

Parish: Great Ayton
Ward: Great Ayton
3

Committee date: 23 September 2021
Officer dealing: A O'Driscoll
EOT Agreed to: 24 September 2021

21/00925/OUT

Outline planning application with all matters reserved for a residential development of up to 30 dwellings

**At: OS Field 5800, Land Adjoining, Skottowe Crescent, Great Ayton
For H.W.Mawer Charitable Trust**

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

1.0 Site, context and proposal

1.1 The application site is located on the north western edge of Great Ayton. The site is bounded to the east, south and west by hedgerow. To the east the site adjoins a 1970s residential development comprising Skottowe Crescent and Church Drive. To the south is an area of open space locally known as the Glebe Field. Public rights of way pass through the Glebe Field joining Low Green and Guisborough Road through the countryside to the north west to Roseberry View Holiday Lodges, Strawberry Fields and the A172. The Great Ayton Conservation Area boundary runs along the southern boundary between the Glebe Field and the Churchyard boundary.

1.2 To the south of the Glebe Field is All Saints Church, a Grade I Listed Building. A number of other Grade II* and Grade II Listed Buildings are located from south east to south west including Christ Church, Marwood School, Ayton Hall and Ayton Hall Farm as well as buildings fronting Low Green. To the east and north is open countryside.

1.3 The application site was put forward in the Emerging Local Plan as part of a draft allocation (GTA1) for 30 residential dwellings. The main difference between the draft allocation and the application site is that the site has been reduced in size. The original draft allocation included 3.61ha of land, the application includes 2.1ha. The number of dwellings proposed remains at 30.

1.4 Following Local Plan Examination in Public the Inspector wrote to the Council regarding the allocation as follows:

“When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 of the National Planning Policy Framework (‘the Framework’) states that great weight should be given to the asset’s conservation (the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Site GTA1 is situated to the north of the Grade I Listed Church of All Saints and the Grade II Listed Ayton Hall. Due to their proximity and existing use the fields form an important part of the setting to the listed church and hall. Their*

open, rural appearance contribute positively to the landscape character of the village and to the significance of both assets. For the same reasons the site also makes a positive contribution to the setting of the Great Ayton Conservation Area. Having visited the site and considered the evidence presented, we concur with Historic England that the encroachment of built development, the subsequent loss of openness and inevitable urbanisation of the site would detract from the setting of the Grade I listed church and Grade II listed hall. We appreciate that the final design and layout of the development would be determined at a planning application stage. It is also noted that a gap could be left between the proposed houses and the church, with the intention to reinstate a field strip to the west of the site. However, by developing the currently open land to the north, we fail to see how the allocation could be delivered in a way that would preserve the setting of the Grade I listed Church of All Saints and Grade II* listed Ayton Hall. Although the harm caused would be less than substantial, it would nonetheless still be material. Based on the information provided this would be not outweighed by the public benefits of 30 new dwellings in the village. The site is therefore not justified, contrary to national planning policy and should be deleted from the Plan. Consequential changes will also be required to the submission version Policies Map and to the housing trajectory. In responding to this letter, please can the Council confirm what implications the deletion of this site will have on housing supply and the spatial strategy?"*

- 1.5 This application is in outline with all matters reserved for a residential development of up to 30 dwellings. It is proposed that 50% of the dwellings be offered as affordable housing. Although scale and layout are reserved matters the application documents indicate that 8 (26.6%) of the dwellings will be single storey. Indicative plans show access to be taken from Skottowe Crescent and emergency access from Church Drive.
- 2.0 Relevant planning and enforcement history
 - 2.1 The site is greenfield and there is no relevant planning history
- 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 CP4 - Settlement hierarchy
 - Core Strategy Policy CP5 - The scale of new housing
 - Core Strategy Policy CP6 - Distribution of housing
 - Core Strategy Policy CP7 - Phasing of housing
 - 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 CP17 - Promoting high quality design
 - Core Strategy Policy CP18 - Prudent use of natural resources
 - Core Strategy Policy CP19 - Recreational facilities and amenity open space
 - Core Strategy Policy CP20 - Design and the reduction of crime

Development Policies DP1 - Protecting amenity
Development Policies DP3 - Site accessibility
Development Policies DP4 - Access for all
Development Policies DP6 - Utilities and infrastructure
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
Affordable Housing - Supplementary Planning Guidance - June 2008
Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation
Development Policies DP33 – Landscaping
Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009
Supplementary Planning Document - Size, type and tenure of new homes - adopted September 2015
Supplementary Planning Document - Open Space, Sport and Recreation Adopted 22 February 2011

Hambleton Emerging Local Plan

The Hambleton Local Plan was considered at Examination in Public during October-November 2020. Further details are available at <https://www.hambleton.gov.uk/homepage/60/new-local-plan-examination>
The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.

National Planning Policy Framework

4.0 Consultations

4.1 Parish Council – Great Ayton Parish Council would like to raise the following concerns:

- The site is very close to All Saints Church, the graveyard and Ayton Hall which are important heritage sites with connections to Captain James Cook
- James Cook's mother and siblings are buried in the graveyard
- There is evidence to suggest that James Cook stayed at Ayton Hall on return from his first voyage
- These heritage sites attract visitors from all around the world
- The development can have no positive impact on the heritage assets and their setting and is likely to have a detrimental impact
- The submission from the Secretary of State came to similar conclusions
- The housing survey report has not been discussed by the Parish Council

4.2 Highway Authority – No objection subject to conditions

4.3 Lead Local Flood Authority – No objection subject to conditions

4.4 Northumbrian Water – No objection subject to condition

- 4.5 Environmental Health Officer – No objection subject to condition restricting construction work hours
- 4.6 Environmental Health Officer Land contamination – Requests Phase 1 to be provided ideally prior to decision, however, pre commencement conditions have also been provided.
- 4.7 Historic England – Objects to the principle of residential development at this site.
- 4.8 North Yorkshire County Council Heritage Services – No objection and no further requirements
- 4.9 Yorkshire Gardens Trust – No comment
- 4.10 Natural England – Refers to standing advice
- 4.11 Public comments – 85 letters of objection were received raising the following issues:
- The Inspector has indicated the draft allocation should be deleted from the Emerging Local Plan and that no mitigation would overcome the harm identified
 - Overturning the Inspectors decision would make a mockery of the Planning Inspectorate and their role
 - Historic England object to the application
 - Impact on heritage assets
 - Will create an urban enclosure around the heritage assets
 - Increased activity would harm the setting of the listed Church and graveyard
 - The development will not enhance the setting of the Listed Buildings as claimed in the heritage statement rather it will harm the setting
 - The distance between the site and the Church is exaggerated
 - Impact on the Conservation Area
 - The Church is part of the community and therefore any development would have a negative impact on the whole village
 - Need for housing in the village is questioned
 - There are other sites more suitable for development
 - Access issues and disturbance during construction
 - Highways safety
 - Junction between Skottowe Crescent and Guisborough Road is potentially dangerous
 - On road parking near the Junction with A173/Guisborough Road
 - Turning head positioned to allow further development
 - Additional traffic impacts on the character of the Conservation Area
 - Pedestrian link into Church Drive will have a negative impact on residents
 - Existing sewerage issues could be exacerbated
 - The site floods in heavy rain
 - Using the proceeds from a harmful development to fund other charitable and conservation work is hypocritical

- Dense high hedges to screen the development would not be in keeping with the historical character of the area and would have a harmful effect
- Who would maintain the hedges
- Hedges and fencing could block the view of Roseberry Topping
- Application documents contain incorrect information
- In context of the wider settlement 15 affordable dwellings is not considered an exceptional case
- Impact on neighbouring properties
- Strain on local services
- Question whether the development is viable
- Impact on mature trees
- Impact on local wildlife including Owl and bat populations
- The Glebe Field is not for sale and is therefore irrelevant
- Core testing from Durham University indicates that Ayton Hall Farm may be the site of the original Saxon settlement
- The supplementary Heritage Statement does not change anything
- The application at Boston Spa mentioned by the applicant is not comparable as the Church at Boston Spa dates from the 19th Century whereas the Church at Great Ayton is 12th Century

5.0 Analysis

5.1 The main issues to consider are:

- i) The principle of development in this location; ii) Heritage matters; iii) Amenity; iv) Highways Safety; v) Drainage and; vi) Biodiversity

Principle

- 5.2 The application site lies outside of but adjacent to the Great Ayton development limits. Policy CP4 of the Local Development Framework states that outside defined development limits development will only be supported where an exceptional case can be made for the proposal. Policy DP9 indicates that permission will only be granted for development outside development limits in exceptional circumstances having regard to the provisions of policy CP4.
- 5.3 The application site represents an unusual case in that the site was identified through the process of the preparation of the new Hambleton Local Plan and was included in the Publication Draft as a housing allocation. The Inspector has, as noted in Section 1 above, subsequently found that the site is unsuitable due to heritage impacts which are discussed in more detail below. The application cannot take any weight from the emerging Local Plan as the Council have been instructed that the plan would be 'unsound' if the site remained due to the harm to heritage assets. The Council have resolved (on 14 September 2021) to issue for consultation Main Modifications that show the residential allocation site removed the emerging Local Plan.
- 5.4 As part of this the Inspector requested that the Council consider the implications of the removal of the site on housing supply and the Spatial Strategy. The Council concluded that when considering the size of Great

Ayton the site did not perform a significant role in helping to maintain services in the area. There was also no significant impact on achieving district development requirements and therefore it was considered that there was no need to replace the allocation in the Stokesley area or elsewhere.

- 5.5 The applicant has indicated that the site could be supported as an exceptional case under CP4 part iii in that it would provide affordable housing or community facilities which meet a local need, where that need cannot be met in a settlement within the hierarchy. The applicant argues that a housing need survey for Great Ayton found a need of 33 affordable dwellings. The applicant considers that affordable housing need for Great Ayton cannot be met in other sub-areas within the district aside from Stokesley. Policy CP4, however, makes no such distinction and allows for provision within the whole hierarchy of settlements in the district. It is considered therefore that it has not been demonstrated that the proposal could gain support from Policy CP4 as an exceptional case for the provision of affordable housing.
- 5.6 Given the policy position outlined above it is clear that the principle of development cannot reasonably be established through this route, in any event the harm to heritage assets remains and the matter of harm has already been found by the local plan Inspectors to be of such significance as to require the removal of the site from the Local Plan.
- 5.7 Paragraph 78 of the NPPF states that “to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby”.
- 5.8 In order to ensure consistency with the NPPF the Council adopted Interim Planning Guidance (IPG) which allows more flexibility for housing development outside of development limits where the following criteria are met:
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.
- 5.9 It is prudent in this case to consider the proposal against the requirements of the IPG.

5.10 In terms of the first criteria, as mentioned above in response to the Inspectors instructions Council Officers found that the development would not play any role in helping to maintain services in the area. In addition, criteria 3 requires that the development not have any harmful impact on the historic environment. The Inspector has already identified harm from the development of this site. With regard to the IPG therefore the development would be contrary to criteria 1 and 3.

5.11 Given the above it is clear that there is no policy support for the principle of development of this site.

Heritage

5.12 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.

5.13 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 Great Ayton Conservation Area.

5.14 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

5.15 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.

5.16 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

5.17 Paragraph 200 states any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.18 Paragraph 202 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.
- 5.19 The site is currently in agricultural use and is considered part of the open countryside. The site forms part of the rural character of the area and forms an important interface between the built form of the settlement to the south and the open countryside. As outlined above there are a number of listed buildings to the south of the site including the Grade I listed All Saints Church, Grade II* Ayton Hall, and Grade II Ayton Hall Farm. The application site is considered to form part of the rural setting of these heritage assets.
- 5.20 Historic England have indicated that the rural landscape setting of the Church of All Saints (12th century) and Ayton Hall (1690s with later additions) contributes greatly to their significance. These listed buildings are situated to the north western edge of the historic limit of the village, with a degree of separation from the village centre. This separation and the relationship between the church, Hall and village are important in understanding the development of Great Ayton and surrounding landscape. For the same reasons the rural landscape also makes a positive contribution to the setting of Great Ayton Conservation Area.
- 5.21 The existing residential development to the west of the A173 has already eroded the positive rural characteristics of this open landscape setting and impinges on the setting of the church and Hall. This earlier harm should not be used to justify any further loss of significance. The area to the northwest and west of this group of designated heritage assets has otherwise remained relatively unchanged. This means that their historical setting and context are still discernible despite the existing residential development that falls within the setting of the heritage assets.
- 5.22 The proposed residential development would be very intrusive and would to a great degree, sever the rural context of the church and Hall to the north. The new housing would envelop these highly-graded heritage assets and would erode their historic peripheral position at the village edge, which forms a key part of their significance. It is considered that such an approach would diminish the ability to appreciate the exceptional interest of these listed buildings and would substantially alter their relationship with the village and wider countryside. The proposal will, therefore, result in harm to the significance of the grade I and grade II* listed buildings and the conservation area. This harm is considered to be less than substantial in the terminology of the National Planning Policy Framework.
- 5.23 The applicant disagrees with Historic England's approach stating that there is no policy basis in the National Planning Policy Framework to object to the principle of development. However, it is considered that Historic England has identified harm in the development of the site regardless of the nature of the development which is usually identified as an objection in principle. It is considered that this approach is acceptable. Contrary to the applicant's arguments the tests set out in the National Planning Policy Framework are for

the Local Planning Authority to apply in the determination of the application and not Historic England.

5.24 The applicant argues that Paragraph 195 of the National Planning Policy Framework requires the Local Planning Authority to take into account “any necessary expertise” and refer in this case to the Heritage Background Paper which was prepared by Surface as part of the Emerging Local Plan. The applicant argues that the principal advice should come from the Council’s Heritage advisor, in this case Surface.

5.25 In assessing the sites contribution to the significance of the heritage assets the Surface report states:

“The site forms part of the wider landscape setting to the conservation area and group of listed buildings to the south which includes Grade II Listed Ayton Hall and associated buildings, Grade I Listed Church of All Saints and associated listed elements, and Grade II Christ Church. Additionally, the site is one of the wide strip fields that border the narrower historic strip fields to the west along Yarm Lane. This has been identified in the Settlement Character Study as contributing to the historic landscape character setting of the conservation area”.*

5.26 When assessing the impact, the Surface report found that development of the wider site would alter the significance of the heritage assets and also affect the ability to appreciate their significance. The assessment does not directly identify harm or levels of harm, although it indicates that development of the site has the potential to harm elements that contribute to the significance of the heritage assets by altering the rural setting of Grade II* listed Ayton Hall and Grade I Listed Church of All Saints. The report goes on to identify the opportunity to reinstate the historical strip fields although it is unclear how development of the land would achieve this.

5.27 The report concludes that Development of the site would have a negative effect on heritage assets which could be mitigated. Suggested mitigation includes reducing the number of units (max 30), reinstate historic linear strip field alignments, sympathetic, high quality design, and boundary landscaping.

5.28 Although the report indicates that potential harm could be mitigated, it is considered that there is a difference between mitigation and justification. The National Planning Policy Framework requires that where harm is identified clear and convincing justification must be provided. In addition to this less than substantial harm must be weighed against the public benefits of the proposal. As outlined above the Council has already concluded that the loss of this site as an allocation will not have any impact on the achievement of district housing requirements and as such the provision of housing of itself would not be considered a sufficient benefit to offset the level of harm identified in this instance.

5.29 The applicant requests that a design case study featured on Historic England’s website be considered. The case study refers to an application from 2009 at Churchfields in Boston Spa under the remit of Leeds City Council. The applicant argues that this case demonstrates how design can offset an

objection from Historic England. Although full comments do not appear to be available on the public file, the Officers report indicates that Historic England objected to the development of the fields due to the impact on the setting of nearby listed church and dwellings but that they did not object to the design. The Inspectors report indicates that “In essence, their case is that while they would have wished the field to remain undeveloped, and they indeed recommended refusal on that basis, they are, nevertheless, satisfied that the form of the development proposed ‘is based on a thorough understanding of the Boston Spa conservation area’ “.

- 5.30 It is clear from the Inspectors decision that this case turned not on the heritage impact but on the site status as an allocation in the Regional Strategy at the time. The principle of development was already established through the allocation and the main issue was whether the site could be released for development despite phasing restrictions. The site was greenfield and allocated under a phased plan whereby brownfield land would be prioritised and greenfield land developed later if required. The Inspector found that the Council could not demonstrate a 5 year housing land supply and therefore the site could be released for development.
- 5.31 It should be noted that the above case presented far more complicated issues than those presented in this application. In addition, the case was dealt with under a completely different policy landscape, before the introduction of the National Planning Policy Framework. Indeed, the inspector’s report does not even mention significance in heritage. It is considered therefore that the cases are not comparable.
- 5.32 The applicant requests that, as in the case study above, the role of design and a site-specific design code could play in allaying the concerns of Historic England be taken into account. It is considered that Historic England have made their position clear that they would object to any development of this site, regardless of the design owing to the contribution of the open space to the significance of the designated assets. It is the principle of development that is opposed. Whilst design may play a role in mitigating the impact the harm is derived from the presence of development and the erosion of the open rural setting of the Listed Buildings and Conservation Area.
- 5.33 It is considered in this case that the development of the site will result in less than substantial harm to the significance of the nearby Listed Buildings and Conservation area. As outlined above Paragraph 200 of the National Planning Policy Framework requires that less than substantial harm be weighed against the public benefits of the scheme.
- 5.34 The applicant argues that the provision of 50% affordable housing is a public benefit weighing in favour of the development. At this stage, with limited weight being given to the Emerging Local Plan, the LDF affordable housing requirements are still applicable. For development of 15 units or more in Stokesley and hinterland 50% is the target requirement.
- 5.35 The applicant refers to the Great Ayton Housing Survey Report March 2021 which identifies a need for 33 affordable dwellings in the area. The applicant claims that as there are no other allocations in Great Ayton the provision of

affordable housing at this site would provide public benefit that could not be met on another site. It is considered, however, that affordable housing needs for the people of Great Ayton could be met in Stokesley and its hinterlands.

- 5.36 The applicant also requests that the provision of a design code be taken into account as a public benefit. In addition to this, other public benefits of the scheme would be the provision of 30 dwellings and resulting knock-on benefits of development. This is tempered by the Council's position that removal of the allocation from the Emerging Local Plan will have no impact on achieving district housing requirements and that when considering the size of Great Ayton there wasn't any role in helping to maintain services in the area. In conclusion it is considered that whilst the development would result in public benefits the majority of these benefits could be realised through development in other locations in the district which would not result in the scale of harm identified in this case and that the public benefits do not outweigh the harm caused by the proposals.

Amenity

- 5.37 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. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate provision for an adequate level of open space for the use of occupants/users of the development. Development must not unacceptably reduce the existing level of amenity space about buildings, particularly dwellings, and not unacceptably affect the amenity of residents or occupants.
- 5.38 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.
- 5.39 An indicative plan was submitted with the application which shows how the site could accommodate 30 dwellings. Although the layout appears tight in some areas it is acknowledged that the plan is only indicative and the layout could be altered to achieve a good level of amenity for future occupants and preserve existing neighbouring amenity. It is considered that the site could be developed without significant loss of amenity to existing neighbouring occupiers and that the site could be developed in a manner that resulted in a satisfactory level of amenity for proposed occupiers of the scheme.

Highways Safety

- 5.40 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.
- 5.41 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.

- 5.42 Throughout the Local Plan consultation and consultation responses to this application, representations have highlighted concerns about the use of Skottowe Crescent both in terms of the junction onto the A172 and in terms of the width and existing parking on the road itself, which was considered to result in a loss of highway safety.
- 5.43 North Yorkshire County Council Highways Officers were consulted and the following comments were returned: A Transport Statement has been submitted in support of the application in relation to the highways aspects of the site. The Transport Statement has assessed the highways issues relating to the site and indicates that the proposed development will not adversely affect the local highway network. It is considered that any objections based on highways would be difficult to sustain. A number of conditions are recommended relating to provision of detailed plans of road and footway layout, construction of adoptable roads and footways, details of access, turning and parking and a construction management plan.
- 5.44 It is considered that the proposed development would not result in a significant loss of highway safety and that the development is capable of compliance with policy in these terms.

Drainage

- 5.45 LDF Policy DP32 indicates that sustainable drainage systems (SuDS) should be included where possible.
- 5.46 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.
- 5.47 A Drainage Strategy was submitted in support of the application. The Lead Local Flood Authority and Northumbrian Water have been consulted. Having reviewed the Drainage Strategy the Lead Local Flood Authority confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. A number of conditions are recommended relating to detailed drainage design, run-off rates, storage requirements and maintenance, exceedance flow routes and percolation testing.
- 5.48 The drainage strategy indicates that foul drainage will be disposed of to the public sewer. Northumbrian Water were consulted and they have indicated that modelling has not been undertaken to confirm that the sewer has the capacity to accommodate the development. As such a condition is recommended requiring that a detailed scheme for the disposal of foul and surface water from the development be submitted and approved prior to the installation of drainage assets.

- 5.49 The proposals are considered to be acceptable in terms of both foul and surface water drainage and as such capable of compliance with policy in these terms.

Biodiversity

- 5.50 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'.
- 5.51 Policy E 3 of the Emerging Local Plan requires that harm to a feature of biodiversity interest, will only be supported where harm is 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.
- 5.52 A phase 1 habitat survey was undertaken in August 2016. A subsequent update was conducted in September 2021. Habitats within the site comprise arable cropland and associated field margins and hedgerows featuring mature trees. To the south of the site is semi-improved grassland which is used to graze horses. The survey concludes that the site is of low conservation value being predominantly arable cropland with hedgerows and field margins comprising plant communities of widespread occurrence and characteristic of the habitats present in the wider area and common nationally.
- 5.53 There are three statutory designated nature conservation sites within 2km of the site. Langbaugh Ridge SSSI approximately 950m to the north, Cliffe Ridge SSSI approximately 1.7km to the north east and the North York Moors National Park approximately 1.2km to the east. The application site is also within the outermost Impact Risk Zone of the North York Moors SSSI. The report indicates that due to the lack of complimentary habitats present within the application and the nature and scale of the development works it is considered that there will be no significant adverse effect on nature conservation designated sites in the local area.
- 5.54 The hedgerows and trees within the site are of local value to breeding birds and provide shelter and foraging opportunities for wildlife in general. The report recommends the retention of all hedgerows and trees and the use of root protection fencing during construction. A sensitive lighting scheme is also recommended along with additional tree, hedgerow, meadow and shrub planting.
- 5.55 Four trees were considered to have low to moderate bat roosting potential. If any works are proposed to these trees further assessment for the presence of bats should be carried out prior to the works. Further bat surveys are also recommended to assess the site as foraging habitat.
- 5.56 Further recommendations are advised relating to protection of otters and hedgehogs during construction.

Planning Balance

5.57 The application site is located outside of development limits. It is considered that the exceptional case for development through the provision of affordable housing has not been made as it has not been shown that the housing need could not be met in another settlement in the district. In addition, the draft allocation in the Emerging Local Plan is to be withdrawn following instructions from the Inspector. It is considered that the proposal will result in less than substantial harm to the significance of the nearby Grade I Listed Church and Grade II Listed Buildings as well as the Great Ayton Conservation Area. It is further considered that the public benefits identified by the applicant do not outweigh the harm identified and therefore the proposal is contrary to paragraphs 195, 197, 199, 200 and 202 of the National Planning Policy Framework.

6.0 Recommendation

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following

1. The proposed development is considered to lead to 'less than substantial harm' to the significance of the adjacent listed buildings including Grade I listed All Saints Church and the Great Ayton Conservation Area. This harm is not outweighed by any public benefit. The proposal is contrary to the LDF Policies CP1, CP4, CP16, DP28 and fails the heritage tests of the NPPF.