

Meeting: Thirsk and Malton Area Constituency Planning Committee

Members: Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Caroline Goodrick (Chair), George Jabbour (Vice-Chair), Nigel Knapton and Malcolm Taylor.

Date: Thursday, 18 May 2023

Time: 10.00 am

Venue: Ryedale House, Malton Road, Malton YO17 7HH

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the second page of the Agenda, if you have any queries.

This meeting is being held in person and will be recorded. Please contact the named democratic services officer supporting this committee if you would like to find out more.

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Agenda

1. **Apologies for Absence**

2. **Minutes for the Meeting held on 20 April 2023** (Pages 3 - 4)

3. **Declarations of Interests**

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

4. **Public Questions and Statements**

Members of the public may ask questions or make statements at this meeting if they have given notice including the text of the question/statement to Lily Hamilton or Owen Griffiths of Democratic Services (contact details at the foot of page 2) by midday on 15 May 2023. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:

- At this point in the meeting if their questions/statements relate to matters which are not otherwise on the Agenda (subject to an overall time limit of 30 minutes) or
- When the relevant Agenda item is being considered.

If you are exercising your right to speak at this meeting but do not wish to be recorded,

please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

5. **22/02862/FUL- DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND SINGLE STOREY EXTENSION TO END HOUSE, STAINTHORPE ROW AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 42 NEW DWELLINGS (C3), MEANS OF ACCESS, SITE INFRASTRUCTURE, OPEN SPACE AND ASSOCIATED LANDSCAPING AS AMENDED ON 04 APRIL 2023** (Pages 5 - 26)
Report of the Assistant Director - Planning
6. **23/00337/TPO - T1 SYCAMORE-CROWN LIFT, DEADWOOD THE CANOPY AND CROWN REDUCE TO BALANCE THE CROWN WITHIN TPO NO. 268/2000 AT LAND ADJ NOS 1 & 2 WOODLANDS WARTHILL ON BEHALF OF NORTH YORKSHIRE COUNCIL** (Pages 27 - 32)
Report of the Assistant Director Planning – Community Development Services
7. **TERRINGTON NEIGHBOURHOOD AREA DESIGNATION** (Pages 33 - 42)
Report of the Assistant Director of Planning – Community Development Services
8. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
9. **Date of Next Meeting**
Thursday, 15 June 2023 at 10.00am – Ryedale House, Malton, YO17 7HH.

Members are reminded to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty. Members are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Name: Owen Griffiths or Lily Hamilton
Tel: 07423 663704
Email: democraticservices.rye@northyorks.gov.uk

Wednesday, 10 May 2023

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 20th April, 2023 commencing at 10.00 am.

Councillors Joy Andrews, Alyson Baker, Lindsay Burr, Caroline Goodrick (Chair), George Jabbour, Nigel Knapton and Malcolm Taylor.

In attendance: Catherine Ashton, Rachael Balmer, Owen Griffiths, Lily Hamilton, Hayley Hunter, Charlotte Conforth, Eleanor Hardie, Alpha Love-Koh and Lucy Toolan.

1 Apologies for absence

There were no apologies received.

2 Declarations of interests

Councillor Burr declared an interest regarding item 6 on the basis that they own the property. Councillor Burr was asked by the Chair and then Council's Solicitor to leave the room at the point this item was due to be considered. She stated that she had obtained separate legal advice and would not leave the room but would not participate in the application's consideration.

3 Public questions and statements

The Chair stated that, other than those that had indicated that they wished to speak in relation to the applications below, there were no questions or statements from members of the public.

4 **23/00091/FUL Installation of a reinforced concrete wall fixed to existing masonry wall and finished with facing brickwork at land off St Leonard's Close Malton on behalf of North Yorkshire Council**

Considered: Report of the Assistant Director for Planning – Community Development Services.

Decision

That planning permission be granted subject to the conditions listed in the Committee report.

Voting record

Unanimous

5 **23/00093/RG3 Demolition of toilet block at Ravine Road, Filey, North Yorkshire on behalf of Scarborough Borough Council**

Considered: Report of the Assistant Director for Planning - Community Development Services.

Decision

That planning permission be granted listed subject to conditions listed in the Committee report.

Voting record

Unanimous

(Jonathan Cairns spoke contributing to the application)

- 6 23/00176/HOUSE Erection of single-storey rear extension with roof lantern and erection of two-storey extension to front to form entrance lobby with shower room above following demolition of existing entrance lobby on behalf of L M Burr and P Sedman**

Considered: Report of the Assistant Director Planning - Community Development Services.

Decision

That planning permission be granted subject to the conditions in the Committee report.

Voting record

6 For

Having declared an interest in this item Councillor Burr did not vote or speak on this item.

- 7 Any other items**

There being no further business, the meeting ended at 10:30am.

- 8 Date of next meeting**

The next meeting will be on Thursday 18 May 2023 and will be held at Ryedale House, Malton, YO17 7HH.

North Yorkshire Council
Community Development Services
Thirsk and Malton Constituency Area Planning Committee

18 MAY 2023

22/02862/FUL- DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND SINGLE STOREY EXTENSION TO END HOUSE, STAINTHORPE ROW AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 42 NEW DWELLINGS (C3), MEANS OF ACCESS, SITE INFRASTRUCTURE, OPEN SPACE AND ASSOCIATED LANDSCAPING AS AMENDED ON 04 APRIL 2023

**AT OS FIELD 4234, SOUTH OTTERINGTON, NORTH YORKSHIRE
ON BEHALF OF MR JOHN BEDDOW**

Report of the Assistant Director - Planning

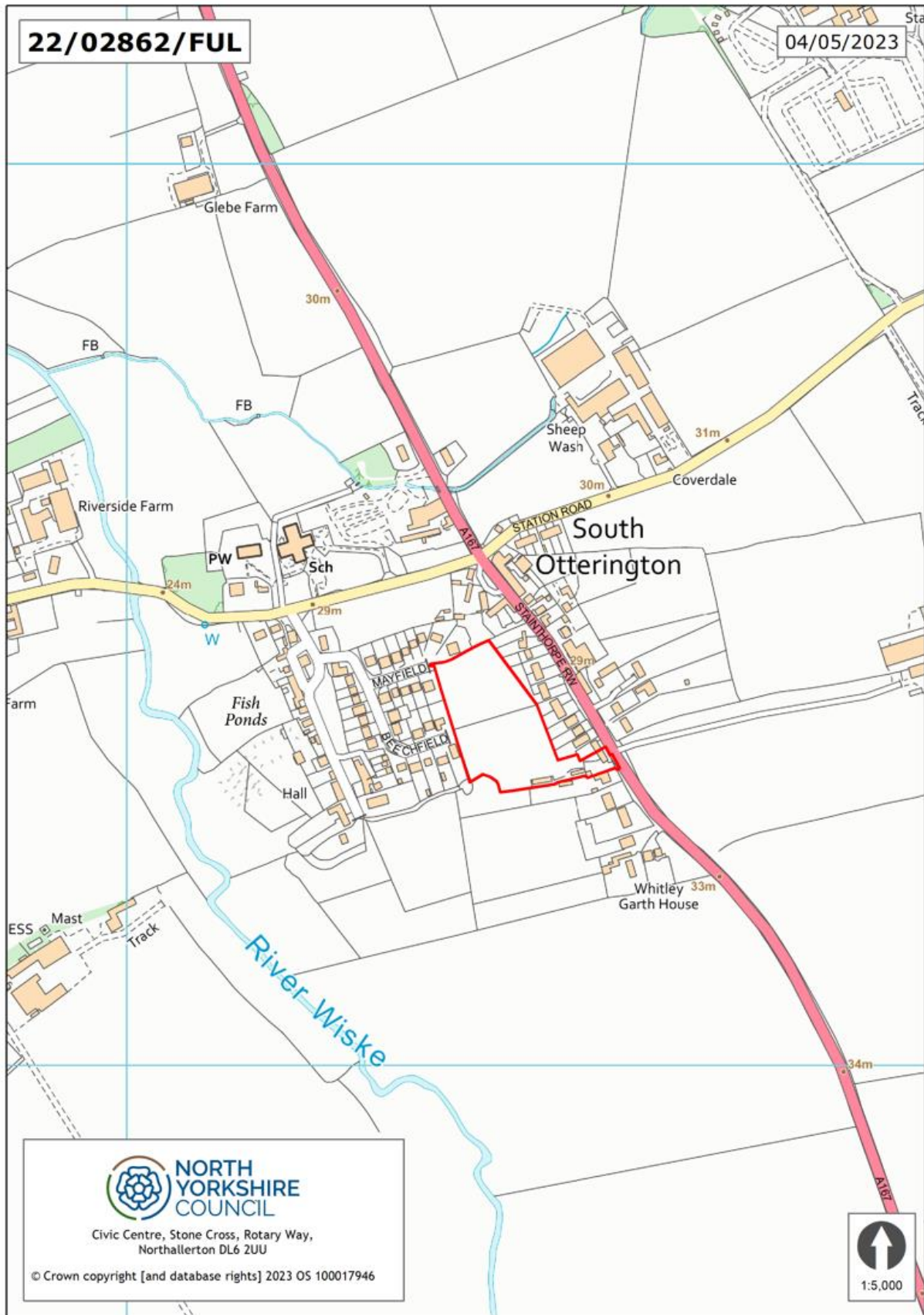
1.0 Purpose of the Report

- 1.1 To determine a planning application for Demolition of existing agricultural outbuildings and single storey extension to End House, Stainthorpe Row and proposed residential development comprising 42 new dwellings (C3), means of access, site infrastructure, open space and associated landscaping as amended on 04 April 2023.
- 1.2 This matter is brought to Planning Committee owing to the level of public comment and through earlier commitments of the Council for the matter to be considered by Planning Committee.

2.0 Summary

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The application is for the development of 42 homes on a site, allocated in the Hambleton Local Plan for housing. The site is located in the centre of South Otterington on an area of grassed paddock.
- 2.2. The site is surrounded on three sides by existing housing development but is open to the countryside to the south.
- 2.3. The general principle of housing development on this site is established through the housing allocation in the Hambleton Local Plan. The main issues through the course of the application have been the number of units and housing mix, along with the details of the proposed layout. It is considered that these matters have been adequately addressed through amendments to the proposed development.



3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-

[PublicAccess REF=22/02862/FUL](#)

3.2. Through the course of the application revised details have been sought with regard to access, layout, the position and form of public open space, housing mix and tenure split. The main changes are to the housing mix which now incorporates a mix of dwelling types that responds positively to identified housing need in the Local Plan area. The Public open space has been incorporated to the south of the development, to soften the transition to the open countryside beyond.

3.3. There are no relevant planning applications for this application.

4.0 Site and Surroundings

4.1. The application site is a field within South Otterington surrounded on three sides by existing housing and open to the wider countryside to the south. The site is allocated in the Hambleton Local Plan for Housing under SOT1 allocated for approximately 40 dwellings. The site is 1.53Ha in area.

4.2. The site boundaries are largely formed by the rear and side gardens of existing dwellings, with a fenced boundary to the south effectively forming an existing field boundary.

4.3. The site exhibits evidence of ridge and furrow across the site.

5.0 Description of Proposal

5.1. The application is for full planning permission for 42 dwellings of a mix of sizes and types and includes 30% affordable Housing.

5.2. Access is to be taken from the A167 which runs, north -south, beyond the housing to the east of the site. The access would run through an existing gap in the built frontage into the site, before turning north to provide access to the remainder of the site. Alterations are proposed to a dwelling at the access point. There is a public right of way running across the south of the site, which will be incorporated into the access and the public open space.

5.3. The application initially included provision of 40 units, the majority of which were larger dwellings which failed to meet the identified mix requirements. Through discussion with the developer around the housing mix, the proposals have resulted in a greater percentage of smaller units, but an increase in overall numbers to 42. This is considered generally in-line with the allocation policy which seeks "approximately" 40 units. Through the course of the

adoption of the plan it is understood that the capacity requirements stated in the plan assumed a 5% cushion and as such 42 units is considered generally acceptable.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Hambleton Local Plan – February 2022
 - Joint North Yorkshire Waste and Mineral Plan – February 2022

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Housing Size, Type and Tenure – July 2022
 - Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

7.0 Consultation Responses

- 7.1. Parish Council: Object on the following grounds:
- Local people given too short a period to respond
 - The objections previously raised have not been addressed through the amended scheme
 - Community engagement did not occur until well into the design stage
 - 93% of respondents to the consultation stated that the village is not well served by local services and transport
 - Insufficient parking
 - Poor public open space provision
 - Harmful impact from increased traffic
 - Additional houses have already been built in the village and as such this development is no longer needed
 - The other small-scale developments are more in-keeping with the village
 - This development results in a 30% increase in the size of the village
 - There will be no benefits to the village
 - Local transport connections are very poor
 - Proposal is too urban in appearance

- Should include one bed houses and 2 bed bungalows in the mix (Note that this is now included in the mix)
- Number of units should be drastically reduced
- Development will result in a loss of light to existing properties
- Question what will happen to End House
- Concern about road safety and road speeds in the area
- Request that a 40mph zone is included along with traffic calming measures
- Pedestrian crossings should be installed on the A167 across the Avenue to ensure safe access to the pub and the school
- The single access road is inadequate for a development of this size
- Surface water flooding issues. Building 42 homes on this site will lead to flooding in the vicinity.
- The archaeology on this site extends back to 1088 and it is believed that there is a medieval village
- More extensive investigation is necessary before any grant of planning permission
- Any change to the footpath must be of equal amenity value
- The development will harm local ecology
- Greater thought about the design and layout to benefit ecology is necessary

- 7.2. Ministry of Defence - The MoD has no safeguarding objections to the proposed development.
- 7.3. Highways – No objections subject to standard conditions.
- 7.4. Public Rights of Way - No objections but note that there is a PROW within or adjacent the site. The PROW runs across the southern portion of the site running east to west from the site entrance. Sets out the requirement to follow procedure with regard to footpath diversion.
- 7.5. Ramblers – Object owing to the adverse impact on the existing right of way. The existing path is a pleasant route over a grass field and is greatly appreciated by local residents. The amenity will be lost. There is sufficient space to avoid the need for a roadside footpath along the southern boundary. The diverted path should have a minimum width of 3m.
- 7.6. Yorkshire Water - No comments on the revised proposals. No objections, subject to conditions.
- 7.7. Lead Local Flood Authority – The Lead Local Flood Authority has asked a series of questions which have been answered by the applicant. The final comments of the LLFA are awaited and will be reported to Committee.

Local Representations

- 7.8. 55 local representations have been received all of which are objecting. A summary of the comments is provided below, however, please see Public Access for full comments using the link at the beginning of this report.
- 7.9. Objections:
- Insufficient facilities to support this development
 - Development should be providing starter homes
 - Highway safety concerns about the access onto the A167
 - Access is directly opposite the access into the site on the east side of the A167
 - 30mph limit on the road is largely ignored
 - Traffic calming is required in the village already. This site should be serviced by a mini-roundabout
 - A controlled crossing is needed for the school
 - There are no community benefits from this scheme
 - Public Open Space too small, lacks equipment and is located in the wrong place
 - Gardens too small and too close to existing neighbours
 - Existing occupiers will be disturbed by noise
 - Visitor parking is insufficient and will lead to on street parking
 - Tranquillity of the area will be spoiled
 - Harmful impact on ecology, bat survey is poor having been undertaken in late August
 - Badgers, Hare and other creatures occupy the field
 - Harmful impact on residential amenity
 - Limited support for development through public consultation process, which has not responded to concerns raised
 - Harmful impact on foul drainage owing to lack of capacity for cumulative development in the locality
 - Harmful impact on Broadband Bandwidth
 - Lack of local public transport with very limited bus service of three buses each way per day.
 - Proposals are too urban in character
 - Much of the hedge and trees shown as being retained within the development are actually in the neighbouring property and as such this is misleading
 - Surface water drainage issues which will only get worse over time resulting in flooding
 - Proposed development is too dense and represents over-development of the site
 - Represents a 40% increase in the size of the village or a 50% taken with other recent development
 - Proposals do not result in any new amenities for the community
 - Impact on Heritage assets in terms of the PROW and the ridge and Furrow and loss of Dew Pit. The field archaeology has not been researched sufficiently to determine whether or not there is harm
 - The re-route of the PROW is not acceptable as it fails to recognise the historical importance of the route
 - This site is the only publicly accessible greenspace in the village

- Harmful impact on horse in adjacent field
- The proposed foul pumping station is not on the plans, where would it be located? (Officer note: This is added in the amendment)
- Design is not appropriate to this rural location
- In the consultation:
 - Only 4% of residents support the site location (Q1 in the survey). We are with the 70% who disagreed or strongly disagreed with the development being allowed to go ahead as currently proposed.
 - Approx 75% were strongly or simply against the layout (Q2) with just 11% in favour.
 - Approx 56% were not in favour of the proposed mix of housing
 - There was considerable consensus when it came to reading the comments which broadly align with a number of our objections above. The density of development, lack of parking provision, increased traffic levels, the impact on school and healthcare capacity, lack of village amenities and impact on village character being mainstays.
- A compliant housing mix would result in a lower density and more opportunity for open space.
- Open space in the village is limited and the proposals do not provide sufficient children's play space.
- The submission at the time of the allocation demonstrated how the site should be developed.
- Far too many 4 bed units.
- Bungalows should be included.
- Affordable units should be more spread out in groups of two.
- There is no gas supply to the village and yet the energy statement suggests the use of gas.
- Air source heat pumps are noisy and noise mitigation for existing residents may be necessary.
- Vehicle charging will further increase the load in the area which may need reinforcement.
- The energy and carbon reduction statement is flawed. The development will result in increased emissions and failure to meet the Council's climate change commitments
- Ground Source heat should be used and not air source. Quieter and more efficient.
- 0.88% improvement in fabric performance is very poor
- Need more clarity on the developer's energy strategy

Amendments to the proposals were sought and the amended scheme subjected to 10 days further representation period.

29 of the total objections were received following the renotification. Many reiterated issues raised in the earlier objections. It should be noted that none of the earlier objections were withdrawn as a result of the amendments.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- the principle of the development in this location
 - affordable housing and housing mix
 - layout and design
 - the implications for heritage assets
 - residential amenity
 - access/highway safety
 - drainage & flood risk
 - Ecology, trees and biodiversity net gain

10.0 Assessment

Principle of Development

- 10.1. The application site is allocated in the Hambleton Local Plan for housing, as SOT1 which sets the parameters for the development of the site. It is considered that the general principle of housing development in this location is supported.
- 10.2. The allocation policy sets out the detailed parameters for the development of the site as set out below. The majority of these matters are picked up in the following sections of this report, but for clarity the policy parameters and principles for the development of the site are set out below:

Access and highways

- Works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Mayfield Road and Beechfield Road and to Stainthorpe Road (A167). Vehicular access is to be on Stainthorpe Road (A167).

Biodiversity and landscaping

- Biodiversity and landscape features should be retained, including hedgerows and mature trees. Boundary features enhanced to screen views of the site from the south.
- A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Habitats must be protected from adverse impacts, such as obtrusive light.

Heritage

- A heritage statement will be required to take into consideration historical landscape of the area and include conservation measures as the site contains part of a well preserved ridge and furrow field system.
- The site is considered to have archaeological potential, particularly for later prehistoric and Romano-British settlement, and an archaeological assessment will be required.

Design

- A design statement outlining the proposals will be required to show how the development will successfully integrate with the surrounding area including the neighbouring residential area. The statement will also address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking.

Affordable Housing

- 10.3. The application proposes 30% affordable housing. 30% of 42 units equates to 12.6 units. The affordable units will be provided in accordance with the tenure split contained within the Council's Supplementary Planning Guidance with the 0.6 of a unit being provided by way of a commuted sum.

Housing Mix

- 10.4. The housing mix on the original submission was 6 x 2 bed, 6 x 3 bed, 23 x 4 bed and 5 x 5 bed. This was considered to fail to meet the requirements for locally identified housing needs and as such an amendment was sought.
- 10.5. The application has been amended and now proposes the following mix, which is considered compliant with the Council's policy. It is noted that all unit types are compliant with the Nationally Described Space Standards.

Overall Mix

Type	Description	Number	Percentage
1 Bed	Apartment	4	9.5 %
2 Bed	Semi	6	14%
2 Bed	Bungalow	10	24%
3 Bed	Semi	8	19%
3 Bed	Detached	10	24%
4 Bed	Detached	4	9.5%
		42	

Affordable Mix

Type	Description	Number
1 Bed	Apartment	4
2 Bed	Semi	6
3 Bed	Semi	2
Total		12

- 10.6. Overall, this demonstrates an overall provision of 90% 1, 2 and 3 bed houses. This is considered to respond well to the identified need for smaller housing and it is particularly noteworthy that the proposal includes 24% bungalows and 9.5% single bed units. It is considered that the proposed mix is in line with the requirements of Local Plan policy and those of the Council's Supplementary Planning Guidance on size, type and tenure.
- 10.7. The matter of the scale of development has been subject of a number of representations. This has included the cumulative impact resulting from other permissions in the village, which it is stated did not form part of the consideration at the time that the Local Plan was adopted. Whilst it is important to understand the issues of cumulative impact, it is not the case that 40 units was set as the overall limit for the village. Both the allocation and windfall policies would apply, without prejudice to one another. The Local Plan having been adopted in 2022 remains up-to-date and should be given full weight in the consideration of the application.
- 10.8. There have been a number of approvals in the village in the recent past, the most pertinent of which is the development of 5 houses, immediately east of the site.
- 10.9. Whilst there is clearly a quotient of change resulting from new development in the village, this is considered to be consistent with the requirements of the Local Plan.

Heritage

- 10.10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.11. There are no designated heritage assets within the site, non-designated assets including the ridge and furrow will be dealt with toward the end of this section. The development has the potential to impact on the setting of heritage assets in the vicinity. A Heritage Impact Assessment has been submitted with the application.

- 10.12. Paragraph 197 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where harm is identified the development should only be approved where Public benefits are identified, sufficient to offset the identified harm.
- 10.13. The Local Plan echoes national policy and requires the protection and enhancement of the historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements, policy S1 part e.
- 10.14. Policy S7 requires that heritage assets are conserved in a manner appropriate to their significance. Policy E5 - Development Affecting Heritage Assets, will only support proposals where those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved, those elements that contribute to the archaeological interest and setting of a scheduled monument or other archaeological site of national importance will be conserved.
- 10.15. Designated Heritage Assets (listed buildings) with potential to be impacted by the development comprise St Andrew's Church and the Rectory located to the north west of the site, approximately 200m away from the site boundary and separated from the site by existing housing. There is no direct intervisibility between the application site and the heritage assets in the vicinity.
- 10.16. It is considered that the land, subject of this application, may have had relevance in terms of the significance of the Church but that this is long lost since the wider development in the locality. It is considered that the proposed development results in no harm to the significance of the assets in terms of the setting of the heritage assets.

Non-Designated Heritage Assets

- 10.17. The NPPF requires that harmful impacts on non-designated heritage assets are considered in the planning balance. The main impact resulting from this application is on the ridge and furrow found in the field. North Yorkshire County Council's Archaeologist has been consulted and their comments are awaited.

Design and Layout

- 10.18. Policy S1 states amongst other matters that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities through the effective use of land, creating healthy, safe and

attractive living environments whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements. Policy E1 requires that all development should be of a high quality, reinforcing local distinctiveness and helping to create a strong sense of place. The policy then sets out a number of detailed criteria against which the development should be tested.

- 10.19. The layout has been subject to change through the course of the application owing in part to a change in the housing mix but also to facilitate a better landscape buffer and public open space provision to the south of the site.
- 10.20. South Otterington falls into three main character areas. The frontage development along the A167 (Stainthorpe Road) the mainly 20th century housing to the west and the school and church to the north. The frontage development whilst generally linear in character lacks any specific character with a mix of single and two storey development of various ages.
- 10.21. The housing to the west is of an estate form, common throughout the district but lacking in local distinctiveness.
- 10.22. The application proposes a relatively standard housing development approach with a central road layout feeding into discreet housing areas within the site. The layout is considered to make good use of the site without resulting in an overly dense layout providing for sufficient private and public amenity space through the site.
- 10.23. In terms of house design, the application proposes a relatively good mix of well detailed house types incorporating high quality external brick detailing and cottage style fenestration. Walls are finished in brick under a pantile roof. There are a mix of materials in the area, but dwellings are mainly finished in brick under pantile. It is considered that the proposed design is appropriate to the village location and that the requirements of policy are met in terms of design and local distinctiveness.

Residential Amenity

- 10.24. Policy E1 seeks to ensure that new development does not result in harmful impact on residential amenity. A number of concerns have been identified in representations in terms of potential impact on residential amenity. These concerns have centred around the overall change to the site from a field to a residential development and the additional noise and disturbance that this will lead to but also raise issues around loss of light owing to the proximity of development to existing homes.
- 10.25. It is clear that the development will result in a change to the character of the area. However, this change is not considered to result in any significant loss of amenity sufficient to result in a recommendation for refusal.

- 10.26. The development has the potential to impact in terms of overshadowing and privacy owing to the proximity to the gardens and homes that bound the site. Separation distances, face to face between the proposed and existing dwellings are generally of the order of 21m. Where, in one case this is approximately 19m, the proposed new dwelling is a bungalow and the neighbouring structure is a conservatory extension the separation distance and boundary treatment is considered to be acceptable. The applicant in revising the layout was specifically requested to ensure that their survey included all extensions, not always shown on Ordnance Survey plans.
- 10.27. Through the submission and the submitted drawings it is clear that there is no requirement to alter site levels across the development, which could have otherwise impacted on the relationship between properties.
- 10.28. It is considered that the height relationships and separation distances between properties is acceptable and that the development will result in no significant loss of residential amenity and is otherwise in compliance with policy E1.

Ecology and Biodiversity.

- 10.29. Policy Requirements are set out in policy E3 and all development is expected to demonstrate the delivery of a net gain for biodiversity.
- 10.30. A tree survey and impact assessment has been submitted with the application. This shows that two hedges are to be removed at the site entrance to facilitate the proposed development. The assessment also highlights a number of off-site trees that could impact on the development and in some cases require maintenance work including Crown Lifting over the site. Otherwise, the assessment sets out the requirements for tree protection measures to be implemented. Should the application be approved, the tree measures should be a conditional requirement of any grant of planning permission.
- 10.31. A bio-diversity net gain assessment has been submitted which sets out the current position with regard to the biodiversity on the site and the methodology and steps to be taken to achieve a net gain.
- 10.32. The proposed development is not within nor close to any designated habitat in terms of a European site or SSSI. Policy E3 seeks to protect the ecological environment and sets an expectation for the delivery of Biodiversity Net Gain from all development. The application includes an assessment of the existing biodiversity of the site along with a plan for net gain.
- 10.33. The applicant's report states; "The baseline habitats on site provide a total of 3.45 Biodiversity Units and 0.03 Hedgerow Units. The habitats on site post-development provide a total of 4.61 Biodiversity Units and 0.4 Hedgerow Units. This leads to a net Biodiversity Unit Change of +1.16 equating to a

33.75% net gain and a Hedgerow Unit change of 0.37 equating to a 1156.32% net gain in hedgerow units.

10.34. The target Net Gain as set out in the Environment Act is 10%, although the Local Plan does not set a specific percentage. It is considered that the net gain envisaged through the development, of 33.75% is more than sufficient to meet the requirements of policy E3 and the NPPF.

10.35. Concern has been raised in representations over the loss of habitat that results from the development of this field within the village on which it is understood a variety of wildlife is regularly witnessed. Clearly, the development will result in a significant change to the habitat, but it is recognised that private gardens and well-designed public amenity areas can result in a net gain for wildlife through the provision of a better mix of habitat.

Drainage and Flood Risk

10.36. The application site is located in Flood Zone 1, the area at the lowest risk of flooding. Owing to the scale of development and policy requirements a Flood Risk Assessment has been submitted with the application. Through the course of the allocation process, through the adoption of the Local plan, it was identified that a portion of the site suffers from surface water flooding. The allocation policy requires that any application address this surface water issue. The application includes surface water attenuation and the application has been subject to consultation with the Lead Local Flood Authority.

10.37. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The development is entirely within Flood Zone 1, the area at lowest risk from flooding. The river Wiske is located approximately 290m to the west of the site. The Environment Agency Flood risk maps also look at surface water flooding and it has been previously identified that a small portion of the site suffers from surface water flooding. The EA maps suggest that part of the site is at medium risk of surface water flooding as a result of the 1in100 year rainfall event.

10.38. The Flood Risk Assessment quantifies the flood risk and concludes that the risks can be adequately mitigated through on-site attenuation and drainage design measures.

10.39. The proposed drainage strategy for surface water is to attenuate surface water and pump to the combined sewer in the road, discharging. Discussions with Yorkshire Water have sought to limit discharge to 2.5l/s due to the capacity of the foul sewer. This limitation has been incorporated into the design.

10.40. Finished floor levels, it is stated, will be set at 28.3m across the site approximately 0.3m above the average site level of 28m. This is sufficient to protect new homes from flooding up to the 1 in 1000 year flooding event.

10.41. The nearest foul water pipe is understood to be an adopted sewer located along the A167. Owing to the level change between the site and the sewer a pumping station is required to discharge the foul water from the site into the adopted sewer network.

10.42. The final confirmation of the acceptance of the drainage details is awaited from the LLFA at the time of writing.

Access and Highways

10.43. The application proposes that the access is taken from the A167 to the north of the site, through a significant gap in the built form, in a location where the public right of way runs across the site. The access then leads into the site and forms a central spine road running south to north through the site.

10.44. The allocations policy sets out that works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Mayfield Road and Beechfield Road and to Stainthorpe Road (A167). Vehicular access is to be on Stainthorpe Road (A167).

10.45. Concern has been expressed in representations that the development of the site is heavily dependent upon the private car. It is noted that there are limited bus services through the village with a south bound service to Thirsk at 11.43, 13.33 and 14.58 and North bound service to Northallerton at 10.55, 12.45 and 14.15, but that it is accepted that there would remain a dependence on the private car.

10.46. In terms of pedestrian access, footpaths are provided onto Stainthorpe Road in tandem with the vehicular access to the site. A pedestrian / cycle route is provided to the north west corner of the site via Mayfield, which provides access beyond to the school. There is no proposal to connect via Beechfield owing to land ownership issues. It is accepted that the provision of a single point of connection to the north west is sufficient to provide an adequate level of connectivity although not strictly meeting the requirements of the allocation policy.

10.47. The application takes into account the existing public right of way which runs east to west through the southern portion of the site. Currently the public right of way runs across the open field. The proposals result in the right of way being run, in part, along the footpath adjacent the access road. Clearly, an individual using the right of way would have a different experience owing to the proposed development as the route will now run next to a housing estate rather than the open field.

10.48. Following amendment to the layout the footpath is now incorporated through the public open space which is a significant improvement over the original

submission and provides for a more commodious route for walkers. A footpath diversion will be necessary to allow for the alteration of the route.

- 10.49. Representations have raised concerns about the amount of parking including visitor parking on the site, stating that the proposals will lead to an influx of on-street parking through the development and in the wider vicinity.
- 10.50. Parking space requirements are in-line with Council Policy and the application has been considered by the Highway Authority who have raised no concerns about the proposed development. It is considered that matters pertaining to access and road layout are acceptable and in compliance with Policy IC2.
- 10.51. It is considered that the proposed development has a satisfactory form of access and that the development will not result in a harmful impact on road safety or the use of the Public Right of Way across the site.

S106 Legal Agreement

- 10.52. The following Heads of Terms have been agreed with the applicant for this application.

Table 1		
Category/Type	Contribution	Amount & Trigger
Affordable Housing	30% 12 Units to be delivered on site with remainder by commuted sum.	
POS Bond	To be confirmed	Commencement

- 10.53. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Equalities

- 10.54. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.55. It is considered that the design and layout of the site is in compliance with other relevant legislation, which has otherwise been subject to assessment under the Equalities Act. As such matters such as access widths and

gradients are appropriate for all access users. No specific equalities matters have been raised through representations which are not otherwise addressed through other sections of this report.

11.0 Planning Balance and Conclusion

- 11.1. The site is an allocated housing site in the adopted Local Plan. It is considered that other recent development in the village is not prejudicial to the implementation of this allocated site in terms of the cumulative impact of development in the village and as such the principle of development remains acceptable.
- 11.2. Technical matters pertaining to drainage and highways have been addressed and are considered to be in-line with relevant Local Plan Policy.
- 11.3. The impact of the development on residential amenity has been addressed and is considered to be acceptable both in terms of the residents of the proposed development as well as the occupiers of neighbouring development in the vicinity of the site.
- 11.4. Both surface and foul water disposal has been assessed and has been found to be acceptable subject to final confirmation by the LLFA.
- 11.5. Given the general character and form of the settlement the proposed layout and design is considered to be reflective of local character and is considered to be acceptable.
- 11.6. Clearly, the proposed development results in change to the character of the site and owing to the scale of the development, to the character of the village. Representations have set out the nature of the concerns. However, it is considered that the development is in accordance with the Development Plan and that material considerations raised against the proposed development are insufficient to warrant a recommendation for refusal.

12.0 Recommendation

- 12.1 That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.
- 12.2 Recommend that the footpath diversion be put in place in accordance with the approved layout plan.

Recommended Conditions and Reasons for Conditions:

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

Reason: 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 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) set out below, unless otherwise approved in writing by the Local Planning Authority.

Location Plan received 13 December 2022
 Layout Plan 1202 Rev 8
 Boundary Plan 1410 Rev 6
 Parking Plan 1420 Rev 5
 Proposed Elevations 764 Rev4
 Proposed Floor Plans 764 Rev2
 Proposed Elevations AP1 + AP2 Rev 02
 Proposed Floor Plans AP1 + AP2 Rev 01
 Proposed Elevations Formby Bungalow Rev02
 Proposed Floor Plans Formby Bungalow Rev01
 Proposed Elevations Opal Bungalow Rev02
 Proposed Floor Plans Opal Bungalow Rev01
 Proposed Elevations Stockwood Rev02
 Proposed Floor Plans Stockwood Rev02
 Proposed Elevations Milford Rev02
 Proposed Floor Plans Milford Rev01
 Proposed Elevations Newbury Rev02
 Proposed Floor Plans Newbury Rev01
 Proposed Elevations Ravensworth Rev03
 Proposed Floor Plans Ravensworth Rev03
 Proposed Elevations 932 rev4 Received
 Proposed Floor Plans 932 rev3 Received
 Proposed Site Sections Rev03
 Planting Proposals 0201 Rev04
 Drainage Strategy

Reason: 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.

- 3 Prior to the commencement of development except for initial site clearance and the formation of the access, full site levels shall be submitted to and approved by the Local Planning Authority. Levels shall include existing and proposed site levels along with finished floor, eaves and ridge heights.

Reason: In order to protect the character and amenity of the area and to comply with policy E1 and E2.

- 4 The site shall be development with separate systems of drainage for foul and surface water or and off site. The separate systems should extend to the points of discharge to be agreed. The peak pumped foul water discharge from the site must not exceed three litres per second.

Reason: In the interest of satisfactory and sustainable drainage.

- 5 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage work, details of which will have been first submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
 - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision have been made for its disposal.

- 6 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.

Reason: 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.

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

Reason: To ensure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Informative for the Condition: It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that **Page 23** to discharge the condition does

not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The drawings will still need to be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

- 9 No dwelling must be occupied until a tactile paved crossing point has been constructed at the junction of Stainthorpe Row and the estate road in accordance with the approved drawing number JN2568-Dwg-0001A.

Reason: To provide for adequate and satisfactory pedestrian facilities in the interest of safety and the general amenity of the development.

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

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development ****

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

- 12 No development shall commence until a Construction Management Plan has been submitted to, and approved in writing, by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved plan. The plan shall include, but not be limited to, arrangements for the following in respect of (where applicable each phase of the works):
- a. details of any temporary construction access to the site, including measures for removal following completion of the construction works
 - b. restriction on the use of access for construction purposes
 - c. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
 - d. the parking of contractors' site operatives and visitor vehicles
 - e. areas for storage of plant and materials used in constructing the development clear of the highway
 - f. details of site working hours
 - g. details of the measures to be taken for the protection of trees and;
 - h. contact details for the responsible person (site manager/office) who can be contacted in the event of any issues

Reason: In the interest of public safety and amenity in accordance with Hambleton Local Plan Policy S1, E1 and E2.

- 13 The development hereby approved shall be implemented in accordance with Biodiversity Net Gain plan set out in the submitted Biodiversity Net Gain Assessment prepared by Biodiverse and received on 13 December 2022.

Reason: In order to ensure that the requisite biodiversity net gain is achieved in accordance with Policy E3.

Target Determination Date: 14.03.2023

Case Officer: Peter Jones, peter.jones@northyorks.gov.uk

Appendix A – Proposed Layout Plan



Do not scale drawings. The layout dimensions of this drawing are for reference only.



Ordinance Survey. (c) Crown Copyright 2022. All rights reserved. Licence number 100022432

NO.	ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE	TOTAL AREA (M ²)	TOTAL VOLUME (M ³)
OVERALL MK								
1	Site Preparation	Excavation	m ³	1000	15.00	15000		
2	Site Preparation	Backfill	m ³	2000	15.00	30000		
3	Site Preparation	Gravel	m ²	5000	10.00	50000	5000	
4	Site Preparation	Concrete	m ²	1000	100.00	100000		
5	Site Preparation	Asphalt	m ²	2000	25.00	50000		
6	Site Preparation	Drainage	m	1000	10.00	10000		
7	Site Preparation	Landscaping	m ²	1000	20.00	20000		
8	Site Preparation	Fencing	m	5000	10.00	50000		
9	Site Preparation	Other						
	OVERALL TOTAL					270000	5000	20000

NO.	ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	TOTAL PRICE	TOTAL AREA (M ²)	TOTAL VOLUME (M ³)
OFFSHORE MK								
1	Site Preparation	Excavation	m ³	500	15.00	7500		
2	Site Preparation	Backfill	m ³	1000	15.00	15000		
3	Site Preparation	Gravel	m ²	2000	10.00	20000	2000	
4	Site Preparation	Concrete	m ²	500	100.00	50000		
5	Site Preparation	Asphalt	m ²	1000	25.00	25000		
6	Site Preparation	Drainage	m	500	10.00	5000		
7	Site Preparation	Landscaping	m ²	500	20.00	10000		
8	Site Preparation	Fencing	m	2000	10.00	20000		
9	Site Preparation	Other						
	OFFSHORE TOTAL					107500	2000	8000

OVERALL TOTAL	377500	7000	28000
OFFSHORE TOTAL	107500	2000	8000
OVERALL TOTAL	270000	5000	20000

NO.	PHASE	START DATE	END DATE
01	PH1		
02	PH2		
03	PH3		
04	PH4		
05	PH5		
06	PH6		
07	PH7		
08	PH8		
09	PH9		
10	PH10		



PROJECT INFORMATION			
Client:	Location:	Project Name:	Project No.:
Project Manager:	Lead Designer:	Project Status:	Project Start:
Project End:	Project Budget:	Project Value:	Project Risk:
Project Description:			
Project Location:			
Project Contact:			
Project Date:			
Project Version:			

North Yorkshire Council

Community Development Services

Thirsk & Malton Area Constituency Planning Committee

18 MAY 2023

23/00337/TPO - T1 SYCAMORE-CROWN LIFT, DEADWOOD THE CANOPY AND CROWN REDUCE TO BALANCE THE CROWN WITHIN TPO NO. 268/2000 AT LAND ADJ NOS 1 & 2 WOODLANDS WARTHILL ON BEHALF OF NORTH YORKSHIRE COUNCIL

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

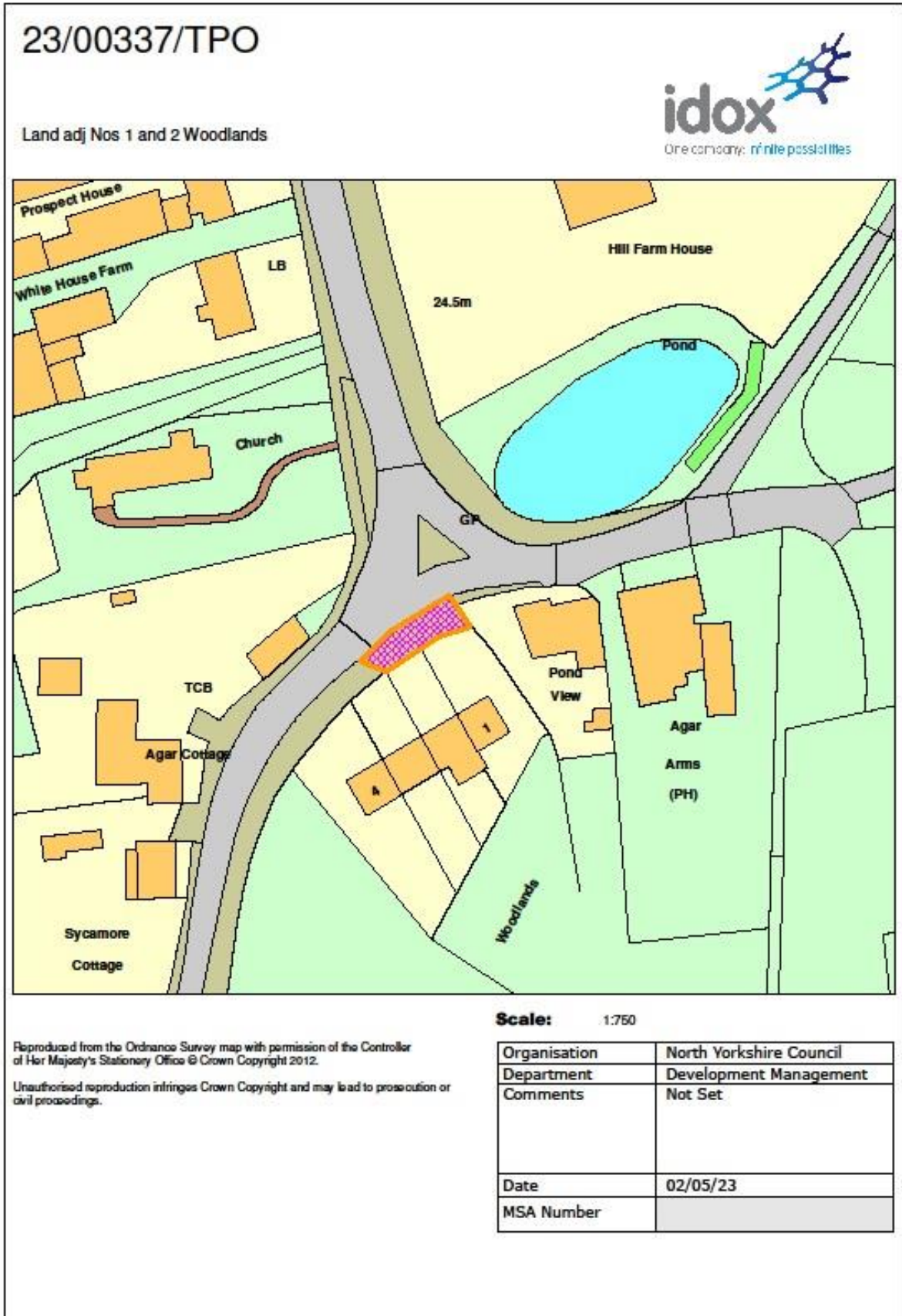
- 1.1 To determine an application for works to a Sycamore subject to a Tree Preservation Order on land adjacent to Nos 1 and 2 Woodlands, Common Lane, Warthill.
- 1.2 The application has been brought to the Area Planning Committee as North Yorkshire Council are the applicants and landowners.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks permission to undertake works to T1 Sycamore within Tree Preservation Order 268/2000. The works involve a crown lift, deadwood the canopy and a crown reduction to balance the crown.
- 2.2. The application site is located within the York Greenbelt and the Warthill Development Limits.
- 2.3. There has been no response from the Parish Council. One response has been received from a local resident which is referred to in the report. The development is considered sustainable and it is recommended that permission be granted subject to conditions.

OFFICIAL - SENSITIVE



3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-
planningregisterdocs.ryedale.gov.uk/planning/planningdocuments?SDescription=23/00337/TPO

3.2. There is 1 relevant application for this site which is detailed below.

05/00415/TPO – To crown lift, crown balance, crown thin & crown clean T1 sycamore within TPO No. 268/2000 – Partial Approve/Refuse 19.05.2005

4.0 Site and Surroundings

4.1. T1 Sycamore is situated to the front of Nos 1 and 2 Woodlands, Common Lane. The tree is subject to Tree Preservation Order 268/2000.

4.2. The site is located within the Warthill Development Limits and the York Greenbelt.

5.0 Description of Proposal

5.1. This application seeks permission to undertake works to the tree include crown lift, removal of deadwood within the canopy and a crown reduction to balance the crown.

6.0 Planning Policy and Guidance

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

- The Ryedale Plan – Local Plan Strategy, adopted 5 September 2013

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- The Town & Country Planning (Tree Preservation) (England) Regulations 2012

7.0 Consultation Responses

7.1. The following consultation responses have been received and have been summarised below.

7.2. **Parish Council:** No comments received

7.3. **Ward Member(s):** No comments received

Local Representations

7.4. 1 local representation has been received objecting to the application which reads as follows:

“The sycamore needs pruning back to a point where overhanging branches etc do not overhand the powerlines which have potential to fall onto in a storm. This had happened previously and was dangerous to down the drives. The sycamore also drops constant amount of sap etc all year round, onto parked vehicles which has potential to cause damage in the driveways of 1-3 Woodlands.”

8.0 Environment Impact Assessment (EIA)

8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

9.1. The key considerations in the assessment of this application are:

- Would the proposed pruning work be acceptable in terms of the amenity value of the tree?
- Would the proposal have an adverse impact on the long-term health of the tree?

10.0 ASSESSMENT

10.1. The tree in question is substantial in size and is very visually prominent when approaching the site from the north along Common Lane.

10.2. The tree has an unbalanced form as a result of historic pruning to clear branches away from the powerline. It has extensive deadwood throughout the canopy some of which is of a significant size which poses a safety issue, primarily on uppermost branches closest to the highway due to die-back.

10.3. The proposed work is considered to be acceptable in relation to prudent tree management and is not expected to be detrimental to the health or amenity of the tree.

11.0 RECOMMENDATION

11.1 That permission be GRANTED subject to conditions listed below.

Recommended conditions:

Condition 1 Time Limit

The works for which consent is hereby granted shall be completed before the expiration of two years from the date of this decision. If works are not completed within that timeframe then a new application for tree works will need to be submitted to the Planning Authority.

Reason: 2-Years Timescale - to reduce future uncertainty with regards to authorised tree work and to limit the time during which the local authority would need to monitor progress.

Condition 2 Crown lifting

Crown lifting must involve the removal of secondary lateral branches only.

Reason: To maintain the shape and character of the tree and to adhere to good arboricultural practice.

Condition 3 Reduction

Pruning cuts for reduction of branches up to should be taken at suitable growing points and no wound should exceed 40mm in diameter.

Reason: To maintain the shape and character of the tree and to adhere to good arboricultural practice.

Condition 4 Tree Work

All works to be undertaken in accordance with British Standards BS 3998:2010 (Tree Works) by a suitably qualified and insured arborist.

Reason: To comply with good practice and ensure that the work is undertaken in a competent manner.

Informatives:**Informative 1**

In order to comply with the provisions of the Wildlife and Countryside Act 1981, an inspection of the canopy will be required to ensure no nesting birds are present prior to the works taking place. No works to the tree can be undertaken in the event that birds are nesting in the tree.

Informative 2

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under section 41/42 of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found to or during tree work operations all work must stop immediately and Natural England informed.

Target Determination Date: 23.05.2023

Case Officer: Ellie Hardie, Eleanor.hardie@northyorks.gov.uk

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

18 May 2023

Terrington Neighbourhood Area Designation

Report of the Assistant Director of Planning – Community Development Services

1.0 PURPOSE OF REPORT

- 1.1 For Members to approve the Neighbourhood Plan boundary application and to confirm the designation of the Terrington Neighbourhood Plan Area.

2.0 BACKGROUND

- 2.1 Terrington Parish Council is looking to prepare a Neighbourhood Plan for the area covered by the Parish. On 24 March 2023 an application was submitted by the Parish Council for the designation of the parish as a 'Neighbourhood Area'. The designation of a Neighbourhood Area is a key initial step in the preparation of a Neighbourhood Plan and will enable the Parish to proceed with formal neighbourhood plan preparations. The letter received is attached as Annex A and a map of the proposed neighbourhood plan area boundary is attached as Annex B.
- 2.2 The power to designate an area as a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990 – introduced by the Localism Act 2011. Under the Neighbourhood planning (General) Regulations 2012 an area application must include a map which identifies the proposed neighbourhood boundary, a statement explaining why the area is considered appropriate to be designated as a neighbourhood area, and a statement that the body making the area application qualify as a relevant body for the purposes of section 61G (2) of the 1990 Act.
- 2.3 Terrington Parish Council is the relevant body (for the purposes of section 61G (2) of the Town and Country Planning Act 1990).
- 2.4 Officers have considered the submission and have concluded that the application complies with the Regulations.
- 2.5 In accordance with the legislation, the proposed Neighbourhood Area was formally publicised on 24 April 2023.
- 2.6 The proposed neighbourhood area submission matches exactly with the existing parish boundary. Whilst the legislation requires publicity of the submission, Members should note that where a proposed Neighbourhood Area aligns with the area of a Parish, the legislation requires the Local Planning Authority to designate the Neighbourhood Area within eight weeks of the submission first being publicised. The Local Planning Authority is therefore obliged to make the designation by 16 June 2023.

3.0 CONSULTATION UNDERTAKEN AND RESPONSES

- 3.1 On 24 April 2023, the Council publicised the Neighbourhood Area application received from Terrington Parish Council, as required by the Neighbourhood Planning (General)

(amendment) Regulations 2015. Alongside this the Local Planning Authority notified relevant stakeholders of the submission. Any comments received will be shared with the Qualifying Body.

4.0 CONTRIBUTION TO COUNCIL PRIORITIES

4.1 Neighbourhood Plan preparation links to the Council's priorities on caring for the environment and providing a special place to live. Neighbourhood Plans, once formally 'made' will form part of the Development Plan for the area. Support for the preparation of Neighbourhood Plans directly reflects the Council's priority of locality working.

5.0 FINANCIAL IMPLICATIONS

5.1 There is no cost associated with neighbourhood area designation, only the amount of Officer time involved, which is minimal at this stage. However, the Council will incur further costs with the subsequent preparation of the neighbourhood plan. This will mainly be through Officer time supporting preparation of the neighbourhood plan. However, at later stages, the costs of an examination and local referendum will need to be met.

5.2 At the point when a neighbourhood plan is adopted there will also be implications in terms of the Community Infrastructure Levy (CIL). Once a Neighbourhood Plan is formally in place 25% (rather than 15%) of CIL payments for eligible developments within the neighbourhood plan area must be transferred to the parish to spend on their infrastructure projects. However, the CIL income expected to be generated in the Parish is anticipated to be relatively limited, although it is possible that additional development will come forward as a result of the Neighbourhood Plan and may result in additional CIL.

6.0 LEGAL IMPLICATIONS

6.1 The legal requirements under The Neighbourhood Planning (General) Regulations 2012 have been complied with to date.

6.2 The legislation stipulates that: when the boundary of the Neighbourhood Area applied for reflects the whole of the area of a parish council, the Local Planning Authority is legally obliged to designate the area within eight weeks and one day of the application being first publicised. The Council is therefore obliged to make the designation by 16 June 2023.

7.0 EQUALITIES IMPLICATIONS

7.1 Equalities matters have been considered however there are no issues associated with this report given it covers an established parish boundary.

8.0 CLIMATE CHANGE IMPLICATIONS

8.1 Climate change implications have been considered however there are no issues associated with this report given it designates a Neighbourhood Plan Area.

9.0 POLICY IMPLICATIONS

9.1 Once a Neighbourhood Plan has progressed through the stages of production and is formally 'made' it will form part of the statutory Development Plan and will have weight in the decision-making process.

10.0 RISK MANAGEMENT IMPLICATIONS

10.1 There are no significant risks associated with the report's recommendation.

11.0 CONCLUSIONS

- 11.1 At this stage, the requirement to designate the Neighbourhood Area has no direct implications for the Council.

12.0 REASONS FOR RECOMMENDATIONS

- 12.1 As stated within the report the legalisation is very clear. The Council (as Local Planning Authority) is required to designate the proposed neighbourhood area in this instance as the boundary matches that of the existing parish council area.

13.0 RECOMMENDATION

That Members of the Committee approve the formal designation of the Neighbourhood Area as submitted by Terrington Parish Council.

APPENDICES:

Appendix A and B –
(attached)

Trevor Watson
Assistant Corporate Director – *Planning*
County Hall
Northallerton
9th May 2023

Report Author – *Lizzie Phippard, Planning Officer*
Presenter of Report – *Lizzie Phippard, Planning Officer*

Note: Members are invited to contact the author in advance of the meeting with any detailed queries or questions.

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Terrington Parish Council

Neighbourhood Plan Application

Introduction

Terrington is an historic, attractive rural Parish which sits entirely within the Howardian Hills Area of Outstanding Natural Beauty (AONB), covering an area of approximately 6 square miles, extending approximately 3 miles from north to south and similarly from west to east. The Parish is surrounded by picturesque farmland and undulating countryside with views of the distant North York Moors, Yorkshire Wolds and the Vale of York.

The Parish consists of Terrington village, along with the adjacent hamlet of Little Terrington, the nearby settlement of Ganthorpe to the east, the hamlet of Mowthorpe to the south east and the private estate of Wiganthorpe to the north. The surrounding picturesque, predominantly agricultural land, is punctuated by numerous farms and several rural businesses. There are some 245¹ households, with an estimated population in 2021² of 481 persons, and 19 Listed Buildings. The Castle Howard Estate owns land and houses across the Parish.

Terrington lies in the centre of the Parish, some 8 miles west of Malton and approximately 15 miles north of York and is an historic small village, mentioned four times in the Domesday Book. Originally a traditional linear village, with subsequent parallel 'back lanes' development, most of the village sits within a Conservation Area with several Visually Important Undeveloped Areas including the triangular village green known as 'The Plump'. The Main Street is at the heart of the village and runs from west to east with Back Lanes to the north and south. Located within Terrington village are a Church of England Primary School, Terrington Hall Preparatory School, Terrington Stores and Cafe, a Doctors Surgery with dispensary, a lavender farm and a small agricultural industrial site, as well as a bowling green and Village Hall with playing field, tennis court and childrens' playground. Beyond the Village Hall are the village Burial Ground and an adjacent private cemetery. Many of the village buildings are of local stone with red pantile roofs. There are also several listed buildings including All Saints Church, a Grade I Listed medieval building having 11th Century origins and numerous historical features.

Little Terrington consists of several residential dwellings situated to one side of the road to the west of Terrington.

Mowthorpe is made up of a number of residential dwellings, two farms and a livery yard with dog boarding and grooming to the south east of Terrington.

Ganthorpe, once its own civil parish, consists of several residential dwellings and farms, dominated by its Grade II Listed Hall with links to Castle Howard.

Wiganthorpe consists of around a dozen residential dwellings, including Wiganthorpe Hall which appears to have origins in or before the 16th Century having been mentioned in the Domesday Book. Today an extended wing of the Hall remains,

¹ 2011 Census figures

² 2021 Census figures

along with outbuildings converted to housing, plus other dwellings and a restored Grade II Listed Ice House.

The Parish displays cultural treasures in every segment, whilst Terrington itself is regarded as a fine example of a typical North Riding Village with outstanding surrounding landscape and views, now safeguarded through the designated Conservation Area and the AONB management plan to which the Planning Authority have consistently, and strongly, aligned their long-term planning strategy.

The proposed Neighbourhood Plan Area of the Parish of Terrington is delineated by red edging on the plan at Appendix A.

Objective

Following a number of public meetings, residents of the Parish have made it clear that they wish to see the preparation of a Terrington Parish Neighbourhood Plan. The development of such a plan is being facilitated by the Parish Council but is driven by members of the community.

Through the creation of the Plan the people who live in the Parish will have the opportunity to help shape future policies for land use, including the scale of any residential development within the Parish. There is particular concern for the quality of life throughout the five settlements that would be impacted by the increased traffic flows generated by any significant development. The narrow nature of many of the roads in the Parish could not sustain such increases, therefore one main objective is likely to be to call for an effective alignment between the Highway and the Planning Authorities.

Subject to passing the formal tests, we look forward to the Neighbourhood Plan becoming part of the local planning framework.

Statement Explaining Why This Area Is Considered Appropriate to Be Designated as a Neighbourhood Area.

Of greatest importance in applying for a Neighbourhood Plan have been the public discussions on the subject which showed that the prevailing view was one of inclusivity for the whole Parish. The residents felt that no-one should be excluded and that the perceived benefits to the Parish from the execution of this Neighbourhood Plan should be enjoyed by all Parish residents and business occupiers.

Further, the Parish Council considers that the whole Parish is appropriate to be designated as a Neighbourhood Area because it has meaningful and clear boundaries, reflects the existing local sense of community and is generally recognised as an existing, discrete entity.

We will seek to develop a Terrington Parish Neighbourhood Plan based on the following points:

- Development of the Plan will recognise and include the views, ambitions and needs of the whole of the local Parish community
- The Plan will inform, guide and promote balanced and sustainable future development by way of evolution of settlements within the Parish on a scale appropriate to the relevant settlement and surrounding landscape.
- The Plan will seek to preserve and protect the historic, physical and natural heritage and character of the Parish, ensuring that the envisioned evolution will safeguard these attributes and have full regard to them whilst supporting only proportionate appropriate development.
- The Plan will seek to impose on those undertaking any development the inclusion of any necessary improvements in infrastructure, directly or otherwise.

Once this initial application has been received and approved by the Local Authority, a full plan based around this submission will be formulated and finalised.

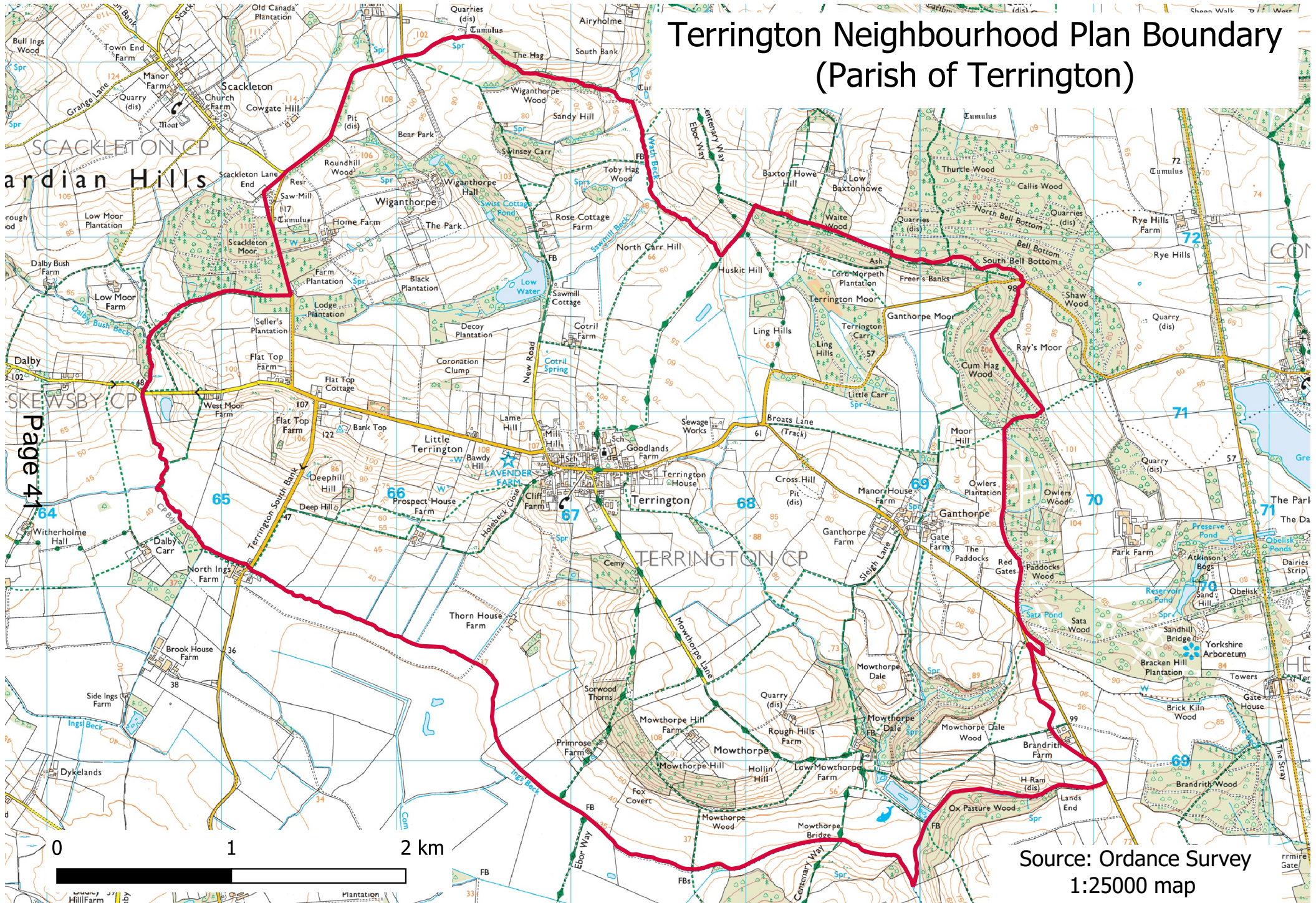
Statement That The Organisation or Body Making the Area Application Is A Relevant Body

In accordance with Section 61G of the Town and Country Planning Act 1990 it is confirmed that the body making this application is Terrington Parish Council, established in pursuance of the Local Government Act 1972, and is therefore a relevant body.

The Parish Council will oversee the Plan preparation with the intention of submitting the completed Plan to the Local Planning Authority for their acceptance and then approval by the electorate.

Approved by Terrington Parish Council 22nd March 2023

Terrington Neighbourhood Plan Boundary (Parish of Terrington)



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Source: Ordnance Survey
1:25000 map

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