

Parish: Huby

Ward: Huby

7

Committee date: 7th July 2022

Officer dealing: Aisling O'Driscoll

Target date: 18 February 2022

Extension of time: 11 July 2022

21/03048/OUT

Outline application with access, layout and scale considered (appearance and landscaping reserved) for 4 dwellings as amended by drawing received 16.05.2022

At: Helderleigh, Easingwold Road, Huby

For: Period Pine Doors

This application is referred to Planning Committee as the proposal requires members consideration of the application of the policies S1, S3, S5 and HG5 of the new Local Plan.

- 1.0 The application was deferred at the 12th May 2022 committee meeting to allow for consideration of an alternative layout to mitigate impact of neighbouring stables. In response to this an alternative layout has been submitted. The following section provides an update outlining the revisions to the scheme. The original report is provided from section 2 onwards.
- 1.1 This iteration of the scheme shows the access road moved to the southern boundary to create separation between the dwellings and the neighbouring stables on land to the south. The dwellings closest to the stables are designed in a u-shape format. The separation distance between these dwellings and the stables, therefore, is between 11.1m and 15.7m.
- 1.2 In support of the amendments the applicant indicates that the neighbour's stable to the south has only two stalls and is for private use only; for 'pets' not farm animals. They also point out that the design and access statement submitted with the stables planning application states: *"for the avoidance of doubt, (the stables) are intended for the keeping of horses for private use only and for no other purpose."*
- 1.3 Condition 3 of the stables permission 21/01336/FUL states: *"The stables and hay store hereby approved shall not be used other than for private use in association with the residential occupation of Longfield House, and shall not be used for any commercial purposes"*. The reason for the condition states: *"In order to ensure that the Local Planning Authority may make an assessment of the impact on sustainability, the character of the open countryside, highway safety, and amenity of any intensification of use that may arise from the operation of a business on the premises in accordance with LDF Policies CP1, CP2, CP4 and DP1"*
- 1.4 The applicants state that they have run a business from this site for the last 20 years and are planning to retire soon with their son continuing operations from nearer his home in Malton. The site therefore offers an opportunity for redevelopment that will improve the visual impact of what is an unsightly site. The applicant feels that redevelopment, rather than conversion, allow for a better development through design and reduction in the built form. The applicant states

that the development will reduce building footprint and hard-standing by 50%, bringing with it visual improvements and significant bio-diversity gains.

1.5 The amendments were publicised through site notice and neighbour notification letters. Huby Parish Council returned the following response: *Huby Parish Council objects to this application. The reduction from 5 houses to 4 does not alter the fundamental reason for objecting to this proposal, which was overdevelopment outside the building line. Moreover, such a development would set a precedent for properties with similar land to build on.*

1.6 Three letters of objection were received during the re-consultation raising the following points:

- Access/highways safety/increased traffic
- Out of character with the rest of the village
- Development beyond the established building line
- Noise
- Privacy
- Ecology
- Land contamination
- Potential for noise nuisance complaints against existing uses
- Request for 1.8m privacy fence on the southern boundary
- Boundary dispute

1.7 Many of the issues raised have already been addressed. The Highways Officer has raised no concerns regarding the amended layout or the developments impact on the highway network. The revised layout is considered to have less impact on the surroundings with regard to privacy as the dwellings and amenity spaces are now set away from the southern boundary. It is recommended that the boundary treatments be secured by condition. Wording is provided at section 7.1 under condition 20 below. The Environmental Health Officer has recommended a number of conditions to address potential land contamination. Wording is provided at section 7.1 conditions 12-15 below.

1.8 With regard to the boundary dispute the applicant has produced land registry documents that appear to cover all of the land within the red edge. The physical location of the boundary fence is a civil matter between the applicant and the neighbour. It is not within the Councils remit to investigate the boundary issue any further than to satisfy itself that the correct parties have been notified of the application. The Councils Legal Department have had sight of the evidence submitted by both parties and are satisfied that for the purposes of this application the applicant owns the land within the red edge. Furthermore the applicants agent has categorically confirmed that they are satisfied that the applicant owns the land within the red edge provided.

2.0 Site, context and proposal

2.1 The application site is located at the northern end of the settlement of Huby on the western side of Sand Lane. The site is situated behind the existing dwelling known as Helderleigh and is currently used as an antique pine door restoration business. The buildings on site appear to have originally been used for agricultural purposes, however, the agricultural use ceased some time ago and the business use is now considered immune from enforcement action through the passage of time. The site

is therefore considered to be previously developed land in accordance with the definition in the Hambleton Local Plan and the National Planning Policy Framework.

- 2.2 Directly to the north of the site is a paddock to the rear of two dwellings which are the product of a recent permission to demolish one dwelling and construct two in replacement. Adjoining this is a public right of way (PROW) which provides vehicular access to the paddocks on the western side of this part of the settlement. North of this PROW is a recent development of five road fronting dwellings which are complete and occupied and beyond this a further application for 5 dwellings was recently submitted and subsequently withdrawn.
- 2.3 Topographical information submitted with the application shows that the site slopes down from east to west. The plan indicates that over the length of the site (approx. 210m) between the road and the rear of the site the existing land levels differ by approximately 2.5 metres.
- 2.4 The application is in outline with access layout and scale considered. It is proposed that the existing buildings are to be demolished and four dwellings be constructed. The original proposal was for five dwellings, however, it was considered that this created a cramped development with insufficient outdoor amenity space for some units. The proposal was subsequently amended to four dwellings.
- 2.5 Plots 1 and 2 are shown as semi-detached units arranged in a shallow U shape which reflects the arrangement of traditional agricultural buildings. Plots 3 and 4 are shown as standalone detached properties. Plot 1 is a two storey 3 bed property, Plot 2 a single storey 3 bed property, Plot 3 a single storey 2 bed property and Plot 4 a two storey 4 bed property. The Two storey properties are annotated as 'room in the roof' and measure 6.4m and 7m to their highest ridges.

3.0 Relevant planning and enforcement history

- 3.1 09/01964/FUL - Construction of a dwelling – Refused
In the opinion of the Local Planning Authority, approval to construct the dwelling on this site without the existence of clearly identifiable and justified exceptional circumstances would be contrary to Planning Policy Statement 7 and Policies CP1, CP2, CP4, CP16, DP9, DP10, DP30, and DP32 of the Hambleton Local Development Framework. These policies seek to promote sustainable communities and maintain the open character of the countryside by resisting new development outside defined Development Limits. The proposed dwelling would also not achieve a high quality of design which would be to the detriment of the visual amenities of the surroundings. The proposal would have an unacceptable affect on the amenities of neighbouring residents by virtue of overlooking and activity on the access.

4.0 Relevant planning policies

- 4.1 The relevant policies are:
 - S 1 - Sustainable Development Principles
 - S 3 - Spatial Distribution
 - S 5 - Development in the Countryside
 - HG 2 - Delivering the Right Type of Homes
 - HG 5 - Windfall Housing Development
 - E 1 - Design

E 2 - Amenity
E 3 - The Natural Environment
E 7 - Hambleton's Landscapes
IC 1 – Infrastructure Delivery
IC 2 - Transport and Accessibility
RM1 – Water Quality, Supply and Foul Drainage
RM 3 - Surface Water and Drainage Management

Size, Type and Tenure of New Homes SPD - adopted September 2015
Affordable Housing SPD - adopted April 2015

5.0 Consultations

- 5.1 Parish Council – Huby Parish Council object to application 21/03048/OUT as it is overdevelopment outside the building line.
- 5.2 Highway Authority – No objection subject to conditions
- 5.3 Environmental Health Officer – No objection
- 5.4 Environmental Health Officer Land Contamination - Recommends conditions
- 5.5 Yorkshire Water – No objection subject to conditions
- 5.6 MOD – No safeguarding objections
- 5.7 Public comments – 9 letters of objection were received raising the following issues:
- No change of use consent granted so not brownfield land
 - Land contamination from asbestos buildings, chemical use, industrial processes and alleged burning of waste subject to part 11A of the Environmental Protection Act 1990
 - New dwellings will contribute to global warming
 - Light and noise pollution
 - Highway safety
 - Increased traffic
 - Sewage must be considered
 - Insufficient school places
 - Additional road warning signs may have to be erected at cost to the council
 - Additional houses have put a strain on the postal system
 - More development will spoil the identity of the village
 - Proposal outside of building line
 - Would set a precedent for building behind dwellings
 - Impact on horse riders using the bridlepath
 - Impact on privacy
 - Loss of view
 - Potential for noise and odour complaints in relation to smallholdings, horses and other animals kept in adjacent paddocks
 - In depth development is out of character for the area
 - Impact during construction
 - Impact on the character of the area

- The applicant should not be allowed to create a nuisance and use this as justification for development
- Impact on wildlife
- People will be put off using the PROW during construction
- 5 dwellings is overdevelopment
- Access is too small
- Construction traffic using the PROW/bridleway will impact protected tree
- Noise from 18 car using gravel driveway
- Impact on local services
- Rights of vehicular access over the PROW

6.0 Analysis

6.1 The main issues to consider are:

- Principle
- Housing mix
- Design and impact on the character of the area
- Amenity
- Drainage
- Highway safety
- Biodiversity

Principle

- 6.2 Local Plan Policy S1: Sustainable Development Principles states that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. This will be achieved by ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed and underused land and buildings, and reclaimed materials.
- 6.3 Local Plan Policy S5: Development in the Countryside defines the countryside as land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3: Spatial Distribution. The built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. In this case the application site is considered to be outside of the main built form of Huby and is therefore in the countryside. Policy S5 also states that development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 6.4 Local Plan Policy S3 identifies Huby as a service village and therefore policy HG5: Windfall Housing Development applies in this case. HG5 states that a proposal for housing development on a site adjacent to the built form of a defined village will be supported where the proposal demonstrates that:

- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
 - b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.
- All proposals will individually or cumulatively;
- c. represent incremental growth of the village that is commensurate to its size, scale, role and function;
 - d. not result in the loss of open space that is important to the historic form and layout of the village; and
 - e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

- 6.5 Paragraph 120 of the National Planning Policy Framework states that Planning policies and decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 6.6 As outlined at 2.1 above the use of the site for business purposes has been established through the passage of time. The site is therefore considered to be previously developed land. The principle of development is therefore generally acceptable subject to other local and national policies.
- 6.7 The site is previously developed but not within the built form of the village. This site could be considered preferable for re-development to other greenfield sites which are also outside of the built form of settlement. The site is currently in a poor state and detracts from the visual and general amenity of the area.
- 6.8 Concern has been expressed by local residents that approval of this site behind the current built form would set a precedent for future development. Each site, however, is considered on its own merits and an approval at this site, therefore, would not guarantee that others would be acceptable.
- 6.9 With regard to policy HG5 it is considered that part a is satisfied as the site is previously developed land.

Affordable housing and mix

- 6.10 Local Plan Policy HG3 states that the council will seek provision of 30% affordable dwellings on all housing developments unless the proposal is for:
 - a. 9 units or fewer, or has a combined gross floorspace of no more than 1,000m² (gross internal area); or
 - b. 4 units or fewer and is located within a parish defined as a designated rural areaIn this case the application is for 4 units and therefore the requirement for affordable housing is not triggered.

6.11 Policy HG2 states that all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure. A proposal for housing development will be supported where:

- a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing;
- all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.

6.12 Part b. of Policy HG5 requires that developments provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA).

6.13 The proposed mix is shown against the target mix in the table below.

Type	SPD Target %	Draft Housing SPD 2022	Proposal %	No. of Units
One Bedroom	10%	5-10%	0%	0
Two Bedroom	35%	40-45%	25%	1
Three Bedroom	25%	40-45%	50%	2
Four Bedroom +	10-15%	0-10%	25%	1
Total				4
Two Bedroom Bungalow (also included in two bedroom numbers above)	10%		25%	1

6.14 As outlined in section 1 above the following mix is proposed:

- Plot 1 is a two storey 3 bed property
- Plot 2 is a single storey 3 bed property
- Plot 3 is a single storey 2 bed property
- Plot 4 is a two storey 4 bed property

6.15 The proposal includes 75% provision of 2 and 3 bedroom properties which is broadly in line with evidence contained in the SHMA and HEDNA. It should also be noted that two of the properties are single storey which provides an option for those looking to downsize but also for families that require ground floor accommodation.

6.16 With regard to Policy HG5 it is considered that part b is satisfied.

Design and Impact on the character of the area

6.17 Local Plan Policy E1: Design states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function,

reinforcing local distinctiveness and helping to create a strong sense of place. "A proposal will be supported where it:

- a. Responds positively to its context responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places;
- b. respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping;
- c. achieves a satisfactory relationship with adjacent development and does not have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns;
- d. incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design;
- e. promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport;
- f. is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards;
- g. maximises health outcomes, including those that reduce health inequalities and mitigate climate change by improving active travel and walkability, and contributes to health and well-being by creating or improving existing open spaces that connect well with green infrastructure networks and incorporating nature conservation and biodiversity enhancements wherever possible;
- h. makes efficient use of the site consistent with achieving a high quality design particularly in relation to public realm, open space, green corridors and layout, and the protection of local character and amenity;
- i. promotes mixed and balanced communities, improving quality of life and facilitating social inclusion;
- j. achieves an improvement to existing open spaces that connect well with green infrastructure networks and incorporate nature conservation and biodiversity enhancements where possible; and
- k. achieves climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption."

6.18 Policy E7: Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. "The Council will also protect and enhance the distinctive landscapes of the district. A proposal will be supported where it:

- a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;
- b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
- c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;
- d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;
- e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.”

6.19 Parts c, d and e of Policy HG5 also require that the development respect the size, scale, role, function and character of the settlement and surrounding area. In this case there is some concern that Huby has seen substantial development in recent years due in part to the introduction of the National Planning Policy Framework and subsequent Interim Policy Guidance which allowed for development in rural areas outside of development limits. The Local Plan also features an allocation for approximately 28 dwellings at Stillington Road (HUB1: Land South of Stillington Road).

6.20 In this case the proposal replaces seven existing buildings and therefore the impact of the development on the size and form of the area is limited. Indeed the applicant considers that the proposed buildings would provide a visual enhancement to what is an untidy site. Two of the properties will be single storey and the sections show that due to land level differences the two-storey property at the rear of the site will not appear higher than the road fronting bungalow.

6.21 Overall, it is considered that the redevelopment of the site for 4 dwellings at the scale proposed would not have any additional harmful impact on the form and character of the area than that which already exists. The proposal would contribute positively to the visual appearance of the area by tidying up the site.

Amenity

6.22 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 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 significant 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; and
 - g. that there would be adequate and convenient provision of private external amenity space.”

- 6.23 The original scheme was for five dwellings, however, this resulted in a cramped layout with south facing elevations close to the boundary which would limit the capacity for windows due to overlooking. Externally amenity space was very limited for some plots and was predominantly north facing. Following discussions with the agent the proposal was reduced to four dwellings. The reduction in number has allowed for larger gardens along the southern boundary which will allow more light to penetrate the site. Windows can now be located on the eastern and western elevations of all plots.
- 6.24 The dwellings are located over 43m from the nearest road fronting dwelling (the applicants dwelling) and over 50m from the nearest neighbouring dwellings. Within the site, elevations that are likely to feature windows (appearance is a reserved matter) are spaced at least 21m apart. Although bin storage is not specifically shown on the layout there is sufficient space within the plots to accommodate this. A bin collection point is detailed in the design and access statement at the entrance to the site.
- 6.25 The proposal includes the use of the existing southern driveway which runs adjacent to the neighbouring property ‘Longfield’. This property has a garage adjoining the shared boundary which provides some separation from the main house. Planning history for Longfield also indicates that the extension behind the garage includes a bathroom, utility room and a bedroom/living room. The windows on this boundary serve the non-habitable rooms.
- 6.26 The existing driveway currently forms a U shape around the host dwelling and joins to the northern driveway/access. The agent has indicated that the driveway currently serves the existing pine doors business and is used for deliveries as well as customer and staff movements. The agent anticipates that the proposal will see a reduction in the number of movements to and from the site.
- 6.27 It is considered that the proposal will result in a change in the character of traffic which visits the site i.e. from business to domestic. This change will not have a significant harmful impact on the amenity of occupiers of the neighbouring dwelling.
- 6.28 The Environmental Health Officer, whilst not objecting to the scheme has provided the following informative: *This service has considered the potential impact on amenity and likelihood of the development itself to cause a nuisance, and consider*

that there will be no negative impact. However, the proposed development is to build houses close to the boundary with adjoining fields currently used for livestock. Environmental Health investigate issues of noise, odour and pests and have enforcement powers under the Control of Pollution Act 1974 or the Environmental Protection Act 1990. Planning guidance states that conditions should not be routinely applied which are restrictive on development or if issues can be controlled through other legislation. Should planning permission be granted and problems arise please contact Environmental Health Technical Support Tel 01609 767138 for further advice. Therefore the Environmental Health Service has no objections to the application.

- 6.29 Whilst it is acknowledged that the adjacent paddocks are used for the keeping of animals, this is on a domestic and small holding scale. The Environmental Health Officer has confirmed that there have not been any complaints regarding noise, smell or insects from the existing residents although the proposed dwellings would be significantly closer than existing residences. Given that the area is predominantly residential and backs onto agricultural land it is considered that it would be unreasonable to refuse permission on these grounds.
- 6.30 Issues of land contamination were raised by neighbours. The Environmental Health Officer for Land contamination was consulted and has indicated that additional surveys area required. These can be secured by condition along with requirements for mitigation if contamination is found.

Drainage and flood risk

- 6.31 Policy RM3 states that “A proposal will only be supported where surface water and drainage have been addressed such that:
- a. surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
 - b. where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
 - c. wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
 - d. if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
 - e. if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
 - f. SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.”

- 6.32 The site is located in Flood Zone 1. The application documents indicate that surface water drainage will be dealt with through the use of soakaways. Foul water will be connected to the Yorkshire Water public system. Yorkshire Water support this strategy and have recommended conditions to secure detailed design and outfall rates. As the Kyle and Upper Ouse Internal Drainage Board area is located approx 345m to the west of the site and the topography indicates that the site slopes downwards east to west the IDB should be consulted at the discharge of conditions stage.

Highway safety

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

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

- 6.34 Policy IC2 states that “The Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:
- a. it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
 - b. where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
 - c. it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
 - d. any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
 - e. highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
 - f. adequate provision for servicing and emergency access is incorporated; and

- g. appropriate provision for parking is incorporated, taking account of;
 - i. highway safety and access to, from and in the vicinity of the site;
 - ii. the accessibility of the development to services and facilities by walking, cycling and public transport;
 - iii. the needs of potential occupiers, users and visitors, now and in the future;
 - iv. the amenity of existing and future occupiers and users of the development and nearby property; and
 - v. opportunities for shared provision, where locations and patterns of use allow.

6.35 The existing dwelling, Helderleigh, has two access points off Easingwold Road. It is proposed that the application site be accessed through the southern access point. This private road will be widened to accommodate the additional dwellings. North Yorkshire County Council Highways Officers were consulted and no concerns or objections were raised. A number of conditions are recommended relating to verge crossing, visibility splays, access, turning and parking, surface water and construction management.

Biodiversity

- 6.36 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated. The application site is within an area designated in the Proposals Map of the Hambleton Local Plan as a green infrastructure corridor. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 6.37 A bat, breeding bird and barn owl scoping survey was undertaken by MAB Environment and Ecology Ltd and a report with recommendation was submitted in support of the application. The report indicates that no evidence of bat use (e.g. live/dead bats, feeding remains/droppings) was identified internally or externally with regards to any of the nine buildings. Most of the buildings provide a negligible risk of supporting roosting bats; the modern materials used in construction, do not provide suitable crevice habitat or environmental conditions for roosting bats. Overall, the site has negligible potential for roosting bats.
- 6.38 Demolition of buildings will have no impact on bats - there will be a loss of potential crevice roost habitat from Building 4, although the building does not provide suitable roosting conditions and all crevices were comprehensively checked.
- 6.39 Potential crevice roost habitat lost to the development will be mitigated for via the installation of five integral long-lasting professional quality bat roost feature.
- 6.40 A total of 3 passerine nests were found across Buildings 1 and 4. Evidence of swallow nesting was identified in Building 7. A single barn owl pellet was found in

Building 2 indicating it might be used, or have been used, as a roost location. Anecdotal evidence from the client suggest there have been barn owls on site in the past.

- 6.41 Demolition of Buildings 1, 5 & 7 will result in a loss of passerine and swallow nesting habitat. Proposed works may also cause a disturbance to nesting birds, if undertaken during the bird breeding season. Demolition of the buildings (especially Building 2 where the pellet was found) will result in a loss of potential roosting habitat (not nesting) for barn owls.
- 6.42 It is recommended that works are carried out outside of the bird breeding season. If this timing is not possible, then a check for active bird nests should be carried out immediately prior to works. Work to areas with active bird nests shall only be carried out once any chicks have fledged in order to avoid disturbance.
- 6.43 An open sided log shed (or similar structure) should be constructed to mitigate the loss of nesting habitat for barn swallows. Lost passerine nesting habitat should be mitigated for by the installation of five bird nesting habitat features. Loss of barn owl habitat should be mitigated for by provision of a barn owl box.
- 6.44 The report goes on to outline biodiversity enhancements which include hedgehog holes in fencing, tree and shrub planting and a hedgerow along the northern boundary as well as the potential for wildflower planting in the adjacent paddock. The agent has also indicated that the development will result in the reduction of hardstanding and buildings on the site, by 45% and 50% respectively. This would all contribute towards a biodiversity net gain. As Landscaping is a reserved matter it is considered that it is appropriate to secure biodiversity net gain through the imposition of a condition requiring the submission of a scheme.

Planning Balance

- 6.45 The application site is considered to be previously developed land. Following alterations to the scheme it is considered that the scale and layout of the proposed development is acceptable and will not result in significant harm to the amenity of existing residents and future occupants. On balance the benefits of the scheme are considered to outweigh the conflict with policy requirements to respect the existing form of the village.

7.0 Recommendation

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

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the appearance of each building, including a schedule of external materials to be used; and (b) the landscaping of the site.
3. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered: Existing and Proposed Site Block Plans 3926/PD/03 Rev C received on 21/04/2022 Existing and Proposed Site Sections 3926/PD/04 Rev A received 20.04.2022 Proposed Site Entrance 3926/PD/03 received on 24/12/2021 unless otherwise approved in writing by the Local Planning Authority.
4. The permission hereby approved shall be for the construction of no more than 4 dwellings. The dwellings shall reflect the mix details set out in the approved plan 3926/PD/03 Rev C namely Plot 1 two storey 3 bed, Plot 2 single storey 3 bed, Plot 3 single storey 2 bed and Plot 4 two storey 4 bed and scale details shown on Section plan 3926/PD/04 Rev A.
5. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50var and the following requirements. i) Any gates or barriers must not be able to swing over the existing or proposed highway. ii) The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway. All works must accord with the approved details.
6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.40 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: o vehicular and pedestrian accesses; o vehicular parking; o vehicular turning arrangements No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing

highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - a. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 - b. the parking of contractors' site operatives and visitor's vehicles;
 - c. areas for storage of plant and materials used in constructing the development clear of the highway;
 - d. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. The site shall be developed with separate systems of drainage for foul and surface water.
11. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
12. No development shall be commenced until a Phase 1 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
13. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
14. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be

produced and is subject to the approval in writing of the Local Planning Authority.

15. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
16. 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.
17. 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.
18. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situated within the curtilage of that dwelling have been implemented. 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.
19. Prior to commencement of the development hereby approved a biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. In accordance with current DEFRA guidance and relevant metric, the scheme shall demonstrate how the development will achieve a measurable net gain for biodiversity including on site provision for habitats. The development shall thereafter be carried out in accordance with the approved scheme.
20. Prior to above ground construction work a scheme detailing the boundary treatments for the site including timing for installation shall be submitted to and approved in writing by the Local Planning Authority. Once installed the

boundary treatments shall be maintained in accordance with the approved details for the life of the development.

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. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
4. For the avoidance of doubt and to ensure compliance with Local Plan Policy HG2
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
6. In the interests of highway safety
7. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
8. In the interests of highway safety.
9. In the interest of public safety and amenity
10. In the interest of satisfactory and sustainable drainage.
11. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
12. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
13. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
14. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. In order to ensure that the site and finished floor levels are appropriate in terms of the character of the area and the amenity of neighbouring occupiers.
17. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.
18. In order to soften the visual appearance of the development and provide any appropriate screening in accordance with the Local Plan Policies S1, E1 and E7.
19. In the interest of biodiversity.
20. In the interest of neighbour amenity