

Parish: Crakehall

Ward: Bedale

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Committee date: 10 June 2021

Officer dealing: A O'Driscoll

Target date: 19 May 2021

20/00330/FUL

Full planning application for the construction of 18no residential dwellings as per amended by drawings received by Hambleton District Council on 15th February 2020 and 28th April 2021

At: Land to the north Of Crakehall Water Mill, Hackforth Road

For: Newett Homes

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

1.0 Site context and proposal

- 1.1 The application site lies to the south of Green Gate Lane, east of Hackforth Road and to the north of Crakehall Water Mill, a Grade II listed building. The site is currently green field and bounded to the north, west and south by hedgerow and intermittent trees. The Crakehall Conservation Area starts at the southern boundary and does not, therefore, include this site. A public right of way runs adjacent to, but also not within, the site joining Crakehall Water Mill to Green Gate Lane. To the north and east of the site is open countryside.
- 1.2 The character of the immediate area is influenced by relatively modern development dating from the 1960s, 1970s and 1980s which infilled the land to the west between Hackforth Road and the edge of the historic core of Little Crakehall at Mastil lane. The majority of road-fronting development on the west side of Hackforth Road is single storey with two storey dwellings located at the northern edge of the settlement on Coronation Road.
- 1.3 Immediately adjacent, to the west is a modern development which formed part of the LDF allocations under BH7. This development is complete and occupied. The site lies outside of but immediately adjacent to the Crakehall Development limits. The site is included in the Emerging Local Plan as a draft allocation for 18 homes under policy CRK 1. The application site is slightly smaller than the allocation area as a strip of land to the south boundary of the site has changed ownership for the purposes of providing a landscaped buffer. Following comments from Historic England a modification is proposed to the text of the allocation to include an area of open space to the south and landscape buffer to mitigate the impact on adjacent designated heritage assets. The site was discussed at the Examination in Public on 04/11/2020.
- 1.4 The application is for 18 dwellings (reduced from 21) with access taken from Hackforth Road through the Cringlefields development to the west. The proposal includes a mix of 2,3 and 4 bedroom dwellings of which 5 (reduced from 6) are offered as affordable housing (28%).

- 1.5 During the life of the application and in response to the proposed modification to the draft allocation policy the layout was amended to reduce the built form to the south of the site. A single dwelling and an area of public open space is now proposed. In addition the strip of land to the south which has changed ownership has already been planted with a variety of trees and shrubs by the adjacent land owner and is fairly well established at this point.
- 2.0 Relevant planning and enforcement history
- 2.1 10/01305/FUL - Construction of 33no dwellings and associated landscaping, open space and infrastructure works – Refused
- 2.2 Adjacent development 14/02435/FUL - Construction of 16 dwellings – Granted
- 3.0 Relevant planning policies
- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP8 - Type, size and tenure of housing
Core Strategy Policy CP9 - Affordable housing
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets
Core Strategy Policy CP19 - Recreational facilities and amenity open space
Development Policies DP1 - Protecting amenity
Development Policies DP2 - Securing developer contributions
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP13 - Achieving and maintaining the right mix of housing
Development Policies DP15 - Promoting and maintaining affordable housing
Development Policies DP28 - Conservation
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Development Policies DP33 - Landscaping
Development Policies DP37 - Open space, sport and recreation
Affordable Housing - Supplementary Planning Document - Adopted 7 April 2015

Hambleton emerging Local Plan

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. The Hambleton emerging Local Plan was submitted to the Secretary of State (Planning Inspectorate) for examination on 31 March 2020. Further details are available at

<https://www.hambleton.gov.uk/localplan/site/index.php>

The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

HG 2: Delivering the Right Type of Homes
HG 3: Affordable Housing Requirements
E 1: Design
E 2: Amenity
E 3: The Natural Environment
CI 2: Transport and Accessibility
RM 3: Surface Water and Drainage Management

CRK 1: North of Crakehall Water Mill, Little Crakehall
Size (ha): 0.66
Allocated for: 18 homes

This green field site is located on the eastern edge of Little Crakehall. Crakehall Conservation Area lies adjacent to the site to the south, along with the listed Crakehall Water Mill and curtilage buildings.

Development requirements:

Access and highways

Vehicle, cycle and pedestrian access to be taken from Cringlefields. Works are required to extend and improve pedestrian links, including the provision of connection to the public right of way that runs past the southeastern corner of the site¹.

Flood, drainage and water management

Part of the site along the eastern boundary is vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary.

Biodiversity and landscaping

A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Existing boundary features should be retained, including hedgerows and mature trees, and enhanced to screen views of the site from the north and east. Habitats must be protected from adverse impacts, such as obtrusive light. There is a tree protected by a tree preservation order located on the northern boundary of the site. This tree must be retained; appropriate protection will be necessary during construction, the details of which will be agreed at the planning application stage.

Heritage

Development of this area could affect elements which contribute to the significance of Crakehall Conservation Area and the Crakehall Watermill Grade II listed building. A heritage statement will be expected to explain how care is taken to ensure any development does not harm the significance of the setting of these heritage assets.

Design, landscaping, open space provision and green corridors

The site is located adjacent to the North Yorkshire Green Infrastructure corridor and the development should seek to enhance connectivity to adjacent green infrastructure, particularly areas of accessible local green space. Development statement outlining the proposals will be required to be accompanied with a

planning application and show how the development will successfully integrate with the surrounding area and the neighbouring residential area. The statement will also address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking and carefully consider the existing properties.

Historic England Comments:

This site adjoins the boundary of the Crakehall Conservation Area and its development could also impact upon the significance of the Grade II Listed Crakehall Water Mill to the south. The Heritage Background Paper considers that the development of the southern portion of this site has the potential to harm elements which contribute to the significance of these assets and identifies an area at its southern end which it considers needs to be kept free of development in order to ensure that their significance is not harmed. Whilst we would broadly concur with this assessment and the need for the southern part of the site to remain free from development, because of the elevated nature of this site compared to that of the heritage assets, the extent of the undeveloped area shown on the Heritage Impact Assessment is not considered to be of sufficient size to mitigate the harm. New housing has been constructed to the north-west of the allocation site on Cringlefields and Moorfields. Development of the allocation site should not extend further south than the access road of Cringlefields in order to maintain those elements of the allocation site which make a positive contribution to the setting of the listed buildings and the conservation area. In addition, a further amendment is also necessary to reflect the other mitigation measures put forward in the Heritage Impact Assessment.

Suggested Change

Amend the Development Requirements for Site CRK1 as follows:-

- (a) Size and Allocated for: Reduce the size of the developable area and the amount of houses that can be built to reflect the extent of the area remaining after the area to the south of the access road to Cringlefields has been removed
- (b) Design, landscaping open space provision insert the following bullet-points:-
 - “An area of open space shall be provided at the southern end of this site to encompass the land lying to the east of the access road to Cringlefields and the northern boundary of the Conservation Area”
 - “A landscape buffer shall be provided along the southern side of the area of open space at the southern end of this site to reduce the impact upon the Conservation Area and Listed Building”

Proposed Modification:

Heritage

Development of this area could affect elements which contribute to the significance of Crakehall Conservation Area and the Crakehall Watermill Grade II listed building. An area of open space will be provided at the southern end of the site along with a landscape buffer to reduce the impact upon the conservation area and listed building. A heritage statement will be expected to explain how the extent of the open space and nature of the landscaping has been decided upon in order to reduce harm. The statement will also be expected to explain how care will be taken

to ensure any development does not harm the significance of the setting of these heritage assets.

Design, landscaping, open space provision and green corridors

The site is located adjacent to the North Yorkshire Green Infrastructure corridor and the development should seek to enhance connectivity to adjacent green infrastructure, particularly areas of accessible local green space. A landscape buffer to the southern end of the site will be provided to reduce the impact upon the conservation area and listed building.

Inspectors Post Hearing Comments on the Site:

Site CRK1 – North of Crakehall Water Mill, Little Crakehall

20. It was established at the hearings that providing a connection to the existing Public Right of Way would not be possible as it is under the control of a third party. The requirement in Policy CRK1 is therefore not deliverable and should be deleted.

4.0 Consultations

4.1 Parish Council –

1st Consultation: Crakehall with Langthorne Parish Council are opposed to the current proposal due to the high density which is above the allocation and out of character with the adjacent development, additional pressure on infrastructure in relation to surface water drainage, sewerage, facilities for health, social care, education and road safety.

2nd Consultation: Whilst the reduction in the number of dwellings is welcomed, the council continues to hold the view that 18 dwellings on the site is still too many and in stark contrast to the phase 1 development. Further, the concerns about infrastructure as previously stated also remain. Additionally, the council requests that consideration be given in the plans for more recreational space (particularly for children) and traffic calming measures on the estate itself. The Parish Council continues to object to the proposals in their current form.

4.2 Highway Authority – Recommends conditions

4.3 Lead Local Flood Authority – Requested further information, provided, now awaiting comments at time of writing.

4.3 Yorkshire Water – Recommend a condition requiring the development to be carried out in accordance with the Flood Risk Assessment.

4.4 Public comments – *12 letters of representation were received raising the following issues:*

- Need for these dwellings in Crakehall
- Previous application for 33 on wider site refused, this proposal will result in 37 total.
- Number of dwellings proposed is greater than the draft allocation
- Affordable units not intermixed with other units
- Allowance has not been made for the soakaway system for the surface water from Blacksmith's Bank
- Highway Safety
- Insufficient parking

- Impact on wildlife
- Overdevelopment of site
- Impact on open views
- Development should be included in the maintenance plan for existing open space
- Encroachment on open countryside
- No assessment of impact on Conservation Area or Listed Building
- Access through a private road
- Loss of agricultural land
- Impact on green infrastructure corridor
- Increased traffic and pollution
- Little employment opportunities necessitating need for cars
- Strain on local services
- Neighbour amenity
- Impact on existing development
- Development should be distributed throughout the settlement and not clustered in one area
- Layout too dense
- Loss of view from existing development
- Limited bus service
- Impact of flooding due to loss of green field land
- Impact on the countryside setting for local holiday homes and tourism

Following amendments to the layout the public were invited to comment again. nine letters of representation were received from 6 members of the public raising the following issues:

- Increased traffic/highways safety
- Highways safety during construction
- Impact on children's safety due to increased traffic
- Additional strain on local services, health education etc
- Lack of information on maintenance of public open space
- Divided public open space will cause animosity between residents
- Concerns re proximity and relationship between existing and proposed dwellings
- Impact on the rural character of the existing development
- Loss of view/outlook
- Loss of privacy
- Overdevelopment
- Impact on value of existing properties
- Impact on saleability of existing properties
- Question the need for dwellings as some on existing development took over a year to sell initially and resale is also slow
- Loss of open space around the village
- Impact on wildlife and loss of habitat
- Welcome the reduction in number of dwellings proposes, however, 18 is still too many
- Beyond built form of settlement
- Encroachment and impact on the countryside
- Impact on Conservation Area
- Loss of agricultural land
- Site is located within the green corridor

- Little employment opportunities necessitating need for cars
- No benefit to the community through contributions to infrastructure etc
- Concern re density of development
- Impact of proximity on 4 and 5 Moorfields on the existing development
- Cumulative Impact with approved holiday site nearby
- Impact on flooding
- Site should have been developed as a whole, not in stages
- Tree planting may interfere with Blacksmiths Bank Soakaway drains
- Concern regarding the capacity of existing drainage infrastructure
- Concern re street lighting – impact on conservation area and wildlife
- Impact of development on nearby holiday business
- A previous application for 33 dwellings on the wider site was refused, this application will bring the total number to 34
- Visual impact of non-garage parking
- Local school is over subscribed
- Comments up to 17.05.2021

5.0 Analysis

5.1 The main issues to consider are:

i) The principle of development and the Emerging Local Plan; ii) Affordable housing; iii) Housing mix; iv) Design and impact on the character of the area; v) Heritage; vi) Amenity; vii) Drainage; viii) Highways Safety; ix) Open Space; x) Landscaping and; xi) Biodiversity

Principle

- 5.2 Policy CP4 states that all development should normally be within the Development Limits of settlements. Policy DP9 states that permission will only be granted for development "in exceptional circumstances". The site falls outside the Development Limits of Crakehall. The applicant does not claim any of the exceptional circumstances identified in Policy CP4 and, as such, the proposal would be a departure from the current Local development Framework.
- 5.3 As mentioned at 3.1 above the Emerging Local Plan has been submitted to the Inspectorate and public hearings took place in October and November 2020. As such the Emerging Local Plan is a material consideration which can be afforded limited weight.
- 5.4 The site is a preferred option in the Emerging Local Plan under Policy CRK 1: North of Crakehall Water Mill, Little Crakehall. Should the draft allocation and Emerging Local Plan be adopted the principle of development of this site would be established.
- 5.5 Paragraph 48 of the National Planning Policy Framework states that local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

- 5.6 Paragraph 49 states: However in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.
- 5.7 Paragraph 50 states: Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 5.8 The Council has a healthy housing land supply at just over 10 years, however, this number includes this site at 18 dwellings.
- 5.9 Given the advanced stage of the Emerging Local Plan and the feedback received during the Public hearings and post hearing letter from the Inspector it is considered that the principle of development in this location is acceptable.

Affordable Housing

- 5.10 LDF Policy CP9 states that a housing development of 2 or more dwellings (or sites of 0.1ha or more) outside of Service Centres must make provision for affordable housing. In this case the requirement under the LDF for Bedale and hinterland would be 40%.
- 5.11 Within the Emerging Local Plan Policy HG3 (Affordable Housing Requirements) seeks provision of 30%. On a development of 18 dwellings this would equate to 5.4 dwellings.
- 5.12 The proposal includes the provision of 5 units, including both 2 and 3 bedroom affordable dwellings (28%). Whilst this is below the target set in the LDF, as this application is based on the Emerging Local Plan it is considered that 5 dwellings is acceptable on the condition that the shortfall of 0.4 of a unit is made up through a S106 financial contribution.

Housing mix

- 5.13 With regard to housing mix Core Strategy Policy CP4 states that proposals for housing must take appropriate account of local housing needs in terms of size, type and tenure of dwellings. The table below shows the proposal against the housing

mix targets outlined in the Size, Type and tenure SPD. In addition to this, Emerging Local Plan Policy HG2 requires that a range of house type and sizes be included that reflect and respond to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents where the agreed mix has had regard to evidence of local housing need or market conditions and the ability of the site to accommodate a mix of housing.

- 5.14 The SHMA indicates that the need for two and three bedroom dwellings accounts for some 80-90% between them (40-45% each based on market dwellings alone). Policy HG2 of the Emerging Local Plan also requires the provision of 10% two bedroom bungalows to reflect the needs of the ageing population in the district. More recently, the pressure for 1 bed units has increased. This application was development prior to the strength of this need being identified. Given the relatively small scheme it is considered unreasonable to return to the housing mix, which was considered acceptable at the time of submission.

Type	Target %	No. Proposed	Proposal %
One Bedroom	10	0	0
Two Bedroom	35	5	27.77%
Three Bedroom	25	8	44.44%
Four Bedroom	10-15	5	27.77%
Two Bedroom Bungalow (also included in two bedroom numbers above)	10	2	11.11%

- 5.15 The proposed mix provides a majority of two and three bedroom dwellings accounting for 72% of the mix. Two 2 bed bungalows are also proposed which meets the target provision. It is considered that the proposed development has an acceptable mix of house types and sizes which reflects the needs of the district.

Design and impact on the character of the area

- 5.16 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.17 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.18 The National Planning Policy Framework supports this approach and, at paragraph 130, 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.

- 5.19 Policy E1 of the Emerging Local Plan 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.
- 5.20 The Design and Access Statement submitted in support of the application includes a visual analysis of the site and surrounding area. Features and constraints which informed the design include the topography of the site which is fairly flat, proximity of existing dwellings to the west and the existing drain running through the site and open fields to the north and east. The surrounding area is residential to the west and south with a mix of property types and materials featuring brick, stone and render. Objectives for the design were set including rear gardens to back onto site boundaries to provide separation distance to adjacent development and take advantage of views over countryside to the east, inward looking development to provide natural surveillance, retention of existing trees to east and avoiding development within the drain easement.
- 5.21 The overall layout is influenced by the position of the access from Cringlefields, the open space provided for the adjacent development, the requirement to facilitate the existing drain easement and the buffer to the south to mitigate the impact on heritage assets. With 18 units proposed the layout appears somewhat cramped at first glance. This is hindered by the linear form which is dictated by the site constraints. In the wider context, however, the more modern areas of Crakehall such as Coronation Road have higher densities and even the more historical areas feature rows of terraces albeit these are generally situated around areas of open space.
- 5.22 Individual house-types include detached and semi detached two storey and single storey dwellings. It is proposed to construct thirteen of the dwellings in red brick with grey concrete roof tiles and UPVC windows with artstone headers and cills to front elevations. The remainder are to be constructed in reconstituted stone with red pantile roofs and UPVC windows with brick heads and artstone cills. The combination of brick window heads against stone walling is a feature of the local area which is noted on traditional buildings within the settlement and on the buildings associated with the adjacent Grade II listed mill. Its use therefore on the southern most dwelling, which has been designed specifically to be sympathetic to the rural and historical setting, is appropriate.
- 5.23 The neighbouring development at Cringlefields features timber windows. Given the proximity to the Conservation area timber windows would be preferable. The windows on the existing development hint at traditional style with the use of glazing bars, however they are not of full traditional design such as sliding sash. Given the location of the development outside of the Conservation Area it is considered that the use of UPVC in this case is not harmful and as such does not warrant a refusal of planning permission. Overall, the design of the individual dwellings is considered acceptable.

Heritage assets

- 5.24 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.

- 5.25 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 Crakehall Conservation Area.
- 5.26 As identified by the Heritage Background Paper with broad agreement from Historic England it is considered that development of the southern portion of the site could impact negatively on the significance and setting of the Listed Buildings at the Mill along with the Conservation Area. Historic England have recommended that the developable area and as a consequence the number of dwellings, be reduced so that the area south of the access remains as open space with a landscape buffer.
- 5.27 During the site visit of the adjacent Grade II listed Mill it was confirmed that the southern section of the site, approx. 10m in length when measured from north to south has transferred ownership to the Mill. This area has been landscaped and was well established at the time of the visit, limiting intervisibility between the site and the Mill.
- 5.28 In response to Historic England's comments and the proposed modification the layout was amended so that only a single dwelling is proposed in the area to the south of the existing public open space. The single dwelling will be located to the north of (behind) the listed house associated with the Mill. The remainder of the site to the east of this will be given over to public open space.
- 5.29 A Heritage Statement was submitted with the amended layout. Paragraph 3.05 of the heritage statement identifies the site's contribution to the significance of the designated heritage assets. The site *"provides historic value in illustrating the agrarian foundation of settlement at Crakehall, although this value has been diminished to some degree by residential development of Cringlefields and Moorfields to the west. [...] Together with the surrounding farmland, the Site contributes to the open, agricultural setting of the Crakehall Conservation Area and reflects its historic landscape setting"*.
- 5.30 At 3.06 of the Heritage Statement it is stated that *"the Site's contribution to this significance is undermined to some degree by its position on higher ground from the conservation area which reduces visibility and views towards the Site from the south"*. It goes on to state that whilst views of the Mill and Conservation Area can be obtained from the Public Right of Way the hedgerow running along the northern side of the path obscures the majority of the site. On the north east section of the footpath that connects to Green Gate Lane the site is viewed against the backdrop of existing development rather than the Conservation Area.
- 5.31 Whilst the visual experience of heritage assets is important, the historical form and relationships must also be considered. At this moment in time the existing hedgerow, because of its height creates a visual barrier between the application site and the heritage assets so that the two sites are not experienced in context of each other. At any time the owner of the hedgerow could reduce its height so that the two elements become visible from the public right of way (albeit only from the southern portion of the path as the mill is situated on lower ground and would likely still be obscured from views at the north eastern part of the path).

- 5.32 The historical value, however, is in the absence of development surrounding the heritage assets. In many circumstances the inability of the public to see a development does not fully mitigate the impact. The relationship between the Mill and the open countryside exists and is significant regardless of the ability to perceive it from the public realm; in the same way that any historical building is still significant even if it cannot be seen from the public road. At 3.10 of the heritage Statement it is acknowledged that the historical functional relationship contributes to the significance of the assets and at 4.05 that the loss of agricultural character will result in harm. It is considered that this harm is at the lower end of the scale of harm and amounts to less than substantial harm in terms of the NPPF.
- 5.33 Paragraph 196 of the NPPF states that 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 including, where appropriate, securing its optimum viable use.
- 5.34 In this case it is considered that the harm is at the lower end of the scale and is outweighed by the provision of 18 dwellings contributing to the Districts housing supply in line with identified need.

Amenity

- 5.35 LDF Policy DP1 states that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.36 Emerging 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. A proposal will therefore be required to ensure:
- a. adequate availability of daylight and sunlight for the proposed use, and would therefore not result in significant effects of overshadowing and the need for artificial light;
 - b. the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
 - c. there are no adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character);
 - d. that adverse impacts from the following sources will be made acceptable:
 - i. air pollution;
 - ii. contamination;
 - iii. dust;
 - iv. obtrusive light;
 - v. odour;
 - vi. overheating; and
 - vii. water pollution;
 - e. adequate and convenient provision is made for the storage and collection of waste and recycling;

f. that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation.

Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.

- 5.37 Due to the linear form of the proposed development the layout does not raise any concerns with regard to the amenity of future occupants and residents on the neighbouring site. Where two dwellings face each other a separation distance in excess of 21 meters has been provided. At the north west corner the relationship between the new and existing dwellings is rear to side with separation distances of 10.5 and 12.7 metres. Across the existing site separation distances between plots with rear/front to side relationships vary between 11 and 14 meters. The proposed relationship in this area is therefore considered acceptable in the context of the wider development.
- 5.38 Externally private amenity spaces, though some are on the small side, are generally acceptable and it is acknowledged that are considered to provide a satisfactory level of amenity. Each property has rear access with an allocated space within the rear gardens for bin storage. Internally the dwellings comply with the Nationally Described Space Standards which is enshrined in the Size, Type and Tenure SPD as well as Emerging Local Plan Policy HG2 Delivering the Right Types of Homes.

Drainage

- 5.39 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.40 Emerging Local Plan Policy RM 3 relates to surface water and drainage management. Of relevance to this case is the requirement that SuDS be incorporated in the drainage design.
- 5.41 The supporting text of the Draft Allocation CRK 1 states that “part of the site along the eastern boundary is vulnerable to surface water flooding. A site specific flood risk assessment will be required to determine the nature and scope of any mitigation necessary”.
- 5.42 A flood risk assessment was provided in support of the application. The site is located in Flood Zone 1 indicating that it is not at significant risk of flooding. It is proposed that foul water will discharge to the public foul sewer network via a currently private foul sewer in the adjacent site. Surface water will be disposed to an existing private surface water sewer to the south of the site. Yorkshire Water have indicated that there is intention to adopt this sewer in the future and that the permission of the developer as well as approval from Yorkshire Water for the use of these should be sought.
- 5.43 The Lead Local Flood Authority has requested further information relating to the justification for the proposed drainage solution, micro drainage calculations, exceedance plan, temporary flood risk measures during construction and maintenance details. These details have been submitted and the views of the LLFA are awaited at the time of writing.

Highways Safety

- 5.44 LDF Policy DP3 supports the provision of sustainable forms of transport to access the site and within the development. Provision must be made for, where appropriate, footpaths, cycleways, cycle storage, bus stops, travel plans and parking.
- 5.45 Draft Policy CI 2 of the Emerging Local Plan indicates that a proposal will be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking.
- 5.46 The Inspectors post hearing letter to the Council confirms that the requirement to connect the development to the existing public right of way is not possible as it is in third party ownership. This requirement is likely to be removed from the allocation requirements and is therefore no longer required.
- 5.47 During the life of the application the Highways Officer made a number of requests for additional information to ensure that the individual plot accesses are acceptable. Following the receipt of further information and layout alterations the Highways Officer has confirmed that the proposal is acceptable subject to standard conditions relating to construction details and management and timing of provision of hard surfacing.

Open Space

- 5.48 The Open Space, Sport and Recreation SPD indicates that amenity green space and a children's play area should be provided on developments proposing between 10 and 79 dwellings. Similarly Appendix E of the Emerging Local Plan indicates that a play area is required on site.
- 5.49 0.095 ha of public open space was provided as part of the neighbouring development. This land is maintained by a management company and it is understood that the residents of the neighbouring development pay a fee towards this.
- 5.50 No onsite play area is proposed. It is noted, however, that a contribution was considered acceptable on the neighbouring site towards the play area located near the Village Hall. This play area is approximately 0.3 miles from the application site and therefore it is considered that a contribution towards this play area would be acceptable in this case in lieu of on site provision. This would be provided through the S106 agreement.

Landscaping

- 5.51 Policy DP33 of the LDF states that Landscaping of new development must be an integrated part of the overall design, which complements and enhances development, and: i. creates a visually pleasant, sustainable and biodiversity-rich

environment; ii. provides for sustainable solutions including the use of Sustainable Drainage Systems (SUDS). Designs should respond to the potential implications of climate change. The use of sustainable construction materials will be encouraged; iii. protects and enhances key landscape features; iv. creates new features and areas of open space that reflect local landscape character; v. contributes to character, appearance and sense of place; vi. promotes a public realm which is rich in identity, attractive and safe.

- 5.52 The supporting text of draft allocation CRK 1 indicates that the site is located adjacent to the North Yorkshire Green Infrastructure corridor which is identified in the evidence base Landscape Character Assessment as the Leeming Corridor. The common denominator between the original text of the draft allocation and the proposed modification is that the development should seek to enhance connectivity to adjacent green infrastructure particularly areas of accessible local green space. The proposed modification also indicates that a landscape buffer should be provided to the south of the site.
- 5.53 Green Infrastructure is defined in national policy as a network of multi-functional green spaces, both urban and rural, which are capable of delivering a wide range of environmental and quality of life benefits for local communities. The Crakehall village green extends to some 5 acres and is located approximately five minutes on foot from the application site (approx. 0.2 miles). An existing footpath is available connecting the application site and the village green. An equipped play area is also located in this area.
- 5.54 In terms of site specific landscaping an Arboricultural Assessment was submitted in support of the proposal. A survey of the site found that tree cover is located at the boundaries of the site with nothing of arboricultural significance in the centre of the site. 6 individual trees and 3 groups of trees or hedges were identified. One tree was identified as retention category B (good quality and value with a significant life expectancy) and 8 trees or groups as category C (low or average quality and value, and are in adequate condition to remain until new planting could be established). The category B tree has been identified as a sycamore and whilst it is worthy of retention it is not considered to be of high enough value at this point to warrant a preservation order. This sits on the eastern hedgerow next to a category C Ash tree. The Ash tree requires a crown lift to facilitate development. No other work is proposed to any of the trees identified.
- 5.55 The Arboricultural Assessment recommends root protection fencing be installed during construction. The fencing will comply with the relevant British Standards and located in the areas shown on the plan at Appendix 6 of the Assessment. It is recommended that these details be secured by condition.
- 5.56 Tree planting is proposed in nearly all gardens which will provide ecological value as well as screening and softening the development. Tree planting is also proposed along the southern boundary providing additional buffer between the development and nearby heritage assets. Species include Maple, Pear, Silver Birch, Holly, Alder and Whitebeam. Hedging within the site will consist of Holly and Beech whilst boundary hedgerows will be native mixes including Hawthorn, Hazel, Dogwood, Holly and Dogrose.

Biodiversity

- 5.57 Policy DP31 of the LDF states that ‘Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation [...] Support will be given [...] to the enhancement and increase in number of sites and habitats of nature conservation value’.
- 5.58 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm unavoidable, then appropriate mitigation is provided to lessen the impact of any unavoidable harm, and as a last resort compensation is delivered to offset any residual damage to biodiversity. Policy E 3 also requires the use of a biodiversity offsetting metric to demonstrate that a proposal will deliver a net gain for biodiversity. It must also be demonstrated that the need for the proposal outweighs the value of any features that would be lost.
- 5.59 A Preliminary Ecological Assessment was submitted in support of the application. Natural England and Yorkshire Wildlife Trust were consulted. Natural England returned comments referring to the standing advice available on their website. Yorkshire Wildlife Trust provided initial comments which refer to measurable net gains for biodiversity and requested that the DEFRA 2.0 metric be provided.
- 5.60 The Metric was submitted and subsequently updated following the layout amendments. Biodiversity metric 2.0 uses habitat, the places in which species live, as a proxy to describe biodiversity. These habitats are converted into measurable ‘biodiversity units’. These biodiversity units are the ‘currency’ of the metric. The metric measures both quantity and quality and therefore scarcer habitats are afforded more value within the metric calculation.
- 5.61 The metric uses 3 different units of measurement. The first is habitat units such as grassland which are measured by area. The other two, hedgerow units and river units are designed to measure more linear features for which habitat length is often a more meaningful measure of their extent than area. The metric indicates that the development will result in 1.74% net gain for habitat units and 42.82% gain for hedgerow units. There are no river features within the site. The metric demonstrates overall net gain for biodiversity.
- 5.62 The preliminary ecological assessment recommends that installation of bird boxes, however, this does not appear in the above metric. It is recommended that installation details for the bird boxes are secured by condition.

6.0 RECOMMENDATION

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

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

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

Proposed Site Layout P002 Rev N received 13.05.2021

Proposed Boundary Treatment Plan P003 Rev H received 07.04.2021

Boundary Detail 1800mm close boarded timber fence P011 received 15.12.2020
Boundary Detail 900 mm high Post and Rail Fence P012 received 15.12.2020
Single Garage Details P015 received 15.12.2020
Double Garage Details P016 received 15.12.2020
House Type A2 P020 Rev B received 15.12.2020
House Type A3 P021 Rev B received 15.12.2020
House Type N303A P023 received 15.12.2020
House Type N303B P024 received 15.12.2020
House Type N305 P025 received 15.12.2020
House Type N310 P026 received 15.12.2020
House Type N404 P027 received 15.12.2020
House Type N406 P028 Rev A received 13.05.2021
House Type N2BUN P029 Rev C received 13.05.2021
House Type N403B P030 Rev B received 21.05.2021

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

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

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

6. No dwelling shall be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

7. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction

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

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

8. The working hours for all construction activities on this site are limited to between 08:00 and 18:00 Mondays to Friday and 08:00 to 13:00 Saturdays and not at all on a Sunday or Bank Holidays.

9. Development shall not begin until a scheme has been submitted to and agreed in writing by the Local Planning Authority detailing the impact this development will have on local air quality, including all steps that shall be taken to prevent the emission of dust from the site.

10. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plans titled Planting Plan Sheet 1 of 3, Drawing no 01 Rev D, Planting Plan Sheet 2 of 3 02 Rev D and Planting Specification Sheet 3 of 3 03 Rev D received by Hambleton District Council on 01.06.2021 has been carried out. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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

12. The development shall be carried out in strict accordance with the details shown on the submitted report, "Flood Risk Assessment (Report dated 7 February 2020)", unless otherwise agreed in writing with the Local Planning Authority .

13. Prior to the occupation of the development, hereby approved, an Ecological Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of bird boxes to be installed within the site, their location and timing for implementation. The Plan shall thereafter be carried out in accordance with the approved details.

14. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling identified as Plot 18 (Housetype N403B) on drawing number P002 Rev N received by Hambleton District Council on 13.05.2021

without express permission on an application made under Part III of the Town and Country Planning Act 1990.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
4. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
5. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
6. To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.
7. In the interest of public safety and amenity
8. In the interest of neighbour amenity.
9. The scheme is required prior to commencement to ensure air quality in the immediate area is protected in the interest of the health and amenity of the occupiers of the adjacent dwellings.
10. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
11. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
12. In the interest of satisfactory and sustainable drainage.
13. To ensure net gains for biodiversity.
14. The Local Planning Authority would wish to retain control over the extension, improvement or alteration of this dwelling and its curtilage due to its proximity to the adjacent listed buildings at Crakehall Water Mill