

**Parish: Shipton**  
Ward: Easingwold  
**8**

Committee date: 19 January 2023  
Officer dealing: Mr A Cotton  
Target date: 28 January 2022

**21/02870/FUL**

**Conversion of existing coach house into 3no. dwellings (Use Class C3) and demolition of existing storage buildings to create 2no. new build dwellings (Use Class C3) with associated landscaping and highways improvements along Court House Lane.**

**At: Stack House Farm, Shipton By Beningbrough, YO30 1AR**  
**For: Mr Mike Green**

**This application is referred to Planning Committee as the proposal is a departure from the Development Plan**

### **1.0 Site, Context and Proposal**

- 1.1 The application site is located at the northern end of Court House Lane, the site is west of the A19 approximately 3km north of Shipton by Beningbrough. which is a Secondary Village. The site sits within a small cluster of buildings including North Court, East Court, West Court, West Court Cottage, South Court and Ingfield Farm.
- 1.2 The application site comprises a 0.9ha piece of land which includes Dawnay Coach House a group Victorian outbuildings which once housed the stagecoaches serving Grade I listed Beningbrough Hall (1.9km to the south west). The site is also occupied by a number of delapidated large portal storage style buildings which are relatively modern in the context of the site and a scrap yard to the rear. The site has served as a storage yard for GEM Construction for over 15 years. The Dawnay Coach house is considered to be a non-designated heritage asset (NDHA) due to its association with Grade I listed Beningbrough Hall, the Dawnay Family and history of the local area.
- 1.3 The site is not covered by any statutory designations and is located within Flood Zone 1.
- 1.4 The proposed development comprises the following elements:
  - Conversion of the existing Dawnay Coach House into three new dwellings: 2x four bed units, and 1x three/four bed unit;
  - Construction of two new build dwellings: 2x four bed units.
- 1.5 The proposed new build elements are laid out in a manner to reflect traditional farmstead buildings and seek to achieve a modern appearance which references the traditional form and scale of rural outbuildings, whilst not appearing pastiche.
- 1.6 Access to the site would use the existing access, albeit upgraded.
- 1.7 Members undertook a site visit on 9<sup>th</sup> May 2022. Subsequently a review of the financial viability of the scheme to provide affordable housing has been undertaken. The review shows that whilst a contribution of an affordable dwelling on the site would not be viable, a contribution of £153,639 for off-site provision of affordable

housing can be made and the applicant agrees to this contribution being made and controlled by a Planning Obligation (unilateral undertaking under section 106).

## **2.0 Relevant Planning and Enforcement History**

2.1 None relevant.

## **3.0 Relevant Planning Policies**

3.1 The relevant policies are:

S1 – Sustainable development principles  
S2 – Strategic priorities and urban requirements  
S3 – Spatial distribution  
S5 – Development in the countryside  
S7 – The Historic Environment  
HG2 - Delivering the right type of homes  
HG3 – Affordable Housing Requirements  
HG4 – Housing Exceptions  
HG5 – Windfall housing development  
E1 - Design  
E2 - Amenity  
E3 - The natural environment  
IC2 – Transport and accessibility  
RM1 – Water quality, supply, and foul drainage  
RM2 – Flood risk  
RM3 – Surface water and drainage management

Supplementary Planning Document - Size, type and tenure of new homes – adopted September 2015

National Planning Policy Framework

## **4.0 Consultations**

4.1 Parish Council – No objections but following concerns raised:

- Water pressure/supply issues;
- Oil tanks should be sensitively sited/screened; and
- Bat survey recommendation should be taken into consideration.

4.2 Ministry of Defence – No safeguarding objections.

4.3 Yorkshire Water – Site not served by public sewer.

4.4 Environmental Health (amenity) - The applicant has provided further information about the impact of odour, noise and flies on the residents of the proposed development and concluded from this that odour and flies are unlikely to be an issue there is no need for additional mitigation. The applicant has indicated that the building methods employed, along with the orientation of bedrooms and generally low ambient noise levels, will achieve levels of 35dB within bedrooms.

Based on the information provided by the applicant, plus the lack of complaints from existing residences, Environmental Health considers that the impact from the adjacent farm activities on amenity for future occupiers is likely to be low and therefore has no objections

- 4.5 Environmental Health (land contamination) – No objection subject to conditions.
- 4.6 NYCC Highways – No objections subject to conditions.
- 4.7 Kyle and Ouse IDB – standing advice issued, no objection to the principle of soakaways.
- 4.8 Natural England – No comments to make.
- 4.9 Public comments – Three letters of objection received raising the following concerns:

- Concern with existing and proposed drainage;
- Provision of bin storage and accessibility;
- Additional traffic and highways safety impacts;
- Rights of access for septic tank;
- Provision of fuel burning stoves/ air source heat pumps and oil tanks;
- Inappropriate use of zinc roofing materials;
- Water Supply/low pressure issues;
- Additional wear and tear on private access road;
- Ownership of the coach house;
- Proximity of new dwellings to livestock buildings, resulting in poor levels of amenity for future residents;
- Contaminated land issues;
- Increased cost of insurance for adjacent farm due to fire risk and other matters;
- Harm to protected species; and
- Loss of privacy.

One neutral comment raising the following points:

- Water supply is inadequate to be able to cope with this development, it is already low pressure.

Three letters of support raising the following points:

- Plans look positive;
- Current state of buildings is very poor;
- Benefits of environmental improvement for all residents;
- Improvement to Court House Lane will benefit all residents;
- Building will be in keeping with immediate surroundings;
- Restoration of original features of this important building as well as sympathetic additional development to fund the heritage project should be supported;
- we feel that it is absolutely necessary to maintain the history and provenance of any of the Dawnay buildings and estates; and
- A further pleasing point to note is that the renovation is being carried out by a local construction company who we are aware have made several sympathetic renovations and restorations to historic buildings in Yorkshire.

## 5.0 Analysis

- 5.1 The main issues to consider are: (i) the principle of development; (ii) affordable housing and housing mix; (iii) heritage; (iv) design and visual amenity; (v) residential amenity; (vi) highway safety; (vii) flood risk and drainage and (vi) biodiversity.

### Principle of Development

- 5.2 The development can be broken down into two elements: conversion of Dawnay Coach House and new build dwellings. Taking each matter in turn:

#### *Conversion of the Dawnay Coach House*

- 5.3 The application site lies in open countryside approximately 3km north of Shipton by Beningbrough and as such could not be consider adjacent to the built up area of any settlement (policy S5) and policy S3 relating to development within the open countryside is applicable. The site is currently used as storage for a construction company and as such falls within the definition of brownfield land.
- 5.4 Policy S5 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. Policy S5 goes on to state that with regard to rural buildings conversion will only be supported where:

f. the building is:

- i. redundant or disused;
- ii. of permanent and substantial construction;
- iii. not in such a state of dereliction or disrepair that significant reconstruction would be required; and
- iv. structurally capable of being converted for the proposed use; and

g. the proposal:

- i. would enhance the immediate setting; and
- ii. any extension or alteration would not adversely affect the form, scale, massing or proportion of the building.

- 5.5 Policies S7 and E5 also lends weight to schemes which help to ensure a sustainable future for heritage assets especially those identified as being at greatest risk of loss or decay, including the principle of enabling development. Through pre-application discussions it has been established the buildings should be considered non-designated heritage assets (NDHA) as such their preservation and restoration is important. The buildings are currently disused and in a poor state of repair. The proposal is accompanied by Structural Survey which confirms the buildings are of permanent construction and capable of conversion and whilst those works are substantial, they are considered to be within the scope of the policy and are not “major reconstruction works”. The conversion of the buildings would lead to an enhancement of the immediate setting by renovation of the building, re-use of the site including the removal of a “non-conforming” use as a builders’ yard. The landscaping proposals for the site are important to secure the enhancement of the

immediate setting and can be controlled by the use of a planning condition. The works to convert the buildings are not considered to adversely affect their form, scale massing or proportions.

- 5.6 Considering the principle of the conversion element of the proposal it is clear that the scheme would accord with the requirement of the above criteria of policy S5 and the principles set out in policies S7 and E5.

#### New build development

- 5.7 The applicant is proposing two large new build dwellings to the rear of the site. Policy S3 seeks to focus new residential development within the built form of settlements within the hierarchy. As mentioned above Shipton is the nearest settlement defined within the settlement hierarchy within policy S3 located approximately 3km away. Therefore, the proposal cannot draw support from policy S3. However, policy S5 states that Development in the countryside will be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.8 The applicant submission notes that the conversion and restoration of the NDHA Dawnay Coach House will result in a conservation deficit. The applicant argues that the new build element of the proposal is enabling development.
- 5.9 Historic England have produced a guidance note on enabling development and heritage assets (June 2020). This documents sets out that paragraph 202 of the NPPF recognises that enabling development is development that would not normally be given planning permission as it is not in compliance with local or national policies save for the fact it would secure the future of heritage asset. NPPF paragraph 80b permits enabling development as an exception to isolated dwellings within the countryside once all other relevant tests in the NPPF, including paragraph 208 which requires the decision maker to weigh the wider benefits against the disbenefits of not adhering to planning policies, are satisfied. A conservation deficit is the amount by which the cost of repair and conversion to optimal viable use of a heritage asset exceeds its market value on completion.
- 5.10 The applicant has considered alternative uses however there would be an extremely limited market for any use other than residential following the relocation of the construction business. A residential use is considered to be the optimal viable use in order to secure the preservation of this NDHA.
- 5.11 The applicant has submitted a viability appraisal which confirms that the conversion element of the scheme alone would generate a considerable conservation deficit. The applicant therefore has proposed the new build element of the proposal to cross-fund the conversion element thereby ensuring the restoration and preservation of this heritage asset. The viability appraisal determines that the proposed scheme would result in a viable scheme.
- 5.12 The proposed new build element does not accord with local policy. However, it is considered that sufficient evidence has been provided to demonstrate that the proposed new build units would be considered enabling development and that without the new build elements the conversion and restoration of the Dawnay Coach House NDHA would not be viable. Therefore, the proposal can draw weight

from paragraph 80b, 202 and 206 of the NPPF as a result of the proposed new build dwellings enabling the preservation of a heritage asset. As per the requirements of paragraph 208 these benefits will need to be weighed in the balance against any disbenefits of not adhering to planning policy.

### **Affordable housing and housing mix**

- 5.13 Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 4 or less units in a designated rural parish. Given the location of the site and that the site would result in the creation of 5 new dwellings the proposal falls within the parameters of HG3 and therefore is expected to provide 30% affordable housing. Policy HG3 goes on to state where it can be demonstrated that the requirements above are not viable, due to specific site conditions or other material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable. A development viability assessment is required if a lower level of affordable housing provision is made. Based on a 5 unit scheme the site would be expected to provide 1.5 affordable units.
- 5.14 The applicant has included within the viability appraisal submitted, consideration of the provision of affordable housing. As mentioned in the section above conversion of the NDHA generate a sizable conservation deficit and the site is only made viable through the inclusion of two large new dwellings as enabling units to cross-fund the conversion element of the scheme. Given the need for sensitive restoration works to the NDHA and the fact the site is previously brownfield land there are a number of abnormal costs associated with the sites development through review of the viability appraisal with assistance to the Council from Align Property Partners the applicant has agreed that an off-site contribution towards the provision of affordable housing can be made. A planning obligation for the payment of £153,639 by means of a unilateral undertaking is to be secured before the issue of any approval of this application.
- 5.15 It is considered that the site specific circumstances and accompanying viability appraisal are in this instance sufficient to demonstrate that the site would not be able to provide the required level of on-site affordable housing. Therefore, in accordance with Policy HG3 the provision of a sum towards off-site affordable housing on the scheme is considered acceptable in this case.
- 5.16 Policy HG2 of the Hambleton Local Plan and the guidance set out in the House type, size and tenure SPD require schemes to provide a mix of dwelling sizes with 65% of dwellings being 2 and 3 bed units. Again, similarly to the requirement to provide affordable housing set out above the viability of the scheme, as set out in the viability appraisal, is such that in order to maximise market value to ensure the cross-funding of the conversion element of the scheme and offset abnormal development costs associated with the site, the applicant requires a mix of larger units to ensure the site remains viable. Policy HG2 criterion (f) allows for a mix of dwelling sizes which respond to the ability of the site to accommodate the required mix. It is considered that the applicant has provided sufficient evidence to show that in this particular instance the mix being skewed to larger homes is justified.

## **Heritage**

- 5.17 Policy S7 of the Hambleton Local Plan sets out that the council seeks to conserve heritage assets in an appropriate manner and that development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Policy E5 of the Hambleton Local Plan goes on to confer specific requirement for development which affects a heritage asset including the requirements for a robust heritage statement and goes on to talk specifically of NDHAs stating any harm or loss of significance will need to be justified and weighed in the balance. The NPPF provides similar protection at a national policy level.
- 5.18 A Heritage Impact Assessment (HIA) and Heritage has been prepared and submitted in support of the proposal. The applicant has also commissioned a Heritage and Future Development Document which compiles oral histories of the site and recognises its significant social history. The HIA considered the significance of the Dawnay Coach House as a NDHA and finds that this comprises social and community value with its strong links to Grade I listed Beningbrough Hall and Estate as well as architectural value in itself. The HIA concludes that overall, the impact of the proposed development upon the significance of the NDHA is low and finds that through ensuring a long term viable use for the site and environmental enhancements proposed will achieve long term preservation of this heritage asset for the future.
- 5.19 The preservation and enhancement of the Dawnay Coach House is therefore considered to accord with the provisions of Policies S7 and E5 of the Hambleton Local Plan as well as paragraphs 190, 203 and 206 of the NPPF.

## **Design and Visual amenity**

- 5.20 Policy E1 of the Hambleton Local Plan seeks to ensure all development proposals are of high-quality design which will reinforce local distinctiveness and integrate successfully into its surroundings. Policy E7 of the Hambleton Local Plan seeks to ensure development proposal respect, protect, and enhance the districts distinctive landscapes. Policy E7 also confers protection for trees, hedgerows, and woodland.
- 5.21 The applicant has submitted a Design & Access Statement, Heritage Impact Assessment and Supporting Planning Statement, all of which set the context for the design and layout of the site. Whilst the proposal would result in two large new build dwellings it would result in a reduction of the overall volume of built form on the site currently, largely due to the removal of the large portal frame structures which are in a poor state of repair. The key driver of the layout was the retention of the Dawnay Coach House complex and the removal of the large portal frame structure and their replacement with the enabling development which as a result of their placement results in a sense of clustered farm buildings which is a common site within the locality, including on the adjacent Ingfield Farm.
- 5.22 The conversion element of the scheme would involve the removal of the large central roof and now unstable brick supporting pillars, a later addition to the complex, to result in a cluster of dwellings around an open central courtyard. The building is then subdivided into three plots with plot 1 principally facing onto the central courtyard, plot 2 to the north and plot 3 to the east. Internally the plots have zoned spaces with the social spaces being full height and having exposed roof

timbers with more private rooms such as bedrooms and bathrooms having lower ceiling heights and a more intimate scale.

- 5.23 The arch features will be visible in the internal courtyard with infill which respond to the room they serve but retain a cohesive architectural form. New apertures will be simple in design with a scale to match the existing building apertures consist of exposed steel lintels, wood and glazing: being clearly of their time whilst complementing the original historic features of the building.
- 5.24 The new build elements of the scheme would have a modern barn like appearance. The dwelling would be constructed with brick lower halves and timber top halves and zinc roof coverings to break up their massing and make reference to the typical agricultural buildings found within the locality and wider countryside. Whilst zinc roof coverings are not common on residential properties given the sites unique make-up and the architectural style achieving visual cohesion throughout both the conversion and new build elements the roofing is considered appropriate.
- 5.25 There are garages proposed which are lower level giving a subservient appearance with a materials palette to compliment the dwellings and wider site. The garages are also only partially enclosed to allow views through and reduce their bulk.
- 5.26 Landscaping and materials are key to the project. The architect has carefully selected the proposed design and materials, taking into consideration the heritage specialist advice to ensure the scheme acknowledges and draws upon local distinctiveness.
- 5.27 The design approach is considered to be sensitive to the NDHA and historic use of the site and has responded well to the site constraints by proposing a high-quality design as required by policy E1. The uses proposed for these buildings would make a positive contribution to the area and is consistent with their conservation and preservation.
- 5.28 The final matter to be considered in terms of character and appearance is the impact of the development on the surrounding countryside. The proposed layout is contained within the existing curtilage of the site which is currently utilised as a storage and scrap yard for GEM Construction. As stated above the site is brownfield land. The proposed development would also see the removal of large steel portal frame structures and a general betterment of the site in visual terms as well as an overall reduction in volume of built form. As such it is considered that the proposal would have no greater impact upon the character and appearance of the countryside above that already experienced as a result of the extant use, as well as leading to visual betterment of the site through the removal of waste and materials and provision of new landscaping.
- 5.29 Careful consideration will be needed with regard to the hard and soft landscaping schemes particularly for any boundary treatments/hedge and hard surfacing materials. It is noted the Design and Access statement includes landscape precedents and the proposed site plan shows indicative landscape plans. Landscape materials and design of these element must appropriate to the character of the area and therefore it is recommended that this detail be the subject of a condition.



- 5.30 The proposal would not appear unduly intrusive and would respect the open character and appearance of the countryside. As a consequence of the above it is considered that the proposed layout of the site, design of both the conversion and new build element of the scheme and indicative landscaping proposals are of a very high quality which would not only enable the restoration and enhancement of this NDHA but lead to a visual betterment of the site and surrounding area.

### **Residential Amenity**

- 5.31 Policy E2 of the Hambleton Local Plan sets high standards for the provision of amenity of both existing and future users and occupiers. The site is located within a cluster of residential and farm buildings.
- 5.32 The scheme makes provision for each unit to have an adequately sized area of private amenity space, as well as natural light/outlook to all habitable rooms. Proposed separation distances between habitable room windows are such that they would ensure adequate levels of privacy for future occupiers. All proposed windows and door in the site would not directly face or look onto existing neighbouring properties or existing neighbour's private outdoor space.
- 5.33 The site lies in proximity to an existing farm complex, as do the existing residential properties within the cluster which is not an unusual arrangement given the countryside location. With regards to noise and odour the applicant has submitted an odour risk assessment which identifies the odour potential of Ingfield Farm as small and as such the risk of odour exposure is negligible. As such the risk of adverse impacts from odour is not significant and as such would not require mitigation. The applicant has provided details of likely impact from flies and it is considered that these are unlikely to be an issue and without the need for additional mitigation.
- 5.34 With regards to noise impacts the applicant has taken a fabric first approach and the proposal has been designed to reduce noise impacts whilst improving thermal performance, achieving levels of 35dB within bedrooms. Environmental Health have reviewed the proposal and raised no objection.
- 5.34 Overall it is considered that the development will deliver an acceptable level of amenity for the future occupants of the houses as required by Policy E2 and would not be harmful to the amenity of any existing neighbouring residents/uses.

### **Highways**

- 5.35 The existing access would be utilised into the site from Chapmans Lane. The applicant has submitted a Transport Technical Note (TTN) which considers the highways implications of the proposal. The proposal will result in the creation of 5 new dwellings however the site currently operates as a base for GEM Construction which would cease when the residential use commences. The TTN shows that the additional traffic generated at peak times will be three additional vehicle movements in each peak period as such it is not considered that the intensification of use of the access would be so significant compared to the existing use so as to result in highways safety or operation concerns. The access road will be resurfaced with new passing paces created. Concern has been raised by a member of the public regarding additional wear and tear on the access road, as mentioned above the

applicant will resurface the access road as part of the installation of a new water supply works which will be of a benefit to all surrounding users of the road.

- 5.35 Parking is provided for each dwelling up to a suitable level in accordance with the councils parking standards.

### **Flood risk and drainage**

- 5.36 The application site is located within flood zone 1 and as such is at the lowest risk from flooding. The applicant proposes to use a package treatment plant to deal with foul water, surface water will be dealt with using sustainable drainage methods. Detailed drainage plans will be secured by condition. The site is within the Kyle and Ouse internal drainage area and as such should surface water need to be discharged to an ordinary watercourse the applicant would require consent from the Internal Drainage Board.
- 5.37 Water pressure and supply to the site and the impacts upon surrounding properties has been raised by both public comments and parish council comments as a concern. The applicant states that it is their intention to cap off the farm's existing supply (which is the same supply shared with the surrounding properties) and connect to the main water supply off Chapmans Lane. This work would be undertaken as part of the development and as part of the road resurfacing works. This would therefore provide a benefit to existing properties as there will be one less user from this supply.

### **Biodiversity**

- 5.38 The NPPF and Policy E3 of the Hambleton Local Plan expect development proposals to conserve and enhance the natural environment. Policy E3 stipulates that all development is expected to achieve biodiversity net gain (BNG).
- 5.39 The application has been accompanied by a Preliminary Ecological Appraisal (PEA) and Bat surveys prepared by Quants, October 2021. The PEA identified that the site comprises predominantly buildings and hardstanding with large areas of tall ruderal with hedgerows and sporadic trees to the boundaries. Himalayan Balsam (schedule 9 Invasive weed) was identified at several locations across the site. A condition will secure an invasive species management plan to be submitted and approved by the LPA. The PEA identifies that no impacts on protected sites are predicted and the overall value of the habitats on the site are of local value.

### **Bats**

- 5.40 Bat roosts have been identified within building 1 (Dawnay Coach House) which contained a maternity roost of Whiskered bat (*Myotis mystacinus*) and a day roost of common pipistrelle bats (*pipistrellus*). During dusk and dawn surveys no bats were identified in other buildings in the site. Conversion works will result in the loss of all bat roosts within building 1. As such a European Protected Species (EPS) Licence will need to be obtained from Natural England before works can proceed.
- 5.41 Due to the loss of bat roosts an offence is likely under Regulation 43 (1) of the Conservation of Habitats and Species Regulations 2017 and therefore a European Protected Species Mitigation (EPSM) licence is likely to be required under Regulation 55 of the same. In order to obtain an EPSM licence the three derogation tests must be considered.

- 5.42 A bat mitigation strategy is recommended which will inform the bat method statement which is required as part of the derogation test. The Preliminary Ecological Appraisal (PEA) considers that based on the available information, it is likely that impacts on bats can be satisfactorily managed through standard mitigation measures and it is likely that Natural England will grant an EPSM licence upon application. Bat mitigation measures will be secured via condition which will require the submission of an Ecological Enhancement and Management Plan.

#### Nesting birds

- 5.43 Several old nests were identified within building 1 as likely to be that of pigeon or jackdaw. No evidence of barn owl was observed. Nonetheless all nesting birds are protected under the wildlife and Countryside Act 1981 and therefore any works to the buildings shall not take place between 1 March and 31 August inclusive (bird nesting season) unless they have first been surveyed for nesting birds by a qualified ecologist. Compensatory nesting features have been proposed, which will also enhance the nesting opportunities on site.

#### Amphibians

- 5.44 There are several ponds within 500m of the applications site and the site itself is considered to provide good quality terrestrial habitat for Great Crested Newts (GCN). The PEA notes that generally the majority of GCN will remain within 100 metres of breeding sites provided suitability terrestrial habitat is present. It is noted that suitable terrestrial habitat does appear to be present within 100 metres of all seven ponds and it is therefore likely that GCN, if present, would remain within 100 metres of ponds at all times. However in order to ensure legal compliance the PEA recommends a GCN presence/absence survey to be carried out the results of which would inform a EPSM licence if required. However, given the distance of the ponds from the site it is considered that appropriate mitigation and avoidance measures could be implemented and the granting of an EPSM licence by Natural England, if required, would be likely.
- 5.45 In this instance it is considered reasonable to secure the recommendations in the PEA and other biodiversity enhancements through a condition requiring the submission and approval of an Ecological Enhancement and Management Plan in order that the site delivers a biodiversity net gain in line with the requirements of policy E3 of the Hambleton Local Plan.

#### Other Matters

- 5.46 Public comment have raised a number of issues which are not addressed in the report above including insurance costs for farm buildings, rights of access and land ownership. With regards to the cost of insurance of farm buildings this is not a material planning consideration. Private rights of access are a civil matter and not something that can be dealt with through the planning application process. The applicant has signed certificate B on the planning application form serving notice on all parties who are owners or agricultural tenants of any part of the land or building to which the application relates, insofar as land ownership is relevant to the planning application process the applicant has fulfilled all their obligations. Any disputes in land ownership or legal rights are civil matters and not something that can be dealt with through the planning application process.

## Planning Balance

- 5.47 By and large the proposal complies with the relevant policies of the Hambleton Local Plan with the exception of the two new build dwellings, being located outside of a settlement within the countryside and the mix of dwellings, being skewed to the larger size units rather than a mix of 2/3 bed units. However, there is provision within local policy and national policy which permits enabling development to cross-fund development which secures restoration and preservation of heritage assets. Paragraph 208 of the NPPF in particular acknowledges that conflict with planning policies may be justified if the development proposal would secure the future conservation of the asset and the wider benefits outweigh the disbenefits of not adhering to those policies. The proposed enabling development would allow the preservation of this NDHA which has an important connection to the Grade I listed Beningbrough Hall and Estate by cross-funding to offset the conservation deficit. A condition to require the implementation of the works to the NDHA prior to the occupation of the new build dwellings is appropriate to ensure that the enabling development is not undertaken in isolation and without restoration of the heritage asset.
- 5.48 The proposal would provide social benefits through the provision of new housing and ensuring the social and community value of the NDHA, set out in the Heritage and Future Development document, is preserved for future generations.
- 5.49 The proposal would provide economic benefits throughout the construction phase as a result of construction jobs and materials sourced from the local area. The proposal would also be liable for CIL contributions and as such would make contribute towards local infrastructure improvements.
- 5.50 The proposal would provide environmental benefits through the conservation and restoration of the NDHA, utilisation of brownfield land for residential development and the environmental improvements that would be brought about by the tidying of the site and end of its use as a builders storage/scrap yard.
- 5.51 On balance and considering the provision of paragraph 208 of the NPPF, it is considered that the policy conflict identified is justified given that the benefits of the proposal outweigh the disbenefits of not adhering to planning policy.
- 5.52 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Plan Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **Granted** subject to the completion of a planning obligation (by means of a unilateral undertaking under section 106 of the Act) to provide the sum of £153,639 for off-site provision of affordable housing and the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.

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

AP(0)001\_Site Location Plan  
AP(0)002\_Site Block Plan  
AP(0)003\_Existing Site Plan  
AP(0)010\_Existing Ground Floor Plan  
AP(0)020\_Plot 1, 2 and 3 Existing Elevations A B  
AP(0)021\_Plot 1, 2 and 3 Existing Elevations C D  
AP(0)022\_Plot 1, 2 and 3 Existing Elevations E F  
AP(0)030\_Proposed Site Plan  
AP(0)035\_Proposed Site Plan\_Detail  
AP(0)040\_Plot 1, 2 and 3 Proposed Elevations A B  
AP(0)041\_Plot 1, 2 and 3 Proposed Elevations C D  
AP(0)042\_Plot 1, 2 and 3 Proposed Elevations E F  
AP(0)043\_Plot 4 and 5 Proposed Elevations G H  
AP(0)044\_Plot 4 and 5 Proposed Elevations I J K L  
AP(0)045\_Plot 1 and 2 Proposed Garage Elevations  
AP(0)046\_Plot 3 Proposed Garage Elevations  
AP(0)050\_Plot 1 Proposed Ground Floor Plan  
AP(0)051\_Plot 1 Proposed Roof Plan  
AP(0)100\_Plot 2 Proposed Ground Floor Plan  
AP(0)101\_Plot 2 Proposed Roof Plan  
AP(0)150\_Plot 3 Proposed Ground Floor Plan  
AP(0)151\_Plot 3 Proposed Roof Plan  
AP(0)200\_Plot 4 Proposed Floor Plans  
AP(0)250\_Plot 5 Proposed Floor Plans

As received by Hambleton District Council on 03 December 2021 unless otherwise approved in writing by the Local Planning Authority.

3. The implementation of the works to the Coach House to secure it in a secure, weathertight and stable condition shall be completed prior to the occupation of either of the new build dwellings.
4. Prior to their first use on site details of the materials to be used in the construction of the walls, roof coverings, doors and windows of the proposed dwellings and detached garages shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using only the approved materials
5. Notwithstanding the submitted details and prior to the development commencing, a scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide details of the species, numbers and locations of planting, all hard surface materials, timescales for implementation and a maintenance schedule. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. 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 unless agreed otherwise in writing by the Local Planning Authority.

6. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
7. The use of the development hereby approved shall not be commenced until the foul sewage and surface water disposal facilities have been constructed and brought into use in accordance with the details approved under condition 5 above.
8. No above ground development shall be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority.
9. Notwithstanding any details approved, the boundary treatments as set out in condition 7 above shall include suitable holes (13cm x 13cm) at ground level and appropriate signage to allow for movement of hedgehogs. The hedgehog holes and signage thereafter shall be maintained for the intended purpose and shall not be blocked up or removed.
10. The development shall be carried out in complete accordance with the mitigation and enhancement measures, as described in the Quant Preliminary Ecological Appraisal dated October 2021.
11. Prior to the commencement of development an Ecological Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement and Management Plan shall include but not be limited to:
  - Bat mitigation and enhancement features;
  - Bird nesting boxes (boxes will be suitable for a range of species); and
  - Management of enhancement features.

The approved Ecological Enhancement and Management Plan shall then be implemented prior to the first occupation of any dwelling on the site.

12. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.
13. No development excluding demolition shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.
14. Prior to development, excluding demolition, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site

management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

15. 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.
16. 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.
17. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.
  - 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.

18. A new water supply shall be provided at the commencement of the development and the previous supply shall not be used during development or subsequent occupation. Resurfacing of the access from the application property to the highway shall be provided prior to occupation of the dwellings.
19. The development permitted shall not commence until an Invasive Species Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall detail measures to be implemented in order to minimise the risk of aiding the spread of the invasive plant species that are known to be located at the Site. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

The reasons for the above conditions are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings.
3. To ensure that heritage asset is secured for the future and that the enabling development is not undertaken in isolation without restoration of the heritage asset.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site.

5. In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.
6. In order to avoid the pollution of watercourses and land and in the interest of ensuring the provision of proper drainage.
7. In order to avoid the pollution of watercourses and land and in the interest of ensuring the provision of proper drainage.
8. To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.
9. To provide adequate safeguards for the protection of any protected species or habitats existing on the site.
10. To provide adequate safeguards for the protection of any protected species or habitats existing on the site.
11. To provide adequate safeguards for the protection of any protected species or habitats existing on the site and to ensure the site achieves biodiversity net gain.
12. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution.
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.
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17. 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.
18. In the interests of the amenity of residents.
19. To ensure the risk posed by invasive weeds is minimised.



## Informatives

1. The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:

1 x 240 litre black wheeled bin for general waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and  
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from Hambleton District Council - Waste and Streetscene.

If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned.

Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.hambleton.gov.uk](http://www.hambleton.gov.uk) or by telephoning 01609 779977.

2. This planning permission is liable to the Community Infrastructure Levy adopted by Hambleton District Council on 7<sup>th</sup> April 2015.
3. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site.