

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 8 March 2023

Dear Councillor

Notice of Meeting

Meeting **Planning Committee**

Date **Thursday, 16 March 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: 254 957 021# 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 16 February 2023 (P.23 - P.24), 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, 16th February, 2023 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

Present

Councillor P Bardon (in the Chair)

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

Also in Attendance

Councillor	P A James	Councillor	S Watson
	M S Robson		

Apologies for absence were received from Councillors M A Barningham, B Phillips and A Wake

P.23 Minutes

The Decision:

That the minutes of the meeting of the Committee held on 19 January 2023 (P.21 - P.22), previously circulated, be signed as a correct record.

P.24 Planning Applications

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

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

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

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

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

The Decision

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

- (1) 21/02643/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

Defer to obtain further information on the proposals made by the applicant's agent in his verbal representations to the Committee in respect of the use of heat exchange units as an air quality mitigation measure and for further information on the highways and amenity impact.

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

(The applicant's agent, Ian Pick, spoke in support of the application.)

Note: Councillor M S Robson arrived at 10.51am.
Councillor P A James left the meeting at 11.10am.

- (2) 22/01955/FUL - 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

Permission Granted subject to a condition to retain the existing gravel access track. The Committee was satisfied that the proposed development would not have a detrimental impact on the character of the village and that it met the requirements of Policy E1.

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

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

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

(Linda Mason spoke objecting to the application.)

Note: The meeting adjourned at 11.35am and reconvened at 11.40am.

- (3) 22/02156/OUT - Application for Outline Planning Permission [with all matters reserved except access] for the construction of 21 no. dwellings at Land West of Dalton Motors, Dalton for Mr Hugh Roberts

Permission Granted

(The applicant's agent, Rob Crolla, spoke in support of the application.)

(Mr Wilson spoke objecting to the application.)

Note: Councillor M S Robson left the meeting at 12.04pm.

The meeting adjourned at 12.04pm and reconvened at 1.30pm.

Councillor S Watson arrived at the meeting at 1.30pm.

- (4) 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

Permission Granted subject to an additional condition relating to biodiversity net gain.

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

- (5) 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 and Mrs Whitwam

Permission Granted. The Committee was satisfied that the scale, mass and appearance would not be detrimental to the character of the site.

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

(The applicant, Andy Whitwam, spoke in support of the application.)

- (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

Permission Granted subject to a condition restricting the permanent residential occupancy of the building to the applicant.

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

(Michael Heasman spoke objecting to the application.)

Note: Councillor S Watson left the meeting at 2.44pm

- (7) 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

Permission Granted subject to an additional condition to require the submission of details of the materials and external colour of all windows and doors.

(The applicant's agent, David Boulton, spoke in support of the application).

(Peter Mills spoke objecting to the application.)

Note: Councillor A Robinson left the meeting at 3.20pm.

The meeting adjourned at 3.20pm and reconvened at 3.30pm.

- (8) 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 for Mr Thomas Brooke

Defer to allow further consideration of relevant highways matters including signage.

- (9) 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, North Road Garage, Shipton By Beningbrough for Mr Thomas Brooke

Application withdrawn.

- (10) 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

Permission Granted

(The applicant, Mr D Gath, spoke in support of the application.)

The meeting closed at 3.53 pm

Chairman of the Committee

Planning Applications

The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 16 March 2022. The meeting will commence at 10am.

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

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

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

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

Mick Jewitt
Deputy Chief Executive

Site Visit Criteria

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

PLANNING COMMITTEE

Thursday 16 March 2023

10am Morning Session

Item No	Application Ref / Officer / Parish	Proposal / Site Description
1	22/02574/OUT Tim Wood Easingwold Page no: 11	Outline application with some matters reserved (access) for a mixed-use development comprising a food store, petrol filling station, 45no. senior living apartments, 51no. senior living bungalows, 60-bed care home, 70 no. dwellings (extant), medical facilities, and the creation of green walking routes, public open space and local areas of play. At: OS Field 0488, York Road, Easingwold For: Jomast Development Ltd RECOMMENDATION: APPROVAL
2	22/00063/FUL Aisling O'Driscoll Easingwold Page no: 31	Construction of a two storey building for use as 2no. business units comprising a childrens nursery (use Class E(f)) at ground floor and nursery/office (use Class E(f) and E(g)) at first floor, 2no. single storey buildings to provide 5 business units use class E(g) and construction of a new access and car park At: Land adjacent to Longbridge House, Stillington Road, Easingwold For: Grants Pro-Agri Ltd. RECOMMENDATION: APPROVAL
3	23/00101/FUL Thomas Pilling Borrowby Page no: 43	Construction of dormer window and porch and installation of gable window and rooflights At: Pinfold Cottage, Park Lane, Borrowby For: Mr and Mrs Nigel and Helen Laws RECOMMENDATION: APPROVAL

1.30pm Afternoon Session

Item No	Application Ref / Officer / Parish	Proposal / Site Description
4	22/01600/FUL Helen Ledger Aiskew Page no: 47	Development of land for Class E(G), B2 and B8 with office space, car parking and serving of vehicles At: Land to the North of Portland Way Leeming Bar Industrial Estate For: Mr Adam Richardson RECOMMENDATION: APPROVAL
5	22/00016/TPO2 Angela Sunley Bedale Page no: 61	Hambleton District Council (Bedale Parish Council) Tree Preservation Order 2022 No 16 At: 33 South End, Bedale, North Yorkshire, DL8 2BJ RECOMMENDATION: CONFIRMED
6	21/02338/FUL Craig Allison East Cowton Page no: 65	Retrospective change of use of potato store to aggregate bagging depot with no alterations to existing buildings At: Greenford Haulage & Aggregates Dept, Unit 5, Dalton Gates, Dalton on Tees For: Mr James Ford RECOMMENDATION: APPROVAL
7	21/02643/FUL Marc Pearson Raskelf Page no: 77	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
8	22/02208/FUL Lucy Goundry Thirsk Page no: 93	Retention of steel storage container At: Lambert Medical Centre (Doctors Surgery and Clinic), 2 Chapel Street, Thirsk For: Lambert Medical Centre RECOMMENDATION: APPROVAL

9	23/00041/FUL Nathan Puckering Thornton Watlass Page no: 103	Construction of a double storey rear extension, single storey side extension, front porch and works to the existing garage At: 4 Fox Covert Bank, Watlass Lane, Thornton Watlass For: Mr and Mrs Hodges RECOMMENDATION: APPROVAL
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Parish: Easingwold

Ward: Easingwold

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Committee Date : 16 March 2023

Officer dealing : Mr T J Wood

Target Date: 7 February 2023

22/02574/OUT

Outline application with some matters reserved (access) for a mixed-use development comprising a food store, petrol filling station, 45no. senior living apartments, 51no. senior living bungalows, 60-bed care home, 70 no. dwellings (extant), medical facilities, and the creation of green walking routes, public open space and local areas of play.

At: OS Field 0488, York Road, Easingwold, North Yorkshire

For: Jomast Developments Ltd.

This application is presented to Planning Committee as it is a departure from the Development Plan (Hambleton Local Plan) that is recommended for approval.

1.0 Site, context and proposal

- 1.1 The application site is enclosed grassland, roughly heptagonal in shape and extends to approximately 8.2 hectares (20.21 acres). It is located on the south side of Easingwold fronting onto York Road.
- 1.2 The application site lies immediately to the south of the larger Longbridge Drive/ Longbridge Close housing sites and other smaller developments of Howlett Close and Clayhithe Mews, whilst a housing scheme on the former Ward Trailers site immediately to the west is now Driffield Avenue and Suskers Close. Easingwold Secondary School is located to the northwest, on the opposite side of York Road. Easingwold Business Park lies around 150m to the north-east and Easingwold's Town Centre is 0.7km from the site entrance and the Primary Retail Area (Market Place) is about 1km to the north.
- 1.3 The site consists of open fields with hedges and trees forming the boundaries between adjacent land. Hedgerows separate the site into four parts. A number of ditches are present along hedge lines along with a 300mm diameter culverted watercourse that runs from the north west corner of the site and continues beyond the boundary fence in the south east. The site is generally flat there are nominal falls towards the various ditches that are located along the boundaries within the hedge lines. York Road that runs along the western boundary is typically 100-200mm above the adjacent site levels.
- 1.4 There are no public rights of way within or in close proximity to the application site.
- 1.5 The applicant's agents statement notes that: "The town has a good range of services including shops, pubs, convenience stores, banks, doctor's surgery, pharmacy, vets, leisure centre and schools. However, the town does lack some key services including a food store, petrol filling station and modern medical facilities." Officers concur with this view.
- 1.6 The supporting statement identifies the proposal to include:
 - Food Store - 1,917 sqm GIFA (1,315 sqm net sales area)

- Petrol Filling Station, including electric vehicle charging points
- PFS Convenience Store - 371 sqm GIFA (278 sqm net sales area)
- 70 dwellings – extant planning permission in place
- Senior Living Apartments – circa 45 apartments, fully accessible
- Senior Living Bungalows – circa 51 units., 39 to Cat 2 M4(2) and 12 to Cat 3 M4(3), age 55+
- Care Home – circa 60 rooms.
- NHS Medical Facilities & Hospital Beds
- Green Walking Routes, Public Open Space and Local Areas of Play

1.7 The proposal has been assessed with on the mix of uses and with reference to an illustrative layout that has been supplied.

1.8 The application is supported by the following documents.

- Air Quality Assessment (NJD)
- Arboricultural Survey, Arboricultural Impact Assessment & Tree Protection Plan (Elliot Consultancy)
- Biodiversity Net Gain Assessment (OS Ecology)
- Consultation Statement (Saddington Taylor)
- Design and Access Statement (Niemen Architects)
- Ecological Appraisal (OS Ecology)
- Flood Risk Assessment & Drainage Strategy Report (BGP)
- Framework Travel Plan (SAJ Transport Consultants)
- Landscape Architectural Design Document (Colour)
- Need & Supply of Older Person Specialist Accommodation in Hambleton (Tetlow King)
- Noise Assessment (NJD)
- Phase 1 Desktop Study Report (Solmek)
- Retail Statement (ELG)
- Transport Assessment (SAJ Transport Consultants)

2.0 Relevant planning and enforcement history.

2.1 The planning history of the site commences with the allocation of the northern two fields for employment development in the Local Development Framework.

2.2 13/02183/OUT Approval was given to a mixed use scheme of food store petrol filling station, health uses, public open space, car parking and means of access in 2014. In 2015 a further application was made 15/02419/OUT “Outline application for the construction of up to 80 dwellings, convenience store, petrol filling station and healthcare uses at Land adjacent and rear of Police Houses, York Road, Easingwold”. The application was refused on 25.04.2016 and allowed at appeal on 13 June 2017. At the time of the application the housing land supply question was under close scrutiny in the district and the Inspector found *there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the NPPF taken as a whole.* Permission was granted.

2.3 Approval of reserved matters was given 20/01049/REM on 20 December 2021, the number of dwellings had been reduced from 80 to 70 units, the reserved matters approval expires on 20 December 2023.

- 2.4 The appeal scheme condition regarding the healthcare land has been discharged.
- 2.5 No works have commenced on the site and the permission
- 2.6 There is no relevant enforcement history.

3.0 Relevant planning policies:

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

- Local Plan Policy S1: Sustainable Development Principles
- Local Plan Policy S2: Strategic Priorities and Requirements
- Local Plan Policy S3: Spatial Distribution
- Local Plan Policy S5: Development in the Countryside
- Local Plan Policy EG1: Meeting Hambleton's Employment Need
- Local Plan Policy EG3: Town Centre Retail and Leisure Provision
- 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 E7: Hambleton's Landscapes
- Local Plan Policy IC1: Infrastructure Delivery
- Local Plan Policy IC2: Transport and Accessibility
- Local Plan Policy IC3: Open Space, Sport and Recreation
- Local Plan Policy IC4: Community Facilities
- Local Plan Policy RM1: Water Quality, Supply and Foul Drainage
- Local Plan Policy RM2: Flood Risk
- Local Plan Policy RM3: Surface Water and Drainage Management
- Local Plan Policy RM4: Air Quality
- Local Plan Policy RM5: Ground Contamination and Groundwater Pollution
- Local Plan Policy RM6: Renewable and Low Carbon Energy

Housing Supplementary Planning Document adopted July 2022

4.0 Representations

- 4.1 Easingwold Town Council – Wish to see the application approved. Wish the issues of access to school and town centre for those with mobility issues to be addressed noting the narrow width of the footpath on the development side of York Road. Wish a signal-controlled crossing to be installed. Wish to have reassurance that the phasing with prioritise the large food store, petrol filling station and car home prior to the building out of any of the residential property. Approval should be contingent upon the food store and petrol filling station being in the first stage build.
- 4.2 NYCC Highway – Note that the provision of a travel plan for the overall site is required. Notes the opportunity to improve infrastructure and services by the provision of

Upgrade the bus stops to include shelters

Widen the existing footpath on York Road to incorporate a cycle path to provide a safe route to the school

Provide a pedestrian crossing point as part of the right turn lane works on York Road.

Overall, the site is in a good position to encourage walking & cycling to and from Easingwold itself, but those modes would be limited to this area. We need to be sure that there are also options for those travelling further afield, e.g., for commuting purposes, so require more details on public transport services would be benefit.

Other matters

The Highway authority would also take this opportunity to state that the drainage on the site will be adopted by others apart from gully connections to the surface water sewer. The road layout within the site as shown may not slow vehicles sufficiently and suggest traffic calming features are introduced on the road layout.

The right turn lane shown on York Road as an improvement on an existing highway should be accompanied by a Road safety audit stage 1.

Trees have been shown within the landscaping for the site. Reminder that trees should be planted well away from the highway and no closer than 1.5m from the footway.

- 4.3 National Highways - The current forecast volume of trips would be unlikely to result in a severe impact upon the operation of the Strategic Road Network (SRN). As such, we would recommend that National Highways offers no objection to the planning application.
- 4.4 EHO – No objection in principle but advises that safeguards are required in respect of construction impacts from noise and dust, to mitigate noise impacts during operational use of the site, to control the opening times and operational activities to reflect those assessed in the submitted noise report. Recommended noise limits are made that acknowledge the countryside location and generally lower level of background noise. Pollution control measures including controlling light from the site is recommended.
- A permit relating to unloading, storing and refuelling of motor vehicles will be required upon which other controls will be put in place
- 4.5 NYCC Trading Standards acting as the Petroleum Enforcement Authority – advise no objection but note the requirements relating to the issue of certificates under the Petroleum (Consolidation) Regulations 2014.
- 4.6 EHO Scientific officer - I have assessed the Phase 1 Desk Study sk (Phase 1) Assessment produced by SOLMEK submitted in support of the above development. The report identifies potential risks from contamination, such as construction/demolition waste and hydrocarbons and recommends further investigation. In light of this information, the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

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

- 4.7 North Yorkshire Fire and Rescue - have no objection/observation to the proposed development. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.
- 4.8 Environment Agency – No objections provided the site is developed in accordance with the submitted Flood Risk Assessment with specific reference to Flood Risk Assessment is Ref: 226063, November 2022, prepared by Billingham George & Partners.
- 4.9 NYCC acting as Lead Local Flood Authority – Note site spans Flood Zones 1, 2 and 3, note that the higher risk areas is shown to be public open space. Acknowledge the high water table and that the discharge of surface water is to a watercourse and this will require approval of the Kyle and Upper Ouse Internal Drainage Board.
- 4.10 Kyle and Upper Ouse Internal Drainage Board - advocate percolation testing if soakaways are to be used and if discharging to a watercourse the rate should be restricted to 1.4 litres per second per hectare or greenfield runoff rate. No obstruction is to be placed within 7 metres of any watercourse. [Officer - As noted elsewhere the proposal is for discharge to a watercourse.]
- 4.11 Yorkshire Water – recommend conditions should be applied to any approval to safeguard the integrity of a water supply main within and/or adjoining the site. Conditions are also recommended to require details of surface and foul water drainage to be approved including details for any balancing works, off-site works, oil interceptors, and restriction of foul sewage pumping rates to 6.7 litres per second.
- 4.12 MOD Safeguarding – no safeguarding objections, request further consultation at the reserved matters stage.
- 4.13 Publicity - site notice posted 21 November 2022 on lamp post opposite site at end of Driffield Close.

4 letters of representations have been received from 4 correspondents, 1 support, 2 neutral and 1 objection raising the following issues:

Objection views

Concerned about increased traffic flows on York Road

Difficulty in crossing York Road due to increased traffic flows

Neutral views

Seeks better speed restriction on York Road, noting fast moving traffic and that increased flow will increase the hazard, advocates traffic lights or mini-roundabout.

Seeks provision of a safe crossing of York Road, noting increased flows of children to school and road traffic.

Support more housing for all generations provided medical access is guaranteed.

Wish to see trees and hedgerows retained on the boundary of the site with adjoining residential areas.

Concern about drainage implications for homes on adjoining land.

Supportive views

Considers the scheme will benefit Easingwold as long as the petrol station, food store and care home are built. Would not wish to find there is no occupier for these beneficial parts of the scheme.

5.0 Analysis

- 5.1 The main matter for consideration is whether the principle of the development is acceptable. This requires consideration of whether the proposal is in conflict with the policies of the Hambleton Local Plan 2022 and if so whether the benefits of the proposal outweigh the harm arising from a breach of the adopted Local Plan policies. This matter is considered first, the other issues are addressed in the second part of this analysis.
- 5.2 The Hambleton Local Plan sets out the strategic and development management policies; the following are relevant to the principle of the proposal. S1 Sustainable Development Principles, S2 Strategic Priorities and Requirements, S3 Spatial Distribution, S5 Development in the Countryside, EG1 Meeting Hambleton's Employment Need, EG3 Town Centre Retail and Leisure Provision, HG1 Housing Delivery, HG2 Delivering the Right Type of Homes.
- 5.3 The land is in the countryside, not supported by national policies or other policies of the local plan, it is not allocated for development. In summary the Local Plan policies do not support large scale development of land that is not allocated. The proposed development is, therefore, in breach of the Local Plan policies and approval of the scheme would be a departure from the policies of the Local Plan.
- 5.4 The applicants' case is that there is a need for development of the site to address shortfalls in provision.

The three tests

- 5.5 In the case of development on unallocated land legal advice to the council is to test:
- i) What is the need for the proposed development and how pressing is the need.
 - ii) Will the proposed development make a material contribution to address that need.
 - iii) Will the proposed development come to fruition.
- 5.6 The legal test to be met is "the balance of probability", this can be phrased as "more likely than not". The legal test should be applied to each of the three tests.
- 5.7 As noted above the applicant identifies that: 1) food store, 2) petrol filling station and 3) modern medical facilities are needed to serve the needs of Easingwold. The applicants' supporting statement does not draw attention to, but the proposal includes 4) older person housing (with enhanced accessibility standards), the demographic evidence supports the case for the provision of housing that meets the needs of the older people. It is appropriate to give special consideration to the benefits of each of the 4 components.

The first and second test

- 5.8 The town does not have a larger food store or petrol/fuel filling station. The 2013 application (see paragraph 2.2) included a food store to reduce the 'leakage' of trade, and to reduce the need to travel to undertake food shopping. Detailed assessment of the trading operations in 2013 led to approval of the 2013 application. The limited food retail provision and leakage in trading continues. Provision of a food store is needed to reduce the leakage and increase accessibility to food shopping for the growing population of Easingwold and those in the surrounding area. The need can be considered to be pressing.
- 5.9 The provision of a larger food store on the application site, that is accessible on foot, by wheel, by cycle and by road vehicles will address the need for a food store in the town to reduce 'leakage' and clawback trade. The case for a food store is considered to meet the 1st and 2nd tests.
- 5.10 Provision of a fuel station is needed as no provision exists in the town. The nearest fuel station to the north is at Thirsk and to the south is the garage a little over 1km to the north of Shipton. The absence of a fuel station in the town is considered to give rise to a pressing need to serve not just the town but also the surrounding communities. The case for a fuel station is considered to meet the 1st and 2nd tests.
- 5.11 Medical facilities exist in the town at the Millfields Doctors Surgery and at St Monica's hospital on Long Street, Easingwold. The NHS has indicated an interest in working with the developer to explore the potential for healthcare development and reviewing the scope of a standalone onsite facility. The NHS demands for space have not been set out, there is a lack of detail of the need now and for the future. The provision of a care home including nursing care as part of the scheme includes 8 beds for the NHS Trust. Correspondence of discussions between The Fisher Partnership and the NHS records that the York and Scarborough Teaching Hospitals NHS Foundation "Trust would like to take a block booking of 8 beds which would be to deliver Step-Up and Step-Down Care, which is bed based intermediate care provided as step-up beds (admitted from home as an alternative to acute hospital admission) or as step-down (transfer from acute hospital for people who require additional time and rehabilitation to recover but are unable to have this provided at home)." The proposal would provide a facility to replace the Alne Care Home (personal and nursing care for 32 people) operated by Fisher Partnership that is a large house converted and extended to form a care home, with a new purpose-built setting.
- 5.12 The reprovision of a care home, cannot be afforded as much weight as an entirely new additional facility. The proposal is for a larger premises (60 bed an increase from 32), noting that care home provision is undoubtedly required as are provision of medical facilities, weight can be afforded. The need for increased care home provision would meet the 1st and 2nd tests.
- 5.13 The NHS have not confirmed how healthcare needs of the growing population will be met in the town to meet the needs of Easingwold and surroundings. Provision of an extension to the Millfields Surgery and a new GP surgery at Tollerton have enlarged health care provision but these were needed to meet pre-existing needs and there is no evidence on whether they have the capacity to meet the future needs of the growing and ageing populations of Easingwold, town and villages. It is considered that on the balance of probability that the provision of medical facilities would meet a need that is pressing, and that the contribution would be significant. The case for medical facilities would on balance meet the 1st and 2nd tests.

5.14 The need for older person specialist accommodation in Hambleton is the subject of detailed study in a report by Tetlow King prepared for the applicant. The report sets out the growing ageing population and lack of significant policy requirements in the Local Plan (despite efforts by the Council at the time of Examination in Public of the Local Plan) to provide housing to meet the care and accessibility needs. The need for specialist housing is quantified with reference to the published data (see Tetlow King report received 8 November 2022, paragraph 2.42). The report concludes that the provision of bungalows and age restricted homes, is “low” relative to the “astonishingly” high proportion of older people. The provision of housing to meet the needs of an ageing population is pressing as the Census 2021 shows a 24% increase of over 65’s. The care home will contribute to meeting the needs of the ageing population. The age restricted bungalows, achieve spin-off benefits for the wellbeing of older residents, achieve public health cost savings and will free-up under-occupied family housing. The case for a housing to meet the needs of older people is considered to meet the 1st and 2nd tests.

The third test – will development come to fruition

- 5.15 Testing whether the development will come to fruition and deliver the benefits requires assessment of the viability of the proposals. Experience has shown that the financial viability of a proposal at the time of application and decision can later be affected by national and local economic factor. The sequence of development to provide the 4 components of ‘needed’ development ahead of, or in parallel with the other elements is critical to satisfying the third test of ‘delivery’.
- 5.16 A rigorous assessment of viability and phasing is therefore necessary to give confidence that the claimed benefits can be achieved.
- 5.17 An economic viability assessment by JLL for the applicants has been the subject of scrutiny for the Council by Align Property Partners. The assessment for the council has tested whether the development would be viable when the fuel station, food store, care home (including medical facilities), senior living apartments and senior living bungalow are brought forward at the same time the 70 dwellings. In addition to scrutiny of the economic viability assessment a request was made for “sensitivity analysis” to test sensitivity to changes in build costs, sales value, and finance costs. This additional work was undertaken by JLL and reviewed by Align to consider the risks of the development and give reassurance to the council.

The advice from Align reports:

“I have received and reviewed JLL’s most recent report in relation to the subject case.

The applicant has now included a sensitivity analysis, providing optimistic and pessimistic scenarios on topical inputs (build cost, finance and sales revenues).

My position has not changed, and I can confirm - I’m satisfied that the scheme is viable and the methodology includes sufficient risk cover and makes sensible assumptions. As discussed, in my opinion, some elements appear light but changing these inputs only results in a stronger, more viable scheme.”

- 5.18 Control of the phasing or sequence of development can be achieved through a Planning Obligation. Whilst a breach of a Planning Obligation is a matter addressed through the courts, a prosecution may not easily remedy a breach and consequently it is important that a good level of confidence is achieved that the scheme will be delivered as set out in the “heads of terms”.
- 5.19 The developer has committed to bring forward the development of the care home, food store and fuel station plot sales in 2023 with the residential developments commencing in 2024-2025.
- 5.20 The outcome of the assessment of viability is that the site is viable and should remain so during the 55 month build out, projected to end with affordable housing sales to a registered provider in autumn 2027.
- 5.21 An operator of the fuel station and care home is advised. An operator of the food store is known to the developer but not publicly available.
- 5.22 The specification, provision and future operation of medical facilities is an area of significant uncertainty. In the absence of these details less weight can be given to the potential benefits of the medical facilities. It is also noted that the 2014 appeal decision included medical facilities and although the same applicant brought forward “reserved matters” that have approval no details of future services or operator have emerged. Applying the test of “on the balance of probability”, “more likely than not”, the lack of evidence regarding the medical facilities (other than the 8 beds in the care home) means the test is not met.
- 5.23 There are substantial public benefits to be gained from the provision of the food store, fuel station, care home, and older person housing. The provision of medical facilities would bring further public benefit, but this is not secured in the details available and much less weight can be given to the potential public benefit of the medical facilities (other than 8 care beds) as part of this proposal.
- 5.24 The needs for the developments have been found to be real and pressing. The issues of retail impact and policy assessment of other matters are considered further in the following paragraphs. The contribution the scheme would make to addressing the needs is substantial. The scheme has the real prospect of coming to fruition. The scheme is considered to have passed the three tests and can, subject to the further assessment, be considered a justified case for a departure from the policies of the Development Plan.

Strategic issues – sustainable development

- 5.25 Hambleton Local Plan S1 opens with the aim that:

“The Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.”

It is considered that the development will contribute to the sustainability of the community as it provides services and facilities that are currently missing or under-provided in Easingwold. The development would support the role of Easingwold to provide services to residents and to other nearby communities as required by S3. A focus of the development proposals is the green space within the scheme, whilst the development would ‘take’ open agricultural land the scheme would achieve a higher quality of residential environment than is commonly achieved on new developments. The scheme has the potential to achieve a significant reduction in

the need for travel through the provision of the services and facilities locally to Easingwold. The proposals can be conditioned to achieve climate change mitigation and biodiversity enhancement.

Strategic issues – housing supply

- 5.26 The scheme is to provide a policy compliant mix of market and affordable housing as required by HG2 and HG3 and will maintain high rates of new home completions and extend the housing land supply in the District as required by S2 and HG1 at a very high level. Currently about 500 housing completions in 2022-23 will be achieved and a housing land supply exists of about 9 years.

Strategic issues – employment and retail

- 5.27 Policy EG1 does not set a requirement for employment development in Easingwold and allocates land at Shires Bridge Mill, Easingwold to achieve research and development space, together with development for industrial processes, general industrial or storage and distribution uses.
- 5.28 Provision of retail floorspace within the town is limited and the absence of suitable sites and the heritage status of the town centre precludes significant additional floor space in the central part of Easingwold. Although the Hambleton Retail Study Update Note (March 2019) found no quantitative need for additional convenience retail capacity the need to travel to access larger and greater choice of food stores is well known.
- 5.29 Policy EG3 seeks to maintain and enhance the vitality and viability of Easingwold as a district centre, meeting the day to day needs of the surrounding rural areas. Retail development on a site outside a Primary Shopping Area or other town centre uses is required to demonstrate compliance with the Sequential test set out in national policy and be supported by an impact assessment in the case of floorspace of 400m² or more. Policy EG3 states that schemes will be refused where a) they fail to satisfy the sequential test, or b) they would have significant adverse impact on the vitality and viability of any defined centre, or existing, committed or planning public or private investment in the catchment area of the proposal. The submitted retail statement provides a sequential test and impact test for the 1917m² food store (1315m² net) and 371m² convenience store (280m² net) and concludes that the proposal would 'clawback' significant amounts of trade, more than 50% of the trade would be clawed-back from food stores in York, 24% from Tesco Extra at Clifton Moor, York alone. The existing stores in Easingwold would continue to trade above benchmark values and would not harm the vitality or viability of the town centre.

Strategic issues – development in the countryside

- 5.30 Policy S5 sets the tests for development in the countryside. Development in the countryside is only to be supported where it is in accordance with national planning policy or other policies of the land and would not harm the character, appearance and environmental qualities of the area in which it is located. The loss of the best and most versatile agricultural land (grades 1, 2 and 3a) is to be avoided. The site is shown in the Natural England mapping as grade 3. The available mapping does not define whether the site is 3a or lower. As set out above the development is not supported by policies of the Local Plan or national policy and approval would require a departure from the policies of the Local Plan. A worst-case scenario that must be considered is that the development would result in the loss of grade 3a, best and most versatile agricultural land.

Other matters

Access

- 5.31 Access to the site on foot, wheeled and by cycle, the availability of public transport, HGVs and other vehicles access are the subject of study in the transport assessment. Commentary has been received from consultees including National Highways and the Local Highway Authority as well as local residents. Amendments have been discussed to provide a signalised crossing point on York Road to ensure that the most vulnerable highway users are protected and can achieve safe access to the development. A signalised crossing and additional right turn lane at the York Road site junction is considered to be likely to change driver behaviour resulting in a reduction in vehicle speeds. The matters can be controlled by condition to ensure appropriate access is achieved in compliance with Local Plan policies S1, E1, IC1 and IC2 and through improvements to amenity for neighbours' compliance with E2.

Drainage

- 5.32 Drainage of the site is acknowledged to be complex due to high water tables and the relatively low rates of fall on watercourses. The site is not at significant risk of flooding, the more than 95% of the site is within Flood Zone 1. Land in Flood Zones 2 and 3 exist to the south-eastern extremity of the site this is shown as open space in the proposed block plan. The developer's strategy for the site includes raising ground levels and attenuation of surface water. Similar challenges have been faced on the adjoining developments to the north of the application site. The Local Plan policy tests in RM1, RM2 and RM3 require a managed approach to control foul and surface water, reduce risks of flooding on site or on other areas and to avoid pollution. It is considered that a suitable engineered design can be provided that would enable a conditional approval of the site.

Housing

- 5.33 The proposed affordable housing, tenure, type and size of all dwellings are stated to meet policy requirements of Policy HG1, HG2 and HG3. Specialist accessible (M4(3) and M4(3)) and older person housing is an important part of the scheme and is supported by Policy HG2. The viability assessment work undertaken has shown the development to be viable for a policy compliant scheme. A planning obligation under s106 should be used to control the provision of Policy HG3 compliant affordable housing.

Healthcare

- 5.34 Additional healthcare provision had been noted in the Hambleton Local Development Framework and in the supporting text of Local Plan Policy IC4 which records:

“7.51 The need for a new healthcare facility in Easingwold has been identified by the NHS and Clinical Commissioning Group. The need for expansion of the medical centres in Thirsk and Stokesley market towns has been identified.”

Healthcare provision continues to be a matter of concern in the comment of correspondents to this application. Whilst a 'worked-up' scheme with a future occupier has not been provided, the additional space for healthcare in the town can be supported. A planning obligation under s106 should be used to control the provision of healthcare land and facilities and to compel the developer to continue to

work with the NHS to achieve good health outcomes through improvements in facilities for the population with a particular focus on the ageing population that is such a substantial part of the proposals.

Design

- 5.35 Design and layout are matters that are reserved for later approval. Local Plan policies E1, E2, E4 and E7 require for reasons of townscape, amenity impacts, wildlife and landscape that a high standard of design is achieved. The preparation of the reserved matters application (see paragraph 2.2 above) achieved a high standard of design by reducing the number of units within the scheme. The scheme acknowledges the requirement for a smaller number and continues to propose 70 dwelling. A design code can be required to be prepared, by Policy E1, for all types of development and specifically by Policy EG6 for commercial development, and for the design to be considered by a Design Review Panel and to follow the National Model Design Code. Subject to provisions in a planning condition (or within a section 106 agreement.)
- 5.36 The layout of public open space is a matter that can be controlled by the reserved matters and provisions of a section 106 agreement. The design must also make provision for a net gain in biodiversity as required by The Environment Act and policy E3.
- 5.37 During construction works pollution including ground contamination and groundwater pollution is a risk to the environment and site workers. Conditions can be imposed to mitigate these risks as required by Local Plan policies RM4 and RM5.
- 5.38 A design that reduce energy demand and increases the use of renewable energy should be prepared to respond to Local Plan policy RM6.

Conclusion and planning balance

- 5.39 The proposal is a departure from the policies of the Local Plan. It has been found that the outline proposals show a scheme that could bring benefits to the community through the provision of services and facilities and job opportunities during construction and a range of jobs during the operation/occupation. The scheme would achieve economic gains through construction and occupation. The impacts on the environment are relatively significant through the loss of agricultural land but that land does not hold special importance to the setting of the town or countryside. Provided that the “reserved matters” achieve a high-quality of design the scheme can achieve local gains for biodiversity and landscape. Furthermore, the clawback of trade to the town and local provision of services can reduce the need to travel to more distant locations to gain access to these services and achieves community, social and economic benefits for the community.

Next steps

- 5.40 Work remains to be done: 1) to confirm the details of the access and crossing of York Road, 2) in the preparation of the planning obligation to secure the benefits of the scheme and 3) the preparation of planning conditions that will inform the details to be approved at ‘reserved matters’ stage. This work should include liaison with local members of the community ideally through the Easingwold Town Council to

ensure that the needs of local people are fully understood and opportunities for achieving an exemplary scheme are taken wherever possible.

6.0 Recommendation

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to a planning obligation under section 106 of the Planning Act relating to the following matters:

1. Provision of affordable housing
2. Provision and maintenance of public open space
3. Provision of off-site highway works including a signalised pedestrian crossing of York Road in proximity to Outwood Academy Easingwold, York Road.
4. Phasing of the development to include earlier provision of fuel station, food store, care home and healthcare plan coordinator to inform the reserved matters submission and facilitate healthcare improvement.
5. Design code preparation including design review panel proceedings.

And planning conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) 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) layout, b) scale, c) the siting, design, and external appearance of each building, including a schedule of external materials to be used; d) landscaping of the site.
3. The detailed plans required by condition 2 above shall indicate the precise position of adjacent buildings, and shall include sections through the site to indicate the levels and height of the development in relation to surrounding properties and/or the locality in general.
4. 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.
5. The development shall not be commenced until a plan has been submitted to and approved in writing by the Local Planning Authority to show

all existing trees which are to be felled or retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees at all stages of the development process, including site clearance.

6. 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.

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

8. No dwelling shall be occupied until the boundary walls, fences and other means of enclosure have been constructed in accordance with the details approved in accordance with condition 7 above. All boundary walls, fences and other means of enclosure shall be retained and no part thereof shall be removed without the prior consent of the Local Planning Authority.

9. No plant and machinery shall be used at the premises unless prior to its use, it has been fitted with sound insulation materials in accordance with a scheme which has been approved by the Local Planning Authority. The sound insulation materials shall be kept in place at all times when the machinery is in use.

10. Surface water run-off from the forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used shall not discharge to any public surface water sewer network. Surface water from such areas must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, before discharge to the public foul or combined sewer network.

11. No building or other obstruction including landscape features shall be located over or within 5 metres either side of the centre line of the water main i.e. a protected strip width of 10 metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority

that the diversion or closure has been agreed with the relevant statutory undertaker.

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

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

14. No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. If sewage pumping is required from any part of the site, the peak pumped foul water discharge must not exceed 6.7 litres per second. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

15. 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.

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

17. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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

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

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.
- (4) Details of the method and means of surface water disposal.

- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

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

22. All the approved on-site and off-site facilities shall be design and approved before the commencement of the relevant phase of development and shall provided in accordance with details of the previously approved layout and designs including the sequence of the phases of programmed works.

23. Prior to the commencement of development, other than initial demolition, a Construction Management Plan including details of hours of operation and delivery times, methods of controlling noise and dust, details of lorry routes to and from the site and site security measures during the construction period, shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the approved details.

24. Any pressure/jet washing facilities located at the approved petrol filling station shall not be operated between 23:00 and 07:00.

25. Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided. 35dB LAeq 16hr 07.00 to 23.00 30dB LAeq 8hr 23:00 to 07:00 45dB LAm_{ax} 23:00 and 07:00

26. Prior to first use of the senior living apartments, a scheme for the provision of an acoustic barrier or fence to protect the amenity of existing residents to the north shall be submitted and approved by the Local Planning Authority. Thereafter, the scheme shall be implemented and maintained in accordance with the approved details.

27. No above ground construction work shall be undertaken until details showing how 'Secured by Design' principles have been incorporated into the

scheme have been submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

28. The permission hereby granted shall not be undertaken other than in complete accordance with Site Location Plan (drawing number 0011-001-NIE-XX-XX-DR-A-011 Rev.P2), Existing Site Plan (drawing number 0011-001-NIE-XX-XX-DR-A-002 Rev.P2), and Proposed Site Access Arrangement (drawing number JN2464-Dwg-0003C) unless otherwise approved in writing by the Local Planning Authority.

29. The development shall be limited as follows:

- i. The area of the food store shall be not less than 1725m² gross (1183m² net) and not more than 1917m² gross (1315m² net).
- ii. The area of the convenience store at the fuel station shall be not more than 371m² gross (280m² net).
- iii. Medical facilities shall not be fewer than 8 care beds for step-up or step-down care within the care home and space as required from the findings of the healthcare plan coordinator required by the Planning Obligation.
- iv. Not more than 45 senior living apartments, comprising a mix of single and two bedroom units, including at least 30% affordable housing.
- v. Not more than 51 senior living bungalows, comprising a mix of single and two bedroom units, including at least 30% affordable housing.
- vi. Not more than 60 bed care home including medical facilities.
- vii. Not more than 70 dwellings, including at least 30% affordable housing.
- viii. At least 13,500m² of public open space to provide a range of the types of open space as set out in the Local Plan Appendix E

30. No above ground construction work shall be undertaken until full details of the phasing of the construction of the development hereby approved including, but not limited to, a site layout plan identifying the proposed location and timing of construction of the dwellings, convenience store, petrol filling station, care home and healthcare uses, signalised crossing on York Road, the provision of internal roads, footpaths, cycleways, and public open space shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out only in accordance with the phasing details approved under this condition.

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. Taking into account the existing site levels, to ensure that the proposed development will not have an adverse effect on the amenities of adjoining or nearby properties and the local scene in general in accordance with the Hambleton Local Plan Policies E1, E2 and E7.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
5. To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.
6. 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.
7. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. In order to safeguard the amenity of existing and new neighbours to the development in accordance with Hambleton Local Plan policy E2.
10. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
11. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
12. In order to allow sufficient access for maintenance and repair work at all times in accordance with policy IC1 of the Hambleton Local Plan.
13. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
14. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
15. 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.
16. In order to take proper account of the risks to the health and safety of the local population, builders and the environment and address these risks in accordance with the Hambleton Local Plan Policy RM5.

17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
20. In accordance with Policy S1, E1 and E2 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
21. In accordance with Policy and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
22. To ensure an appropriate network of paths and roads are provided to serve the needs of users of the development in accordance with Hambleton Local Plan policies S1, E1, E2, IC1 and IC2.
23. To protect the amenity of nearby residents and to accord with policy E1 and E2 of the Hambleton Local Plan.
24. To protect the amenity of nearby residents and to accord with policy E2 of the Hambleton Local Plan.
25. To protect the amenity of residential occupiers in accordance with policy E2 of the Hambleton Local Plan.
26. To protect the amenity of nearby residents and to accord with policy E2 of the Hambleton Local Plan.
27. In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.
28. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Hambleton Local Plan policies E1, E2 and IC2.
29. To ensure that the extent of the development is limited to that proposed and assessed in the application.
30. To ensure that the community benefits of the proposed development at delivered at an early stage of the construction process.

Parish: Easingwold

Ward: Easingwold

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Committee date: 16.03.2023

Officer dealing: A O'Driscoll

Target Date: 06.05.2022

Date of extension of time (if agreed): 20.03.2023

22/00063/FUL

Construction of a two storey building for use as 2no. business units comprising a children's nursery (use Class E(f)) at ground floor and nursery/office (use Class E(f) and E(g)) at first floor, 2no. single storey buildings to provide 5 business units use class E(g) and construction of a new access and car park

At: Land Adjacent To Longbridge House, Stillington Road, Easingwold

For: Grants Pro Agri Ltd

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

1.0 Site, Context and Proposal

- 1.1 The application site is located on the south eastern end of Easingwold on the southern side of Stillington Road. The site is currently a vacant piece of grassland adjacent to the Easingwold Business Park which is identified as a General Employment Location in the Local Plan. Although the land does not appear to have any particular use signage on the fencing indicates that it may at times be used for the keeping of livestock.
- 1.2 Immediately opposite the site on the northern side of Stillington Road is the Easingwold Town Football club and immediately to the north of this is a Tilia Homes development of 174 dwellings. The business park features a number of employment uses such as offices, warehousing and a fire station with training centre. There is a bus stop immediately outside of the business park, however the footpath serving the stop does not extend into this part of the business park.
- 1.3 The application is for 7 units. One building will house a nursery use at ground floor. The intended occupant is unsure if they will require the full two storey building and therefore the first floor is designed in such a manner that it could be used as ancillary space by the nursery or as an independent unit. This building would be for uses E(f) Creche, day nursery or day centre (not including a residential use) and E(g) Uses which can be carried out in a residential area without detriment to its amenity. The remaining 5 units will be provided in two single storey buildings for E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes, E(g)(iii) Industrial processes.
- 1.4 During the life of the application the layout of the site was altered in response to Officers concerns regarding visual impact on the street scene and transition between the settlement and open countryside. One office building has been

reduced in size by removing one unit (two buildings of 3 units changed to two buildings of 3 units and 2 units) the buildings have also been re-oriented to allow a large buffer between the built form and the road. In addition to this the first floor fenestration on the east side of the nursery building has been amended to reduce the impact of overlooking on the adjacent property.

2.0 Relevant Planning and Enforcement History

2.1 The application site is greenfield and has no relevant planning or enforcement history

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 S5: Development in the Countryside

Local Plan Policy EG1: Meeting Hambleton's Employment Need

Local Plan Policy EG2: Protection and Enhancement of Employment Land

Local Plan Policy EG3: Town Centre Retail and Leisure Provision

Local Plan Policy EG6: Commercial Buildings, Signs and Advertisements

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 IC2: Transport and Accessibility

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 – Easingwold Town Council wish to see the application approved

4.2 Highway Authority – No objection subject to conditions

4.3 Lead Local Flood Authority – No objection subject to conditions

4.4 Kyle and Upper Ouse Internal Drainage Board – Standing advice provided

4.5 Yorkshire Water – Refers consultation relating to the package treatment plant to the Environment Agency

4.6 Environment Agency – No comments

4.7 Environmental Health Officer Land Contamination – No observations

4.8 MOD Safeguarding RAF Linton On Ouse – No safeguarding objections

4.9 Public comments – One letter of representation was received from a neighbouring property. The resident who rents the property objects to the scheme being undertaken at this time due to the health impact on a vulnerable family member. Their rental contract expires in August 2023. They do not object to the work going ahead once they have moved away.

5.0 Analysis

5.1 The main issues to consider are:

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

Principle

- 5.2 Local Plan Policy S3 states that the Council will seek to enhance the economy by maintaining and enhancing the range of existing employment land where significant numbers of people are employed and the businesses derive benefit from being located together, which should be the main focus for business development in the district and any redevelopment should be for employment generating uses. Policy S3 also identifies Easingwold as a Market Town, the highest designation in the settlement hierarchy.
- 5.3 Local Plan Policy S5 states that the countryside is defined as land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3: Spatial Distribution. 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. The built form excludes gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement.
- 5.4 Policy EG1 indicates that the Council will seek to deliver sustainable economic growth by supporting sites allocated for business use. In Easingwold land is allocated for business use at Shires Bridge Mill. Policy EG2 sets out the Councils approach to the protection and improvement of areas of land and buildings currently in employment use. Policy EG2 identifies the Easingwold Business Park as a General Employment Location.
- 5.5 Policy EG7: Businesses in Rural Areas states that Employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:
- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
 - b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension,

alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision;
or

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

Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.

- 5.6 The application primarily seeks consent for a new purpose built children's nursery building. The existing business is currently located in Easingwold centre. Due to potential lease issues the existing business is looking to relocate. The agent indicates that the existing business cannot find an alternative location within the main built form of the town and unless they gain permission for a bespoke building may relocate to York.
- 5.7 The site has been offered by the landowner, however, the building would be on a lease basis. In order to justify the cost of the development to the landowner the additional commercial/business units are also proposed.
- 5.8 Under the most recent Use Class Order the children's nursery use is categorised as an E use. Use Class E now also includes retail, cafes/restaurants, financial and professional services, indoor sport and recreation, medical or health services, offices and other industrial processes that can be carried out in a residential area without detriment to its amenity.
- 5.9 It is considered that Policy EG7 part c. is the most relevant policy in relation to this proposal. The first criterion is that any new buildings must be well related to an existing rural settlement. There is some concern regarding the wording of this section in identifying a rural settlement. Easingwold is a market town and the use of the term rural settlement (as opposed to "defined settlements in the hierarchy") would appear to refer to settlements other than market towns. The Local Plan, however, does not define the term rural settlement and therefore in this case it is not clear whether the policy would support development adjacent to the built form of a market town.
- 5.10 EG7 second criterion requires that it be demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location. This sequential test was requested from the applicant's agent. The response indicates that as there are no specific allocations for early years education the options for this use are retail space or employment space. This would align with the use class in which nursey/day care falls. The agent has indicated that retail space is impractical and threatens retail space when local authorities and government are seeking to shore up the retail sector and the contribution it makes to the vibrancy and viability of town centres. No investigation of available space has therefore been provided.

- 5.11 A more pertinent matter, however, in the use of retail space within settlements is that many of the districts town/settlement centres are historical with many older buildings only offering first floor accommodation to non-main retail uses. Part of the attraction to this site is the provision of a bespoke building with secure outdoor play areas and dedicated parking for drop off and collection. In addition to this the proposal would secure the retention of a childcare facility in Easingwold which provides added benefits especially when considering the recent housing development nearby.
- 5.12 With regard to employment locations the agent indicates that there are no sites available in the area including at Shires Mill Bridge. They also raise the point that locating this particular use so far from the town centre would reduce sustainability and make the service physically unavailable to many of the current clientele.
- 5.13 The Local Plan identifies a shortage of sites and premises for businesses, particularly for the high proportion of micro businesses (Chapter 2 Issues Shaping the Local Plan Key, Economy, Key issues, challenges and opportunities). The proposal reflects this need by providing 6 small units for business use. As discussed above Policy EG7, requires that new buildings be located within the built form of a settlement or identified employment location. This site sits adjacent to an existing employment location. It is also noted that there is another area of unbuilt land to the west which actually sits within the area identified as an existing employment location. In this case therefore, it is considered that this is the right type of development but technically in the wrong place. It must also be considered that part of the proposal is to provide bespoke accommodation for a high demand service, and one which is logical to locate close to residential areas, as opposed to on a business park outside of the town.
- 5.14 It is necessary therefore to balance the value of retaining the nursery service in a bespoke building against the lack of compliance with Policy EG7. It is considered in this case that as the site is located directly adjacent to an existing employment location and adjacent to a market town therefore would need to be some harm identified in order to justify refusal. The principle of development must also therefore be based on the impact of the development on the character of the area which is set out below.

Design and impact on the character of the area

- 5.15 Local Plan Policy E1: Design states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 5.16 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.
- 5.17 Policy EG6: Commercial Buildings, Signs and Advertisements indicates that new commercial buildings will be supported where it respects the character and appearance of the area, would not be a dominant feature of any location, leading to an excessive, visually cluttered or overbearing appearance.

- 5.18 During the life of the application concerns were raised regarding the proximity of the buildings to Stillington Road. Concern centred around the impact of roadside development on the character of the area. Currently, existing development is set back from the road with open green space providing a visual buffer. In this way the approach to the edge of the settlement is tapered. Further to the north west an existing employment building which gained approval in the recent past demonstrates the visual interruption and harm caused by large scale development too close to the road.
- 5.19 In response to this the layout was amended as described at section 1.4. The initial concerns regarding visual amenity and impact on the character of the area have been addressed. It is considered therefore that the proposal would not result in harm to the character of the area.

Amenity

- 5.20 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.
- 5.21 The closest residential property is Longbridge House to the south east. The agent has indicated that this property is in the applicants' ownership and is currently tenanted. The current occupants have objected to the disruption during the development but not to the development itself. Concerns were raised during the life of the application regarding the impact of overlooking from the two storey nursery building on the privacy of the garden. In response to this the building was redesigned to reduce the windows at first floor on this level. The rear garden space will not be impacted by the development. Given the location of Longbridge House to the south of the application site there are no other amenity concerns in relation to light or the relationship between buildings.

Drainage and flood risk

- 5.22 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.

5.23 The application site is located in Flood Zone 1 and within the Kyle and Upper Ouse Internal Drainage Board Area. The application form indicates that foul water will be disposed of via a package treatment plant discharging to a drainage field. Surface water is to be disposed of via soakaway. The IDB have indicated that by virtue of being within their area the site may not be suitable for soakaway drainage. No percolation or test pit information has been submitted to support the above proposals.

5.24 The Lead Local Flood Authority have not raised any objection and have recommended that the drainage scheme be controlled by condition. Yorkshire Water have recommended that the private foul drainage system be referred to the Environment Agency. A consultation was sent to the Environment Agency, however, no response was received.

5.25 Mapping indicates that Longbridge Beck lies to the south east of the site. The intervening land belongs to Longbridge House which the agent has indicated is in the applicants' ownership. A connection to the Beck therefore, appears to be feasible should percolation testing discount the use of soakaways. The IDB have indicated that any discharge to a watercourse should be limited to 1.4 litres per second per hectare or greenfield runoff.

5.26 Given the above information it is considered therefore that the drainage scheme can be secured by condition.

Highways safety

5.27 Policy IC1 states that the Council will seek to ensure that development is supported by the timely delivery of necessary infrastructure and facilities by amongst other things 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.

5.28 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;
- 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,

5.29 The development will be accessed via a new access point on Stillington Road. North Yorkshire County Council Highways Officers were consulted and have raised no objections subject to conditions relating to private access or verge crossing, visibility splays, turning and parking areas and a construction management plan. A Grampian condition for off-site Highways works has also been recommended. This relates to the provision of a footpath along the front of the site on Stillington Road to join with the existing path to the north west.

Biodiversity

5.30 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. 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.

5.31 No ecology information has been submitted. The site comprises a grassed field which is used for grazing. The northern boundary comprises an established hedgerow with some small gaps. The proposal includes the removal of some hedgerow to facilitate the access. Despite this, however, the layout plan indicates good scope for planting of new hedgerows and trees. It is therefore considered that in this case the Biodiversity metric and gains can be secured through pre commencement condition.

6.0 Recommendation

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

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

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

Proposed Site Plan 2021/000/002 Rev B received 23.02.2023

Proposed Ground Floor Plan 2021/000/003 Rev A received 23.02.2023

Proposed First Floor Plan 2021/000/030 Rev A received 23.02.2023
Proposed Offices 2021- 000-010 Rev A received 01.03.2023
Proposed Offices 2021-000-011 Rev A received 01.03.2023
Office 1 Elevations 2021-000-007 received 10.01.2022
Office 1 Elevations 2021-000-008 received 10.01.2022
Office 1 Floor plan 2021-000-006 received 10.01.2022

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

4. 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 single storey building(s) housing units 1-5 as detailed on drawing referenced Proposed Site Plan 2021/000/002 Rev B and received 23.02.2023 shall not be used other than for uses falling within use class E(g) namely: Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes E(g)(iii) Industrial processes

5. 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 two storey building(s) on the eastern side of the site as detailed on drawing referenced Proposed Site Plan 2021/000/002 Rev B and received 23.02.2023 shall not be used other than for uses falling within use classes E(f) and E(g) namely:

E(f) Creche, day nursery or day centre (not including a residential use) E(g) Uses which can be carried out in a residential area without detriment to its amenity:

E(g)(i) Offices to carry out any operational or administrative functions, E(g)(ii) Research and development of products or processes
E(g)(iii) Industrial processes

6. 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 access must be formed with 6 metres radius kerbs, to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 6 metres into the site must be constructed in accordance with Standard Detail number A1.

- 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.

7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 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.

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

- Provision of a footway on Stillington Road connecting the site's access to the existing footway to the northwest.

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

9. No part of the development must be brought into use until the parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 2021-000-002 Revision DB. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

details of any temporary construction access to the site including measures for removal following completion of construction works;

- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; - the parking of contractors' 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.

11. 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.

12. 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.

13. The development must not be brought into use until a landscaping and biodiversity net gain scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide the following:

- a) a landscape scheme including details of the type, height, species and location of all new trees, hedges and shrubs and shall show the retention of any significant existing landscape features
- b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3
- c) a programme of work and subsequent maintenance arrangements. The development shall be carried out in accordance with the approved scheme.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings.
3. 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. In order to allow the Council to assess any proposed changes to retail, cafe or restaurant uses.
5. In order to allow the Council to assess any proposed changes to retail, cafe or restaurant uses.
6. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
7. In the interests of highway safety
8. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
9. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

10. In the interest of public safety and amenity.

11. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

12. To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

13. In accordance with Local Plan Policies E1 and E3.

Parish: Borrowby
Ward: Bagby and Thorntons
3

Committee Date : 16 March 2023
Officer dealing : Mr Thomas Pilling
Target Date: 13 March 2023
Date of extension 17 March 2023
of time (if agreed):

23/00101/FUL

Construction of dormer window and porch and installation of gable window and rooflights.

At: Pinfold Cottage, Park Lane, Borrowby, Thirsk, YO7 4QN
For: Mr & Mrs Nigel & Helen Laws.

This application is presented to the Planning Committee as the applicant is a HDC employee.

1.0 Site, context and proposal

- 1.1 Pinfold Cottage is a semi-detached two storey 19th century dwelling located within the centre of Borrowby and within the Borrowby Conservation Area. The property is within a predominately residential area, the Village Hall stands immediately to the north of the dwelling.
- 1.2 This application seeks planning consent for the construction of a dormer window and porch, along with the installation of gable window and 3 rooflights.

2.0 Relevant planning history

- 2.1 11/02778/FUL - 03.02.2012 - Granted - Proposed alterations and single storey extensions to existing dwelling
- 2.2 2/99/017/0120C - 10.08.1999 - Granted - Extension to existing dwelling to include domestic stores to replace existing outbuilding
- 2.3 2/96/017/0120A - 19.02.1997 - Granted - Revised application for the construction of a domestic garage with store to replace existing garage

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 E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E5: Development Affecting Heritage Assets
Supplementary Planning Document - Domestic Extensions - Adopted October 2022
Local Plan Policy S1: Sustainable Development Principles

4.0 Consultations

4.1 Borrowby Parish Council - 24/01/2023 - no objections

5.0 Analysis

5.1 The main considerations are: i) whether this application has a harmful impact on the character, appearance or significance of the Conservation area , ii) the impact of the design on the form and character of the host dwelling, and iii) whether the development has an adverse impact on residential amenity.

Heritage and design matters

5.2 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.

5.3 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

5.4 If any harm is identified to a designated heritage asset, planning permission can only be granted if sufficient public benefit is identified, whilst giving the identified harm great weight in the planning balance.

5.5 Policy S7; the Historic Environment and Policy E5; Development Affecting Heritage Assets state that proposed developments must protect and conserve the district's heritage assets and their settings. The conservation area is characterised by traditional narrow streets and compact rural domestic dwellings. Dwellings are generally vernacular in design, exposed stone and lime mortars, with a few white/cream rendered dwellings scattered throughout.

5.6 The village has a distinct feel with most roof materials being traditional clay roof tiles or slate. The roof-scape is uneven and cluttered, predominantly due to the topography of Borrowby with the north significantly higher than the south, with chimneys, dormer windows and gable windows all appearing in the existing roofscape adding textures and intricacy throughout, helping to create the character of Borrowby. The proposed works (dormer window, small open porch, gable window and rooflights) would not harm the historic character of the village and would be in keeping with the built heritage characteristics of the conservation area. As such this proposal complies with policies E5 and S7 and the requirements of the NPPF.

5.7 Policy E1 states that all development should be of a high quality, integrating successfully with its surroundings, reinforcing local distinctiveness and helping to create a strong sense of place. The village of Borrowby has a specific feel/character, as described above. Even though the property sits in a prominent,

elevated position in the heart of the village, facing onto one of the main access roads, the site is well screened with landscaping, fencing and walls and is set back by approximately 5m. The height difference from the narrow roadside to the roof top is significant, restricting the visibility of the proposed works, reducing the potential for impact on the host dwelling and its surroundings.

- The addition of the gable window and porch with its limited increase in size and location would not have a detrimental impact on the dwelling nor its surroundings.

- The dormer window would be in-keeping with the existing property in terms of scale, form and design, also would not dominate the roof. The neighbouring property, which shares a continuous roof top with Pinfold Cottage, already features dormer windows, as such the proposed works would integrate successfully with its surroundings. This proposal complies with Policy E1.

Amenity

- 5.8 Policy E2 and Hambleton District Council's guide on Domestic Extensions states; Development must make effective and efficient use of land, while protecting amenity, particularly regarding privacy. The dormer window, rooflights and gable window would have no significant impact on the amenities of neighbouring dwellings. The dormer window is a small addition and is an estimated 23 meters distance from the side window of Kipsinende (nearest neighbour). As such this proposal complies with Policy E2.

Permitted Development

- 5.9 Borrowby has a Conservation Area with no Article 4 Direction which essentially means that there are only limited restrictions on permitted development rights.
- 5.10 The proposed rooflights would be 'permitted development' under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) Order 2015. The proposed porch would be 'permitted development' under Schedule 2, Part 1, Class D of the Town and Country Planning (General Permitted Development) Order 2015. As such these elements of the proposals do not require Planning Permission but are shown on the application for completeness.

Planning Balance

- 5.11 It is considered that the proposed development results in no harm to the significance of the Borrowby Conservation Area nor to the character and appearance of the host dwelling. The proposals are considered to result in no harmful impact on residential amenity.
- 5.12 The proposed development is considered to be in compliance with all relevant requirements of Local Plan policy along with the tests set out in the NPPF.

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) and/or details received by Hambleton District Council on 235-01, 235-05 and 235-06 unless otherwise agreed in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) E1, E2, E5, S1, S7 and Hambleton's Domestic Extensions guide.

Parish: Aiskew

Ward: Bedale

4

Committee Date : 16 March 2023

Officer dealing : Ms Helen Ledger

Target Date: 2 September 2022

Date of extension 17th March 2023
of time (if agreed):

22/01600/FUL

Development of land for Class E(G), B2 and B8 with office space, car parking and servicing of vehicles.

**At: Land to the north of Portland Way Leeming Bar Industrial Estate Leeming Bar
For: Mr Adam Richardson**

This application has been referred to Planning Committee as the Council owns the site subject to this planning application.

1.0 Site description and proposal

- 1.1 The site is located to the eastern edge of the Leeming Bar Industrial Estate with access from Portland Way to the south. It falls within the policy EG2 key employment site allocation. The site itself is currently overgrown, with neighbouring industrial uses to the west, notably the Argain Ltd site dominated by a series of large metal clad buildings. To the east the development form includes a ribbon of residential development along the western side of Leases Road, comprising almost entirely small single storey dwellings. There is a large bungalow located between the site and Portland Way on the southern boundary of the site. The site is largely flat but sits approximately 0.5m higher than the road in some locations.
- 1.2 The proposal is to develop a series of 18 small to medium sized employment units, with access from Portland Way to the south with a short section shared with the neighbouring Argain Ltd site. The proposed development is for the construction of industrial units for the following uses:
- Use Class E (G) (ii) and (iii)
 - Use Class B2 and B8 with ancillary E (G) (i) office space.
- 1.3 The development would provide for 27,983sq.ft (Gross Internal Floor Area) of space with associated hardstanding, parking and access. The units would be constructed in three blocks with units of various floorspaces from 1,252sq.ft to 3,700sq.ft.
- 1.4 Associated external works including access, service yard, hardstanding, parking for vehicles, cycles and motorbikes and bin store areas. Access is from the south and partially shared with the neighbouring Argrain site for a short stretch at the frontage. All three blocks of units are to be finished at 3.8m high although site levels vary. The materials are proposed as metal insulated cladding in silver metallic and anthracite grey colours. The existing landscaping will be bolstered in order to help visually screen the site.

2.0 Relevant Planning History

- 2.1 08/00867/FUL - Construction of 5 industrial units (B1 and B8) and an industrial unit (B8) for use as builders and timber and plumbers merchant. Creation of a new vehicular access and associated car parking and landscaping - approved 16.06.2008
This permission was not implemented.

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 S3: Spatial Distribution
Local Plan Policy EG1: Meeting Hambleton's Employment Need
Local Plan Policy EG2: Protection and Enhancement of Employment Land
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
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM4: Air Quality
National Planning Policy Framework

4.0 Consultations

- 4.1 Aiskew Parish Council - No comments received
- 4.2 NYCC Highways - It is noted that the proposed development is to utilise the access that the business adjacent operates currently as a one way system. This would result in this short section becoming two way traffic until after the site extents. It is therefore recommended that the applicant install give way markings at their junction off the site entrance to remind patrons of the potential of on-coming vehicles approaching. Conditions recommended to deal with new and altered access and verge crossing, details of access, turning and parking, construction management and prevention of mud on the highway.
- 4.3 Environmental Health - Previously commented in relation to this application on the 18th August 2022 and on 19th October 2022 when additional information was sought in relation to the existing background noise levels in the back gardens of the adjacent residential properties. Additional information has been submitted in the following report: Noise Impact Assessment for a Proposed Commercial/Industrial Development, Land off Portland Way, Nova Acoustics, Ref 7640AR V001, dated 2nd December 2022. The report undertook additional measurements which means that we are more confident that the impact on amenity will not be significant. Conditions are recommended to cover technical aspects of construction, materials

and openings as cited in the above report and submission of a construction management plan.

- 4.4 Business and Economy - Neutral - Very keen to see the site developed as B&E service and site owner. There is demand for this type of unit in the area. The site has been on the market for a long time and had a previous application approved on it. The applicant has consulted HDC prior to submitting plans and believe that comments on parking and vehicle movements have been taken into account in the application. It is important that the amenity of the neighbouring houses is respected.
- 4.5 SABIC UK Petrochemicals Limited - The application will not affect SABIC/INEOS high pressure ethylene pipeline apparatus.
- 4.6 MOD Safeguarding - The application site occupies the statutory safeguarding zone surrounding RAF Leeming and the North WAM Network. In particular, the aerodrome height, technical and bird strike safeguarding zones surrounding RAF Leeming and is approximately 1.95km from the centre of the airfield, and lies approximately 1.3km from North WAM Network asset. Having reviewed the proposals, confirm the MOD has no concerns with regards to the height of the proposed development, technical safeguarding concerns. Concern is expressed that during construction and once complete there is a potential for the site to attract birds and a risk of bird strike. Conditions recommended to help manage the site to avoid the attraction of large gulls in particular.
- 4.7 Environmental Health (contaminated land) - A phase 1 Assessment produced by Solmek is submitted in support of the above development. The report identifies potential risks from contamination and recommends further investigation. In light of this information, the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment. Recommend conditions in order to secure the investigation and, where necessary, remediation of any contamination on the site.
- 4.8 Yorkshire Water - Recommended conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure to deal with separate systems of drainage for foul and surface water on and off site. The submitted 'Flood Risk Assessment and Drainage Strategy' 1219-ROS-00-00-RE-D-09001 prepared by Roscoe, dated July 2022 is generally acceptable. This report states that
- a.) Foul water will discharge to public foul water sewer
 - b.) infiltration testing has yet to be carried out.
 - c.) A watercourse is remote from the site.
 - d.) Surface water will discharge to public surface water sewer via storage with restricted discharge 2.5 litres/second.
- Note there is a 150mm diameter public foul and a 300mm surface water sewer recorded to cross the site. It may not be acceptable to raise or lower ground levels over the sewer any inspection chambers on the sewer must not be built over. For the 150mm sewer, Yorkshire Water this matter will be controlled by Requirement H4 of the Building Regulations 2010). For the 300mm, a stand-off distance of 3 metres is required at each side of the sewer centre-line and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer. A proposal by the developer to alter/divert a public sewer will be

subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

4.9 YW promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration is not reasonably practical before considering disposal to public sewer. As the proposal site is currently undeveloped, no positive surface water is known to have previously discharged to the public sewer network. Surface water discharge to the existing public sewer network must only be as a last resort and the developer is required to eliminate other means of surface water disposal. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public surface water sewer at a restricted rate of discharge not to exceed 2.5 litres per second.

4.10 Site notice posted, neighbours notified. One public comment received from a near neighbour. This was a neutral comment seeking clarification on a number of matters;

- Mix of uses on site, office/industrial
- Distance to my boundary and screening
- Building heights
- Hours of operation
- General concerns with noise, light, food smells, alarms and air quality and construction impact
- Impact on a neighbour with small holding to north
- Welcome the renewable energy aspect, could some benefit be directed to Leeming Bar Community Hub (LBCH) I
- Potential issues created by sewage and contaminated ground work.
- Offer myself as a point of contact for discussion/liaison and site meeting to help alleviate potential conflict.

4.11 A site meeting with the above member of the public held with the agent and applicant and council officers on 25th January 2023. Notes of the meeting on the planning file and a summary of the discussions is also included below.

- Clarification of boundary arrangements and acoustic fencing and site access
- Planting scheme discussed
- Noted smaller units likely to be small start ups and HGV traffic unlikely
- Discussed site management both in construction and post completion, planning conditions will be used to control these impacts.

5.0 Analysis

5.1 The main considerations are; i) the principle; ii) design; iii) impact on the character of the local area; iv) local amenity; v) environmental impacts and; vi) highway safety.

Principle

5.2 Policy S1 sets out that development will be supported that supports existing communities, making effective and efficient use of land, supporting social cohesion, minimising the need to travel and promoting sustainable modes of travel; secondly by ensuring communities have a healthy, safe and attractive living and working

environment with reasonable access for all to a good range of facilities and services. Other key relevant principles

- b. Ensuring communities have a healthy, safe and attractive living and working environment with reasonable access for all to a good range of facilities and services;
- d. Promoting Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy;
- f. Ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed and underused land and buildings, and reclaimed materials;
- g. Supporting development and infrastructure provision 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.

5.3 The strategic policies of the development plan would steer new employment development towards allocated sites, or those sites protected under policy EG2 for protection and improvement of areas of land and buildings currently in employment use. This application site on the edge of the Leeming Bar industrial estate, identified as a key employment location and falls within the latter protection and improvement policy. They are identified in recognition of their role as the prime business locations in the district, where significant numbers of people are employed and the businesses derive benefit from being located together. On the basis of these strategic policies the principle of this, the proposal can be supported. As the planning history notes the site does also have a 2008 permission, ref: 08/00867/FUL, for a similar arrangement of industrial unit although this was not implemented.

Design and Local Character

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

5.5 Thanks to extensive pre application work the layout makes efficient use of the site and generous landscaping buffers with acoustic fencing. The design and materials

are functional and reflect the materials used in other areas of the wider employment site. The layout and building height have been managed to ensure the smaller units, in blocks B and C are located in the areas closest to dwellings. All traffic and turning areas are to be centrally located within the site save the lesser traffic generating spaces of cycle parking and refuse area.

- 5.6 The proactive input from a member of the local community has also helped shape recommended planning conditions to help control the impacts identified. The residential dwellings neighbouring to the site to the east and south are all single storey and have a mix of existing boundaries, different fence heights, hedges and trees. To provide amenity protection, 1.8m acoustic fencing would be located around the perimeter of the site and an extensive area of landscape in-depth with an acceptable separation distance to the edge of neighbouring dwellings. On this basis it is considered the development meets the requirements of policy E1 in terms of design.

Local amenity

- 5.7 Policy E2 seeks to protect local residential amenity, this is from the impacts of new development including noise, light disturbance, massing, overlooking and other matters.
- 5.8 This application has had extensive input both at pre application stage and with this planning application from colleagues in Environmental Health - Residence Services. Extra research was required on acoustics to ensure that the mitigation measures would indeed reflect the background noise levels in neighbouring gardens. Thanks to this a series of planning conditions has been proposed to resolve noise levels but also other aspects during construction, including techniques to be applied during the construction period to minimise the potential for dust and local air pollutants.
- 5.9 It is clear that the scale of the employment units are small in the majority 116.68 m² internal floor area for block B and 139.75 m² for block C those buildings closest to dwellings. These have a maximum height of 3.8m which slopes downward to the outside further minimising any potential for over-shadowing impact to the north and west of the neighbouring gardens. These would be unlikely to generate significant HGV traffic given the scale proposed. A lighting condition is recommended to help understand and control future lighting needs and any external plant equipment that is added. Working with the local community representation it is also recommended a planning condition be used to provide a post completion management link to ensure any issues arising after occupation can be raised with the site management company; often better placed to resolve issues beyond the limited scope of the planning enforcement team. Based on the layout proposed and the control mechanisms in planning conditions, it is considered the proposal can be developed with an acceptable level of residential amenity.

Environmental matters

- 5.10 The Environmental Health – Resident Services Team has helped ensure the site can be developed in a manner without compromising existing levels of residential amenity. There are wider environmental matters to consider which have been identified by consultees.
- 5.11 The site falls within the statutory safeguarding zone surrounding RAF Leeming. Whilst the building itself does not cause the ministry of defence concern the

management of the roof and landscaping requires consideration to prevent the risk of bird strike. Conditions are recommended to deal with this issue including reducing the number of fruiting shrubs and trees to less than 40%, it is noted that the submitted scheme is close to 75%.

- 5.12 Policy E3 requires that all development must have a net gain for biodiversity. A robust landscaping scheme and preliminary ecological report has been supplied to understand the habitat value of the existing site and help add more ecological value back in. There are no designated sites within the survey area and the site is of low ecological value. Biodiversity calculations were carried out using the DEFRA Metric 2.0 and the baseline on the site was calculated at 3.10 Habitat Units. No analysis has been provided to assess the habitat value of the revised landscaping scheme, as further work is needed following the reduction in the number of fruiting species proposed, further work is needed to re model this aspect and a condition is proposed to resolve this issue. The agent has discussed the requirement with their ecological consultant, and they have advised that they can still achieve biodiversity net gain without such a high proportion of fruiting trees. Given the extensive buffer landscaping proposed and space allowed for this, it is considered highly likely that the development can achieve biodiversity net gain subject to the recommended condition.
- 5.13 Conditions are also recommended to deal with the issues raised by Contaminated Land and Yorkshire Water. Policy RM1: Water Quality, Supply and Foul Drainage requires protection of water quality and effective management and RM3: Surface Water and Drainage Management requires appropriate surface water management. Policy M5 covers ground contamination and there is potential for the proposal to be affected by contamination or where contamination may present a risk to the surrounding environment, the Council will require an independent investigation. A phase I contaminated land report has been supplied and it is recommended further conditions for a phase II study are applied should contamination be found. The pre commencement conditions sought by YW and their requirements for water attenuation have been discussed and agreed with the agent, along with the limitations of the sewage infrastructure on site. It is noted that the building control system further controls the other matters identified.
- 5.14 Following pre application discussions the applicant has supplied an energy report to meet the requirements of policy E1 criteria K, to achieve climate change mitigation measures through design and minimise energy consumption. The NPPF requires at paragraph 152, the planning system should support the transition to a low carbon future in a changing climate and helping to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. The submitted report finds that solar PV cells would be the most effective renewable energy generation. The report makes specific recommendations in regard to waste, water conservation and pollution from light, dust and noise.

Highway safety

- 5.15 Policy IC2 on transport requires proposals to demonstrate that they are located where the highway network can satisfactorily accommodate the traffic generated by the development and where the development is well integrated with footpath and cycling networks and public transport. Importantly that highway safety would not be

compromised, and safe physical access can be provided to the proposed development from the footpath and highway networks.

- 5.16 The site has access to the highway network via a small shared section of access road, currently, in part, a one way system, to the south western part of the site. The Local Highway Authority can support this route recommending planning conditions to deal with the new access point. They note that the applicant should install give way markings at their junction off the site entrance to remind patrons of the potential of on-coming vehicles approaching. The access can also be used on foot and cycle traffic based on the layout proposed. In this vein it is considered this application be considered safe in highway terms and meet the requirements of policy IC2.

Planning balance

- 5.17 The principle of development can be supported by virtue of location on the edge of an existing employment area within an EG2 policy designation. The application shows that the existing site constraints can be adequately resolved or controlled by planning condition, including maintaining acceptable levels of residential amenity and highway safety. Approval is recommended.

6.0 Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered;
11993 - CDL - S1 - XX - DR - A - PL-003 RevP3 - Layout
11993 - CDL - S1 - XX - DR - A - PL-006 RevP3 - Cross section layout plan
11993 - CDL - ZB - XX - DR - A - PL-200 RevP1 - Unit Block 2 Proposed Elevations
11993 - CDL - ZB - 00 - DR - A - PL-100 Rev P1 - Unit Block 2 Proposed Floor/Roof Plan
11993 - CDL - ZC - 00 - DR - A - PL-100 Rev P1 - Unit 3 Floor/roof plan
11993 - CDL - ZC - XX - DR - A - PL-200 RevP1 - Unit Block 3 Proposed Elevations
11993 - CDL - ZA - 00 - DR - A - PL-100 Rev P1 - Unit Block 1 Floor/Roof Plans
11993 - CDL - ZA - XX - DR - A - PL-200 RevP1 - Unit Block 1 Proposed Elevations
Flood Risk Assessment and Drainage Strategy 1219-ROS-00-00-RE-D-09001 prepared by Roscoe, dated July 2022
Arboricultural Impact Assessment dated June 2022 prepared by Elliot Consultancy Ltd
MJM Consulting Engineers - Transport Statement MJM Consulting Engineers
NOVA Acoustics - Noise Impact Assessment Elliott Consultancy Ltd dated 2/12/2022
Whitcher Wildlife Ltd - Preliminary Ecological Appraisal

as received by Hambleton District Council on 20.07.2022, 08.07.2022, 08.10.2022, 02.12.2022, 06.03.2023 unless otherwise approved in writing by the Local Planning Authority.

3. In order to control the noise impact arising from the development hereby permitted the following measures as informed by the Nova Acoustics Report (7640AR V001 dated 2/12/2022), the following measures must be installed:

- The façades and roller shutter doors allocated the colour green in Figure 5.0 of that report shall be constructed from composite sheet steel providing a minimum 25.0 dB Rw of sound reduction.
- The façades, roofing and roller shutter doors allocated the colour red in Figure 5.0 of that report shall be constructed from a composite sheet steel providing a minimum 40.0 dB Rw of sound reduction.
- All pedestrian access doors shall provide a minimum 45.0 dB Rw of sound reduction.
- A 1.8m tall close-board timber fence shall be installed in the orange location outlined in Figure 5.0 of that report. The fence shall contain no holes or gaps and must have a surface mass of at least 10 kg/m² and be maintained in perpetuity.
- No changes in the openings to the units shall be made without further planning permission.
- All roller shutter and pedestrian doors shall remain closed for the duration of any noisy internal works.
- No internal operations shall occur outside the permitted hours 06:00 to 23:00
- No collections or deliveries shall occur outside the permitted hours 07:00 to 23:00
- No external fixed or mobile plant shall be installed on site. Should equipment be required then this shall not be permitted without a separate planning application. Any noise assessment, undertaken by a suitably qualified person, in line with current British Standards (BS4142:2014 External Fixed Plant Noise Assessment) must demonstrate that the cumulative sound level of the plant shall not cause an exceedance of 36dB at the façade of the nearest Noise Sensitive Receptor during the operating hours. The plant limit level is inclusive of any rating penalties that should be applied to account for audible characteristics of the sound that are perceived to cause increased annoyance, such as tonality or intermittency, in line with BS4142:2014 recommendations. The plant should be installed on appropriate anti vibrational mounts.
- A scheme indicating measures (e.g barrier CCTV etc.) required to prevent external activity within the associated service and car parking areas, other than between the permitted hours, shall be submitted to the local planning authority for approval prior to the occupation of the site.

4. A construction management scheme shall be submitted to and agreed in writing with the Local Planning Authority before grounds works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site impacting on existing noise sensitive premises. The scheme shall take into account the best-practice dust mitigation measures as detailed as part of the Air Quality Assessment: Portland Way, Leeming Bar July 2022, Air Quality Consultants submitted as part of the application. This is to include details of:

- The siting of materials and machinery, staff welfare facilities, office location, staff/contractor parking.
- construction site traffic movements including deliveries
- siting of any lighting provision, type and controls
- how dust emissions will be reduced, monitored and managed.
- Details of any piling to take place including duration and equipment type to be used, as appropriate.
- How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1 : Noise
- In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed and details submitted.
- Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.

5. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the development commencing. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to and approved in writing by the local planning authority prior to the changes taking place.

6. Prior to commencement of development a Bird Hazard Management Plan (BHMP) to be submitted and approved by the Local Planning Authority in consultation with the MOD to deter hazardous birds such as large gulls from the site both during construction and at after completion. The BHMP should include approved safe access to all roof spaces; a monitoring schedule to quickly identify any hazardous bird activity; dispersal/removal methods of birds/nests/eggs should they be found on any roof; agreed communication procedures between site and RAF Leeming.

7. Prior to occupation a plan to demonstrate biodiversity net gain shall be submitted to and approved in writing by Local Planning Authority including a timescale for implementation. The plan shall be implemented fully in accordance with the approved details within the first planting season following occupation. To prevent large numbers of birds and to prevent the risk of bird strike fruit bearing species of plant and trees are to be a maximum of 40% across the site.

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. 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.

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

13. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate not to exceed 2.5 litres per second.

14. Prior to occupation of the development hereby permitted a scheme to detail an ongoing Operation Site Management Plan shall be submitted and approved by the Local Planning Authority. This scheme shall cover but not be limited to; - Providing the contact details for landlord or site management company for the local community to contact to raise matters of local amenity concern such as on-site parking, noise, dust, odours.

15. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification

for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- Any gates or barriers must be erected must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details

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

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

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

17. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

- a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- b. on-site materials storage area capable of accommodating all materials required for the operation of the site.
- c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

18. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and

used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. To prevent nuisance to nearby residents during the construction phase and comply with policy E2.
4. To prevent nuisance to nearby residents during the construction phase and comply with policy E2.
5. To prevent nuisance to nearby residents and meet the policy requirements of policy E2
6. To effectively manage the risk of bird strike.
7. To meet the requirements of policy E3 and to effectively manage the risk of bird strike.
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 the interest of satisfactory and sustainable drainage

13. To ensure that no surface water discharges take place until proper provision has been made for its disposal
14. To provide details and contact information for the on going operation of the site and meet policy E2.
15. 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.
16. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
17. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
18. To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

Parish: Bedale

Committee date: 16 March 2023

Ward: Bedale

Officer dealing: Angela Sunley

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Target date: 21st June 2023

22/00016/TPO2

Confirmation of Hambleton District Council (Bedale Parish Council) Tree Preservation Order 2022 No 16

At: 33 South End, Bedale, DL8 2BJ

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

1.0 Site, Context and Proposal

- 1.1 This report considers the case for the confirmation of Tree Preservation Order (TPO) 22/00016/TPO2.
- 1.2 The tree is located within the front garden of 33 South End, Bedale. The site is in a prominent location in the Conservation Area.
- 1.3 The Tree Preservation Order was served following the submission of a Conservation Area Tree application to fell the tree.

2.0 Relevant Planning History

- 2.1 00/50119/CAT - Proposed felling of 2 fir trees. Granted 11 January 2001
- 2.2 22/00645/CAT - Works to tree in a Conservation Area. Granted 26 April 2022
- 2.3 22/01720/CAT - Works to fell tree in a Conservation Area. Granted 26 August 2022
- 2.4 22/02787/CAT - Works to fell tree in a Conservation Area. Refused 16 January 2023. This is the tree subject of the current TPO application.

3.0 Relevant planning policies

- 3.1 The relevant policies are:

Local Plan Policy E4: Green Infrastructure
Local Plan Policy E7: Hambleton's Landscapes
Tree Preservation Orders: A Guide to the Law and Good Practice
National Planning Policy Framework

4.0 Consultations

- 4.1 Representations

Neighbour / Owner Objection-

- The root system is causing structural damage to the retaining garden wall of 33 South End and to the wall of 1 Victoria Terrace.
- The root system is severely affecting the driveway of both houses, creating trip hazards.
- The tree is poorly located and closer than the recommended separation distances.
- The tree presents a foreseeable risk of structural damage in the future and as such the TPO should not be served.

Barnes Associates Objection –

- Whilst the amenity value of the tree is recognised the Council neglect to state that the tree is having a harmful impact on other aspects of the Conservation Area.
- The TPO fails to reflect the foreseeable direct damage resulting from the tree in this location.
- Owing to the position of the tree and the impact on structures in the vicinity the TPO will result in elevated management costs for the owner.
- The Council could be liable for compensation if the TPO is confirmed.
- It is considered that there may not be an engineering solution to allow the tree and the structures to co-exist.
- The proposed TPO fails to follow the Tree Evaluation Method for Preservation Orders which was developed for the review of a TPO.
- Following this assessment the tree is considered to fail to score sufficiently highly to benefit from a TPO.

5.0 Analysis

- 5.1 The main issues are: i) whether the tree contributes to the amenity of the area to such an extent that it should be protected by Tree Preservation Order, given the owners intention to fell the tree; ii) whether the tree is likely to result in foreseeable damage to property
- 5.2 The purpose of a tree preservation order is to protect trees which are deemed to be of significant amenity benefit to the local surroundings especially if they are in immediate risk of removal.
- 5.3 The tree in question is a large specimen tree in a prominent location in the Conservation Area. There are limited trees of this scale and form in the vicinity and as such this tree is considered to contribute significantly to the significance and visual amenity of the Conservation Area.
- 5.4 It is generally accepted that the tree is in good health and form and in terms of its vigour and longevity could be retained.
- 5.5 Where a tree is at risk and contributes positively to amenity the Council should consider the application of a Tree Preservation Order. The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO.
- 5.6 Government guidance states that TPOs should be used to protect selected trees and woodlands if their removal would have a significant impact on the local environment and its enjoyment by the public. LPAs should be able to show that a reasonable degree of public benefit would accrue before TPOs are made or

confirmed. The trees, or at least part of them, should therefore normally be visible from a public place, such as a road or footpath, although, exceptionally, the inclusion of other trees may be justified. The benefit may be present or future; trees may be worthy of preservation for their intrinsic beauty or for their contribution to the landscape or because they serve to screen an eyesore or future development; the value of trees may be enhanced by their scarcity; and the value of a group of trees or woodland may be collective only. Other factors, such as importance as a wildlife habitat, may be taken into account which alone would not be sufficient to warrant a TPO.

- 5.7 The Local Planning Authority should also assess the tree's particular importance by reference to its size and form, its future potential as an amenity, taking into account any special factors such as its rarity, value as a screen or contribution to the character or appearance of a conservation area.
- 5.8 It may be expedient to make a TPO if the LPA believe there is a risk of the tree being cut down or pruned in ways which would have a significant impact on the amenity of the area. In this case it is the express intention of the land owner to fell the tree.
- 5.9 The tree in question effectively stands alone in this part of the street and is a very prominent feature in the conservation area. The height and shape contribute to the significance of the tree.

Foreseeable impacts

- 5.10 Where damage to property owing to the retention of a tree by way of a TPO the Local Planning Authority must consider whether it is reasonably foreseeable that the retention of the tree will result in harm to property. It is reasonable to assume that in making this assessment the tree will be maintained.
- 5.11 In this case the applicant and their adviser suggest that the retention of the tree by way of the TPO is unreasonable as it will result in significant additional expense for the owners of both the adjacent properties, owing to on-going damage to walls and the driveway in the vicinity of the tree.
- 5.12 A site visit has been undertaken by the case officer who witnessed small areas of existing damage to the adjacent wall through cracking of the wall along with areas of root heave in the driveway. There was no evidence of damage to the nearby buildings.
- 5.13 It is clear from case-law that the service of a TPO where there is foreseeable harm to property can result in the requirement to pay compensation owing to unreasonable expense having to be gone to in order to maintain structures in the vicinity of the tree.

Planning Balance.

- 5.14 In this case the balance of the decision falls between the matter of the significant contribution that the tree makes within the street and conservation area and the identified current and potential future harm that the tree is likely to cause.

5.15 In officers view, the extent of the current and potential future harm is not significant, being a low boundary wall and driveway which is resulting in a minor degree of harm which could be mitigated through maintenance.

6.0 Conclusion and Recommendation

6.1 It is considered that the tree contribute positively toward the amenity, character and appearance of the area.

6.2 It is therefore recommended that TPO 2022/No.16 Order be **CONFIRMED**.

Parish: East Cowton
Ward: Appleton Wiske and Smeatons

Committee Date : 16th March 2023
Officer dealing : Mr Craig Allison
Target Date: 2 June 2022

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21/02338/FUL

Retrospective change of use of potato store to aggregate bagging depot, with no alterations to existing buildings.

At: Greenford Haulage & Aggregates Dept, Unit 5, Dalton Gates, Dalton on Tees
For: Mr James Ford

The proposal is presented to Planning Committee due to the development being of significant public interest

The application was previously considered by the planning committee on the 1 September 2022. The application was deferred to allow consideration on the site and its usage, the use of neighbouring sites and for a comprehensive highways report. The officer report set out below has been updated accordingly to consider the retrospective application.

1.0 Site, context and proposal

- 1.1 The application site is located on the administrative boundary of Richmondshire District Council. The site is accessed off a C-Road which then subsequently serves a single track road to the application site. Within the wider site where Greenford Haulage & Aggregates operate, beyond the red line boundary, there are several businesses operating out of existing buildings on the site. This is Hill Cross Furniture Limited, Lingy Moor Farm Limited and White Rose Agriculture Limited. Each of these businesses use these units as storage and distribution for either the storage of furniture (associated with Hill Cross Furniture) or storage of cereal crops. Further along and to the east of the application site is Dalton Caravan Storage. There are no public rights of way in or around the site and the site is not visible from any public vantage points.
- 1.2 The applicant seeks retrospective planning permission for the change of use of a building and surrounding yard as an aggregate bagging depot which is operated by Greenford Haulage Limited. The building was originally granted permission in 1985 for the storage of potato's and is now being used for the storage of aggregates. The red line application site has no other planning history associated with it. Within the building aggregates are tipped into various sections, to which low loaders then move the aggregates into a machine to enable them to be bagged ready for distribution. Once the aggregates are bagged these are then placed onto the back of lorry ready for distribution. The site is operated by Greenford Haulage which operates a mixed fleet of tippers and bagged aggregate vehicles. The tipper lorries are generally 32 tonne vehicles that are typically used to carry bulk materials such as aggregates from quarries to the site. The bagged aggregate vehicles are flat back trailers in order to carry the materials for distribution to customers/clients and are 32 tonne vehicles. The applicant also employs 5 members of staff.
- 1.3 The business operates with tippers leaving the site between 5am and 6am each morning depending on the destination of the lorries. These lorries are typically

destined for a quarry to collect material for onward delivery to customers, either locally or further afield. At around 6am the bagged aggregate vehicles leave the site to ensure aggregates arrive at their customers in time for when they open. These vehicles will generally deliver to builder's merchants throughout the Northeast of England and Yorkshire. Later in the day, normally after customer deliveries are complete, returning tipper trucks backload aggregates from local quarries to the applicant's yard as stock for the bagging plant. The typical working hours of the site is Monday to Friday 6am to 6pm; Saturdays 6am to 12:30pm and no time on a Sunday or Bank Holidays.

2.0 Relevant planning history

- 2.1 85/0806/FUL – Construction of a building for use as a potato store – approved 22 March 1985.

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 at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.
- 3.2 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Local Plan Policy S1 – Sustainable Development Principles
Local Plan Policy S5 – Development in the Countryside
Local Plan Policy EG7 – Businesses in Rural Areas
Local Plan Policy E1 – Design
Local Plan Policy E2 – Amenity
Local Plan Policy E7 – Hambleton's Landscapes
Local Plan Policy IC2 – Transport and Accessibility
Local Plan Policy RM1 – Water quality, supply and foul drainage

4.0 Consultations

- 4.1 East Cowton Parish Council have commented on the application and raised the following concerns, as summarised:
- The access from the site is directly onto a 90 degree bend on an unclassified road
 - Lorries operating from the site are long, heaving and slow when manoeuvring
 - Their length of lorry means when negotiating the access from the direction of Dalton on Tees they need the full width of the road to move and turn
 - Risk to road users especially because of the existence of a blind bend
 - Operations at the site involve a number of lorries leaving at 5:30am and this causes a nuisance element.
- 4.2 North Yorkshire County Council (Highways Authority) have raised no objections.
- 4.3 Network Rail have made no observations.

- 4.4 Dalton on Tees Parish Council have commented and have stated that the application should be refused for the following reasons:
- The access to this business is on a very sharp double blind bend and the large wagons are unable to turn into West Lane without swinging right onto the wrong side of the road.
 - This is resulting in mud on the road which is extremely dangerous to road users.
 - Wagons entering and leaving the premises as early as 5:00am which is disruptive to residents of West Lane.
- 4.5 North Cowton Parish Council have objected to the application. Their comments are summarised below:
- Concerns are raised in terms of the number of vehicles coming and going to the site.
 - Concerns raised over the operating times of the business.
 - The site is open to members of the public so extra traffic is entering the site.
 - The road seems unsuitable for the number and size of vehicles involved.
- 4.6 Environmental Health have considered the application on the potential impact on amenity and likelihood of the development to cause, and/or be affected by a nuisance. It has been noted that part of the yard is not hard surfaced with a material that can be easily cleaned. The aggregate bay walls appear to be too low to adequately contain materials stored in them. This could give rise to unacceptable amounts of airborne dust. Therefore a suitable condition is proposed to remedy this matter.
- 4.7 A site notice was posted and neighbours were consulted. Six letters of objection have been received with their comments summarised below:
- The access to this site is from the unclassified country lane linking the A167. Between the A167 there are three 90 degree corners and a narrow offset railway bridge. The lorries used by Greenford are exceptionally long and cannot negotiate any of these obstacles without using the whole road.
 - The access point itself is a particular danger as it is situated at one of these sharp bends.
 - Greenford lorries use the site all day from as early as 5am and this causing disturbance to local residents.
 - Given that this a distribution site is supplying businesses and building sites throughout the North East then a location closer to the A1 and A66 would be preferable rather than a site in the middle of nowhere.
 - Since the operation has started on the site it is evident that vehicles have left the site as early as 04:50 and vehicles have returned to the site as late as 22:15, which is well beyond the operating hours stated within the application form.
 - The noise and vibrations from the vehicles passing at speed is louder than any other vehicles using this road, especially during anti-social hours.
 - The section of road on West Lane from the turning by Dalton Meadows to the junction with the B1263, Richmond Road is consistently under 5.5 metres wide and therefore is not suitable for two HGV's to pass. HGV's should not operate in this area as non-compliance with Highway's policy and public safety.

- There are no public footpaths along West Lane, and therefore residents are forced to walk on the road or on the verges. The existing verges are not maintained and are being eroded by HGV's and wide vehicles, the eroding verges are therefore causing a danger to members of the public.
- The entrance to the site is on a 60mph road with below standard visibility. Vehicles entering the site from Dalton on Tees must cross into oncoming traffic to navigate the entrance, they must do this with no sight of what is coming in the other direction.
- The site in question and the immediate surrounding area contains a number of existing businesses which operate HGV's. At present no less than six companies have a license to operate a total of 21 HGV's and 17 trailers in this area. There is also a pending license application to increase this to 23 HGV's and 19 trailers, these figures exclude Greenford's operating license and use of the site which will take the total to 36 HGV's and 25 trailers. Therefore, the question is how many HGV and trailers can operate on this stretch of road when it is not suitable for HGV traffic.
- Another business operates from the site called Loads of Stone which offers the sale of aggregates to businesses and the public, members of the public can also visit the site.
- West Lane is being used by HGV traffic on a regular basis and is resulting the road condition taking an abnormal strain and resulting in damage to the drains on the road which needs constant repair.

5.0 Analysis

- 5.1 The main issues to consider are; (i) principle of development; (ii) the impact of the development on the character and appearance of the area; (iii) the impact of the development on highway safety; and (v) the impact of the development on neighbouring residential amenity.

Principle of development

- 5.2 In determining application's, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to am mitigates the impact of climate change.
- 5.3 The site is located outside of any defined settlement and therefore Policy S5 is applicable. The Policy states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.4 Policy EG7 of the Council's Local Plan states 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 In this instance criteria c of policy EG7 is relevant. The proposal has re-used an existing building on the site which was previously used for the storage of potatoes. The current operation started operating from the site since January 2021. Prior to Greenford Haulage operating from the site there was no other businesses operating from the application site. No alterations have been made to the building and it is of structurally sound construction which is capable of conversion. Consideration of whether the proposal meets the functional needs of the business will be considered within this report.
- 5.6 It has been raised that the general operation's on the site may be more suitable to be operated within an existing industrial estate rather than within the countryside. Clarity was sought from the applicant regarding other potential sites that could accommodate the use within the area.
- 5.7 The applicant's second choice location was Metcalfe Farm in Leyburn. The company had an existing working relationship with this company. However, the site had no internal space so all activity would have taken place outside which would not have allowed the applicant to undertake certain aspects of their existing operation as the operation requires the aggregates to be stored inside in various bays inside before being distributed to customers. The other issue with this site was access to major road networks. The distance to their existing customer base was also a considerable further distance which would have resulted in more deliveries.
- 5.8 The third choice was a piece of vacant land at Faverdale Industrial Estate, Darlington. Geographically the location would have been the preferred location. However, the site was several acres in size and arguably far too large for the applicant's operation. After enquiries into the site it was considered that the purchase price of the land reflected the enormity of the site. The applicant spoke to the land agent about various options including a lease agreement for part of the site but the vendor wanted a sale on the whole site in its entirety. This site also lacked any indoor space and would not have allowed the applicant to undertake certain aspects of their current operation.
- 5.9 Therefore, the applicant opted for West Lane, Dalton Gates. The site is suitably sized with enough operational space without being too large, and with a shed to ensure the operations can be undertaken. Geographically the site is well located with good transport links to the A1 and A66.

The impact on the character of the surrounding area

- 5.10 Policy E1 of the Local Plan states that all developments should be of a high quality, integrating successfully with, its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. All development should have regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future.
- 5.11 The National Planning Policy Framework Planning supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.12 Policy E7 of the Local Plan states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; and takes account of areas that have been identified as being particularly sensitive to/or sensitive for certain forms of development.
- 5.13 The area is defined within the character assessment as within Character Area 1, known as the Cowton Hills. Key characteristics of this area is that it is undulating in the west and south of this area giving some sense of enclosure. Low levels of settlement and infrastructure, mainly comprising minor roads with the East Coast Main Line railway crossing the floodplain in the east. Glimpsed long-distance views to the North York Moors looking east, and to the Yorkshire Dales to the west.
- 5.14 The site utilises an existing building and yard as an aggregate bagging depot. No external changes have been made to the building and the proposal is considered to have no impact on the character and appearance of the area. The site is not viewable from any public vantage point and is accessed down a lane from the main C road. It is seen within the context of other industrial buildings and yard space as well as a caravan storage facility. It is therefore considered that the development is in accordance with Hambleton Local Plan Policies.

Impact on highway safety

- 5.15 Policy IC2 of the Hambleton Local Plan states 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 highway safety would not be compromised, and safe physical access can be provided to the proposed development from the footpath and highway networks.
- 5.16 North Yorkshire County Council (Highways Authority) have commented on the application and raised no objection to the proposal. As noted by the level of objection to the application the majority of the concerns have been raised in regard to the access of the site and the use of the nearby roads. Further clarity has been sought from the Highways Authority in regard to these points.

- 5.17 It has been raised that West Lane is too narrow to accommodate large vehicles, however it is noted that the road has a centre line and national standards state that a centre line cannot be applied to a road narrower than 5.5 metres. On site measurements indicate that the road meets/exceeds this standard. Its widely accepted that 5.5 metres is sufficient for two HGV's or a HGV and a car to pass comfortably. Therefore, it is difficult to conclude that West Lane is narrow.
- 5.18 There are a number of different land uses along West Lane that generates HGV traffic such as several farms, Croft Racing Circuit, a garden centre, a timber supplier and other light industrial uses. The Highways Authority has no recent records of injury collisions along this road to suggest there is a road safety issue.
- 5.19 Moorhouse Bridge is maintained by Network Rail. It does not currently have a structural weight limit (which would be expected if it is unsuitable for HGVs at the legal limit of 44 tonnes) nor are the County Council aware of any plans to introduce such a weight limit. Furthermore, Network Rail have been consulted on this application and raised no objections to the development.
- 5.20 The location had formerly been a manufacturing site for STC Plastics and has a long history of vehicle movements to and from the site. STC Plastics previously operated from one of the adjacent existing buildings on the site which is currently being used by Hill Cross Store Furniture, Lingy Moor Farming Limited and White Rose Agriculture Limited.
- 5.21 The visibility available at the existing access has been assessed as falling below the standards set out in the Design Manual for Road and bridges. However, due to its history of use (including a caravan storage facility and other businesses served by the same access) and low traffic speeds expected at that point of West Lane due to the road alignment a refusal on highway grounds would be difficult to sustain. Therefore, it is considered that the proposed development does not cause a severe danger to highway safety and is in accordance with Policy IC2 of Hambleton's Local Plan.

Impact on residential amenity

- 5.22 Policy E2 of the Council's Local Plan 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 user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.
- 5.23 Concerns have been received in regard to early traffic movements off site. These movements are predominately tipper trucks leaving for the quarries to load with aggregate to be delivered to customers both locally and nationally. These vehicle movements are incorporated into the applicants Goods Vehicle Operators License that was obtained in November 2020 which states that the site should have no more than 13 vehicles and six trailers. Based on the operation of the site with vehicles either going to quarries or to customers it is expected on average per day that the business has 30 HGV movements a day from the site. Furthermore, other early vehicle movements on/off site can also be attributed to neighbouring businesses who also operate from the adjacent industrial units which are outside the red line

boundary of the site but use the same entrance to the site. Several businesses operate within the wider site and have number of deliveries throughout the day and night. Another business who shares the same access road, albeit into a separate site, to where all the industrial businesses operate is a caravan storage business to which some movements will be associated with but will not be used on a daily basis due to the nature of the business.

- 5.24 However, it has been noted that residents have stated that HGV's travel past residential properties along West Lane as early as 5:00am and this is causing harm on residential amenity. The access road to the site is not served by any residential properties, however in the surrounding area are several residential properties and the passing of large HGV tipper trucks will cause some disturbance especially in the early hours of the morning. Therefore, it is considered appropriate to impose a suitable time restriction condition for the operation of the site, including vehicular movements leaving and entering the site in order to minimise any impact on nearby residential properties of between 07:00 to 18:00 Monday to Friday and 07:00 to 12:30pm on Saturday with no time on Sunday or Bank Holidays. This would ensure that the development could accord with Policy E2 of the Council's Local Plan.
- 5.25 Furthermore, it has also been raised that the site is not suitably surfaced which could result in airborne dust causing harm to residential properties and adjacent businesses on the site. Therefore, to remedy this matter it is suggested that a suitable condition is imposed to ensure that the yard area is surfaced in a suitable material so it can be cleaned appropriately to prevent dust airborne.

Nutrient neutrality

- 5.26 The site falls within the Tees River catchment and is caught by the issues of nutrient pollution resulting from the impact of nitrogen on the River Tees and Cleveland Coast Special Protection Area. The identified cause of the eutrophication of the River Tees is excess nitrogen that is finding its way into the River Tees catchment from agriculture, surface water run-off and sewage works. At this time new development must not result in any additional nitrogen being emitted into the catchment.
- 5.27 In order to be able to approve the development, it must be satisfied that the development is neutral in its nitrogen impact and the development assessed against the Habitat's Regulations.
- 5.28 In this case the protected site is the Tees Ramsar and SPA site and Natural England has specifically cited the issue of nitrogen impacting of the site and causing growth of blanket weed across the mudflats, which is impacting on plant and wildlife as a result.
- 5.29 The proposed development could impact by way of introducing additional nitrogen to the catchment and as such is considered to fall within scope. On this basis it must be demonstrated that either the proposal results in a net 0 nitrogen impact or that sufficient mitigation can be put in place to offset the net additional nitrogen from the site.

5.30 As this is an employment site it has to be established where the current employees main residence is to demonstrate that there is not a net gain in nitrogen. The applicant has stated that all owners and employees are local people and are from Darlington, Scorton, Brompton on Swale and Catterick. Some of the areas where the employees live is outside of the catchment area and therefore there is potential for a net increase in nutrient neutrality. However, as this is an existing building and was previous used by STC Plastics as a manufacturing plant it has current facilities already installed to existing foul drainage on the site, it is considered that there is no net increase neutrality from this development.

Other matters

5.31 It has been raised that the site has a number of other uses that are operational from the site which should be considered as part of the application. This has been investigated further and the following information is relevant. When Greenford Haulage relocated to Dalton Gates in late 2020, they undertook a change in terms of restricting their business model. This change was partially brought about by the expired planning consent at their former processing site in Catterick.

5.32 The Catterick site was very different in terms of planning and permits. For several years they operated a recycling/waste recovery operation alongside a bagged aggregates. Their previous portfolio comprised of:

- Pre-Packed building and Decorative Aggregates (in line with their current offering but on a smaller scale)
- Loose Bulk Aggregates (Delivery of quarried and recycled aggregates via tipper trucks)
- Waste Transfer (In line with Environment Agency permits specific to the Catterick site)
- Road Sweeping (Required by Highways Agency to maintain the road outside the recycling site but also doubled as a source of income)
- Plant & Machinery Hire (Environment Agency permits crushing and screening activities to spring and summer months. During winter these machines were hired out to other companies to ensure that fixed costs were covered year round)

5.33 Since relocation to Dalton Gates the applicant has relinquished all permits associated with waste management as they no longer have a site where such activities were permitted. They occasionally hire a road sweeper at Dalton Gates to keep the site tidy but can no longer warrant owning one. All plant and machinery that was available for hire was sold prior to arrival at Dalton Gates in line with their departure from Catterick.

5.34 As such the only activities that are undertaken at Dalton Gates are the following:

- Pre-Packed Building & Decorative Aggregates; vehicles take the bagged material that is produced by the bagging plant for onward delivery throughout the North-East and Yorkshire.
- Loose Bulk Aggregates; typically destined for a quarry to collect material for onward delivery to customers either locally or further afield. Later in the day, normally after customer deliveries are complete, returning tipper trucks will

backload aggregates from local quarries to the applicants yard as stock for the bagging plant.

- 5.35 Within the applicant's Pre-Packed Building & Decorative Aggregates portfolio, the applicants do operate a trading name of LoadsofStone.com (LOS). LOS is not a completely separate business as it does not exist on companies house, have a VAT Registration number or bank account. LOS is a trading name of Greenford Haulage. The name was chosen on the grounds that it avoids conflict of interest with the applicant's merchant customers. However, the process of bagging the material and distributing from Dalton Gates is identical to any of the merchant deliveries. It has been noted in the objections that the site is open to customers visiting the site. The objections received note that LOS provided a collection service for customers to visit the site to collect aggregates. This has been raised with the applicant who stated that did operate this service but only actually received on average one customer a month visiting the site. Therefore, as this does not appear to be a viable option, the option of customers visiting the site has been removed from the website and is a service no longer available. A suitable condition can be imposed to ensure no customers visit the site.
- 5.36 It has also been stated that a sister company James Ford Ltd operates from the site. However, the applicant has confirmed that James Ford Ltd no longer trades from this address. James Ford recently purchased neighbouring land at Dalton Gates from which to run this business which is outside the red line boundary of this application and therefore this business no longer has any involvement within the red line boundary of this application.
- 5.37 Therefore, it is considered that the applicant is applying for a change of use of the building and land within the red line boundary as an aggregate bagging depot and it is found that no other uses are operating from the land within the red line boundary which necessitate the description of development being changed.

Planning Balance

- 5.38 The application is for a change of use of a building and surrounding yard for the running of an aggregate bagging depot. No external changes have been made to an existing building and the operation is considered to cause no harm to the immediate character of the area. It is considered that access to the site is acceptable and the proposal is not considered to have a significant impact on highway safety. Subject to restrictive controlling conditions it is considered that harm to residential amenity can be minimised to an acceptable level. It is considered that the site can accommodate the functional needs of the business and the proposal reuses a building which is structurally sound and capable of conversion. It is therefore considered that the development is in accordance with the Council's Local Plan Policies and the overarching principles of the National Planning Policy Framework.

6.0 Recommendation

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Location Plan received

by Hambleton District Council on the 14 December 2021; and Photos of the Elevation of the building; received by Hambleton District Council on 20 January 2022; unless otherwise approved in writing by the Local Planning Authority.

2. There shall be no more than thirteen (13) heavy goods vehicles and six (6) trailers kept on the site at any one time.
3. There shall be no maintenance of heavy goods vehicles (other than in emergency to maintain the legality of a vehicle) on the site at any time.
4. The site shall not be operated outside the hours of 07:00 to 18:00 Monday to Friday and 07:00 to 12:30 on Saturday and at no time on a Sunday or Bank Holidays.
5. Within two months of the date of this decision the applicant shall submit a scheme to surface the yard area where the aggregates are handled, and details of the external aggregate bays. The scheme should include details of the surface; details of how external aggregates are stored; and a dust management plan to control dust from the site. Once approved the yard should be surfaced in accordance with the approved details within three months of this decision and maintained in accordance with the approved details thereafter.
6. No members of the public shall visit the site at any time to purchase any aggregates off the site.

Reasons:

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan(ies) S51 and S5
2. In order to control the use of the site to ensure that it does not expand further into the countryside in accordance with Policy S5 and EG7.
3. In order to control the use of the site to ensure that it does not expand further into the countryside in accordance with Policy S5 and EG7.
4. In order to ensure that the development does not cause any noise and disturbance to local residents in accordance with Policy E2.
5. In order to control and protect the amenity of adjoining land and to prevent the spread of dust beyond the site boundary in accordance with Policy E2.
6. In order to control the use of the site to ensure that no additional traffic movements occur at the site in accordance with Policy S1.

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Parish: Raskelf
Ward: Raskelf & White Horse

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

7

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 deferred at Planning Committee on the 27th October 2022 and also deferred at Planning Committee on the 16th February 2023 to allow the applicant the opportunity to provide information for consideration of the measures to reduce ammonia release as a mitigation proposal.

1.0 Matters of deferral – 16th February 2023

1.1 Following the deferral of the application the applicant provided further technical mitigation measures regarding ammonia release. The applicant has suggested the use of heat exchangers and has provided a product detail sheet for the Big Dutchman Earny 2 Heat Exchanger and further technical documents in support of the use of the Heat Exchanger to reduce ammonia release. Furthermore, an updated site plan has been submitted to illustrate the provision of heat exchangers between each building. A review of this additional information is contained in section 7 of this report (previously section 6 in the February 2023 report).

2.0 Matters of deferral - 27th October 2022

2.1 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 section 6 (now section 7) relating to highways, residential amenity and air quality.

Economic Impact

2.2 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

- 2.3 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.
- 2.4 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 7 paragraphs 7.16 amenity and 7.26 air quality of this report (previously section 6).
- 2.5 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.
- 2.6 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.

3.0 Site, Context and Proposal

- 3.1 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 than 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.

- 3.2 The proposal seeks consent for the erection of 6 poultry building 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.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.

4.0 Relevant Planning History

- 4.1 No planning history for this particular site.

5.0 Relevant Planning Policy

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

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy EG7: Businesses in Rural Areas
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E3: The Natural Environment
Local Plan Policy E7: Hambleton's Landscapes
Local Plan Policy RM2: Flood Risk
Local Plan Policy RM3: Surface Water and Drainage Management
Local Plan Policy RM4: Air Quality
Local Plan Policy RM5: Ground Contamination and Groundwater Pollution
Local Plan Policy IC1: Transport
Local Plan Policy IC2: Transport and Accessibility
National Planning Policy Framework

6.0 Consultations

6.1 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.

6.2 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.

- 6.3 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.
- 6.4 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.

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.

- 6.5 NYCC Heritage – No objection following receipt of a geophysical survey that concluded no archaeological results.
- 6.6 Lead Local Flood Authority – No objection subject to the implementation of the submitted drainage proposals.
- 6.7 Environment Agency – No objection based on updated site layout drawing but recommends a condition relating to non-mains drainage proposals.
- 6.8 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.)
- 6.9 MOD – No safeguarding concerns.
- 6.10 Natural England – Standard response but does request Air Quality screening SSSI's. [See section within the analysis on Air Quality]
- 6.11 Yorkshire Wildlife Trust – No response received (expired 24.12.2021).
- 6.12 Yorkshire Water – No response received (expired 24.12.2021).
- 6.13 CPRE – No response received (expired 24.12.2021).
- 6.14 Access Forum – No response received (expired 24.12.2021).
- 6.15 National Grid – No response received (expired 24.12.2021).
- 6.16 Contaminated Land – No objection.
- 6.17 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.

7.0 Analysis

7.1 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

7.2 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.

7.3 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.

7.4 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

7.5 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.

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

Landscape impact

7.7 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.

7.8 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.

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

Highways

7.10 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.

7.11 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.

7.12 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.

- 7.13 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.
- 7.14 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

- 7.15 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.
- 7.16 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 paragraph 2.5 will occur on 2 successive nights at the end of each 38 day growing cycle.
- 7.17 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

- 7.18 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.
- 7.19 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.
- 7.20 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

- 7.21 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.
- 7.22 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

- 7.23 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

- 7.24 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.

- 7.25 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

- 7.26 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.

7.27 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 great distance 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.

7.28 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".

7.29 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 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.

7.30 Within the 16th February 2023 committee report it was noted that the applicant was invited to identify additional mitigation measure(s) that could be provided to address the release of ammonia. The agent responded 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 considered that the use of "Air Scrubbers" is not a mandatory requirement and

noted that there are no comparable poultry units in operation in England, 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.” The agent found that the use of “air scrubbers” is unnecessary and no other mitigation measures to reduce ammonia release necessary.

- 7.31 Following the 16th February 2023 planning committee the agent provided technical information on Big Dutchman Earny 2 Heat Exchanger and an updated site plan to illustrate the provision of heat exchangers between each building. The agent also notes that discussions at the committee meeting regarding Policy RM4 essentially requires zero emissions from development. This agent considers this interpretation is unworkable, as it is impossible for any agricultural livestock scheme to comply. Therefore, in the view of the agent, any development involving poultry, pigs, beef, sheep, dairy, slurry stores, manure stores etc cannot possibly comply with an emission threshold of zero and all agricultural livestock related planning applications in Hambleton would have to be refused.
- 7.32 The applicant also notes that paragraph 188 of the National Planning Policy Framework states; “The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.” The applicant considers that based on this wording, the Local Planning Authority should assume that the Environmental Permitting regime will be effective in controlling the emissions from the site.
- 7.33 The statements by the agent are directed at standards and requirements other than the Hambleton Local Plan 2022. The Local Plan as noted sets out to protect the environment from harm and to enhance air quality. The policy does not require a “zero” emissions approach, it does require mitigation and in appropriate cases compensation. Nevertheless, the applicant is willing to provide heat exchangers that in accordance with the submitted manufacturer’s technical information data sheet confirms that the units will result in a reduction in ammonia of 29% and a reduction in odour emissions of 33% with further benefits for dust removal.
- 7.34 The submission of details to reduce air pollution by filtration of “exhaust” air from the building acknowledges that i) there is pollution arising from the building, ii) the quantity of pollution can be reduced, iii) there are commercially available products that are designed to reduce heating costs and reduce ammonia release, iv) the products have been the subject of study that records the achievement of reducing ammonia release to the environment.
- 7.35 The documentation on the Big Dutchman Earny 2 Heat Exchanger circulated to officers and members of the Planning Committee is available from the manufacturer’s website. The manufacturer notes that the reduction in pollution, odour, dust and ammonia. Although it is not stated clearly it implies this is achieved by the filtration of the waste air. The extract refers to measurements undertaken by LUFA Nord-West. LUFA Nord-West is a German accredited laboratory service working mainly in the agricultural sector. Full test results from LUFA Nord-West

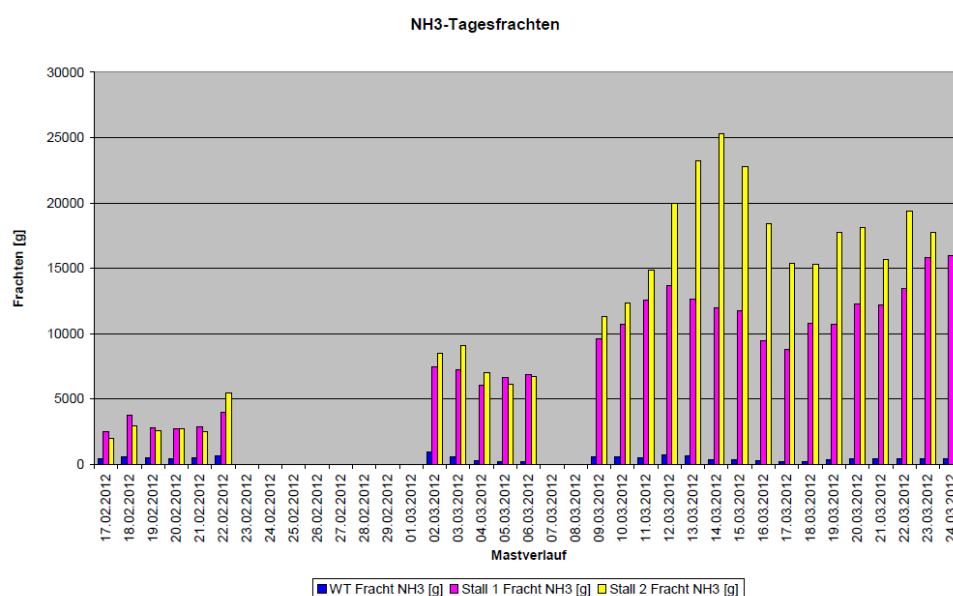
have been supplied showing the basis of the testing and supports claims by Big Dutchman. In the test case using a Big Dutchman Earny 2 Heat Exchanger the ammonia released is 71.3% of that from a broiler building of the same design and conditions without a Heat Exchanger in operation. The results are not available from the Big Dutchman or LUFA Nord-West website but supplied upon request. Other tests of heat exchangers in poultry buildings (DLG Fokus Test report 6140 from 2014) have shown the energy efficiency of the device but without comment on ammonia reduction.

7.36 The extract below (page 45 of 57) of the LUFA Nord-West report details the effect of the use of heat exchangers to reduce ammonia emissions.

Graphic 13: Ammonia daily loads

Ammonia concentrations: approx. 1 measured value per 50 min and measuring point

Volume flows: Hourly average values



During the balancing period from 08.03. to 26.03.2012 there was a difference of 219.40 kg (house 1 with heat exchanger) to 307.70 kg (house 2) in the NH₃ emissions.

House 1 (with heat exchanger) only emitted 71.3 % of the emissions from house 2.

7.37 The applicant has been invited to identify any additional mitigation measure(s) that could be provided to further address the release of ammonia, the opportunity to provide additional details remains open.

7.38 It is considered that the proposal will result in a substantial increase in ammonia release. The proposed installation and operation of heat exchangers would result in a significant reduction in the release of ammonia. The use of air filters within the heat exchangers is considered to make a significant contribution towards the requirements to “seek to protect” air quality as required by policy RM4. There remains some doubt over the amount of ammonia that would be removed from the proposed poultry buildings and that the proposed sheds are about 25% larger with about 25% more birds per shed than in the test case. There is no readily available evidence of the level of ammonia release that can be achieved by the most effective mitigation measures suitable for the proposed buildings. The agent has advised that

the ammonia laden dust removed from the air filtration system would be bagged and removed by a licensed waste carrier. The Local Plan policy RM4 does not set a target amount of pollution that is permissible after mitigation. A higher level of pollution release on this site may be considered acceptable than would be the case for the same development if in a more heavily populated area or closer to a Special Area of Conservation (SAC), nonetheless the level of ammonia emission to the environment is substantial.

- 7.39 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

- 7.40 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.
- 7.41 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

- 7.42 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.

8.0 Recommendation:

- 8.1 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. Mitigation measures to address the threat to air quality have been supplied but will not remove emissions to a degree to fully protect the environment. 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: Sowerby
Ward: Sowerby and Topcliffe
8

Committee Date : 16 March 2023
Officer dealing : Ms Lucy Goundry
Target Date : 18 November 2022
Extension of time : 27 March 2023

22/02208/FUL

Retention of steel storage container

At: Lambert Medical Centre (Doctors Surgery And Clinic), 2 Chapel Street, Thirsk, YO7 1LU

For: Lambert Medical Centre

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

1.0 Site, context and proposal

- 1.1 The site is located on the south side of Chapel Street, Thirsk within the Conservation Area. The site comprises the main building which is Grade II listed which fronts directly onto Chapel Street to the north. To the rear of the building is the associated parking area which backs onto the grounds of Thirsk and Sowerby Institute to the south. The vehicular access which runs to the east of the building is shared with the former Lambert Memorial Hospital. The steel container is sited on a rectangular shaped parcel of land located immediately to the south of the car park serving the former Lambert Memorial Hospital, to the north of the Thirsk and Sowerby Institute and east of the Lambert Medical Centre car park. The site is bound by 2m high timber fencing.
- 1.2 The application seeks planning permission for the retention of a steel storage container located on land to the rear of the Lambert Medical Centre, Thirsk. A two year temporary permission was granted in April 2020 (20/00291/FUL) for the siting of the container which was required for the storage of patient records. This temporary permission expired on 8 April 2022.
- 1.3 The submitted supporting statement advises that in July 2019 planning permission was granted for the surgery to change the use of a first floor flat to an office and install a lift in the premises to facilitate the creation of additional consulting rooms. These works facilitated the expansion of the practice from a patient list of 8,500 to up to 10,000 people. The expanded practice now provides for the future health care of the occupiers of the new housing recently built, and that currently being developed, in Sowerby and surrounding areas. In addition, the expanded premises provides accommodation for other health professionals such as Clinical Pharmacists, Social Prescribers, Paramedics and Physiotherapists. Doctors are now required to employ such additional staff under the terms of the new contracts issued by government and administered through the Primary Care Network.
- 1.4 The application advises that the removal of the patient records from the existing building was essential to allow the expansion of the practice. The applicant has advised that when the patient's notes were moved to the storage container it was only ever intended as a temporary measure. NHS England were promoting a digitisation project whereby physical patient notes would be scanned on to

computer records, funded by NHS England. Lambert Medical Centre volunteered as a pilot site in the hope the work would be expedited however Covid-19 happened and funding was diverted to other NHS priorities.

- 1.5 A supporting email has been provided from the NHS England Senior Primary Care Commissioning Manager confirming the programme is still very much on the agenda to ensure patient records are fully digitised and existing storage space within Practices is fully utilised as clinical space. Due to Covid the programme has however been delayed. Once further pilots have taken place the full national roll out and transition to an operational business as usual service is expected to take around two to three years. The email confirms the Lambert Medical Centre have expressed a continued interest in this programme and where possible they will be prioritised when they are able to roll out the programme locally in Humber and North Yorkshire.

2.0 Relevant planning history

- 2.1 2/91/139/0395 - Alterations and Extension to Existing Dwelling and Shop to Form a Doctors Surgery with First Floor Flat and Associated Parking Space with Vehicular Access. Refused June 1991.
- 2.2 2/91/139/0395A - Application for Listed Building Consent for Partial Demolition, Alterations and Extension to Existing Dwelling, and a Shop for Form a Doctors Surgery with First Floor Flat and Associated Parking Spaces with Vehicular Access. Granted June 1991.
- 2.3 2/91/139/0395C - Application for Listed Building Consent for Partial Demolition, Alterations and Extension to Existing Dwelling and Shop to Form a Doctors Surgery with Associated Parking Space with Vehicular Access. Granted July 1991.
- 2.4 2/91/139/0395B - Alterations and Extension to Existing Dwelling and Shop to Form A Doctors Surgery with First Floor Flat and Associated Parking Space with Vehicular Access. Granted May 1992.
- 2.5 2/92/139/0395D - Amended Application for the Listed Building Consent for Partial Demolition, Alterations and Extension to Existing Dwelling and Shop to Form a Doctor's Surgery with First Floor Flat and Associated Parking Space with Vehicular Access. Granted June 1992.
- 2.6 2/93/139/0395E - Revised Layout of Land in Connection with a Proposed Doctors Surgery. Granted March 1993.
- 2.7 2/93/139/0395F - Application for Listed Building Consent for the Display of a Non - Illuminated Sign and an Externally Illuminated Projecting Sign. Granted March 1993.
- 2.8 19/01007/FUL - Change of use of first floor apartment (Class C3) to office, kitchen, and bathroom facility in association with D1 use class and alterations to include the installation of a new lift shaft and platform lift. Granted July 2019.

- 2.9 19/01008/LBC - Listed Building Consent for practice alterations, to include the installation of a new lift shaft and platform lift and change of use of first floor apartment (Class C3) to office, kitchen and bathroom facility in association with D1 use class. Granted July 2019.
- 2.10 20/00291/FUL - Siting of steel storage container. Temporary Permission Granted April 2020.

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:

Local Plan Policy S1: Sustainable Development Principles
Local Plan Policy S7: The Historic Environment
Local Plan Policy E1: Design
Local Plan Policy E2: Amenity
Local Plan Policy E5: Development Affecting Heritage Assets

4.0 Consultations

- 4.1 Sowerby Parish Council – Resolved that the councillors wish to see the application refused, as the structure is not suitable for permanent positioning with a conservation area.
- 4.2 A site notice was posted, and neighbours consulted.

One letter of objection was received. Comments are summarised below:

- Site and container is in full view of any member of the public using the public footpath from 'The Flatts' path to Thirsk Leisure Centre.
- The storage unit obscures the window of the Thirsk and Sowerby Institute.
- The storage container of this magnitude can be seen towering above the 6ft railed fence.
- Container is so close to the institute the rainwater system could not be maintained in event of a leak.
- No timescale given therefore use could be ongoing. Do not consider the siting to be an ideal solution.

One letter of support has been received. Comments are summarised below:

- Declares an interest as a patient at Lambert Health Centre.
- Container hardly a thing of beauty but is in an inconspicuous corner at back of car park, fenced on all side and painted to blend in with surroundings.
- Container only obscures window when access door is open which is unlikely to be within club opening hours

5.0 Analysis

- 5.1 The main issues in the consideration of the application are: i) the siting, design and impact on the character and appearance of the conservation area and setting of nearby listed buildings and ii) impact on residential and other neighbouring amenity.

Additional information submitted in support of the application

- 5.2 Information provided in support of the application states that Lambert Medical Centre have previously explored options to relocate the surgery to a bigger building but have advised that there was no financial support from NHS England and the project was not affordable. Therefore, the Partners at Lambert Medical Centre invested their own money and repurposed some rooms to create more clinical rooms to help manage the increasing demand and ensure the Practice's sustainability for a few more years. Storage of the records became a problem when the Practice expanded which it did to both offer additional clinical services to patients and also be capable of coping with the additional increase in the number of patients due to a significant number of new houses built in Sowerby for which no additional funding or financial support was granted to the surgery.
- 5.3 The agent has advised that the digitisation of patient records is a relatively new procedure. Since 2019 NHS England has been consulting on a national strategy for the digitization of Lloyd George (LG) records. In early 2020 a Dynamic Purchasing System (DPS) was formed to support the procurement of digitization services. Shortly afterward, as a result of Covid, the national team placed a hold on the digitisation programme. Discussion around digitisation of these records was effectively paused during the Covid pandemic as all focus was on other priorities. Further details of the national solution are however expected to be announced within 2023.
- 5.4 Since the submission of this current application the Medical Centre have been in touch with the relevant officer within the NHS responsible for the digitisation of patient records to chase progress on this matter. The Doctors have previously offered their practice as a pilot for the digitisation project and have explained to NHS England the situation they find themselves in with the objections being raised to the retention of the container. The practice has been unable to get a date from NHS England as to when the funding might come through. The practice is frustrated at this situation, which unfortunately is out of their hands. The availability of finance is key to this project. The response to the enquiry from the Head of Digital NHS, North Yorkshire stated that with respect to the national offer they still have no clarity on timescales at this point although as mentioned above further details of the national solution are expected to be announced within 2023. There has been some delay to this offer due to Covid pressures and diversion of national funding/resources to alternate programmes. They intend to continue to chase NHSE regional and national teams for updates and will do so again at their next catch up with NHSE regional colleagues.
- 5.5 The agent has advised that the practice receives a weekly set of new patient records for new patients signing up to the surgery; these are received from NHS England. It takes a member of staff around 30 minutes to correctly file and store these new records. The agent has advised that the current records need to be readily available as they need to be accessed when the consultation with the patient

takes place. Occasionally during a consultation with a patient, a doctor will request a patient's file which a member of staff then has to access from the storage container. This could not happen if the files were stored off-site. The practice has over 8500 patients and their care would be compromised if the storage of patient records must be moved off-site. Bringing the records back into the building would result in the loss of a clinical consulting room and consequently resulting in the loss of a GP from the practice. The agent has advised that no obvious alternative premises have been identified. Unless the records are very close at hand the situation becomes untenable.

- 5.6 Options have been explored by the applicant with regards to the scanning of the documents. The agent has advised that the GP partners have recently received a quotation for the works for the sum of £50,000; this is unaffordable for the partners to pay.

Siting, design and impact on the character and appearance of the conservation area and setting of nearby listed buildings

- 5.7 Local Plan Policy S1 (Sustainable Development Principles) states that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. This will be achieved by (e) protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements.
- 5.8 Local Plan Policy S7 (The Historic Environment) states Hambleton's heritage assets will be conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment.
- 5.9 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 help to create a strong sense of place.
- 5.10 Local Plan Policy E5 (Development Affecting Heritage Assets) states a proposal will only be supported where it ensures:
- i. those features that contribute to the special architectural or historical interest of a listed building or its setting are preserved.
 - j. those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.
- 5.11 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.12 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.13 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.
- 5.14 The container is sited on a rectangular shaped parcel of land located immediately to the south of the car park serving the former Lambert Memorial Hospital, to the north of the Thirsk and Sowerby Institute and east of the Lambert Medical Centre car park. The site is bound by 2m high timber fencing. Public views of the container from Chapel Street to the north would be limited due to the position of the container in the south west corner of the car park and the screening provided by an area of planting to the west of the former hospital building. The container currently sits to the rear of two further metal containers sited within the adjoining car park. These containers are temporary structures currently being used in association with the conversion of the hospital to form a hospice. Although the fencing does provide a degree of screening when viewed from within the car park the upper section of the container is visible above the fence at this point.
- 5.15 South east of the application site and to the rear of Thirsk and Sowerby Institute lies Sowerby Flats. A public right of way runs to the south and east of the institute building before continuing north of the bowling green. Public views of the container are possible from the adjoining footpath with the container sitting above the boarded fence which defines the boundary.
- 5.16 A condition was included on the previous permission for the siting of the container (20/00291/FUL) requiring it to be painted dark brown to match the fence. This was to reduce its visual impact and these works have since been carried out.
- 5.17 Whilst it's acknowledged the container is visible from public vantage points adjoining the site the container does not occupy a prominent position within the designated Conservation Area being partly screening by the presence of the 2m fence which defines the boundary of the enclosure. Due to its position set back within the site public views from Chapel Lane to the north are limited with only the top section of the container visible from vantage points to the south.
- 5.18 Taking into consideration the position of the container, the harm caused to the heritage assets, in this instance the Conservation Area and setting of the Grade II Listed Building, is considered to be less than substantial, in the view of officers. In accordance with paragraph 202 of the NPPF where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 5.19 The supporting information provided by the agent demonstrates that the continued siting of the container is essential to ensure the rooms within practice are fully utilised as clinical space. Bringing the records back into the building would result in the loss of a clinical consulting room and consequently resulting in the loss of a GP from the practice. As detailed previously other options for the storage of the records

have been explored by the applicant however these would be cost prohibitive. The agent has advised that the care of the patients may be compromised should there be a requirement for the records to be moved off-site. It is considered in this instance that the public benefits of allowing the continued expansion of the practice to the benefit of the wider community would outweigh the less than substantial harm to the heritage assets. The proposal would therefore be in accordance with policies E1 and E5 of the Local Plan and the expectations of the NPPF.

- 5.20 The previous permission granted a two year temporary consent for the siting of the container which expired in April 2022. The previous officer report recommended that after this time the container would be required to be removed or if clarification is available of the timescale to complete digitisation of the records a further time limited consent may be appropriate.
- 5.21 It's evident that the progression of the digitisation project has been delayed due to Covid pressures and the diversion of national funding/resources to alternate programmes. Although at this point there is still no clarity on timescales the NHS England Senior Primary Care Commissioning Manager has confirmed the programme is still very much on the agenda to ensure existing storage space within practices is fully utilised as clinical space. Since the submission of the application the agent has advised that details of the national solution are now expected to be announced within 2023.
- 5.22 Should planning permission be granted for the retention of the container then it is recommended that a further two year temporary consent is granted after which time the container would be required to be removed.

Impact on residential and other neighbouring amenity

- 5.23 Policy E2 requires proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future and existing occupants and users of proposed development and neighbouring land and buildings. Paragraph 127 of the NPPF requires a high standard of amenity for existing and future users of development.
- 5.24 The building is sited directly to the north of the Thirsk and Sowerby Institute on a section of land within the ownership of the Lambert Medical Centre. The siting of the container is such that although it would be visible from the north facing kitchen window of the institute the container would not obscure views from this window when not in use. The door of the container is left open when records are being accessed and it's acknowledged that views from the window would be limited at this point. The container is however only accessed during the day for short periods of time therefore any impact in terms of loss of outlook would be minimal.
- 5.25 The 2m fence which encloses this section of land currently sits approximately 3.5m from the kitchen window of the building. Taking into consideration the presence of this fence and the siting of the container to the side of the window it is not considered the outlook from this building is significantly harmed by the presence of the container in this location. In addition to this the affected room is a kitchen of a commercial building and not a residential property which would be given more weight. The proposal therefore complies with Policy E2 of the Local Plan in this regard.

Anti-Social Behaviour

- 5.26 It has been brought to the attention of the Local Authority that instances of anti-social behaviour have occurred at the site involving people climbing on the container in question. Further information has been requested with regards to the number and nature of instances.
- 5.27 The agent has confirmed that there were several examples of anti-social behaviour at the site before the container in question was put in place. The police have been informed of youths having been on the container and the other two containers currently sited on the adjacent car park. The storage container subject of this application is sited behind a high fence accessed through a locked gate and the agent has confirmed that the Practice does have external CCTV which partially covers the car park. Additional information has been sought from the agent as to what further measures can be put in place to limit or reduce instances of anti-social behaviour at the site.
- 5.28 It is recognised that there have been occurrences of anti-social behaviour at the site and the potential increase in the number of instances as a result of the proposals is a material consideration which carries weight. In this instance however it is not considered the impact in terms of anti-social behaviour would outweigh the public benefits which are set out above.

Access/Maintenance

- 5.29 Concerns have been raised in response to the public consultation with regards to the proximity of the container to the institute which would prevent maintenance of the rainwater system in the event of a leak. The eaves and rainwater pipes of the institute building do currently extend over the site in which the container is located however only the section of the building to the east of the kitchen window is affected. The container is set off the building to such an extent that the container is not sited directly under the overhanging eaves at this point. Although it's recognised that the siting of the container in this location may restrict easy access to this section of guttering it is considered the container is sited far enough from the building as to not prevent access or maintenance of this section of guttering.

Planning balance

- 5.30 The siting of the storage container in this location is considered to cause less than substantial harm to the setting and significance of the heritage assets, in this case the Conservation Area and setting of the Grade II Listed Building. It is considered that the public benefits of allowing the continued expansion of the practice to the benefit of the wider community would outweigh the less than substantial harm caused on a further temporary basis. The proposal will have no significant adverse impact on neighbouring amenity. Overall, the proposal will be in accordance with the requirements and expectations of the policies of the Hambleton Local Plan, the NPPF and the nPPG.

6.0 Recommendation

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

1. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered 2020:LMC/01 rev. A received by Hambleton District Council on 23 September 2022; unless otherwise approved in writing by the Local Planning Authority.
2. The permission hereby granted is valid only for a period of two years from the date of this consent, the storage container shall be removed from the site, and the land re-instated to its former condition on or before that date.

The reasons are:-

1. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1, E1 and E5.
2. The structure is not considered to be visually acceptable for permanent retention on this site within the Thirsk and Sowerby Conservation Area and within the setting of listed buildings.

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Parish: Thornton Watlass

Ward: Tanfield

9

Committee Date : 16 March 2023

Officer dealing : Mr Nathan Puckering

Target Date: 9 March 2023

Date of extension
of time (if agreed): 17 March 2023

23/00041/FUL

Construction of a double storey rear extension, single storey side extension, front porch and works to the existing garage

At: 4 Fox Covert Bank Watlass Lane Thornton Watlass Ripon

For: Mr and Mrs Hodges

This application is presented to the Planning Committee as the applicant is a HDC employee.

1.0 Site, context and proposal

1.1 The site in this instance is a semi-detached two storey dwelling located on the south eastern edge of Thornton Watlass, a village 3.5km south west of Bedale. It has a pebble dashed external finish with several courses of brick visible from the ground up. To the rear there is a small flat roofed element which adjoins the rear elevation. There is an almost identical dwelling adjoining the western side of the site, although there is a distinction in that the site has a small, detached garage at the end of the driveway, just to the east of the dwelling. There is a similar set of semi-detached dwellings to the west, with a detached bungalow directly to the east. It should be noted that the boundary of the Thornton Watlass Conservation Area is around 70m to the west of the site.

1.2 This application is seeking permission for various alterations. These can be summarised as follows:

- Two storey dual-pitched extension to the rear, with cedar cladding on the rear elevation.
- A smaller lean-to style rear extension, with an anthracite grey standing seam cladding roof material.
- A lean-to side elevation to provide a log store and side entrance.
- A small brick-built porch on the front elevation.
- Alteration to the roof of the garage to create a dual-pitched roof instead of the existing mono-pitched design. The roof material will match that used on the aforementioned small rear extension.

1.3 Throughout the consideration of this application, the following amendments have been made:

- Change to the proposed roof material for the large two-storey extension and the porch to match those used on the existing dwelling.
- Removal of cedar cladding from porch so it would be bricked to match the existing visible courses on the main dwelling.

1.4 It should be noted that this application was submitted along with an application for a smaller single-storey extension and front porch extension to the adjoining dwelling; details of which are set out in section 2.0. The neighbouring rear extension would directly adjoin the proposed extension being considered under this application.

2.0 Relevant planning history

2.1 23/00042/FUL - Single storey rear extension, porch, off-street parking and solar panels
- Granted February 2023 (application at neighbouring no. 3 Fox Covert Bank).

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 E1: Design
Local Plan Policy E2: Amenity

4.0 Consultations

4.1 Parish Council - No objections.

4.2 Site Notice & Neighbour Notification - No comments received.

5.0 Analysis

5.1 The main determining issues in this instance are i) design and the impact on the character and appearance of the locality and ii) the impact on residential amenity. The site is sufficiently separated from the Conservation Area so that the relationship is such that the works would be inconsequential to the setting of this heritage asset and thus this is not a determining issue.

Design and impact on the locality

5.2 Policy E1 of the Local Plan relates to the design of development and sets out how all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It then goes on to set out a number of design principles, with some specifically relating to domestic extensions. These are as follows (as material):

- l. the proposal respects the scale, massing and materials of the original dwelling and will not cause unacceptable harm to its character;
- m. there is no unacceptable harm caused to the character or appearance of the surrounding area or to the residential amenity of homes nearby;
- n. there is no unacceptable loss of parking or garden and amenity areas;

5.3 The design of the main two-storey extension to the rear is acceptable. The lower ridge height ensures it appears subservient and is of a suitable scale that does not dominate the existing dwelling. The use of contrasting materials in terms of the cedar cladding and the standing seam roof on the smaller extensions and garage is noted but it is not unusual to distinguish between old and new in this way so overall it would not harm the character and appearance of the dwelling.

5.4 Initially concern was expressed with using the standing seam on the two-storey extension as this would've been visible upon approach to the village from the south east and it was considered that being used on such a large part of the development would have appeared incongruous and harmful. This was amended to match the existing roof which addressed these concerns. The standing seam roof material would still be evident on the garage and small log store, but samples have been provided which demonstrate that it is a high-quality finish that is acceptable on these much smaller, ancillary structures, where it would have a lesser impact on the surrounding area. It should also be noted that the standing seam roof would be used on the aforementioned smaller extension to the neighbouring dwelling and in this respect would be consistent.

5.5 The proposed porch would have glazing in the front elevation, effectively mimicking the porch that is already in situ on the dwelling opposite the site. Generally porches are not a consistent feature within the village, but this particular street does have lightweight canopy structures that somewhat break the street scene up and thus the porch would not appear out of place. Initially the proposal was to clad the porch in cedar cladding which would've appeared incongruous, but this was rectified through amendments. It is also important to note that a porch could be constructed under permitted development in any event, albeit slightly smaller than that proposed. Furthermore, similar to the standing seam roof, an identical porch has been granted on the neighbouring dwelling which would increase the prominence of these features in the locality and further ensure the proposal will not harm the character and appearance of the surrounding area.

5.6 On the whole the proposed amendments to the dwelling are of a suitable design that will not harm the character and appearance of the host dwelling or the surrounding locality. On this basis the proposal complies with policy E1 and is acceptable on design grounds.

Amenity

5.7 Policy E2 of the Local Plan relates to amenity and 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.

5.8 The main issues in this respect are loss of light and privacy for the neighbouring dwellings. In terms of the bungalow to the east, owing to the sizeable separation distance between it and the site, the only alteration that could have a material impact is the change to the garage. That said, the height of the ridge resulting from the changes to the roof would actually only increase the overall height by approximately 650mm. This would mean that no overshadowing would occur to the neighbouring bungalow or its rear garden.

5.9 Clearly the potential impact on the adjoining dwelling is greater. That said, said dwelling has recently gained permission for a single storey extension itself, which when built out would mean that this extension to the site will only protrude an extra 1.4m, albeit also including the first floor. Nevertheless, this first-floor extension is of a suitable scale to ensure it will not impact daylight provision reaching the windows on the rear elevation of the neighbouring dwelling to a harmful extent.

5.10 The 45-degree rule set out on the Council's Domestic Extensions SPD is used as guidance to assess whether a rear extension will adversely impact daylight provision to a harmful extent. With a two-storey extension, a 45-degree line is drawn from the mid-point of the nearest ground floor window on the neighbouring dwelling. If the extension breaks

this 45-degree line, it is said that the impact on daylight provision would be such that it would be harmful to amenity. If the neighbouring extension is built out, this proposal passes this test by some distance. Should the extension on the neighbouring dwelling not be built out, this proposed two-storey extension would ever so slightly protrude passed the 45-degree line from the existing window by about 230mm. This rule is only guidance, and such a minor infraction is not considered to equate to harm that would warrant refusal of this application.

5.11 In terms of privacy, there are no windows on any side elevations that would face over neighbouring dwellings. There are large windows on the rear elevation of the two-storey extension, but these would face away from the adjoining garden, helping to ensure it would not give way to overlooking.

5.12 On the whole, the proposal would maintain a high level of amenity for both the occupants of the site as well as neighbouring dwellings. On this basis, the proposal complies with Policy E2.

Planning balance

The proposal complies with both policies E1 and E2 of the Local Plan and approval is recommended on that basis.

6.0 Recommendation:

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

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 3 received by Hambleton District Council on 14.02.2023 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.