.20 In terms of form and character therefore, it is considered that the development will integrate well with the existing settlement and will not have a significant impact on the character of the area.

Heritage

- 5.21 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Stillington Conservation Area.
- 5.22 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by

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

- 5.23 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.24 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.25 The Stillington Conservation Area boundary runs along the north side of South Back Lane approx. 57m to the north of the application site. The designation document indicates that Stillington is an attractive street village, slightly elevated above the surrounding countryside and gains much of its distinctive character from the changes in level and steeply banked verges along its main street. The village mainly comprises of brick cottages in the vernacular tradition together with a number of more imposing 18th and 19th century houses and limited modern development for the most part these relate well to one another creating a most attractive and virtually continuous frontage on both sides of the Main Street.
- 5.26 In addition to the buildings themselves another feature which make an important contribution to Stillington's appearance is the changes in level created by the rise and fall of the main road itself and the wide verges steeply banked in places which run the length of the Main Street.
- 5.27 Since the designation of the Conservation Area, however, the pattern of development has been somewhat eroded. The form and character of the long back land plots identified in the designation document have been eroded by development facing onto South Back Lane.
- 5.28 As the site is separated from the Conservation Area by phase 1 and given the erosion of the settlement form mentioned above it is considered that the proposed development would not have an impact on the significance of the Conservation Area.

Amenity

- 5.29 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.

- 5.30 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 18-22m are achieved where principal elevations face each other. In terms of the relationship to the existing dwellings on phase 1 all of those closest to the boundary have either a side to rear relationship or a side-to-side relationship. Where a side to rear relationship exists separation distances of approx. 12-17m are achieved. The only rear-to-rear relationship is between plots 24-25 and 5 South Back Lane, the separation distance here is over 40m.
- 5.31 The rear of each plot can be accessed externally either from the front or from rear parking areas 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.
- 5.32 The site is in proximity of the Stillington Social Club. A concern exists that the use of the social club could give rise to complaints from new residents. This falls within the concept of the “agent of change” set out in the NPPF paragraph 187. The social club is both relatively distant and it is likely that most noise and activity associated with the social club will be on the south side of the building, facing the playing fields and therefore less likely to give rise to disturbance to the new residential neighbours, less likelihood of complaint and less likely to require any changes to the operations of the social club.

Drainage and flood risk

- 5.33 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.

5.34 The site is in Flood Zone 1 with a low risk of surface water flooding. There is an overland flow route running north to south on the western side of the boundary and this area is known to be prone to surface water flooding.

5.35 Percolation testing was undertaken, and it was found that due to ground conditions the site is unsuitable for soakaway drainage. The nearest watercourses are St John's Well (Chalybeate) 350m to the south and the Foss almost 1km to the east. Due to the distance and intervening third party land drainage to a watercourse is not considered feasible.

5.36 The drainage strategy therefore proposes to discharge surface water to an existing highway drain and ultimately into the public sewer network. It is intended that the system be adopted by Yorkshire Water. The drainage strategy drawing indicates that that applicant intends to restrict discharge to 2.1l/s via a flow control chamber and a hydrobrake system. The discharge rate is equal to the greenfield runoff rate for the site. Yorkshire Water, however, have indicated that in order to adopt the system a higher rate of discharge may be required.

Highways safety

- 5.37 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities by:
- requiring that proposals for development are capable of being accommodated by existing or planned infrastructure and services and do not have an unacceptably harmful impact on existing systems, in each case this is to be established by appropriate assessment or investigatory work;
 - requiring developers to provide, or meet the costs of providing, the infrastructure, facilities and/or mitigation necessary to make their proposed developments acceptable in planning terms;
 - ensuring suitable arrangements are made for ongoing maintenance where infrastructure and facilities are directly provided;
 - requiring that the delivery of development is coordinated with the delivery of new or improved infrastructure and services and causes minimal disruption to existing provision; and
 - working with developers and infrastructure/service providers to identify viable solutions for the delivery of infrastructure and services to support sustainable development.

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

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

- it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
- any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
- highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- adequate provision for servicing and emergency access is incorporated; and
- appropriate provision for parking is incorporated, taking account of:
 - i. highway safety and access to, from and in the vicinity of the site;
 - ii. the accessibility of the development to services and facilities by walking, cycling and public transport;
 - iii. the needs of potential occupiers, users and visitors, now and in the future;
 - iv. the amenity of existing and future occupiers and users of the development and nearby property; and
 - v. opportunities for shared provision, where locations and patterns of use allow.

5.39 The development will be accessed via two points, one through Chantry Gardens serving 15 dwellings and one through Thompson Garth serving 20 dwellings. The developer intends to have these access roads adopted, including the existing Chantry Gardens and Thompson Garth. Ownership and maintenance will therefore transfer to the Highways Authority. The Highways officer has confirmed that the existing roads, although currently private, are to adoptable standard. The two access roads will not allow through vehicular traffic, however, they will be linked by a pedestrian and cycle path. A further pedestrian link will join the site to the recreation grounds.

5.40 North Yorkshire County Council Highways Officers have not raised any objections to the proposals and recommend conditions relating to detailed design, parking and construction management.

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. The results indicate that the development will result in a net gains of 6.38% for habitat units and 28.27% for hedgerow units. A separate Preliminary Ecological Appraisal (PEA) was also submitted in support of the scheme. The PEA identifies that the habitats within the application site comprise improved grassland, a small plantation and hedgerows with trees. There are no statutory or non-statutory sites within the site boundary. A field survey was carried out to determine the presence or potential for birds, invasive species, bats, badgers, hedgehogs, Great Crested Newts (GCN) and reptiles.
- 5.43 The site is suitable for nesting birds with various designations. Any trees and hedgerows to be removed should be cleared outside of the bird nesting season (i.e. clearance should be undertaken between mid-September and early February inclusive) or be carefully checked by an ecologist to confirm no active nests are present - prior to removal during the summer period. If nesting birds are found during the watching brief, works will need to stop until the young have fledged.
- 5.44 In relation to bats no potential roost sites exist within the application site, predominantly due to an absence of buildings or suitable features within trees. The submitted report finds that the wider area supports an abundance of more suitable woodland and wetland habitats, which offer alternate foraging and commuting habitat for bats. The site is heavily farmed, consequently, the application site is sub optimum for foraging and commuting bats and is not considered integral to the favourable population status of local bat populations. No further surveys are recommended. The report does recommend that 6 bat boxes be installed on site. The position of these is shown on the proposed site layout. Recommendations are also made with regard to developing a suitable lighting scheme.
- 5.45 With regard to Great Crested Newts (GCN) the evidence collected from the field and desktop studies indicate that the likelihood of the presence of GCN in the application site is decreased. This is due to factors such as absence of records within 250m of the site, no suitable ponds, exposed nature of the site, surrounding urban area including roads, walls buildings etc. No further surveys for GCN are recommended.
- 5.46 No invasive species were recorded on site and no further surveys are recommended for badgers, hedgehogs and reptiles.

Planning balance

- 5.47 The proposal will create new homes on an allocated housing site. The development will result in social gains through the provision of new homes

particularly the affordable homes, environmental gains are achieved through new planting and these gains outweigh the harm through the loss of the open land. An economic gain will be found during construction and an ongoing modest gain through the continued occupation of the new homes. On balance the scheme is found to be a sustainable form of development and subject to resolving the final matters of the mix of affordable housing tenures and details of the drainage scheme sought by the Local Lead Flood Authority can be recommended for approval.

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 drawing(s) numbered:

Site Plan, 3715-PD-10 Revision D received 07.02.2023

Detailed Landscape Proposals, 3920/1 Revision E received 24/01/2023

Garages, 3715-PD-25 Rev A Received 22/11/2022

Self Build 4 Bed Detached House – Elevations 3715-PD-27 Rev B Received 06/02/2023

Self Build 4 Bed Detached House: Plans 3715-PD-26 Received 30/08/2022

The 1BH House Type, 3715-PD-11 Rev C Received 06/02/2023

The AB2 House Type - Semi Bungalow, 3715-PD-12 Rev A Received 22/11/2022

The Ainsty House Type - Det W/ Int Garage, 3715-PD-23 Rev A Received 22/11/2022

The Cundall House Type - Bungalow, 3715-PD-13 Rev B Received 22/11/2022

The Denby House Type - Detached, 3715-PD-18 Rev B Received 22/11/2022

The Doulton House Type - Detached, 3715-PD-17 Rev B Received 22/11/2022

The Flawith House Type - Det Bungalow, 3715-PD-20 Rev A Received 22/11/2022

The Hepton House Type - Semi, 3715-PD-16 Rev B Received 22/11/2022

The Linton House Type - Semi, 3715-PD-14 Rev C Received 06/02/2023

The Marton House Type - Semi, 3715-PD-28 Received 06/02/2023

The Newton House Type - Detached, 3715-PD-21 Rev B Received 22/11/2022

The Spode House Type - Semi, 3715-PD-19 Rev B Received 22/11/2022

The Stillington House Type - Det Bungalow, 3715-PD-22 Rev A Received 22/11/2022

The Whixley House Type – Det W/ Int Garage, 3715-PD-24 Rev B, Received 22/11/2022

The Wistow House Type - Semi, 3715-PD-15 Rev B Received 22/11/2022

Materials

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.

Roads and sewers

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.

Road construction

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.

Parking provision

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.

Construction management

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;
- 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.

Contaminated land assessment and mitigation

8. 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.

Unexpected contamination

9. 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.

Landscaping scheme

10. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan Detailed Landscape Proposals 3920/1 Revision E received by Hambleton District Council on 24.01.2023 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

Finished floor and ground levels

11. 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.

External lighting

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. The lighting scheme shall take into account the recommendations outlined at paragraphs 8.2.5.5 and 8.2.5.6 of the Preliminary Ecological Appraisal prepared by Wold Ecology Ltd and received by Hambleton District Council on 30.08.2022.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
4. To 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. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
9. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
10. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with the Local Plan Policies S1, E1 and E7.
11. To ensure that the development is appropriate in terms of townscape and landscape impact in accordance with policy E1, E2 and E7.
12. 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.

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