

Parish: Kirkby
Ward: Stokesley

Committee Date : 27 May 2021
Officer dealing : Ms Helen Ledger
Target Date: 30 October 2020
Date of extension of time (if agreed):

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20/01963/FUL

Creation of a new detached dwelling

At: Land North of Appledore Kirkby Lane Kirkby in Cleveland North Yorkshire

For: Mr & Mrs Andrews

The application is presented to planning committee due to the proposed development being considered to be a Departure from the Development Plan

1.0 Site, context and proposal

- 1.1 The site is located to the north of the village of Kirkby In Cleveland and on the west side of Kirkby Road. In the vicinity the road is tree lined with several dwellings set back from the frontage, positioned on both sides of the road.
- 1.2 Access is proposed to the northern edge of the site frontage and allows for the retention of the mature tree on the boundary. As the main road slopes towards a small water course to the very edge of the access route the site adjoins an area subject to surface water flooding. A flood risk assessment has been included within the submission.
- 1.3 The proposal is for a detached dwelling and garage/carport with access from the main road to the north and positioned with the principle elevation facing the road.
- 1.4 The submission includes a heritage statement to consider the impact on the conservation area and on account of historical records indicating this was a landscape of ridge and furrow. A Flood Risk Assessment (FRA) considers the implications of risk of surface water alongside a drainage strategy for the site.
- 1.5 The proposal has been amended twice, resulting in a revised design reducing the scale of the principle elevation and changing the materials and fenestration to better reflect the character of the rural area. The final design underwent a 10-day re-consultation exercise.

2.0 Relevant planning history

- 2.1 89/1178/OUT - Outline application for the construction of a detached dwelling house and domestic garage - Refused

3.0 Relevant planning policies

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set 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 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP21 - Safe response to natural and other forces
Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP10 - Form and character of settlements
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP43 - Flooding and floodplains
Development Policies DP28 - Conservation
Development Policies DP29 - Archaeology
National Planning Policy Framework
Interim Guidance Note - adopted by Council on 7th April 2015
Kirkby in Cleveland Village Design Statement

4.0 Consultations

4.1 Kirkby Parish Council - The application should be refused on the following grounds:

- Contrary to village design statement, Objective VC1, SPD of HDC
- Intrusive in the landscape, too large and in no way reflects the character
- Access will have a negative impact on setting of the village
- It contravenes Policy DP9 and other relevant LDF policies and windfall policy in new local plan.
- Will not support the few village services, Gt. Broughton has lost most of its services
- Will destroy the historic and natural setting, open agricultural fields
- Will not be accommodated within existing infrastructure.
- Contrary to HDC schedule of how many dwellings each settlement can accommodate
- Too high to form a natural extension to the village
- The land adjacent to the built form of the village has already been developed
- This land was refused outline permission for a domestic dwelling in 1989 reasons for refusal then still apply.
- Access blocks the traditional access to the agricultural fields
- Water main frequently bursts at various points along its length.
- Contrary to climate change, removing good agricultural land.
- Replacement of church hall was carefully considered. Hope that LPA is consistent when assessing planning applications.

- 4.2 Kirkby Parish Council re consultation - All the objections raised in our previous response still stand. These minor amendments in no way ameliorate the damage, especially to the Conservation Area and setting in open countryside by the construction of such a large and high dwelling.
- 4.3 NYCC Highways Authority - The Local Highway Authority recommends that conditions are used. No objections.
- 4.4 Contaminated land - Based on the PALC form submitted the applicant/agent has not identified any potential sources of contamination on the form and therefore the application is considered low risk. No objections to this scheme.
- 4.5 Northumbrian Water - A water main crosses the site and may be affected. Northumbrian Water do not permit a building over or close to our apparatus, will work with the developer to ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. There may be drains that are not yet included on our records. Care should therefore be taken prior to construction work.
- 4.6 NYCC Heritage Services - The site contains earthworks of ridge and furrow. However, here they are fragmented and there are rarely two conjoining fields with well-preserved ridges. The ridges within the development site have also been truncated to the north and probably also the south. The proposal will have a localised impact on a fragment of the medieval field system but will not destroy it in its entirety. Although the ridge and furrow is a non-designated heritage asset, the impact of the development is low and the significance of the ridge fragments within the development site is low. No objections.

No additional comments following revisions.

- 4.7 Lead Local Flood Authority - Not a Major Development which sits outside of the Authorities remit. No comments.

No additional comments following revisions.

- 4.8 Environmental Health (Residential Services) – No nuisance anticipated, no objection. No objection to amended plans.
- 4.9 Environmental Health (Contaminated Land) – No objections.
- 4.10 Natural England - Natural England has previously commented on this proposal and made comments to the authority in our letter dated 24 September 2020, our ref 328220.

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

- 4.11 Site notice posted, and neighbours notified. Application advertised as a development plan departure. Revised plans have been received and a further re-consultation exercise carried out. In total 35 objections and 25 letters of support have been received. These representations are summarised below:

Comments from the public received and summarised:

Support for the proposed development:

- Uses existing access, with excellent visibility
- Well-designed dwelling creates an attractive setting on the northern edge
- The site is very well contained, screened by existing mature hedgerows and trees.
- Not of detriment to the local street scene.
- Will not have a significant impact on protected species and habitats.
- Flood-risk will not be increased by the development.
- In compliance of current and emerging policies
- The design appears to be sympathetic to neighbouring properties
- Enhances entrance to the Village.
- Not outside the boundary of the village, the Kirkby sign is before you reach the plot.
- From the centre crossroads the house would not be visible so will not affect view of the church.
- A single dwelling is unlikely to have any impact on traffic
- The development is of much smaller scale than that Kirkby House Farm Development which was outside of the village.
- In keeping with the existing properties that will surround it
- All the reports from the relevant authorities seem favourable and it hits all the appropriate criteria
- The more high-end dwellings within the constraints of the village the better.
- If permission can be granted for building on Hill Road at the Southern extremes of the village I cannot see how this cannot be granted.
- We need young people in Kirkby.
- Design will be a high quality build with correct materials
- With the state of the economy will provide boost to local services and tradesmen.
- Nice addition to Kirkby.
- It will complement the village of Kirby.
- Will add value to other properties in the area.
- High quality building which is sensitive to and complementary to the existing street scene.
- No issues with archaeology
- In line with current & new planning policies
- Consideration given to all the properties close by
- Traditional design
- Natural progression of Kirkby and is far more welcomed than other alternatives.
- Site responds well to levels drop

- Change is inevitable it is important applications are welcomed and supported.

Letter received objecting to the proposed development:

- The size and design of the proposed dwelling is out of keeping
- It is a green field site outside the village building line.
- Will set a dangerous precedent and erode the natural divide between Kirkby and the industrial area.
- Kirby is only one field away from joining Great Broughton,
- The site is unspoilt and ruined by a big modern property
- An abundance of properties of this size in the village; none as conspicuous as this in terms of size or scale.
- Development would not sit within the conservation area
- Contrary to village character due to cruciform shape
- The height and scale too high with no preceding precedent for this.
- The local vernacular of the village disregarded
- Construction traffic will conflict with quiet roads
- Does not take account of the significant carbon footprint involved in the development
- Will damaging, or destroying tree root networks, especially during construction.
- Relationship with conservation area and the local ecology is irreplaceable and provides habitats
- Harm to this non-designated site of archaeological importance (ridge and furrow field) no public benefit
- Potential distress caused to livestock.
- Spoils village of Kirkby with its location and size.
- Land has been agricultural land for centuries and was intended to remain as such.
- 31 years ago, it was deemed to be outside the boundaries of Kirkby and therefore unsuitable for building this decision should be honoured.
- The pastoral view of the village damaged forever.
- There are more locations to build a large country house.
- Overly large, will be against local character
- Will not be sustainable development
- No significant economic, social or environmental benefit
- Outside development limits and no exceptional circumstances, DP9
- Built form examples do not reflect the 18th/19th C development nearby.
- Does not provide any details for the design of the entrance onto the road
- The development will not support for local services
- No new building has taken place north of the village in the last 60 years
- Precedents are being created that would make it difficult to oppose future applications
- It may be "only 4 bedrooms" but it has a huge footprint, and full height roofline. Nearby houses have dormer windows.
- Not supported by local infrastructure
- Brick built will not be in character.
- Do not want to be a suburb of Stokesley.
- Other houses to buy in the village without building new
- The plan shows a property that is for too big for the plot
- Do not agree with development outside parish boundaries.
- It is essential to preserve the character of historic villages
- Such a development may encourage further ribbon development

- The District Council's Guidance Notes state that ribbon development is "not acceptable."
- In the earlier surveys to identify sites for housing developments the proposed application site was not considered appropriate.
- There is an increasing anxiety among residents that proper scrutiny of planning applications by councillors is being discouraged.
- It overshadows and dwarfs Appledore, which is a substantial property.
- The planning decision at Hills Lane has been confirmed (which originally was passed by one vote showing many of the committee had reservations) and was against the wishes of many village objectors, has set a precedent.
- If it is passed makes the extinction of the village as such almost inevitable
- Not a sustainable location, well outside the village boundary.
- The village has exceeded the requirement for new housing.
- Will destroy what is left of a part of Yorkshire's heritage.
- In no way reflects the village design statement's objectives
- Road is dangerous
- The north end of Kirkby is the historic part, with many attractive stone houses and cottages. Any development is detrimental to the ambience
- The field is rare example of the ancient Ridge and Furrow.

Re-consultation on revised scheme from 12.11.2021 to 22.11.2020

Supporting

- Now addresses the issues raised in the previous consultation
- Follows natural thread of the village
- Remain in support of this proposal
- Complies with current policy
- Uses a safe access
- Well designed to enhance village
- Remain in support and comments made previously still stand

Objecting

- Does not address the comments made previously
- The LDF states that planning to be a true reflection of local views and there are over twice as many objections as positive.
- The role of locally elected councillors in representing the views of residents is very important, one has expressed to the planning department that he is against this development.
- In the government strategy it states that new development making a positive contribution for the conservation of a historic environment. This does not.
- The new street scheme scale does not allow easy comparison
- Remains an imposing long house from Stokesley direction.
- Will panel visit the site as committee members would?
- Remains contrary to policies CP1, DP9 and IPGN
- No exceptional circumstances have been shown
- Permanently alter approach to the village
- The openness of the site contributes positively to the rural setting of the Conservation Area.
- The revised design and materials of the dwelling are still inappropriate

- There are no public benefits or support to local businesses to outweigh the harm
- Revised development still contravenes HDC policy, the National Planning Policy Framework (NPPF) and the Village Design Statement
- Applicant has options to buy/have control over land adjacent. This may be subject to future development, sure to spoil and new dwellings. The LPA should this application be approved control this via an S106.
- The design has been modified slightly but the core issues remain.
- Kirkby does not need another new build development.
- New plans indicate earthworks will be necessitated which will change the character of the site and village.
- New planting necessarily will change the rural character.
- May interfere with roots of trees.
- Disposal of spoil needs care to not affect the landform.
- Moving dwelling north may help in setting but creates a more detached siting further away village
- The latest plans are no justification for granting consent for breaching the village boundary.
- It would set an unacceptable precedent.
- The proposed structure spoils the village of Kirkby with its location and size.
- Outside development limits and no exceptional circumstances, DP9
- It will huge visual impact, removing hedge and the addition of gate posts on the entrance.
- The design of the house is incompatible with the nearby buildings within the conservation area
- Would present another hazard in poor sight lines and current speed restrict limits.
- To build a house as shown in the application will require very substantial expensive groundworks and resolution of the water main crossing the site
- The proposed house is about 100m of the main group of listed buildings in the village, the style and size of the proposed house is in stark contrast and makes no effort to blend in
- If granted this development would present the opportunity to develop the next field.
- Outside the village envelope
- The village does not need additional houses
- Contrary to the Kirkby Village Design Statement, (VDS)
- No "exceptional circumstance" demonstrated
- The access is on a narrow road, without pavements, well used by walkers, cyclists, runners, horses.
- Not central village location,
- Contrary to HDCs objective not to support ribbon development.

Further re-consultation following second amendment

Objections:

- The village is overdeveloped - this would be the 9th new build property in 3-4 years in a village of approximately 90 houses. There is no question that it is vastly overdeveloped for a community of this size
- Site is outside the village envelope
- There is no housing need in the village
- The destruction of a green field site when there are numerous properties for sale on the open market in the local area with land attached does not justify a new build on sustainable and environmental grounds

- The access to the proposed property is on a bend and on a dangerous stretch of road into the village
- The applicant has made some changes to the plans - moving it slightly northwards and the design of the upper windows has been altered but essentially there is nothing dramatically different. One thing remains unchanged - the property is far too large and overbearing. It is not discreet or secluded, it is front and centre on the entrance to the village. Certainly not in keeping with the situation of other properties in the vicinity
- How long until the village will be part of Stokesley?
- This is not an affordable dwelling
- The scale of this and its situation as it leads into the main heritage of the village is harmful
- The heritage report (Avalon Heritage) submitted by the applicant interchanges the names of the properties Appledore and the Grange (para 5.3.5, 5.3.7,5.3.9 plus a wrongly named photograph) which gives a confusing and misleading picture.....and does not mention at all the actual Grange, and the implications for that a historic building to the north of the site.
- The decision should be taken by full planning committee
- Appearance of the development when approached from the north is harmful to the character of the village
- The slope of the site will lead to large scale excavations
- Concerns about boundary, access, gate and lighting design
- Harmful impact on highway users
- The cruciform shape to the north has, thus far, not been significantly eroded

Supporting

- Application satisfies all of the necessary planning criteria
- Nurseries, schools, bus routes, pubs, sports clubs, private gardeners, maintenance people, plumbers, joiners, builders etc. all benefit
- To ensure the village and it's services thrive we need to see natural progression like this.

5.0 Analysis

- 5.1 The main issues to consider are: (i) the impact on the heritage asset in terms of impact on the significance of the conservation area, (ii) the principle of residential development in this location; (iii) the impact on the character and appearance of the surrounding area; (iv) the impact on the amenity of neighbouring occupiers; (v) highway safety and (iv) flood risk.

Heritage

- 5.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Kirkby Conservation Area. The Conservation Area covers a mainly residential area, accommodating dwellings with a predominantly linear built form on either side of the north to south road passing through the village. The northern boundary runs south of Appledore and continues along the road in front of Appledore (which is not in the conservation area) and

boarders the south east corner of the site before crossing over to wrap round the small green space and bench raised above the road to the west of the site. It is considered that the site sits within the setting of the Conservation Area.

- 5.3 The dwelling proposed would sit in the field below the edge of the conservation boundary and adjacent Appledore, and opposite Moo Lodge and The Meadows. It is considered a dwelling would be viewed in this context, somewhat detached from the conservation area and set back from the road with significant existing landscaping. The revised design, albeit still of grand proportions, shows a dwelling in-keeping with the rural context with a traditional design and form. The significance of the Conservation Area is mainly found in the form and character of buildings within the Conservation Area, in terms of their appearance, materials and detailing. It is considered that the relationship to the open countryside contributes to the significance of the Conservation Area in only a minor way. Therefore, the introduction of an additional dwelling into this setting is considered to preserve the existing character of the Conservation Area and layout of the village.
- 5.4 A heritage statement has been submitted which addresses the impact of the proposal on heritage matters and any identified archaeology. It finds the proposed dwelling is set back from Kirkby Lane and as hedges and trees provide filtering, this co-visibility would not be considered harmful to the historic and architectural integrity of the Conservation Area. It continues to note that in the locality the medieval linear field system, with traces of ridge and furrow, in the surrounding countryside to the west and particularly to the north is evident, alongside the medieval village layout. However, North Yorkshire HER does not contain any entries recording the presence of archaeological remains within the application site nor does it contain entries relating to previous archaeological investigations within its boundaries. However, a walk over survey would indicate that there is some evidence of ridge and furrow on site.
- 5.5 The County Council Heritage Service has made comments on the nature of the ridge and furrow and finds that in the locality much of this is fragmented and its significance diminished and does not object to the proposal. On this basis it is not considered this would cause harm to these assets.
- 5.6 In conclusion the proposed development is considered to result in no harm to heritage assets and as such is considered to comply with the relevant tests within the NPPF as well as the requirements of DP28 of the Local Development Framework.

Principle

- 5.7 The site is located outside, but adjacent the Development Limits of Kirkby in Cleveland. Policy DP9 states that development will only be permitted beyond Development Limits "in exceptional circumstances". The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal is a departure from the Development Plan. However, it is also necessary to consider more recent national policy in the form of the National Planning Policy Framework (NPPF) published in 2019. Paragraph 78 of the NPPF states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

- 5.8 To ensure consistent interpretation of the NPPF alongside Policies CP4 and DP9, the Council adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy and Housing Development in the Rural Areas. This guidance bridges the gap between CP4/DP9 and the NPPF and relates to residential development within villages.
- 5.9 The IPG states that the Council will support small-scale housing development in villages where it contributes towards achieving sustainable development by maintaining or enhancing the vitality of the local community and where it meets all of the following criteria:
1. Development should be located where it will support local services including services in a village nearby.
 2. Development must be small in scale, reflecting the existing built form and character of the village.
 3. Development must not have a detrimental impact on the natural, built and historic environment.
 4. Development should have no detrimental impact on the open character and appearance of the surrounding countryside or lead to the coalescence of settlements.
 5. Development must be capable of being accommodated within the capacity of existing or planned infrastructure.
 6. Development must conform with all other relevant LDF policies.
- 5.10 In the Settlement Hierarchy reproduced in the IPG, Kirby in Cleveland is identified as an Other Settlement. This is in recognition of the relatively small number of services and facilities, which include a pub. Therefore, it would need to form a cluster with a Secondary or Service Village or one or more Other Settlements. In this instance, Kirkby is located approximately 1km from the Service Village of Great Broughton, which is readily accessible via a paved footway. Great Broughton and Kirkby can be viewed as an example of cluster villages, indeed they are identified as such in the IPG. The proposal would therefore meet criterion 1 of the IPG, in that it would be located where it will support local services.
- 5.11 IPG criterion 2 requires development to be small scale. In this instance only one dwelling is proposed, which is considered to be an acceptable scale in terms of the IPG. The Parish Council makes reference to previously used figures to identify in absolute terms the numbers of units villages can grow by under the IPG. This assessment did not form part of the final IPG note and was effectively replaced with a more objective approach in assessing the merits of all proposals under all aspects of the IPG holistically, including importantly, landscape impact. This better reflects the broader guidance in the NPPF that villages should be allowed to grow and thrive.

- 5.12 Many representations made during the consultation state that the village has had enough housing growth already and does not need any further development. It remains that the development is one house and therefore small scale, and analysis of recent permissions since the Council's IPG was adopted indicates that the new greenfield permissions are limited to 17/00180/OUT and 20/00859/REM for two detached dwellings at Hill Road to the south of the village. Other development at Kirkby House Farm, replaced existing farm buildings and the change of an annex to recreate a new independent dwelling at Moo Lodge, both happened without encroaching on greenfield land. With only two other permissions outside this application, in a village of 97 dwellings, it is considered that this proposal taken cumulatively only results in a small increase on greenfield sites.
- 5.13 Along with the remainder of criterion 2, criteria 3 and 4 require consideration to be given to the impact of the development on the surrounding natural environment and built form, including the historic environment.
- 5.14 It is considered that the site levels and boundary features will allow the development to be assimilated into the environment. The retention of hedges and trees is welcomed. Revisions submitted have reduced the scale of the dwelling and relocated this further north on the site to enable the development to be better absorbed within the environs of the site. Access is proposed to the north using the existing field access and avoids the established vegetation features, hedge and established trees.
- 5.15 The site is aligned to the road frontage and set back in a similar arrangement to dwellings opposite (The Meadows). It is sufficiently separated from neighbouring dwellings to preserve their setting and that of the Conservation Area, as described above. The development will be seen in the context of the edge of village location, reflecting the looser knit form in this area. It does not undermine the cruciform pattern of the wider settlement. The large detached garage is clearly ancillary to the principle building and located to minimise its impact. Plans indicate this would be constructed with a timber finish that would again help to soften the impact.

Design

- 5.16 Policies CP17 and DP32 require a high quality of design, informed by the setting, its special qualities and form. The proposal has been reduced in scale with elevation design and materials amended to connect with those traditional in the wider rural area. It is now more carefully positioned on the site to use the natural vegetation and landfalls to advantage to mean it is more proportionate within its environs. Given it is setback from the frontage, it reflects the immediate patterns of development and it will not have a negative impact on the streetscape, the entrance to the village, or the wider countryside. Whilst it is proposed to have a linear single storey element to the rear and detached garaging, the material mix and site positioning will not create a development out of character with the main dwelling.
- 5.17 The Kirkby in Cleveland Village Design Statement (VDS) sets out the character of the Village in a way that will encourage locally distinctive design and demonstrates, amongst other things, a commitment to high quality design and appropriate development that will improve the quality of life in the village.

- 5.18 The VDS notes that the village is formed around a well-defined cruciform shape with virtually no tandem development. The most historic elements are to the immediate north and south of the cross roads with 20th century residential development, mainly to the east and west. Maintenance of the cruciform shape of the village restricting tandem development is an objective of the VDS.
- 5.19 A further objective of the VDS is to protect the open spaces that characterise the village and prevent development that would result in an increase in noise and disturbance in the village. It is clear from the VDS that the village exhibits a variety of building types and materials and an objective of the VDS is to preserve the integrity of the existing mix of building and roofing materials and surface finishes. This continues through to the maintenance of the existing style, size and material content of walls, hedgerows, drives and gates, that any replacements or renewals are on a "like for like" basis and that any additions are in keeping with current practice and visual integrity.
- 5.20 In assessing the proposals against the VDS it is considered that the proposed location is not harmful to the overall form of the village, only marginally extending the cruciform shape of the village. In terms of scale, design and materials proposed, the development is considered to accord with the objectives of the VDS.
- 5.21 Following the amendments to the application, it is considered this proposal can now comply with the above policies and the VDS.

Residential amenity

- 5.22 The main impact to consider is in relation to the occupiers of Appledore, which is set directly to the south of the site and on higher ground. No first-floor windows are proposed on the adjacent elevation only roof lights. The design and layout is considered to result in no significant harmful impact on neighbour amenity and the proposed development is considered to comply with policy DP1.

Highway safety

- 5.23 Access is proposed on the north edge of the frontage and adequate parking and manoeuvring space is contained within the site. The Highway Authority has raised no objection and it is considered that a suitable access to the site can be achieved. Conditions are recommended to ensure the site is developed in an acceptable manner. It is considered that the use of the land for one additional property is acceptable and will result in no significant adverse impact on highway safety. The proposed development is considered to comply with policy DP4.

Flood risk

- 5.24 The site is located in Flood Zone 1 where the risk of flooding from river sources is lowest. However, there is an identified surface water flooding issue in the area to the north of the site. A flood risk assessment has been submitted to help understand the site's potential to be affected by surface water flooding. The vast majority of the site is outside the area affected save for an area just clipping the access point and northern boundary. The Environment Agency Flood Risk Map suggests that Kirkby Lane is affected by Surface Water flooding in this location but

to a depth of less than 300mm. A drainage strategy has also been prepared to ensure that the findings of the FRA can be implemented and the requirement to deliver this can form a planning condition, to which the applicant has agreed. The Environment Agency has been consulted but has not made any comments.

Emerging Local Plan

- 5.25 Policy HG 5 in the emerging local plan deals with windfall residential development. This proposes an approach to reflect the Interim Policy Guidance note but also requires several initial first steps. Presently the emerging local plan is a material consideration. However, the Plan is not sufficiently advanced and can be afforded no more than limited weight in determining planning applications. However, it is considered this proposal is broadly in line with the direction of this emerging policy.

Planning balance

- 5.26 Based on the established policy framework of the NPPF, Hambleton Development Framework and the Interim Policy Guidance note, it is found that the proposal submitted can comply with this guidance. It is noted that the Parish Council has raised concerns in particular to the Village Design Statement, however it is noted that this has not been fully adopted as SPD and therefore is non-statutory advice.
- 5.27 The proposed development is considered to be in compliance with the Council's Local Development Framework and Interim Policy Guidance along with the relevant tests set out in the NPPF.

6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to receipt of any outstanding consultations.
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 0010revH, 0011revH, 0004revH, 9001RevH, 101revF, 0003revD received by Hambleton District Council on 03 March 2021 unless otherwise approved in writing by the Local Planning Authority.
 3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

4. The development shall be carried out in complete accordance with the Drainage Strategy plan entitled DRC-0100-P1 unless otherwise agreed in writing with the Local Plan Authority.
5. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.
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 "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements: The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.
 - o Any gates or barriers must be erected a minimum distance of 5m metres back from the carriageway of the existing highway and must not be able to swing over the highway. The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.
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 70m metres measured along both channel lines of the major road from a point measured 2.4m metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. wheel washing facilities

on site to ensure that mud and debris is not spread onto the adjacent public highway; 3. the parking of contractors' site operatives and visitor's vehicles; 4. areas for storage of plant and materials used in constructing the development clear of the highway; 5. details of site working hours; 6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

10. Prior to the commencement of development except for the formation of the access and initial site clearance, full details of existing and proposed levels shall be provided to and agreed by the Local Planning Authority. The levels shall be taken from a known, fixed off-site datum and shall include existing and proposed ground levels along with proposed finished floor, eaves and ridge levels. The development shall be implemented in accordance with the approved details.

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) CP17 and DP32.
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 Development Plan Policy(ies) CP17 and DP32.
4. To ensure the development responds to natural forces and complies with policy DP4s
5. In accordance with policy DP43 and in the interests of highway safety.
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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity
10. In order to protect the character and amenity of the area and to accord with DP1 and DP32.