

**Meeting:** Thirsk and Malton Area Constituency Planning Committee

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

**Date:** Thursday, 18th January, 2024

**Time:** 10.00 am

**Venue:** Ryedale House, Malton

Members of the public are entitled to attend this meeting as observers for all items taken in open session. Please contact the named Democratic Services Officer supporting this committee if you have any queries (details at the foot of the Agenda).

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify the Democratic Services Officer by midday on Monday 15 January 2024.

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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.

## **Agenda**

- 1. Apologies for absence**
- 2. Minutes for the meeting held on 21 December 2023** (Pages 3 - 8)
- 3. Declarations of interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
- 4. ZE23/05729/MFUL - Application for the erection of 26no.** (Pages 9 - 40)

**dwellings comprising 12no. two bedroom dwellings,  
11no. three bedroom dwellings, 2no. four bedroom  
dwellings and 1no. one bedroom dwelling with associated  
access road, landscaping and parking on land east of The  
Balk, Slingsby, Malton**

Report of the Assistant Director Planning – Community Development Services

5. **ZE23/06139/FUL - Application for the change of use of the cottage at the public house from managers/owners accommodation to form a completely separate three-bedroom dwelling independent of the public house with its own parking and amenity area on land at The Blacksmiths Arms PH, Main Street, Flaxton** (Pages 41 - 60)  
Report of the Assistant Director Planning – Community Development Services
6. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
7. **Date of next meeting**  
Thursday, 15 February 2024 at 10.00am.

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

**Agenda Contact Officer:**

Nicki Lishman

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Wednesday, 10 January 2024

## North Yorkshire Council

### Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 21st December, 2023 commencing at 10.00 am.

Councillor Joy Andrews (Vice-Chair in the Chair), plus Councillors Alyson Baker, Lindsay Burr MBE, George Jabbour (as a substitute for Councillor Goodrick), Nigel Knapton and Malcolm Taylor.

Officers Present: Niamh Bonner (Planning), Alex Gardner (Highways), St John Harris (Democratic Services), Nicki Lishman (Democratic Services), Alpha Love-Koh (Legal), Ann Rawlinson (Planning), and Jill Thompson (Planning)

Apologies: Councillors Sam Cross and Caroline Goodrick

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**Copies of all documents considered are in the Minute Book**

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#### **51 Apologies for Absence**

Apologies noted (see above).

#### **52 Minutes for the Meeting held on 16 November 2023**

The minutes of the meeting held on Thursday 16 November 2023 were confirmed and signed as an accurate record.

#### **53 Declarations of Interests**

Councillor Jabbour declared a personal interest in Agenda Item 4 in his capacity as Vice-Chair of Howardian Hills AONB Joint Advisory Committee which had commented on the planning application.

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#### **Planning Applications**

The Committee considered reports of the Assistant Director Planning – Community Development Services relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

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Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

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**54 23/00249/FUL- Change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block**

The Assistant Director Planning - Community Development Services sought determination of a planning application for the change of use of agricultural land to a seasonal camping site to allow 24no. tent and 6no. motor home pitches to include erection of an associated toilet block on land at Cotril Farm, New Road, Terrington, North Yorkshire YO60 6NT.

Updating the report, the planning officer referred to a further representation from the occupier of Rose Cottage Farm which was published within the late pages, together with a representation received on 20 December from the occupier of Sawmill Cottage. This raised concerns in relation to the state of repair of New Road, potential safety impacts for pedestrians/cyclists and loss of privacy associated with the proposed use.

An updated site location plan had been submitted, with an amended blue line, to correct and make clear the wider land ownership. According to legal advice this did not affect the administration of the application.

Since the site visit, confirmation had been received from the agent that the six solar powered lights would be on a PIR sensor, to prevent any static lights. This would be included within the recommended condition.

The Noise and Amenity Management Plan had been updated to prevent dirt bikes, scramblers and quad bikes from being brought into the site or used within the public right of way network. It would also be made clear to guests that the lake to the west of the site was private.

As detailed in the late pages, an ecological enhancement plan had been submitted which was considered suitable and this would be secured by condition, replacing the original ecology condition.

Finally, the Council's Solicitor had been able to check the precise wording of the condition to remove permitted development rights for tourism uses from land under the applicant's ownership. A slightly amended condition was recommended and would be used.

The applicant's agent, Sam Harrison, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The use of native trees in the proposed landscaping
- The section of the access road which was unadopted but which was in the applicant's interest to maintain
- The low key and sensitive appearance of the proposed toilet block which in itself would not justify further development on the site

- How well the application struck a balance between its sensitivity to the AONB landscape and its farm diversification benefits and contribution to the local tourism offer

The decision :-

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

#### Voting Record

A vote was taken and the motion was declared carried unanimously.

Note: Councillor Jabbour, having declared a personal interest as Vice-Chair of Howardian Hills AONB Joint Advisory Committee which had commented on the application, took no part in the discussion and voting on the above application.

### **55 ZE23/00416/FUL- Erection of replacement dwelling and associated landscaping**

The Assistant Director Planning - Community Development Services sought determination of a planning application for the erection of replacement dwelling and associated landscaping at Middleton House, Finkle Street, Sheriff Hutton, North Yorkshire, YO60 6RD.

Updating the report, the planning officer related Councillor Goodrick's comments to the committee as the local elected member for Sheriff Hutton and Derwent. Councillor Goodrick was very disappointed at the loss of this valued undesignated heritage asset, whilst accepting that the structure did not meet today's building standards and the importance of the decision to remove the porches area to create a better visual splay for vehicles. Councillor Goodrick hoped that the cobbled turning area for the horse and dray could be retained and expressed her preference for smaller units in this location to encourage younger people in to the village.

The planning officer advised that in response to comments made by members, the agent had provided an additional plan to demonstrate the horse mill being taken up, retained during the construction period, then reinstated in accordance with members' wishes. A condition to secure this would be recommended.

Further, the response from the Internal Drainage Board had been received that morning which confirmed their support for the proposed amendment to the precise wording of the drainage condition as referenced in paragraph 10.19 of the report.

The applicant's agent, Saura Beattie, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The importance of preserving the cobbled turning area and of salvaging and reusing bricks from the demolished building in the wider development

The decision :-

That planning permission be GRANTED subject to the conditions detailed in the Committee report, and an additional condition to secure the retention of the cobbled circular horse mill and an amended 'in compliance with' style drainage condition.

## Voting Record

A vote was taken and the motion was declared carried unanimously.

**56 22/01117/FUL - Application for continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023)**

The Assistant Director Planning - Community Development Services sought determination of a planning application for the continuation of site operations as a petrol station and retail shop, including preparation area for hot and cold food for sale on premises. Alterations to the arrangement for the provision of parking, manoeuvring with turning area. (Amended description, illustrative food items for sale (13.9.2023), amended site layout plan (18.8.2023) and amended highways statement 13.9.2023) at Brookes, North Road Garage, Shipton by Beningbrough, York, North Yorkshire, YO30 1AL.

Updating the report, the planning officer shared Councillor Goodrick's written comments with the committee. Whilst Councillor Goodrick recognised the importance of this retail venue to the village of Shipton by Beningbrough, she had voiced concern at the efficacy of the proposed one way system and its potential negative impact on the A19, and also that the increased traffic generated by the scheme may impact on road safety. In response, Highways had commented that consideration had been given to a clockwise circulation as opposed to the proposed anti clockwork circulation. However, this arrangement would not fit with the existing layout of the petrol filling pumps. The garage site had been operating for a number of years without a formal one-way system to inform vehicle routing and there was no record of collision history (on the highway) linked to the current operation in the last five years to suggest that there was an evidenced highway safety issue. It was considered that the proposed arrangement would not be detrimental to highway safety compared to the existing and therefore officers considered that vehicles would be able to circulate around the one-way system and there was sufficient space within the private site for the circulation of vehicles and to allow vehicles to turn around and exit to the A19 in a forward gear. The petrol retail and shop use were long established at this location. It could be argued that the food preparation and shop use was a trip generator in its own right, however the scale of this use was relatively minor and many trips would be pass-by, diverted or transferred trips rather than primary trips. Therefore, officers considered the number of additional trips potentially generated to be negligible in the context of the local transport network. As this use had already been operating for some time and there was no history of injury collisions or a persistent issue with vehicles queueing or parking on the A19, it would be difficult to conclude that there was a highway safety or capacity issue. This section of the A19 carried around 10,000 vehicles per day, so traffic associated with the garage was likely to be negligible in the context of the wider highway network.

The planning officer then referred to several amendments to the report. Parking was proposed to the north and south sides of the site, not east and west as stated. There were 4 full time staff and 5 part time staff existing, not 2 and 6 as stated. The planning officer further noted that the National Planning Policy Framework had been updated on 19 December. This had no material impact on the proposals, recommendation or weight given. The most relevant aspect was in relation to green belts, however the change related to there no longer being a requirement for green belts to be reviewed when updating the local plan. The planning officer also referenced amendments to paragraph numbers in the NPPF quoted in the report, but not to the wording of those paragraphs.

During consideration of the above application, the Committee discussed the following issues:-

- The efficacy of the one way circulation system and whether it would be adhered to by drivers
- Whether it was adhered to or not, could not be enforced and did not have highway safety implications
- The application sought to rectify a breach of planning control by proposing alternative traffic management arrangements and the preparation of hot and cold food for sale on the premises

The decision :-

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

#### Voting Record

A vote was taken and the motion was declared carried unanimously.

#### **57 Any other items**

There were no urgent items of business.

#### **58 Date of Next Meeting**

To be confirmed

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## North Yorkshire Council

### Community Development Services

#### Thirsk and Malton Constituency Area Planning Committee

18 JANUARY 2024

**ZE23/05729/MFUL - APPLICATION FOR THE ERECTION OF 26NO. DWELLINGS COMPROMISING 12NO. TWO BEDROOM DWELLINGS, 11NO. THREE BEDROOM DWELLINGS, 2NO. FOUR BEDROOM DWELLINGS AND 1NO. ONE BEDROOM DWELLING WITH ASSOCIATED ACCESS ROAD, LANDSCAPING AND PARKING ON LAND EAST OF THE BALK, SLINGSBY, MALTON ON BEHALF OF CASTLE HOWARD ESTATES LIMITED**

#### Report of the Assistant Director Planning – Community Development Services

#### 1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of 26no. dwellings compromising 12no. two bedroom dwellings, 11no. three bedroom dwellings, 2no. four bedroom dwellings and 1no. one bedroom dwelling with associated access road, landscaping and parking on land east of The Balk, Slingsby, Malton.
- 1.2 The application is reported to the Area Planning Committee for determination because it is considered that significant planning issues have been raised.

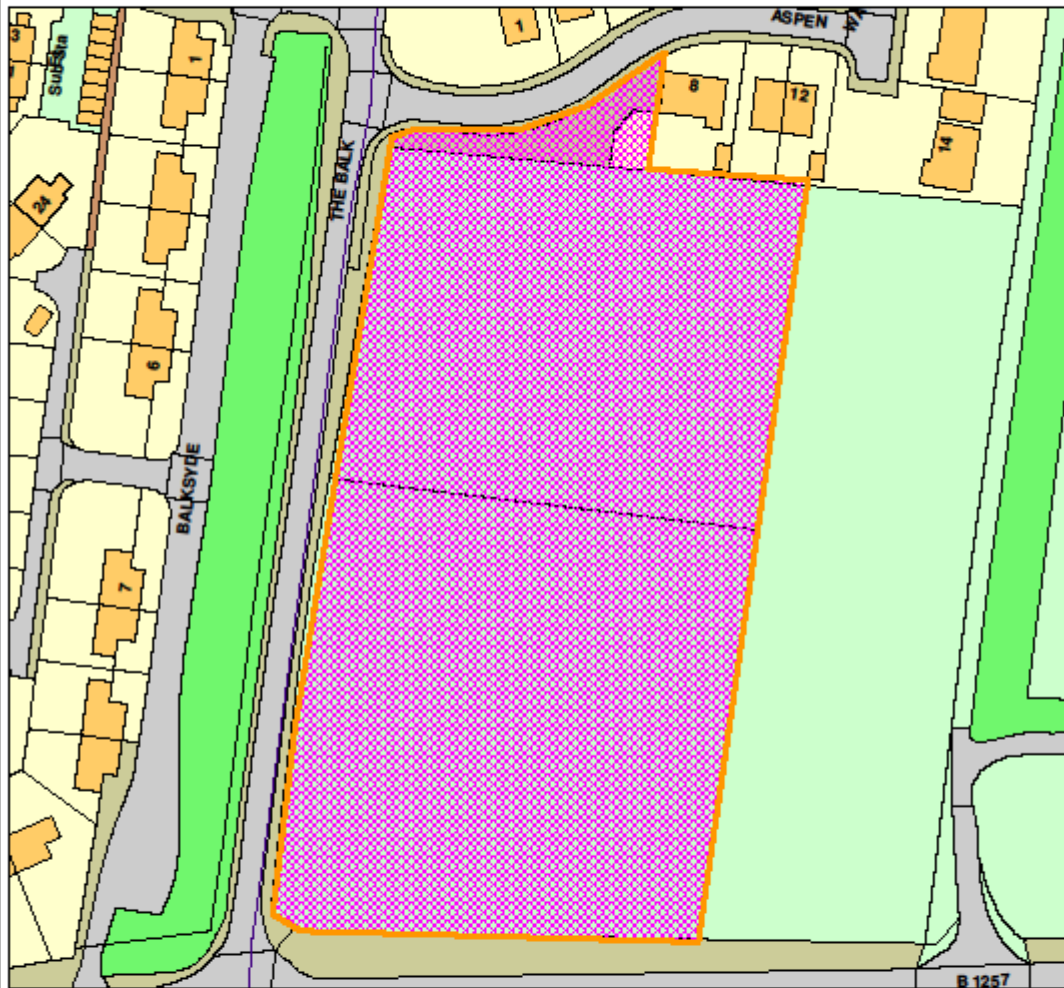
#### 2.0 EXECUTIVE SUMMARY

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

- 2.1. The proposed development comprises the erection of 26no. dwellings compromising 12no. two bedroom dwellings, 11no. three bedroom dwellings, 2no. four bedroom dwellings and 1no. one bedroom dwelling with associated access road, landscaping and parking.
- 2.2. The application site amounts to approximately 1.14 hectares and is land east of The Balk, Slingsby. The site is situated north of the B1257 at the south eastern edge of Slingsby approximately 6 miles west of Malton. The site is within the development limits of Slingsby and is allocated for housing within the Development Plan. The western edge of the site falls within the village Conservation Area.
- 2.3. The general principle of housing development on this site is established through the housing allocation (Policy SD11) in the Ryedale Plan- Local Plan Sites Document (2019) and a relatively recent granted of outline planning permission for residential development at the site.
- 2.4. The main issues through the course of the application have been the design, impact on the Conservation Area, residential amenity, highway safety and drainage. It is considered that these matters have been adequately addressed.

ZE23/05729/MFUL

Not Set

**Scale:** 1:1,054

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	12/12/2023
MSA Number	Not Set

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:  
<https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>
- 3.2. The site is allocated for residential development under Policies SD2 and SD11 within the adopted Ryedale Sites Local Plan document. The Sites Document was formally adopted by the Council in June 2019 and it forms part of the Council's adopted statutory Development Plan.
- 3.3. The following relevant planning history has been identified for the application site and adjacent land:
- 23/00037/MREM- Erection of 26no. dwellings (outline approval 18/00686/MOUT dated 12.03.2020 refers) WITHDRAWN.
- ZE23/00431/73M- Variation of conditions 19, 20, 21, 22, 23 and 48 of planning approval 18/00686/MOUT dated 12.03.2020. WITHDRAWN.
- 23/00348/MFUL- Erection of 13no. dwellings comprising 6no. three bedroom dwellings, 2no. two bedroom dwellings and 5no. four bedroom dwellings with associated infrastructure, garaging, parking and landscaping. Pending consideration.
- 18/00686/MOUT- Residential development of up to 38no. dwellings with formation of access off Aspen Way (site area 1.75ha) - approval sought for access. APPROVED 12.03.2020. The planning permission is accompanied by a Section 106 agreement in relation to affordable housing (on-site & financial contributions including number, mix, size and tenure of affordable units) and public open space (completion, management and maintenance).

### **4.0 Site and Surroundings**

- 4.1. The site the subject of the outline consent (c.1.7ha) is in two separate ownerships and this application relates to the western field under the ownership of Castle Howard Estates Limited with a residential development proposed to be delivered on the remainder of the land to the east (in Third Party ownership).
- 4.2. The application site is 1.14 hectares in size and roughly rectangular shaped comprising the western and central thirds of the site the subject of the outline permission (see planning history at paragraph 3.3 of this report). The site is situated north of the B1257 at the south eastern edge of Slingsby approximately 6 miles west of Malton. The site is within the village development limits and forms part of the residential land allocation identified within the Ryedale Plan- Local Plan Sites Document (2019).
- 4.3. There are relatively modern housing developments to the north (bungalows on Aspen Way) and west (semi-detached two storey dwellings on Balksyde) of the application site. This area is relatively open in character, with a gentle sweeping rise of land in a southerly direction to the public highway (B1257). This site is adjacent to the boundary of the Howardian Hills AONB (which is on the southern side of the B1257). The land to the south and east is open fields and a caravan and camping park is 100 metres to the north east.

- 4.4. The site currently comprises agricultural land used for grazing purposes and the eastern extent is delineated by a hedgerow boundary that contains a prominent, mature Sycamore (protected by TPO). A series of veteran sycamores (protected by Tree Preservation Orders) line the western boundary parallel to the Balk. The most westerly part of this site, including the mature trees, is within the Slingsby Conservation Area.
- 4.5. The land is classified as being both of Grade 2 and Grade 3 agricultural land in terms of its agricultural productivity and is used for grazing. The site is within Flood Zone 1.

## **5.0 Description of Proposal**

- 5.1. Full planning permission is sought for the erection of 26no. dwellings comprising 12no. two bedroom dwellings, 11no. three bedroom dwellings, 2no. four bedroom dwellings and 1no. one bedroom dwelling with associated access road, landscaping and parking.
- 5.2. The application site is the western and central parts of the outline permission site comprising approximately two thirds of the overall site with the eastern third being in third party ownership and not included in this application. The application site is proposed to be developed at a density of 23 dwellings per hectare.
- 5.3. The total mix of dwellings proposed consists of: 2no. 4bed 7person units, 11no. 3bed 5person units, 6no. 2bed 4person units, 6no. 2bed 3person units and 1no. 1bed 2person unit. The range of 26 dwellings proposed comprises two storey detached (8no.), two storey semi-detached (13no.), two storey terraced dwellings (4no.) and a first floor flat (1no.).
- 5.4. The dwellings are to be constructed from a mix of stone and brick front elevations, all brick rear elevations, and a mix of pantile and slate coverings to the pitched roofs.
- 5.5. The application is accompanied by detailed drawings of the individual dwelling types together with indicative street scene visuals. The dwellings would have either narrow or wide frontages ranging from 5.6 metres to 11.7 metres in width. The gable depths range from 5.8 metres to 10.2 metres. In terms of height the dwellings are two storey with the eaves heights ranging from 4.5 metres to 6.3 metres.
- 5.6. Each dwelling would have off-street parking and private amenity space, along with access to communal open space within the scheme.
- 5.7. Application plans also demonstrate how the residential development of the eastern field (outside of application site) can be delivered with access through the application site (northern link to the south of plot 3), from the point of access from Aspen Way in line the site Development Principles (Policy SD11).
- 5.8. A total of 9 of the 26 dwellings (34.6%) will be provided as affordable units and remainder of 0.1 of a unit will be paid as a commuted sum to the Council to meet the 35% policy requirement (9.1 units).
- 5.9. The 9no. affordable units comprise:
- 3no. 3 bed 5 person dwelling (plots 7, 8 & 9)
  - 3no. 2 bed 4 person dwellings (plots 10, 13 & 14)
  - 2no. 2 bed 3 person dwellings (plots 12 & 15)

1no.1 bed 2 person dwelling (plot 11)

- 5.10. The application is accompanied by a Design and Access Statement; Heritage Report; Flood Risk Assessment; Drainage Maintenance and Management Strategy; Phase 2 Geo-Environmental Assessment; Preliminary Ecological Appraisal; Arboricultural Report; Archaeological Written Scheme of Investigation; and Crime Prevention Report.

## **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:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy  
 Policy SP2 Delivery and Distribution of New Housing  
 Policy SP3 Affordable Housing  
 Policy SP4 Type and Mix of New Housing  
 Policy SP11 Community Facilities and Services  
 Policy SP12 Heritage  
 Policy SP13 Landscapes  
 Policy SP14 Biodiversity  
 Policy SP16 Design  
 Policy SP17 Managing Air Quality, Land and Water Resources  
 Policy SP18 Renewable and Low Carbon Energy  
 Policy SP19 Presumption in Favour of Sustainable Development  
 Policy SP20 Generic Development Management Issues  
 Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Ryedale Plan- Local Plan Sites Document (2019)

Policy SD2 (Residential Land Allocations) states that the site (0.85ha) has an indicative yield of 18 units although the policy acknowledges *“the precise number of residential units to be provided on each site will be determined at the planning application stage”*.

Policy SD11 (Housing Allocation) which sets out the Development Principles applicable to the site. These principles are drawn from information provided by the applicant as part of the local plan process. It states that detailed proposals for the development of the site shall include:

- An indicative yield of 36 dwellings
- comprehensive scheme for both fields, which could be phased

- retention of hedge to boundary with B1257
- retention of mature trees lining the Balk and suitable landscape/open space buffer along the western boundary of the site in order to ensure the protection of these trees
- vehicular access from Aspen Way to extend up the boundary with the eastern field, so as to ensure unfettered access of both fields
- pedestrian and cycle only access to the Balk and the Street
- Scale of buildings to be limited to one and two storey heights
- Well-designed streets and spaces
- sustainable drainage system to be integrated into design
- Technical capability for electric vehicle charging for each property with a dedicated car parking space within its curtilage
- Lighting scheme to minimise glare, reduce energy usage, and protect amenity
- The opportunity should be taken to enhance the entrance to the village and the scale and design of the development should relate sensitively to the Conservation Area
- Appropriate archaeological evaluation and mitigation as detailed in Appendix 1
- As a Safeguarded Site, the feasibility and viability of the extraction/utilisation of the minerals resource will be demonstrated

#### Minerals and Waste Joint Plan (MWJP) (2022)

The Minerals and Waste Joint Plan was adopted in February 2022 by North Yorkshire County Council (now North Yorkshire Council), the City of York Council and the North York Moors National Park Authority. Information about the proposed safeguarding policies and how it is proposed to use the safeguarding areas, including the consideration of applications in mineral consultation areas, can be found in Chapter 8 of the Minerals and Waste Joint Plan (MWJP).

The site is within a Minerals Safeguarding Area and the following policies contained within the MWJP are relevant:

Policy S01: Safeguarded Surface Mineral Resources

Policy S02: Developments proposed within Safeguarded Surface Mineral Resource areas

#### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

#### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
  - National Planning Practice Guidance
  - National Design Guide 2021
  - Slingsby, South Holme & Fryton Village Design Statement SPD 2016

## 7.0 **Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.

### Initial consultation

7.2. **Slingsby Parish Council** has several significant concerns and recommend refusal.

In summary the comments are as follows:

- Serious concern regarding the phased approach of development as the initial planning application for this site assumed that the whole site would be developed as one phase
- No reference to the integration or timescales of the second phase of development. This raises several significant issues regarding the initial development and the completion of landscaping, utilities etc as well as the visual impact of an unfinished or incomplete site.
- Without guarantees that the whole site will be developed to a satisfactory standard in a timely manner, it is impossible to give the support to any part thereof.
- The affordable housing provision has been densely clustered in the south-west corner of the site. To achieve better social cohesion, dispersing the affordable housing across the whole of the site would be much preferable.
- The impact on village amenities such as the village school
- Potential surface water flooding and strain on existing drainage infrastructure
- Lack of detail over the future management and liability of the green spaces, pond, trees and hedges created by the proposed development.
- Traffic levels and also confusion over the change of design of this access road between what was defined in the original plan and this application.
- The application should demonstrate a clearer awareness of and mitigation strategy for the buried archaeology likely to be encountered on the site.
- The Parish Council has previously supported the development of this site but cannot do so in this form. There is a lack of detail and practical information about the development that is required to give full confidence in the site being developed appropriately. The Parish Council would want to see the whole site developed, as per the initial outline planning permission, rather than a partial development with all the unanswered issues that this brings with it.

7.3. **Highways North Yorkshire** the access arrangements into the site were considered under planning application 18/00686/MOUT, and it is noted these are incorporated on the submitted plans on this application. The submitted internal road layout and parking arrangements have also been the subject of previous discussion and are considered acceptable. Conditions are recommended in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways; closure of existing access at the junction of The Balk and B1257; creation of pedestrian

visibility splays; construction of parking for dwellings; limitation on conversion of garages; and a detailed Construction Management Plan.

- 7.4. **Housing Services** Supports delivery of 35% affordable homes (9 out of the 26 dwellings). A commuted sum of 0.1 of a unit is required to complete the provision and a further additional financial contribution equivalent to a further 5%. The proposed mix of house types reflects local housing need and the plans also confirm that the units meet nationally described space standards (NDSS) which is supported. Housing request that the tenure is 2 x 3bedroom units as Intermediate tenure with the rest social/affordable rent.
- 7.5. **Archaeology Section** Recommend archaeological mitigation recording and conditions.
- 7.6. **North Yorkshire Education Authority** The impact on education provision has been assessed and an education financial contribution calculated (c.£182k) to be requested via Community Infrastructure Levy (CIL).
- 7.7. **Designing Out Crime Officer (DOCO)** In general the overall design and layout of the proposal is appropriate and raises no significant concerns in relation to designing out crime. DOCO makes suggestions and recommendations in relation to providing a safe and secure environment for all users (distribution of affordable housing, lighting and boundary treatments (public/private space)).
- 7.8. **Building Conservation Officer** No objection- welcome the use of informal green space and consider that the proposed development will reflect many of the attractive qualities of Slingsby. The additional hedging has been proposed near my previous area of concern (parking area in the south west corner of the site) and this is welcomed and overcomes my initial concerns.
- 7.9. **NYC Minerals and Waste** There are no active quarry sites or waste facilities within 500 metres of the site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. No comments as the site is exempt from Minerals Safeguarding Area criteria by virtue of being allocated for development.
- 7.10. **Historic England** Have concerns on heritage grounds owing to the proposed parking area in the south west corner of the site, which we consider an unfortunate addition given the prominence of this part of the site as an access point into the village. Historic England is content to support and endorse the advice of the Principal Archaeologist with regard to the suggested archaeological condition. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraph 200 of the NPPF (2023). Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.
- 7.11. **NYCC Natural Services** The site is species-poor, agriculturally-improved grassland of low conservation value and, based on the information in the Preliminary Ecological Appraisal (PEA), there are few issues in relation to protected or important species. If



permission is granted a condition should ensure compliance with the recommendations contained within the PEA in respect of enhancements for bats; avoidance of nesting birds; provision of bird nesting boxes; precautions to reduce risks to Hedgehogs; enabling movement of Hedgehogs between gardens; and protection of hedgerows. The retention of the sycamore avenue is welcomed. The applicant should note the advice contained in the PEA regarding these trees and the need for bat surveys should any works to them be required in future. As this is a new application the applicant will need to show how they would deliver net gains for biodiversity in accordance with planning policy.

- 7.12. **Flood Risk (LLFA)** The submitted documents are limited and the LLFA recommends that the applicant provides further information before any planning permission is granted. The following should be submitted and approved by the Local Planning Authority: Drainage Strategy; Hydraulic Calculations; and Exceedance Plans.
- 7.13. **Yorkshire Water Land Use Planning** No comments to make
- 7.14. **Tree & Woodland Officer** I have reviewed the Arboricultural Report and am satisfied that the measures outlined appropriately address previously identified concerns.
- 7.15. **Environment Agency** No objection
- 7.16. **Vale of Pickering Internal Drainage Boards** No response received
- 7.17. **Ellie Hook AONB Manager** No response received
- 7.18. **Environmental Health** No response received

Re-consultation (Archaeological WSI & further drainage information)

- 7.19. **Archaeology Section** The WSI is agreed and the pre-start element of the previously recommended condition can be removed.
- 7.20. **Flood Risk (LLFA)** The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend condition to ensure the development is constructed in accordance with the approved drainage design.

Local Representations

- 7.21. The LPA has received 7 representations from local residents which all raise objections to the application. A summary of the comments is provided below, however, please see the Council's website for full comments.
- No need for more rented houses in Slingsby
  - Slingsby has had 3 developments over recent years
  - The development does not comply with the site development principles set out in Policy SD11.
  - The development is now fractured into 2 developments, it has become an incoherent mess
  - Waste water infrastructure has no capacity for additional houses

- Surface water drainage issues
- The Balk is a very busy, narrow road
- Volume of additional traffic- there are too many accidents at the crossroads
- The site should be accessed from the main road (B1257)
- The village school is at capacity
- The two different developments will be an eyesore and detract from the entrance to the village
- The dwellings should all be single storey as is the case on Aspen Way
- Loss of an important protected view
- The addition of a pond is dangerous for children
- The village lacks the facilities to be deemed a 'Service Village'.
- Significant effect on wildlife and biodiversity
- Impact on trees
- Impact during construction phase
- In general terms what is now proposed is more appropriate, particularly the housing mix, layout and use of varied materials, compared to the basic indicative layout that accompanied the outline application
- Potential loss of privacy for occupant of 8 Aspen Way from plots 1, 2 & 26.
- Plots 1 and 2 should be replaced with one single storey dwelling, with plot 26 also a single storey dwelling, with plot 25 having a reduced roof height so as to give a logical "stepped" approach into the scheme. Otherwise plot 25 and 26 will be abnormally dominant on the existing surrounding dwellings
- Close boarded fencing should be erected along the northern boundary of plot 1 and the adjacent car park in addition to the planting of hedging

## **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:
- Principle of the development;
  - Affordable housing;
  - Design, form and scale and impact on the character of the settlement and the Conservation Area;
  - Landscaping, trees and public open space;
  - Residential amenity;
  - Highways;
  - Flood risk and drainage;
  - Biodiversity & ecological impact;

- Archaeological impact;
- Minerals Safeguarding;
- Community Infrastructure Levy (CIL); and
- Section 106 legal agreement.

## **10.0 ASSESSMENT**

### Principle of the Development

- 10.1. The site is within the development limits for Slingsby (Service Village) and forms part of the residential land allocation identified (Policy SD11) within the Ryedale Plan- Local Plan Sites Document (2019) and, as such, forms part of the adopted statutory Development Plan.
- 10.2. Therefore, the principle of residential development at the site has been already established by the allocation of the land and reaffirmed by the grant of outline planning permission (ref: 18/00686/MOUT) on 12 March 2020. The site makes an important contribution towards the supply of deliverable housing.
- 10.3. It is noted that there is local concern in relation to additional housing being developed in the village. However, since the allocation and the grant of outline permission, there have been no significant changes at the site, or in policy, that would justify the Council taking a different view with regard to the acceptability of the development in principle. Latest figures (March 2023) continue to demonstrate a housing land supply in excess of 5 years is achievable against Local Plan Housing requirement of 200 dpa, and the Standard Method figure of 186 dpa (rising recently to 193 dpa using new household projections) which is used to assess land supply when the Development Plan is more than 5 years old. Consequently, the Development Plan retains primacy and in accordance with Paragraph 11 of the NPPF (2023) it is advised that planning permission should be granted for a development proposal such as this unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 10.4. The spatial planning principles established within the Ryedale Plan- Local Plan Strategy (2013) were taken into account when the application site was identified as a housing allocation within the Ryedale Local Plan Sites Document (2019). As such, the principle of proposed residential development on the application site is fully in accordance with the local planning policy objectives and land use.

### Affordable Housing

- 10.5. The proposed development would be for 26 units. Policy SP3 (Affordable Housing) requires 35% on site affordable housing provision which equates to 9.1 affordable units to meet the policy requirement. The applicant proposes 9 affordable units comprising 3 x 2bed 4person units, 2 x 2bed 3person units, 3 x 3bed 5person units and 1 x 1bed 2person units and a financial contribution of 0.1 of a unit (£9,885) to meet the policy requirement. There is also an additional 5% contribution required by Policy SP3 which is £98,850 x 1.3 units = £128,505.

- 10.6. The Council's Housing Officer notes that the proposed mix reflects local housing need and that all affordable units will meet nationally described space standards (NDSS) which is supported. The Council's Housing Officer requests that the tenure is 2 x 3 bedroom units as Intermediate/Shared Ownership tenure with the rest social/affordable rent.
- 10.7. The affordable housing plots are identified on the 'Housing Tenure' drawing which accompanies the application. The drawing also confirms the house types and sizes to comply with NDSS. The affordable housing mix, tenure and minimum floor areas and the commuted sum will be secured via the Section 106 agreement. In light of this it can be confirmed that the application complies with the requirements of Policy SP3.

Design, form and scale and impact on the character of the settlement and the Conservation Area

- 10.8. Paragraph 135 of the NPPF (2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 10.9. Policy SP16 of the RPLPS states that *“Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: Reinforce local distinctiveness ; Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and Protect amenity and promote well-being”*. The policy goes on to state *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings”*.
- 10.10. Policy SP20 of the RPLPS states that *“New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses”*.
- 10.11. The site is located on rising ground to the north of the B1257 on the southern edge of the village. The site is partly within the Slingsby Conservation Area. Section 72 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 and enhancing the character and appearance of a Conservation Area.
- 10.12. The 26 dwelling development the subject of this application would occupy the western and central parts of the outline permission/allocated site separated from the eastern parcel of land by the planted field boundary.
- 10.13. The site is to be developed at a density of 23 dwellings per hectare which does not depart from the character of the village. The development concept results in a layout and design which reflecting the proportions and grain of the village with a mix of detached houses and semi-detached and terraced cottages set within good size and appropriately spaced plots. It is considered that the proposed layout provides for

adequate relationships between dwellings within the site and that the separation distances (back to back, side to rear) between units is acceptable.

- 10.14. The proposed layout and density responds to the local housing pattern and has a positive relationship to the adjoining built development and established landscaping on the site boundary. The layout adopts a well-defined street hierarchy served by suitable circulation routes. The design of the scheme positively responds to the site topography and would not appear as an isolated or incomplete residential development. The proposal takes account of the site constraints and development parameters and provides for unfettered access through the site to the eastern field forming part of the outline permission.
- 10.15. The comments made by the Police Designing Out Crime Officer have been suitably addressed by the proposals and there is clear definition of public and private spaces and dwellings would be orientated to provide active frontages and take advantage of opportunities to provide natural surveillance over areas of public open space and communal parking areas.
- 10.16. There have been concerns raised about the arrangement of affordable units and the potential lack of social cohesion and integration. The affordable housing is proposed to be sited towards the south west corner of the site but is not densely clustered. As a result of the build quality and appearance the affordable units would be visually indistinguishable from the market housing and would not indicate the tenure. There is additional affordable housing to be provided in the eastern part of the outline permission/allocated site and, as a result, there will be no unacceptable grouping of affordable units when the housing development is considered on the whole.
- 10.17. The public open space would comprise an undeveloped 'green corridor' on the western boundary which also provides a stand-off between the built development and the mature trees within the Conservation Area. In addition, a linear, central open space would form a green spine for the wider site. The developable parts of the site respect the stand-offs from the planted boundaries as per the outline permission and development principles of Policy SD11. The plots are interspersed with native tree planting and the small communal parking areas are arranged to benefit from existing and proposed soft landscaping.
- 10.18. The avenue of mature trees is the dominant feature along the western boundary of the site. The green corridor stand-off allows for a softer edge to the development along the Balk frontage which is within the village Conservation Area.
- 10.19. In response to the concern raised by Historic England the landscape plans have been revised to incorporate 'naturalistic screen planting' in the form of two swathes of native shrub planting that would reinforce the hedgerow which would enclose and screen the parking area in the south west corner of the site.
- 10.20. The application is accompanied by the necessary level of detail to allow the LPA to understand and assess the impact on the heritage asset and its setting. There are no objections from the Council's Building Conservation Officer and any harm to the Conservation Area or its setting is at the lower end of 'less than substantial harm' and

outweighed by the public benefits of providing a policy compliant mix of market and affordable housing in this location.

- 10.21. The development principles of the site (Policy SD11 of the RPLPSD) dictate that the scale of buildings is to be limited to one and two storey heights which is the case in this proposal.
- 10.22. The range of house types (terraced and semi-detached cottages and detached, larger houses) and variation in building footprint provides for suitable variation and visual interest and reinforces the street hierarchy. The proposed dwellings would be predominately two storey houses and small cottages which reflects the general types of dwellings in the village.
- 10.23. The proposed street elevations facing the Balk (west) illustrate that there is a degree of variation in the eaves and ridge heights and general proportions of the dwellings in Plots 4-12. The land levels within the site fall away in a general south-north direction and it is necessary for the development to adapt to the landform. It is clear that the sensitive approach to the scale of the dwellings means that an obvious 'stepping' is avoided and, as a result, the streetscene is in keeping with local vernacular.
- 10.24. The palette of materials proposed is a range of rubble stone with quoins to side, ashlar stone, red brick and weather boarding with pantiles, plain clay tiles and slate to the pitched roofs. The dwellings at the northern, eastern and southern sides of the site would have stone facades whereas those facing west towards the Balk would have red brick facades.
- 10.25. The majority of dwellings have eaves parallel to the road although in the case of plots 16 and 26 there would also be gables facing the roads which provides visual interest in the streetscene. There is a good range of dwelling types and sizes with a degree of variation in frontage widths providing a combination of cottage vernacular and more prominent detached houses.
- 10.26. All dwellings would include chimneys providing vertical emphasis and there would be suitable variation in both the eaves detail (predominately clipped) and roof pitch. Windows would be mainly casement with sash windows to the more prominent dwellings and, as shown on the elevation drawings, are well proportioned and appropriately spaced on all dwelling types and complemented by suitable lintels and cills. The door surround/arch/fanlight detailing is also welcomed and these elements add to the individuality of the dwellings. It is considered that there is appropriate variation in house types and styles. The proposed appearance and materials of the dwellings are acceptable and would be sympathetic to the character and appearance of the Conservation Area and its setting and reflect local vernacular and the edge of village context.
- 10.27. The various garages across the site are relatively modest and do not dominate individual plots. The provision of in-curtilage parking would minimise the dominance of parked vehicles in the streetscene.

- 10.28. Overall, the development will preserve the character and appearance of the Conservation Area and its setting, reinforce local distinctiveness and provide well-designed streets and spaces in compliance with the NPPF (2023), Policy SD11 of the RPLPSD (2019) and Policies SP12, SP13, SP16 and SP20 of the RPLPS (2013).

Landscaping, trees and public open space

- 10.29. The site is bounded by established planting along three sides with the northern boundary to Aspen Way comprising a timber post and rail fence. The western part of the site incorporates a stand off from the avenue of large, mature trees which run parallel to the Balk and within the Conservation Area. The existing hedgerow to Malton Road on the southern side of the site would be gapped up and managed to provide enclosure and a degree of screening. The existing hedgerow forming the eastern boundary of the site would be removed to allow for the creation of the public open space with the trees retained.
- 10.30. The proposed areas of green space allows for the retention and protection of key landscape features which flank the site. The public open space would allow permeability with pedestrian links along the tree lined avenue on the western side and informal recreation in a linear village green area on the eastern edge of the site (central within the wider site). Overall, the proposals include the planting of 17 new trees and several lengths of new native hedge. In addition, a new pond will be created in the north-west corner.
- 10.31. The tree report confirms the removal of two sycamore trees in the south west corner of the site and an ash tree within the eastern boundary hedge. The three trees are considered to be in poor condition and unsuitable for retention irrespective of development. The two sycamore trees will be replaced by three new sycamore trees planted in the western boundary and one in the eastern boundary.
- 10.32. All works to trees are informed by an arboricultural survey and there would be protective fencing erected during the construction phase. The footpath proposed between the housing and the avenue of trees which run parallel to the Balk would be constructed using non dig methods with porous construction materials. The Council's Tree Officer is satisfied with the tree protection proposals.
- 10.33. There would be a range of boundary treatments within the area of development comprising high and low stone and brick walls and railings to frontages, timber fencing between and to the rear of plots and hedging. The variation complements the built form and the hierarchy of boundary treatment would suit the house types and styles.
- 10.34. Hedgerow planting would provide screening of the small areas of communal parking in the south west (hornbeam) and north east (mixed) corners of the site. Grass verges would provide soft edges within the streetscape and each dwelling would have narrow front gardens of grass or low level shrubs. All dwellings would be served by private rear gardens laid to lawn and the built form will be complemented by new native tree planting interspersed through the site.

- 10.35. There have been some safety concerns raised in light of a new pond that is to be created in the north-west corner adjacent to the entrance to the site. The inclusion of surface water management features and waterbodies within major housing developments is not uncommon. The pond, which is relatively small and benefits from natural surveillance, will be the responsibility of the management company who will ensure appropriate signage as necessary in line with the relevant safety legislation.
- 10.36. In general terms the approach to the landscaping of the site, tree and hedgerow protection and provision of open space is considered to be acceptable and complimentary to the overall design and in line the development principles of the site allocation. It is considered that the development complies with the requirements of Policies SP13, SP16 and SP20 of the RPLPS(2013).

#### Residential amenity

- 10.37. As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.38. The plans show that the site can be developed with sufficient private amenity space for individual plots and that dwellings will be of proportions and orientations that do not result in loss of light, overlooking or loss of privacy to future occupants of the new development in accordance with Policies SP4 and SP20.
- 10.39. The site would be developed with sufficient stand offs from the boundaries adjacent to existing residential properties to the north and inset and screened from the public highway to the west and south.
- 10.40. The dwellings proposed at the northern end of the site are nearest existing bungalows on Aspen Way. The dwellings proposed in plots 1-3 and 26 are sited in positions and orientated to take account of the separation distances set by the outline permission (condition 36). In the case of the two plots (plots 1 & 2) closest to no.8 Aspen Way those dwellings would not have any windows directly facing or overlooking the adjacent bungalows. A condition shall be imposed to prohibit first floor windows being formed in the rear elevation of those properties. Furthermore, the scale and massing of the dwellings in Plots 1 and 2 is reduced with lower eaves (4.5 metres) in order to avoid any overbearing impact or sense of dominance for the occupants of no.8 Aspen Way.

#### Highways

- 10.41. Policy SP20 (Generic Development Management Issues) advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of*



*accesses and circulation routes, including how these relate to surrounding footpaths and roads”.*

- 10.42. Paragraph 115 of the NPPF (2023) advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*
- 10.43. The proposed housing development would be served by a vehicular access via a priority junction from Aspen Way as per the site development principles (Policy SD11).
- 10.44. The roads within the site would be constructed to adoptable standards. The principal access road would be subject to traffic calming measures. The road layout shows that the vehicular access from Aspen Way would extend up to the boundary with the eastern field at a point to the south of plot 3 and this would ensure unfettered access to both fields as required by the site development principles of Policy SD11. A condition shall be imposed to secure this crucial part of the development.
- 10.45. The site provides for adequate in-curtilage parking arrangements for the occupiers of the proposed dwellings and a swept path analysis has been completed to show that service and refuse vehicles can safely manoeuvre within the site. There is a clear route hierarchy and footpath connections within and off-site encourage sustainable modes of transport.
- 10.46. The LHA have not raised any concerns in relation to the traffic to be generated by the proposed development and there is sufficient existing capacity in the existing highway network. The access arrangements, internal road layout and parking provision have been the subject of previous discussion and are considered acceptable.
- 10.47. The LHA has recommended that a number of standard conditions are included in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways prior to the development being brought into use; closure of existing access at the junction of The Balk and B1257; creation of pedestrian visibility splays; construction of parking for dwellings; limitation on conversion of garages; and a detailed Construction Management Plan.
- 10.48. It is considered that the site can be developed for housing without resulting in an adverse effect on highway safety or capacity and complies with the requirements of the NPPF and Policy SP20.

#### Flood Risk and drainage

- 10.49. The site is within Flood Zone 1 but the site exceeds 1 hectare in size and as a result a Flood Risk Assessment has been completed which confirms the low risk of flooding.
- 10.50. The NPPF and Policy SP17 requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.

- 10.51. For surface water drainage it is confirmed that infiltration testing results indicate that the natural soil is suitable for infiltration and soakaways are considered a viable method for this development. The application is accompanied by a Drainage Maintenance and Management Strategy, plot-by-plot soakaway proposals and hydraulic calculations.
- 10.52. The LLFA initially requested further information in the form of a drainage strategy, hydraulic calculations and an exceedance flow plan. The further information has been provided and the LLFA have since confirmed that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. The LLFA recommend a condition to ensure the development is constructed in accordance with the approved drainage design.
- 10.53. There is local concern in relation to the capacity of the existing sewerage system serving the village although no objections have been raised by the relevant statutory undertaker (Yorkshire Water). The Flood Risk Assessment also confirms that there is no history of sewer capacity flooding or surcharging. There are no objections from the Environment Agency.
- 10.54. Overall, it is considered that the drainage proposals represent a reasonable approach to the management of surface and foul water arising from the development in accordance with the NPPF and Policy SP17.

#### Biodiversity and ecological impact

- 10.55. The application is accompanied by a Preliminary Ecological Assessment (PEA). The PEA has been reviewed by the Council's Ecologist who notes that the site is species-poor, agriculturally-improved grassland of low conservation value and there are few issues in relation to protected or important species.
- 10.56. The Council's Ecologist acknowledges the advice contained within the PEA in relation to enhancements for bats, nesting birds and hedgehogs and compliance will be secured by condition.
- 10.57. The Council's Ecologist has also confirmed that the applicant will need to demonstrate how they would deliver net gains for biodiversity in accordance with planning policy. The NPPF and also Policy SP14 of the RPLPS (2013) require a net gain in biodiversity to be provided as part of new development schemes. A condition will be imposed to secure the necessary BNG assessment and delivery.
- 10.58. It is considered that the development would not result in adverse impacts on habitats and protected species and appropriate mitigation and enhancement can be secured in line with the NPPF and Policy SP14.

#### Archaeological impact

- 10.59. The application site has previously been the subject of an archaeological geophysical survey and trial trench evaluation. The Council's Archaeologist states that the reports

for this work represent a suitable baseline from which to assess the impact of the proposal on heritage assets of archaeological interest.

- 10.60. The Council's Archaeologist notes that the archaeological work has identified that significant deposits relating to a later prehistoric trackway survive within the northern part of the development area. The trial trenching indicated that discrete features are also present including a cremation pit. The trackway is significant as it is a continuation of a landscape feature that extends to the east, where it is associated with an Iron Age square barrow cemetery (which is a Scheduled Monument). The trial trenching demonstrated that the archaeological remains survive beneath a layer of alluvial silt which is up to 600mm in depth.
- 10.61. The County Archaeologist recommended a scheme of archaeological mitigation recording in response to the ground disturbing works associated with the development proposal. Subsequently, a Written Scheme of Investigation has been submitted and agreed and should permission be granted will be the subject of a planning condition to secure the archaeological recording. In light of this the proposed development complies with the NPPF and Policy SP12.

#### Minerals Safeguarding

- 10.62. The site development principles set out in the site allocation (Policy SD11) requires feasibility and viability of the extraction/utilisation of the minerals resource to be demonstrated.
- 10.63. The earlier outline application was accompanied by a Minerals Safeguarding Statement which concludes that any mineral extraction at the site would be economically unviable, unsuitable and unlikely to be environmentally acceptable and should not prevent the proposed residential development coming forward.
- 10.64. The Council's Mineral's and Waste Planning Team have confirmed that there are no active quarry sites or waste facilities within 500 metres of site and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone. The site is within a Minerals Safeguarding Area but falls under the exemption criteria (allocated for development in the Local Plan).

#### Community Infrastructure Levy (CIL)

- 10.65. The proposed development is CIL liable at £85 per square metre for the market housing which is estimated to be a figure in the region of £146,000.

#### Section 106 Legal Agreement

- 10.66. A Section 106 legal agreement will be required in line with Policies SP3, SP11 and SP22 of the Ryedale Plan Local Plan Strategy. The S106 will secure the on-site open space provision; management and maintenance and also secure the delivery of the on-site provision of 9 affordable dwellings (mix, tenure, minimum floor area, method of delivery, management of the units, timing of construction, transfer, acquisition prices and occupancy) and commuted sum equivalent to 0.1 of a unit and the additional 5%

contribution. The applicant has submitted Draft Heads of Terms for a Section 106 agreement which, at the time of writing this report, are with the Council's Legal Officer.

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	On-site units	9no. dwellings
Affordable Housing	Commuted sum	Equivalent to 0.1 of a unit & 5% additional financial contribution
POS Delivery, Management and Maintenance	On-site open space	Delivery to be agreed in Open Space Scheme.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The site is within the development limits of a Service Village and is allocated for housing within the adopted Development Plan. The development of this small size site would make an important contribution towards the supply of deliverable housing. Furthermore, the scheme would provide a policy compliant level of affordable housing. The principle of the development is considered to align with national and local planning policy and represents development that accords with the adopted development plan.
- 11.2 The proposal respects the character of the settlement, integrates successfully with its surroundings, and helps to create a strong sense of place. Crucially, the application proposes a road layout that accommodates the need to link through to the field to the east.
- 11.3 The application is subject to a relatively small number of representations from local residents and a response from the Parish Council which raise concerns. The responses have been taken into account in the above appraisal.
- 11.4 The proposed development is not considered to have an unacceptable impact on the character of the settlement and Conservation Area, landscape, local amenity, highway safety, ecology, archaeology or flood risk.
- 11.5 In overall conclusion, the proposal represents a sustainable design solution, with particular regard to local character and distinctiveness and design quality.
- 11.6 This application complies with the adopted Development Principles for this allocated site and the scheme accords with the Development Plan and NPPF (2023), with no other material considerations indicating otherwise, the application is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be **GRANTED** subject to the conditions listed below and completion of a Section 106 legal agreement with regard to affordable housing, commuted sum and Public Open Space as detailed in Table 1.

**Recommended conditions:**

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

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Approved plans  
The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan ref. PL\_ 01, dated Dec 2022  
 Site Layout ref. PL\_ 03H, dated 21.07.2023  
 Unit Types ref. PL\_ 04B, dated 17.05.2023  
 Housing Tenure ref. PL\_ 05D, dated 25.07.2023  
 Building Heights ref. PL\_ 06B, dated 17.05.2023  
 Access and Movement ref. PL\_ 07A, dated 17.07.2023  
 Cycle Storage, Bins & Parking ref. PL\_ 08E, dated 11.07.2023  
 Slab Levels ref. PL\_ 09C, dated 17.05.2023  
 Roof Plan ref. PL\_ 10B, dated 17.05.2023  
 Swept Path Analysis PL11B dated 06.07.2023  
 Development Matrix ref. 6378 Rev A, dated 15.05.2023

External Materials Diagram ref. SK31B, dated 17.07.2023  
 Boundary Treatments Diagram ref. SK32B, dated 17.07.2023

W1 Plans & Elevations Plots 1 & 2 ref. PL\_ 200A, dated 02.02.2023  
 W1 Plans Plots 4 & 10 ref. PL\_ 201A, dated 01.02.2023  
 W1 Elevation Plot 4 ref. PL\_ 202A, dated 30.01.2023  
 W1 Elevation Plot 10 ref. PL\_ 203A, dated 02.02.2023  
 W3A Plans Plots 9, 16, 17 & 24 ref. PL\_ 204B, dated 10.02.2023  
 W3A Elevations Plot 9 ref. PL\_ 205A, dated 30.01.2023  
 W3A Elevations Plots 16 & 17 ref. PL\_ 206B, dated 10.02.2023  
 W3A Plans Plot 23 ref. PL\_ 207B, dated 10.02.2023  
 W3A Elevations Plot 23 & 24 ref. PL\_ 208C, dated 10.02.2023  
 W3A Plan Plot 25 ref. PL\_ 209B, dated 17.05.2023  
 W3A Elevations Plot 25 ref. PL\_ 210A, dated 30.01.2023  
 W3C Plans Plot 26 ref. PL\_ 211A, dated 17.05.2023  
 W3C Elevations Plot 26 ref. PL\_ 212A, dated 15.02.2023  
 W4B Plans Plots 3 & 18 ref. PL\_ 213B, dated 17.05.2023  
 W4B Elevations Plot 3 ref. PL\_ 214A, dated 30.01.2023  
 W4B Elevations Plot 18 ref. PL\_ 215A, dated 31.01.2023

N1 Plans & Elevations Plots 5&6 ref. 300D, dated 17.05.2023  
 N1 Plans & Elevations Plots 12 & 15 ref. 301D, dated 17.05.2023  
 N1 Plans & Elevations Plots 21 & 22 ref. PL\_ 302C, dated 10.02.2023  
 N3B Plans & Elevations Plots 19 & 20 ref. PL\_ 303A, dated 31.01.2023  
 Flat over Garage Plans Plot 11 ref. PL\_ 304B, dated 17.05.2023  
 Flat over Garage Elevations Plot 11 ref. PL\_ 305A, dated 31.01.2023  
 N3C Plans & Elevations Plots 7 & 8 ref. 306A, dated 17.05.2023  
 N1A Plans & Elevations Plots 13 & 14 ref. 307A, dated 17.05.2023

Single Garages A & B - Plots 4, 19, 24 & 26 ref. PL\_ 400A, dated 30.01.2023  
 Double Garages A & B - Plots 3, 20, 21, 22 & 23 ref. PL\_ 401B, dated 10.02.2023

Double Garage with Work Space A - Plot 18 ref. PL\_ 402A, dated 17.05.2023  
 Carport - Plots 16 & 17 ref. PL\_ 403B, dated 10.02.2023

Doors & Surrounds ref. PL\_ 410, dated 01/2023  
 Front Door Arches & Fanlights ref. PL\_ 411, dated 01/2023

Landscape Masterplan ref. ref. 3505-100 Rev P5, dated 01.12.2023  
 Landscape Specification ref. 2984-202 Rev P1, dated 04.12.2023  
 General Arrangement ref. 3505-101 Rev P5, dated 01.12.2023  
 Landscape Management and Maintenance Plan ref. 3505-102 Rev P3, dated 01.12.2023  
 Planting Plan Sheet 1 of 2 ref. 3505-200 Rev P3, dated 04.12.2023  
 Planting Plan Sheet 2 of 2 ref. 3505-201 Rev P5, dated 08.01.2024

Reason: For the avoidance of doubt and in the interests of proper planning.

### 3 Phasing

No development shall commence until a detailed construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory progression of construction works in compliance with Policy SP20.

### 4 Access road

No dwelling to which this approval relates shall be occupied until the access road up to the eastern boundary ('minor access road' as shown on approved drawing Site Layout ref. PL\_ 03H, dated 21.07.2023) has been made up and surfaced in accordance with approved details and highways specification.

Reason: In the interests of providing unfettered access to the eastern field to comply with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy (2013) and Policy SD11 of the Ryedale Plan- Local Plan Sites Document (2019).

### 5 Detailed Plans of Road and Footway Layout

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

The development must only be carried out in compliance with the approved engineering drawings.

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 in compliance with Policy SP20.

### 6 Construction of Adoptable Roads and Footways

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and

kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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 in compliance with Policy SP20.

7 Closing of Existing Access at the junction of The Balk and B1257 at the south-west corner of the site

The development must not be brought into use until the existing access onto the junction with The Balk and B1257 at the south-west corner of the site has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area in compliance with Policy SP20.

8 Pedestrian Visibility Splays at Land East of The Balk Slingsby

There must be no access or egress by any vehicles between the highway and the application site at Land East of The Balk Slingsby until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in compliance with Policy SP20.

9 Parking for Dwellings

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 in compliance with Policy SP20.

10 Garage Conversion to Habitable Room Plots 3; 4; 16; 17; 18; 19; 20; 21; 22; 23; 24;25 & 26

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: 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 and in compliance

with the adopted minimum parking standards for residential dwellings as given in the NYCC document Interim Parking Standards 2015 in compliance with Policy SP20.

11 Construction Management Plan

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

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

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Restriction on the use of The Balk and Slingsby village (north of the application site) access for construction purposes;
3. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas, including the use of banksman supervision along The Balk between the site and B1257 junction;
7. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. Protection of carriageway and footway users at all times during demolition and construction;
9. Protection of contractors working adjacent to the highway;
10. Details of site working hours;
11. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. Measures to control and monitor construction noise;
14. An undertaking that there must be no burning of materials on site at any time during construction;
15. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. Details of the measures to be taken for the protection of trees;
17. Details of external lighting equipment;
18. Details of ditches to be piped during the construction phases;
19. A detailed method statement and programme for the building works; and
20. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.



Reason: In the interest of public safety and amenity in compliance with Policy SP20.

12 Site levels

Prior to the commencement of the development hereby approved precise details of the existing ground levels and the proposed finished ground floor levels measured in relation to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20.

13 Hours of construction

Any excavation or construction work associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays

0800 -1300 hours Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

Reason: To protect local amenity during construction in accordance with Policy SP20.

14 Materials (surfaces)

Prior to installation details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance in compliance with Policies SP12, SP16 and SP20.

15 Materials (samples)

Prior to the commencement of any aboveground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20.

16 Materials (panels)

Prior to the commencement of any aboveground construction work the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction of buildings. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20.

17 Windows and doors

Prior to the commencement of any aboveground construction work details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning

Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20.

18 Rooflights

All rooflights in the rear roofslope of dwellings in plots 1 and 2 shall be top hung opening and installed at high level as shown on the approved elevation drawings with the lowest part of the rooflight being at least 2 metres above the finished first floor level.

Reason: In the interests of residential amenity to comply with Policy SP20.

19 Restriction on additional windows (plots 1 & 2)

Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no first floor windows or door openings shall be formed in the rear elevations of the dwellings in plots 1 and 2 without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: In the interests of amenity and to ensure that the appearance of the building is not prejudiced by the introduction of unacceptable additions and in the interest of residential amenity in accordance with Policies SP16 and SP20.

20 Fence removal

No part of the development shall be brought into use until the existing timber post and rail fencing comprising the western boundary of the application site has been removed and the post holes infilled and the surface restored to grassland.

Reason: In the interests of visual amenity and to ensure satisfactory access to the public open space in compliance with Policies SP16 and SP20.

21 Lighting

Prior to the commencement of any aboveground construction work details of all public lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure safe access to the public open space in compliance with Policies SP16 and SP20.

22 Boundary treatments

Prior to the commencement of any aboveground construction work details of the proposed means of enclosure and boundary treatments, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide for a replacement fence along the western side of the public open space parallel to the Balk suitable to ensure the safety of pedestrians using the public open space. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality in compliance with Policies SP16 and SP20.

23 Retention of existing planting

No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority. Unless otherwise agreed in writing the internal access road shall break the existing hedgerow within the site in no more than two positions.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value and contribute to the character and appearance of the Conservation Area in compliance with Policies SP12, SP16 and SP20.

24 Retention of southern boundary hedge

The existing hedgerow along the southern boundary of the site that is shown on the approved Landscape Management and Maintenance Plan ref. 3505-102 Rev P3, dated 01.12.2023 as being retained and enhanced shall be maintained at a minimum height of 1.6 metres for the lifetime of the development.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value in compliance with Policies SP13, SP16 and SP20.

25 Tree Protection

All works shall be carried out in accordance with the approved Arboricultural Report (AR) dated February 2023 produced by Enviroscope Consulting Ltd unless any variation is first agreed in writing by the Local Planning Authority. No site clearance or construction work shall commence on site in connection with the development hereby approved until the root protection areas (RPA), ground protection works and protective fencing required by the Arboricultural Method Statement and Tree Protection Plan (contained within the approved AR) are in place. The developer shall maintain such fences and ground protection until all development the subject of this permission is completed.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in compliance with Policies SP13, SP16 and SP20.

26 Commencement of landscape planting scheme

Unless otherwise agreed in writing with the Local Planning Authority all planting, seeding or turfing set out in the approved drawings and specification as listed in Condition 2 shall be carried out in accordance with the approved phasing plan and beginning the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping to mitigate the impact on the character and appearance of the Conservation Area in compliance with Policies SP12, SP13, SP16 and SP20.

## 27 Attenuation Pond

Prior to any excavation works associated with the creation of the approved attenuation pond full details of the pond including cross sections shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping in compliance with Policies, SP13, SP16 and SP20.

## 28 Preliminary Ecological Appraisal

All works shall be carried out in accordance with the details contained within paragraphs 8.2.5.1 to 8.2.5.3 (enhancements for bats); paragraphs 8.4.5.2 to 8.4.5.5 (avoidance of nesting birds; provision of bird nesting boxes); paragraphs 8.7.4.1. & 8.7.4.2 (precautions to reduce risks to Hedgehogs); paragraphs 8.7.4.5 (enabling movement of Hedgehogs between gardens); paragraphs 9.2.3.1 & 9.2.3.2 (protection of hedgerows) of the Preliminary Ecological Appraisal, dated 21 October 2022 produced by Wold Ecology Ltd.

Reason: To comply with the requirements of Policy SP14.

## 29 Biodiversity Net Gain

Prior to the commencement of any aboveground construction work a detailed Biodiversity Net Gain (BNG) Assessment shall be submitted to and approved in writing by the Local Planning Authority. The delivery of BNG shall be quantified using the government's Biodiversity Metric 4.0 tool or any successor to show the balance of losses and gains. The proposed enhancement measures shall be implemented in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In order to ensure that biodiversity net gain is achieved in accordance with Policy SP14.

## 30 Archaeology

No development shall take place other than in accordance with the 'Written Scheme of Investigation. Land at The Balk, Slingsby, North Yorkshire. Archaeological Strip Map & Record' prepared by CFA Archaeology Ltd, 17 August 2022.

Reason: The site is of archaeological significance and to comply with the NPPF and Policy SP12.

## 31 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 30 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of archaeological significance and to comply with the NPPF and Policy SP12.

## 32 Flood Risk and drainage

The Development shall be built in accordance with the following submitted designs;

- Soakaway Hydraulic Calculations (Plots 1 through 26), Paul Waite Associates, Reference 22163-PWA-01-XX-CA, Dated 22/12/2023.

- Soakaway Hydraulic Calculations (Highway Drainage), Paul Waite Associates, Reference 22163-PWA-01-XX-CA, Dated 29/06/2023.
- Proposed Drainage Layout, Paul Waite Associates, Reference 22163-PWA-00-XX-DR-C-1003, Revision P06, Dated 03/01/2024.
- Flood Exceedance, Paul Waite Associates, Reference 22163-PWA-00-XX-DR-C-1006, Revision P01, Dated 12/12/2023.
- Flood Risk Assessment, Paul Waite Associates, Reference 22163-PWA-00-XX-RP-C-1000, Revision P02, Dated 24/11/2023.
- Maintenance and Management Strategy, Paul Waite Associates, Reference 22163-PWA-00-XX-RP-C-2000, Revision P01, Dated 24/11/2023.
- Proposed Impermeable Areas, Paul Waite Associates, Reference 22163-PWA-00-XX-DR-C-1001, Revision P02, Dated 03/01/2024.

A 40% allowance has been included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage will be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme includes a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and in compliance with the NPPF and Policy SP17.

- 33 Removal of permitted development rights (means of enclosure)  
Notwithstanding the provisions of Schedule 2, Part 2 the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse other than as shown on the approved plans, or as may be approved by the Local Planning Authority following specific application in that respect.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP12, SP13, SP16 and SP20.

- 34 Removal of permitted development rights  
Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse  
Class B: Additions etc to the roof of a dwellinghouse  
Class C: Other alterations to the roof of a dwellinghouse  
Class D: The erection or construction of a porch outside any external door of a dwellinghouse  
Class E: Buildings etc incidental to the enjoyment of a dwellinghouse  
Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies

SP12, SP13, SP16 and SP20.

35 Electric Vehicles Charging Points

Prior to the commencement of any aboveground construction work a scheme for the provision of one electric vehicle charging point per house shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the EV charging points shall be installed in accordance with the approved details prior to occupation of the dwelling.

Reason: To promote sustainable transport and in accordance with the development principles for the site in compliance with Policy SP18.

### **INFORMATIVES**

#### Condition 5- Detailed Plans of Road and Footway Layouts

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 approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition

#### Condition 8- Pedestrian Visibility Splays

An explanation of the terms used above is available from the Local Highway Authority.

#### Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

**Target Determination Date:** 08.02.2024

**Case Officer:** Alan Goforth, [alan.goforth@northyorks.gov.uk](mailto:alan.goforth@northyorks.gov.uk)





Adjacent Properties and Boundaries are shown for illustrative purposes only and have not been surveyed unless otherwise stated.  
 All areas shown are approximate and should be verified before forming the basis of a decision.  
 Do not scale other than for Planning Application purposes.  
 All dimensions must be checked by the contractor before commencing work on site.  
 No deviation from this drawing will be permitted without the prior written consent of the Architect.  
 The copyright of this drawing remains with the Architect and may not be reproduced in any form without prior written consent.  
 Ground Floor Slabs, Foundations, Sub-Structures, etc. All work below ground level is shown provisionally. Inspection of ground condition is essential prior to work commencing.  
 Reassessment is essential when the ground conditions are apparent, and redesign may be necessary in the light of soil conditions found. The responsibility for establishing the soil and sub-soil conditions rests with the contractor.

- Site Boundary
- Proposed building
- Public green space / park
- Front garden
- Rear garden
- Private drive
- Pavement
- Street
- Shared Surface
- Lane
- ▶ Path / door location
- Tree
- New Hedgerow
- Pedestrian connection
- Traffic calming

H	210723	Minor amendments to road adjacent to Plot 4, Plot 16-17, Plot 18 and Plot 25 in accordance with comments from NY Highways meeting 230720 regarding the swept analysis.	LL
G	060723	Vehicular and pedestrian access reinstated to third party land.	LL
F	230623	Access road to green revised. Pedestrian access only to third party land. Indicative layout to third party land removed.	LL
E	230612	2no. parking spaces added to SW parking court further to LA Highways comments.	LL
D	230517	Brick wall removed from SW parking court and hedgerow reinstated.	LL
C	230512	Access Road revised in accordance with SE design.	LL
B	230511	Plots 7 & 8 changed to 3 bed 5 person units following LA Housing comments. New brick wall and posts to South West corner to screen parking.	LL
A	230210	Minor amendment to Plot 4 garden wall.	LL
Rev	Date	Description	Initials

PROJECT: The Balk - Slingsby

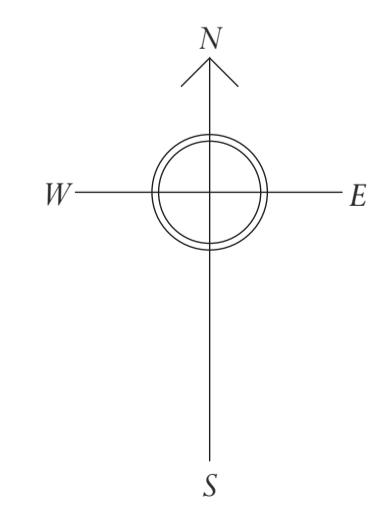
TITLE: Site Layout

SCALE: 1:500 @A1

DATE: 2023/01

DRAWING No: 6378\_PL03H

DRAWN BY: GSS/FC/LL/HM



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## North Yorkshire Council

### Community Development Services

#### Thirsk and Malton Constituency Area Planning Committee

18 JANUARY 2024

**ZE23/06139/FUL - APPLICATION FOR THE CHANGE OF USE OF THE COTTAGE AT THE PUBLIC HOUSE FROM MANAGERS/OWNERS ACCOMMODATION TO FORM A COMPLETELY SEPARATE THREE-BEDROOM DWELLING INDEPENDENT OF THE PUBLIC HOUSE WITH ITS OWN PARKING AND AMENITY AREA ON LAND AT THE BLACKSMITHS ARMS PH MAIN STREET FLAXTON ON BEHALF OF MRS CLAIRE DOCWRA**

#### Report of the Assistant Director Planning – Community Development Services

##### **1.0 Purpose of the Report**

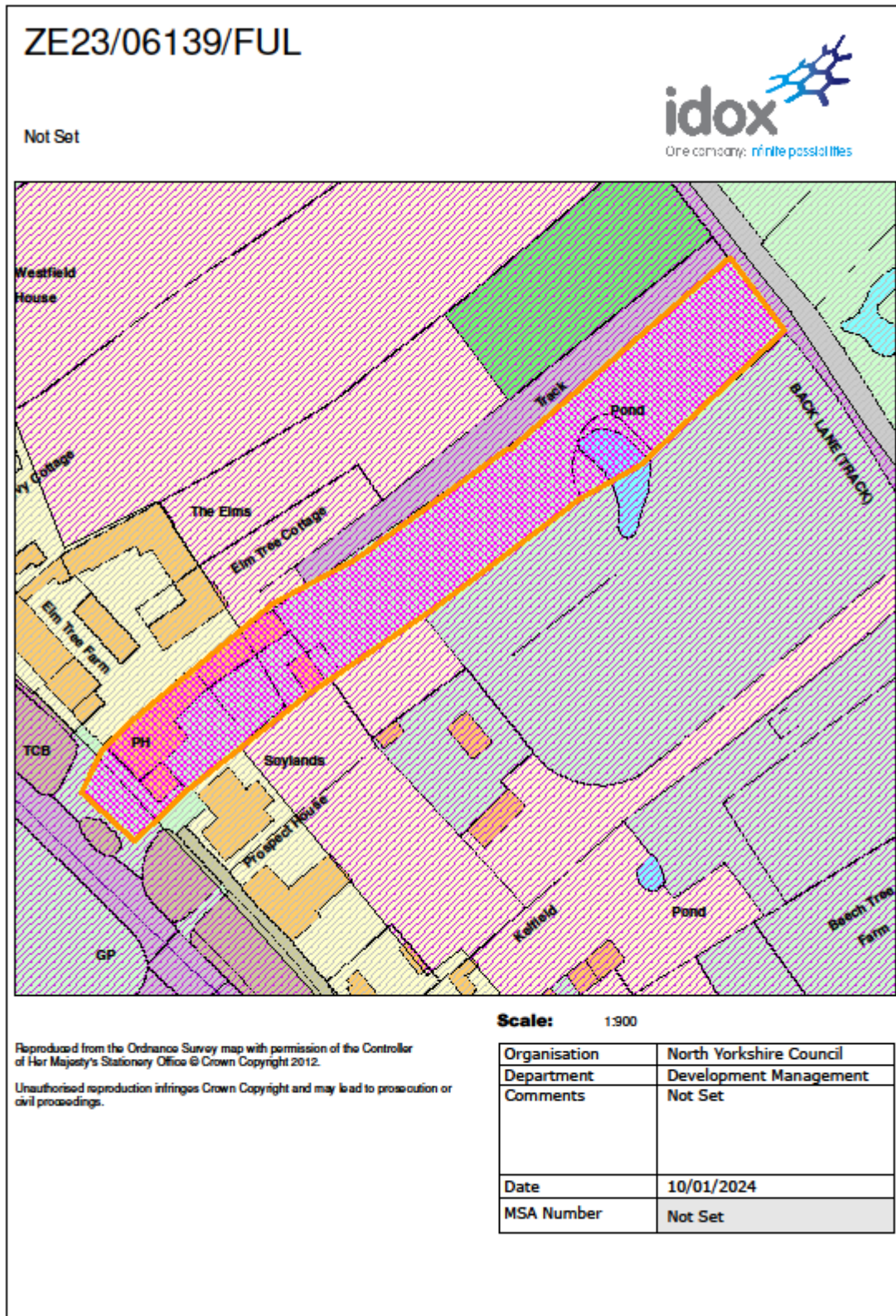
- 1.1 To determine a planning application for the change of use of The Cottage at the public house from managers/owners accommodation to form a completely separate three-bedroom dwelling independent of the public house with its own parking and amenity area on land at Blacksmiths Arms PH, Main Street, Flaxton.
- 1.2 The application is reported to the Area Planning Committee for determination because it is considered that significant planning issues have been raised.

##### **2.0 EXECUTIVE SUMMARY**

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

- 2.1. The proposed development comprises the change of use of The Cottage at the public house from managers/owners accommodation to form a completely separate three-bedroom dwelling independent of the public house with its own parking and amenity area.
- 2.2. The application site relates to the public house and associated 3 bed cottage which are located centrally within the village of Flaxton. The public house and the majority of the adjoining cottage are within village Development Limits which dissect the north-eastern part of the cottage. The application site is also wholly within the village Conservation Area. The Blacksmiths Arms is registered as an Asset of Community Value.
- 2.3. The existing lawful use of The Cottage is a residential annex to the public house. The proposed separation would relate to both ownership and occupation and if change of use is granted the existing accommodation would form a single independent dwelling unit which could be owned/occupied by an individual who is not associated with the public house.
- 2.4. Policy SP2 of the Ryedale Plan- Local Plan Strategy (2013) supports the conversion of buildings (previously developed land and buildings) to residential use (Use Class C3) subject to being restricted to Local Needs Occupancy. The proposed change of use is considered to be acceptable in principle.

- 2.5. The main issues through the course of the application have been the impact on the viability of the public house, impact on residential amenity and access and highway safety. It is considered that these matters have been adequately addressed.



### **3.0 Preliminary Matters**

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

<https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>

- 3.2. The following relevant planning history has been identified for the application site:

16/00963/73A- Removal of Condition 06 of approval 05/00653/FUL dated 01.08.2005 to allow the property to be sold or let off separately from the Public House known as the Blacksmiths Arms, Flaxton. REFUSED 21.07.2016. Appeal dismissed.

14/01017/FUL- Erection of single storey extension to south-east elevation to form entrance lobby together with extension and change of use of existing detached garage to form a 1 bedroom holiday let, housing for biomass boiler and fuel/general storage areas. APPROVED 18.11.2014. Lawfully commenced. Condition 2 of the permission states:-

*“The holiday let hereby approved shall remain in the same ownership as the property currently know [sic] as ‘The Blacksmith Arms Public House’.*

*Reason: In the interests of neighbouring occupiers and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy”.*

05/00653/FUL- Change of use, alteration and extension of holiday letting units to form a self-contained residential annex for use as staff accommodation APPROVED 01.08.2005. Condition 6 of the permission states:-

*“The residential annex hereby permitted shall only be used as an annex to the main property known as the Blacksmiths Arms, Flaxton, and the accommodation provided shall only be used by employees of the public house currently known as the Blacksmiths Arms, Flaxton. The property shall at no time be sold or let off separately from that Public House.*

*Reason:- The location of the building to the rear of the public house will not provide a satisfactory level of independent residential amenity, and the proposal would not meet the requirements of Policy H7 of the Ryedale Local Plan”.*

97/00858/FUL- Change of use alteration and extension of outbuildings to form three dwellings and erection of detached double garage. APPROVED 26.01.1998.

### **4.0 Site and Surroundings**

- 4.1. The application site relates to the public house and associated 3 bed cottage which are located centrally within the village of Flaxton. The public house fronts the highway and the building forms parts of the relatively continuous linear development along the eastern side of the main road. The public house and the majority of the adjoining cottage are within village Development Limits which dissect the north-eastern part of the cottage. The site is also wholly within the village Conservation Area. The Blacksmiths Arms is registered as an Asset of Community Value.
- 4.2. The Blacksmiths Arms has a white-washed frontage which contrasts with the brickwork of flanking residential properties and the detached building is clearly distinguishable as the ‘village pub’ within the streetscene. A two storey, pitched roof, brick built range

extends off the rear elevation of the public house with a small single storey, flat roof extension within the rear service yard.

- 4.3. The two storey, brick built cottage connects to the rear of the public house running on an approximate southwest/northeast axis parallel to the site boundary. The cottage appears as an extension to the two storey range which serves the public house and is slightly stepped down and inset from the adjoining building. The north-west elevation of the public house and cottage is dominated by brickwork to two storey height with relatively few window openings. In contrast the front (south-east) elevation of the cottage exhibits a domestic fenestration. The cottage benefits from a single storey lean-to extension off part of the south-east elevation and a detached double garage also to the front side of the cottage (see planning history in paragraph 3.2 of this report). The gardens associated with the cottage extend to the north-east. The south-east boundary comprises a recently constructed c.1.8 metre high brick wall to the front of the cottage which lowers to c.1.5 metres to the side of the public house. The boundary between the rear yard of the public house and the space to the front of the cottage is currently delineated by the side wall of the single storey lean-to extension and timber fence panels and double gates.
- 4.4. Access to the public house and associated cottage is gained off Main Street to the south-west. Formal parking for patrons is delineated on the hardstanding (5 spaces) to the front (south-west) elevation of the public house which falls within common land. There is a shared vehicular access to the south-east side of the public house for use by staff and the occupant of the cottage.
- 4.5. The grass highway verges to the front of the site are designated as Visually Important Undeveloped Areas (VIUA). The open grassland beyond the main road forms the village green which is also locally designated as a VIUA.
- 4.6. The detached bungalow 'Soylands' stands to the south-east of the public house. Immediately to the north-west of the public house stands the Grade II listed residential property of Elm Tree Farmhouse and antiques shop which stands on the frontage facing the village green. To the rear is Elm Tree Cottage which stands parallel to the rear of Blacksmiths Cottage.
- 4.7. The public house and adjoining cottage/manager's accommodation has been under the applicant's ownership since 2012. The pub/restaurant has been closed since August 2021 and has most recently been used for B&B purposes but retains all necessary fixtures and fittings to operate as a pub/restaurant with letting rooms above.

## **5.0 Description of Proposal**

- 5.1. Change of use of The Cottage at the public house from managers/owners accommodation to form a completely separate three-bedroom dwelling independent of the public house with its own parking and amenity area.
- 5.2. The application states that the public house will not reopen in its current configuration with the use and ownership of the cottage being tied to the public house. The applicant's supporting statement explains that the business and properties have been

previously valued by estate agents who are of the opinion that a sale is unlikely in its present configuration as it is non-mortgageable with the burden of the cottage.

- 5.3. The applicant states that *“The best hope for the pub to return to being a hub of the local community is to give it the best chance of securing a sale”* and the proposed separation of the cottage from the public house would allow this to happen.
- 5.4. The application is accompanied by a supporting letter from Barry Crux (Chartered Surveyor) and a Viability Assessment report produced by MJD Hughes Ltd. The applicant states that the viability information *“shows clearly that the pub is sustainable as a separate entity and the cottage is not required to return the pub to its previous trading success”*.
- 5.5. There would be no change to the existing floor plans of the two storey cottage which comprises a three bed property. There would be no change to the existing dimensions of The Cottage and there are no external alterations to the building required to facilitate the change of use. The gardens associated with The Cottage which extend to the north-east of the buildings would be unaffected.
- 5.6. The Cottage would continue to be accessed via the shared vehicular access to the south-east side of the public house. The parking provision for The Cottage is beyond the gated entrance and comprises 2no. spaces within the detached garage plus 3no. spaces to the side (south-east) of the cottage.
- 5.7. The floor plans indicate that the ground floor and first floor of the public house would be unchanged with the exception of part of the kitchen/staff area at ground floor being used as a domestic kitchen for the occupants/operators of the public house.
- 5.8. At ground floor the public house would continue to comprise an ‘L- shaped’ lounge area; bar; dining room; cellar; male and female WCs all accessed from the front entrance to the public house and commercial kitchen and food preparation area to the rear of the building. At first floor the pub would continue to offer 4no. ensuite rooms which are labelled on the floor plans as ‘Kirkham’; ‘Byland’; ‘Fountains’ and ‘Rievaulx’ with the latter also benefitting from a separate sitting room.
- 5.9. It is indicated that the largest bedroom (‘Rievaulx’ room) together with the associated first floor bathroom; sitting room and ground floor kitchen/dining room could comprise the manager/operator’s private living accommodation which extends to approximately 68m<sup>2</sup> of floor space. It is apparent that the ‘Rievaulx’ room is of a size which could be subdivided with partition walls if required.
- 5.10. The parking provision for the public house would comprise 5no. spaces to the front of the public house for customers and 4no. spaces within the rear yard for the owners/operators staff and letting room occupants.
- 5.11. The boundary between the rear yard of the public house and the space to the front of the cottage is currently delineated by the side wall of the single storey lean-to extension and timber fence panels and double gates. It is proposed that the boundary is enhanced

with the removal of the timber fence panels and the construction of c.5.5 metre length of wall in matching brickwork which would stand to a height of 2 metres.

## **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:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy

Policy SP2 Delivery and Distribution of New Housing

Policy SP4 Type and Mix of New Housing

Policy SP11 Community Facilities and Services

Policy SP12 Heritage

Policy SP16 Design

Policy SP19 Presumption in Favour of Sustainable Development

Policy SP20 Generic Development Management Issues

Policy SP21 Occupancy Restrictions

### Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.

### Initial consultation

- 7.2. **Flaxton Parish Council** strongly in favour of securing a working public house for the village. The Village Plan confirmed a strong demand for a community facility offering

drinks, food, and a café. The Asset of Community Value (ACV) listing applies to the entire public house and owner's accommodation.

There are several aspects of the application on which the Parish Council require further clarification:

1. What are the specific measures that the applicant is proposing to implement to overcome the noise concerns raised in the earlier refusal of 16/00963/73A?
2. How will car parking spaces be allocated between the owner's accommodation and the public house and how many will be retained for the use of public house customers?
3. We are not confident in the method or data used to conclude that the public house would be viable as a stand-alone entity under new ownership.
4. The statements/assessments from Barry Crux and MJD Hughes Ltd are from 2022 and are out of date and do not reflect the current economic climate.

7.3. **Highways North Yorkshire** initially requested further information on the car parking provision- details the layout and position of the 14 spaces as existing and proposed.

7.4. **Environmental Health** No response received

*Re-consultation (revised plan showing parking provision for pub and dwelling)*

7.5. **Highways North Yorkshire** recommend condition to ensure parking and turning areas are created and maintained clear of any obstruction and retained for their intended purpose at all times.

#### Local Representations

7.6. The LPA has received 3 representations from local members of the public which all support the application. A summary of the comments is provided below, however, please see the Council's website for full comments.

- Desire to see the pub reopen which would be very popular
- Borrowing would be difficult for the purchase of the dwelling and pub with interest rates high plus business rates
- If it remains as one (dwelling and pub) there is certainly going to be no reopening of the venue in the near future
- If the pub were split then it would be more affordable proposition and more in reach of those wanting to buy it and run it
- It is a good idea to disconnect the Cottage property associated with the Public House to enable the separate Pub price for sale or rent to be attractive for potential purchasers or tenant landlords.
- The site is big enough to be split and access to the cottage behind ok.
- There are certain aspects of parking and external amenities to be addressed
- This application will have no detrimental effects on the way the Public house can function as a business

- There is adequate public parking to the front of the property where all patron have parked for years, the garden was not used as a public space and customer used seating on the pub frontage as a preferable outside space.
- The accompanying reports show viable figures for both dry and wet sales and whilst at present the industry has not fully bounced back since the pandemic there are strong indications that where a desire and a drive exist to succeed it is entirely possible.
- There is certainly opportunity there for the right person with the right motivation, appetite and approach. As a free house there is no tie into scope of the offering and as such the village could benefit from a more enhanced facility which we currently lack.

## **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:
- Principle of the development;
  - Impact on the viability of the public house;
  - Impact on residential amenity; and;
  - Access & highway safety.

## **10.0 ASSESSMENT**

### Principle of the Development

- 10.1. The proposal seeks to separate the property known as The Cottage (also referred to as 'Blacksmiths Cottage') from the Blacksmiths Arms Public House.
- 10.2. The existing lawful use of The Cottage is a residential annex to the public house. The separation would relate to both ownership and occupation and if change of use is granted the existing accommodation would form a single independent dwelling unit which could be owned/occupied by an individual who is not associated with the public house.
- 10.3. Policy SP2 supports the conversion of buildings (previously developed land and buildings) to residential use (Use Class C3) subject to being restricted to Local Needs Occupancy. The principle of the change of use is supported by policy but it should be noted that if permission is granted, in line with the requirements of Policy SP21(a), the standard local occupancy condition would be imposed. The applicant, who currently occupies the cottage, would comply with the occupancy restriction.



- 10.4. The proposed change of use is considered to be acceptable in principle and consistent with Policies SP2 and SP21 subject to consideration of the impacts in relation to the viability of the public house and residential amenity.

Impact on the viability of the public house

- 10.5. Paragraphs 88(d) and 97(a) of the NPPF (2023) and Policy SP11 of the Local Plan Strategy underline the importance of protecting existing community facilities which contribute towards the vitality of towns and villages and the well-being of local communities.
- 10.6. Policy SP11 of the RPLPS seeks to protect community facilities unless it can be demonstrated that: *“there is no longer a need for the facility or suitable and accessible alternatives exist, or that it is no longer economically viable to provide the facility, or Proposals involving replacement facilities provide an equivalent or greater benefit to the community and can be delivered with minimum disruption to provision”*.
- 10.7. The proposal does not seek to either redevelop or change the use of the existing public house but the proposed separation of the cottage has the potential to impact upon the viability of the public house and it is necessary for that impact to be considered.
- 10.8. There is local concern in relation to the future of the public house although it should be noted that any speculation about the future sale of the public house or any change to its current lawful use are not material to the application under consideration.
- 10.9. The Parish Council’s response to consultation sets out some concerns in relation to the proposal although the responses to the application from individual local residents have been positive and express hope that the proposal will enable a new owner/operator to re-open the village pub as a viable entity.
- 10.10. It is clear that the public house is valued by local residents and that is reflected by the representations received and the fact that the building is registered as an Asset of Community Value.
- 10.11. Prior to closure the public house traded with a traditional offer of wet sales and food sales with letting rooms at first floor. It is evident from recent inspection that the public house retains a commercial kitchen with necessary fittings and food preparation area; lounge/dining area with furniture; a bar with the necessary serving and washing equipment and a cellar capable of being returned to use.
- 10.12. The floor space available within the public house is unchanged although as a result of the proposed change of use it may be that a future owner/operator of the Public House occupies some of the accommodation currently in use as one of the four letting rooms. The supporting plans show that the public house would be capable of functioning with a bar; cellar; dining room; snug; commercial kitchen; WC’s; and domestic kitchen/dining room at ground floor and at first floor 4no. en-suite letting rooms. The largest of the four letting rooms is capable of functioning as private accommodation for the owner/operator in association with the bathroom, sitting room and domestic kitchen

available within the public house. There is no internal connection between the public house and the adjoining cottage.

- 10.13. The applicant has explained that it has previously been proven that the public house can operate independently as tenants have previously lived in the accommodation provided within the public house and operated the pub.
- 10.14. It is understood that the public house has not previously operated with a rear beer garden with a premises licence for the consumption of alcohol. The extensive gardens which extend to the north-east of the buildings are associated with the cottage and that will remain the case should the proposed change of use be permitted.
- 10.15. The application is supported by a viability assessment which examines the impact of the separation of the cottage from the public house.
- 10.16. The applicant's supporting statement explains that the business and properties have been previously valued by estate agents who are of the opinion that the sale is unlikely in its present configuration as it is non-mortgageable with the burden of the cottage.
- 10.17. It is clear that the cottage is substantial in size with generous gardens and a double garage and the accommodation is, arguably, disproportionate to the needs of the public house.
- 10.18. The supporting statement provided by Barry Crux on behalf of the applicant explains that the property as a whole is *"over-capitalised"* and *"this has the effect that the combined overall capital value of the site as a whole is significantly higher than if treated as a Public House with living accommodation"*. The applicant has also explained that the running costs of the cottage is a further financial burden on the public house.
- 10.19. The viability assessment produced by MJD Hughes Ltd considers annual turnover, costs and profit margin and concludes that should the cottage be separated the public house can operate as a sustainable, stand-alone operation.
- 10.20. The assessment includes examples of how the public house could operate and provide a sustainable and viable business based on a sales mix primarily focused on the wet and food sales. It is shown that the public house could operate as a sustainable and profitable business with or without the operation of the associated letting rooms.
- 10.21. The statement from Barry Crux notes that it is anticipated that there will be good demand should the public house be put on the market as a conventional village inn with a history of good wet and food sales.
- 10.22. In light of the concerns raised by the Parish Council that the viability conclusions reached in 2022 are no longer up-to-date the applicant sought a further update to the previously completed viability assessments and a response from Barry Crux has reiterated the conclusions previously reached. Barry Crux summaries *"if the cottage can be split off from the pub with the latter having living accommodation over it, then it should be a viable proposition for an owner operator, either as a freehold purchase or*

*by way of a lease. It is the capital cost of the cottage being included which drags down the viability of the pub”.*

- 10.23. It is considered that the proposed change of use to separate The Cottage from the public house would not undermine the viability of the public house as a stand-alone entity. On the contrary the assessments completed by the applicant’s representative indicate that the public house would be a more viable proposition once separated from The Cottage and in light of this it is concluded that there is no conflict with Policy SP11 or the NPPF in respect of the protection of such community facilities.

#### Residential amenity

- 10.24. As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Policy SP20 also requires that the proposed development is compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.
- 10.25. Condition 6 of planning permission ref. 05/00653/FUL ties the cottage accommodation to the public house due to concern over the level of independent amenity which could be afforded to its occupants.
- 10.26. It is clear that the cottage benefits from extensive outdoor amenity space in the form of an outdoor seating area and gardens which extend to the north east of the dwelling. The cottage also retains the existing access to the side of the public house and is served by a generous parking and turning area and double garage to the front (south-east) of the cottage.
- 10.27. The proposed boundary treatment (2 metre high brick wall and gate) combined with the single storey, lean-to extension to the front of the cottage would provide a good degree of enclosure and screening from the rear of the public house and would result in an enhancement compared to existing arrangements.
- 10.28. The presence of the adjoining public house is not considered to be overbearing for occupants of the cottage. In terms of privacy the patio/outdoor seating area for the cottage is off the north-east end elevation and the extensive garden is beyond. The outdoor space is clearly separated and well screened from the public house by the cottage itself.
- 10.29. Overall, it is considered that the Cottage is served by a good level of private, outdoor amenity space and parking and refuse/recycling bin storage areas within its curtilage in line with the expectations of Policy SP4.
- 10.30. Paragraph 193 of the NPPF is also relevant. The policy states that *“Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have*

*unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed".*

- 10.31. In terms of any potential noise or odour nuisance there are no proposed changes to the existing commercial kitchen extraction/ventilation arrangements serving the public house.
- 10.32. The Cottage is no closer to the commercial kitchens of the public house than the more recently constructed Elm Tree Cottage to the north which has window openings serving habitable rooms at ground and first floor level in its south east elevation. It is also noted that the ground floor living/sitting room within Blacksmiths Cottage is the furthest room from the public house. As an additional level of protection should permission be granted a condition shall be imposed to ensure that any new or replacement mechanical extraction/ventilation systems associated with the commercial kitchens of the Public House are first agreed by the Local Planning Authority in consultation with the Environmental Health Officer.
- 10.33. The public house does not benefit from a 'beer garden' as such although outdoor seating has previously been provided immediate to the front (south-west) elevation of the pub furthest from the adjoining cottage. The Planning Inspector's concerns cited in the earlier appeal in relation to noise associated with the public house are noted, however, the rear service yard would not provide an outdoor area for customers as it is used for the parking of vehicles (secured by condition) and there is to be no public access to this area from the public house bar and restaurant areas which are accessed via the front door in the south-west elevation. In addition to the use of external areas the Planning Inspector was concerned about noise/music escaping from within the Public House when external doors are open. The application provides an opportunity to impose control over the public house in respect of noise disturbance and it is considered prudent to require by condition that the double doors in the north-east elevation of the dining room are closed during amplified music. In addition, a condition shall require that there shall be no amplification of music or vocals in any external areas associated with the Public House.
- 10.34. No physical alterations to either the Public House or the proposed dwelling are proposed as part of this application. In the interests of retaining acceptable levels of residential amenity a condition shall prohibit the creation of any additional windows in the building without the prior grant of permission.
- 10.35. The existing parking provision and arrangements are largely unchanged. Parking for customers of the pub and restaurant would remain available to the front (south-west) of the public house. The pub's rear yard area will be available as a parking and turning area for the owner/operator, staff, and occupants of the letting rooms. The existing boundary treatment separating the rear yard from the cottage is to be enhanced by the construction of a 2 metre high brick wall and it is not considered that the general comings and goings in this area, which can accommodate four vehicles, will have an

unacceptable adverse impact on the levels of amenity enjoyed by the occupants of the adjoining cottage.

- 10.36. No concerns have been raised by the Council's Environmental Health Officer in relation to any potential disturbance or nuisance issues.
- 10.37. The public house and cottage are not internally linked and do not share any internal areas. Within the public house the public and private areas are clearly defined across both the ground floor and first floor. There is existing signage on internal doors to indicate the extent of public access and that would continue to allow for private accommodation for the manager/operator and the occupants of the letting rooms. The domestic accommodation that would be available within the public house at ground and first floor level for a future owner/operator is adequate in terms of size and privacy and would provide a suitable level of amenity for future occupants.
- 10.38. The vehicular access to the side of the pub would be shared by the owners/operators of the public house and their staff and the occupants of the cottage. Parking for the owner/operator and staff would be within the rear yard of the public house which is separate from the outdoor areas associated with the cottage. It is not anticipated that the continued use of the existing shared access gives rise to any adverse amenity impacts.
- 10.39. With regard to neighbouring properties 'Soylands' bungalow is sideways on to the public house with principal windows serving habitable rooms in the front and rear elevations of the dwelling. The outdoor space nearest the rear of the bungalow is adjacent to the access and service yard/parking area to the rear of the pub. It is not anticipated that the proposal would result in unacceptable intensification of use of these areas (by individuals or vehicles) adjacent to the rear of 'Soylands' to harm existing levels of residential amenity enjoyed by the occupants.
- 10.40. Due to a combination of the position and orientation of the buildings and also the intervening boundary treatment the cottage does not have any direct views towards any habitable rooms within 'Soylands'. It is not anticipated that the proposal would give rise to any materially adverse impacts on living conditions currently experienced by occupants of 'Soylands'.
- 10.41. In light of the orientation of the buildings and the limited number of openings in the northern elevation of the public house and adjoining cottage those buildings effectively 'turn their back' on the residential properties immediately to the north (Elm Tree Farmhouse and Elm Tree Cottage).
- 10.42. There have been no comments or concerns raised by the occupants of any neighbouring residential properties.
- 10.43. It is considered that the public house and cottage are capable of functioning as two distinct and separate planning units. In conclusion, it is considered that the proposed change of use would not give rise to unacceptable living conditions for the future occupants of The Cottage. Furthermore, it is considered that the proposal is unlikely

to give rise to unacceptable levels of amenity for existing/future occupants of the public house or occupants of neighbouring properties.

#### Access & highway safety

- 10.44. Policy SP20 advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads”*.
- 10.45. The established access arrangements are to be unchanged and the plans show the shared access on the southern side of the pub and cottage. The plans illustrate the parking available for staff and users of the public house and letting rooms with the public house benefitting from prescriptive rights over parking immediately to the front (south-west of the building) which falls within common land. There is also ample parking within the private curtilage of the adjoining cottage for the occupants.
- 10.46. There are no objections from the Local Highway Authority subject to a condition to ensure the parking and turning areas are retained unobstructed.
- 10.47. In light of this it is considered that the proposal would not result in individual or cumulative impacts that would have any significant adverse effect on highway safety in compliance with Policy SP20.

#### Other matters

- 10.48. The site is within the village Conservation Area. Section 72 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 and enhancing the character and appearance of a Conservation Area. The proposed change of use would not have an impact upon the Conservation Area. The proposal involves building operations in the form of a replacement boundary wall and gates. The works are minimal and are to be undertaken using matching materials in a position set back towards the rear of the site. It is considered that there would be no harm the character and appearance of a Conservation Area in accordance with the NPPF and Policy SP12.
- 10.49. It is, however, considered prudent to include a condition to remove certain householder permitted development rights from the newly created dwelling in light of its location within the Conservation Area and on the edge of the village development limits.
- 10.50. It is to be noted that should permission be granted to separate the cottage from the public house and, at a future date, the applicant or any future owner of the cottage wishes to convert the detached garage to a holiday let allowed by extant planning permission ref. 14/01017/FUL then it would be necessary to first seek to vary condition number 2 of that planning permission (see planning history in paragraph 3.2 of this report).

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The proposed change of use is supported in principle by Policies SP2 and SP21 subject to the imposition of the local needs occupancy restriction.
- 11.2 With regard to the requirements of the NPPF and Policy SP11 it has been necessary to consider whether the separation of the cottage (annex accommodation) from the public house would undermine the viability of this public house which is locally valued as an important community facility.
- 11.3 The application includes evidence to show that the public house would be economically viable as a stand-alone unit following its separation from the adjacent cottage. The viability assessments produced by Barry Crux and MJD Hughes Ltd conclude that the separation of the cottage from the public house would not adversely affect the viability of the business and would make the sale of the public house more likely. These positive conclusions, when considered in the planning balance, weigh in favour of granting permission as no conflict with Policy SP11 is identified.
- 11.4 With regard to residential amenity it is clear that as a result of the layout; orientation of the buildings; arrangement of outdoor space; and boundary treatments the cottage benefits from a good sense of enclosure with a generous curtilage which is clearly separate from that which is associated with the public house.
- 11.5 The proposed conditions relating to the public house would suitably control the use of external areas, require the closure of doors during amplified music and require the construction of the proposed boundary wall. Cumulatively, it is considered that these measures address the Planning Inspector's concerns raised as part of the 2017 appeal and, in combination, would ensure a good standard of amenity can be achieved for the future occupants of the cottage without limiting the viable operation of the public house.
- 11.6 The proposal would give rise to any unacceptable highway safety conditions and would not result in any harm to the character and appearance of the village Conservation Area.
- 11.7 This application complies with the Development Plan and NPPF (2023), with no other material considerations indicating otherwise, the application is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That planning permission be **GRANTED** subject to the conditions listed below.

### **Recommended conditions:**

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

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan (Comino Doc Date: 08.01.2024)  
Public House Block Plan (Comino Doc Date: 08.01.2024)  
Dwelling Block Plan (Comino Doc Date: 09.11.2023)  
Proposed Floor Plans (included Proposed wall and gate elevation) ref. 3339/02, dated 09/2023

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 The dwelling hereby approved (referred to as 'The Cottage' or 'Blacksmiths Cottage') shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years.

Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 4 Prior to the commencement of the change of use hereby approved the proposed boundary treatment (brick wall and gate) as shown on the approved elevation drawing ref. 3339/02, dated 09/2023 shall be completed using materials first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity in accordance with Policies SP16 and SP20.

- 5 The access, parking, manoeuvring and turning areas for all users at Blacksmiths Arms Public House Main Street, Flaxton as shown labelled 'Public House Parking Area' on the approved 'Proposed Floor Plans' drawing must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in compliance with Policy SP20.



- 6 Prior to the installation of any new or replacement exterior mechanical extraction/ventilation systems associated with the commercial kitchens of the Blacksmiths Arms Public House details of the system and location shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected in compliance with Policy SP20.

- 7 The double doors in the north-east elevation of the public house (serving the room labelled 'public dining room' on the approved floor plans shall be closed during live or amplified music except when immediately required for emergency access.

Reason: In the interests of protecting the amenities of neighbouring occupiers and to satisfy the requirements of Policies SP16 and SP20.

- 8 There shall be no amplification of music or vocals in any external areas associated with the Public House known as The Blacksmith's Arms.

Reason: In the interests of protecting the amenities of neighbouring occupiers and to satisfy the requirements of Policies SP16 and SP20.

- 9 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no additional windows shall be formed in the buildings (public house and dwelling) without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: In the interests of amenity and to ensure that the appearance of the buildings are not prejudiced by the introduction of unacceptable additions and in the interest of residential amenity in accordance with Policies SP16 and SP20.

- 10 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse  
 Class B: Additions etc to the roof of a dwellinghouse  
 Class C: Other alterations to the roof of a dwellinghouse  
 Class D: The erection or construction of a porch outside any external door of a dwellinghouse  
 Class E: Buildings etc incidental to the enjoyment of a dwellinghouse  
 Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

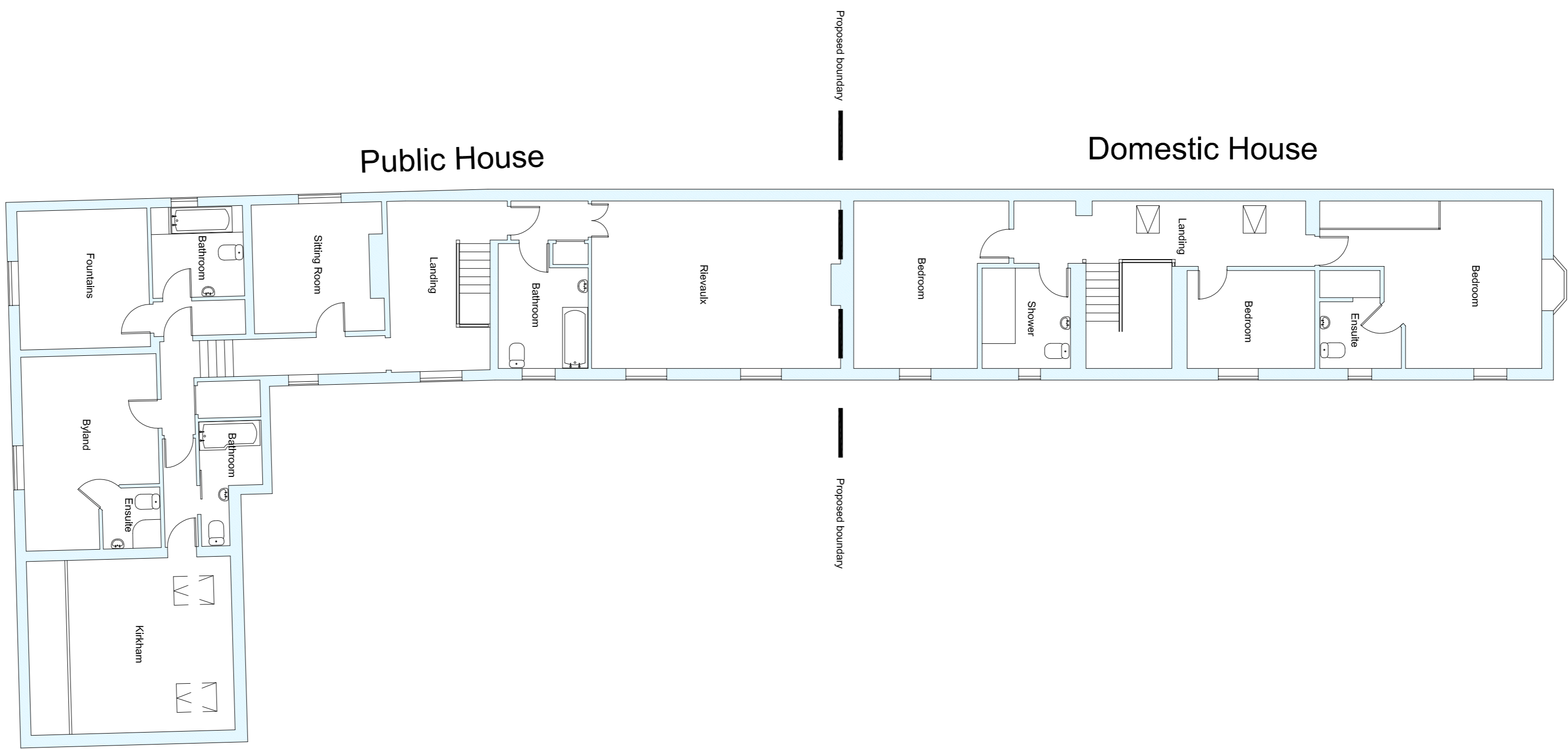
Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP12, SP16 and SP20.

**INFORMATIVES**

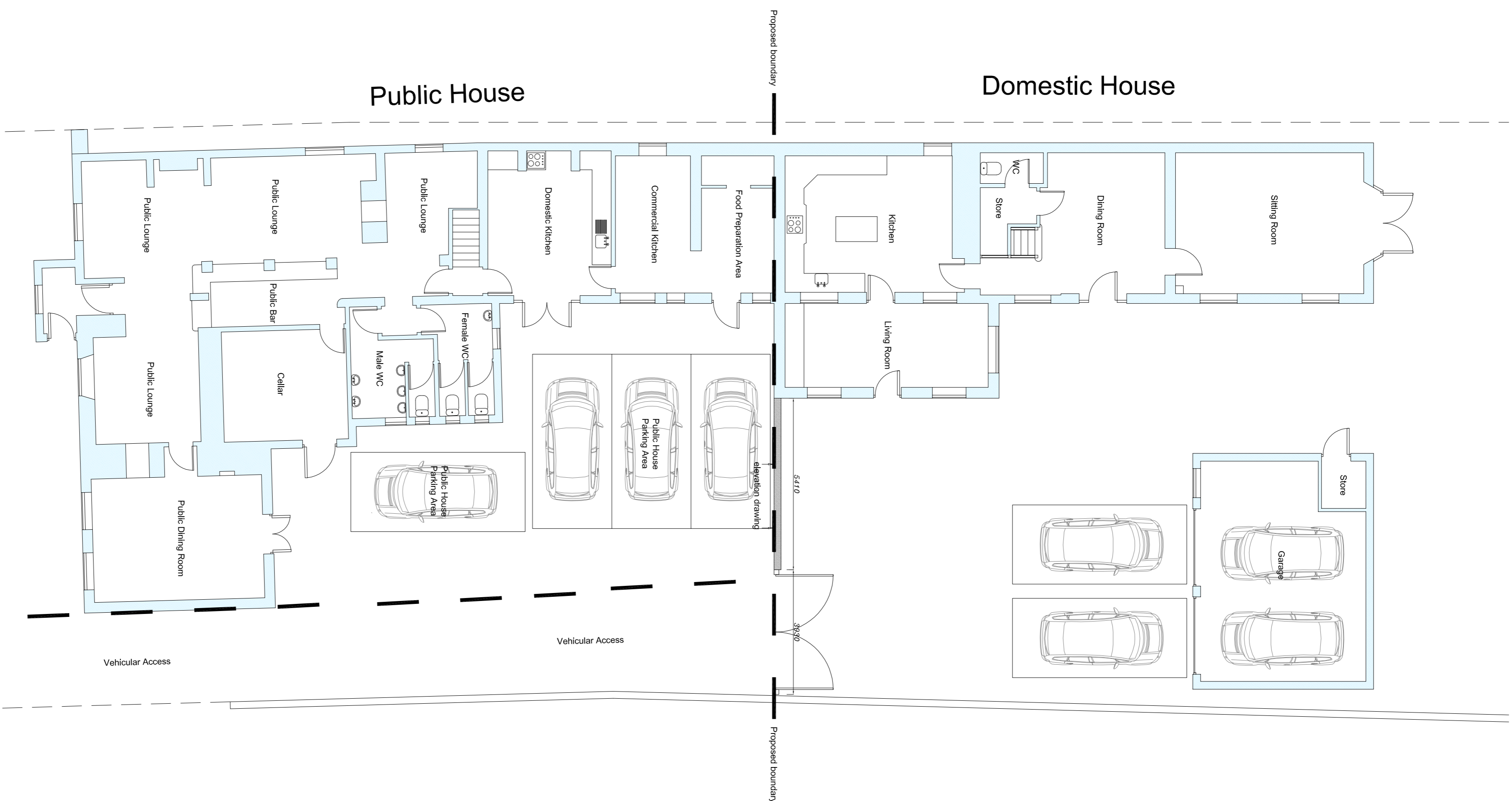
1. Any future owner/operator of the public house should be made aware of the requirements set out in conditions attached to this permission.
2. Any future owner/occupant of the dwelling hereby permitted should be aware of condition number 2 of planning permission ref. 14/01017/FUL and the extant restrictions on the garage to a holiday let conversion.

**Target Determination Date:** 04.01.2024

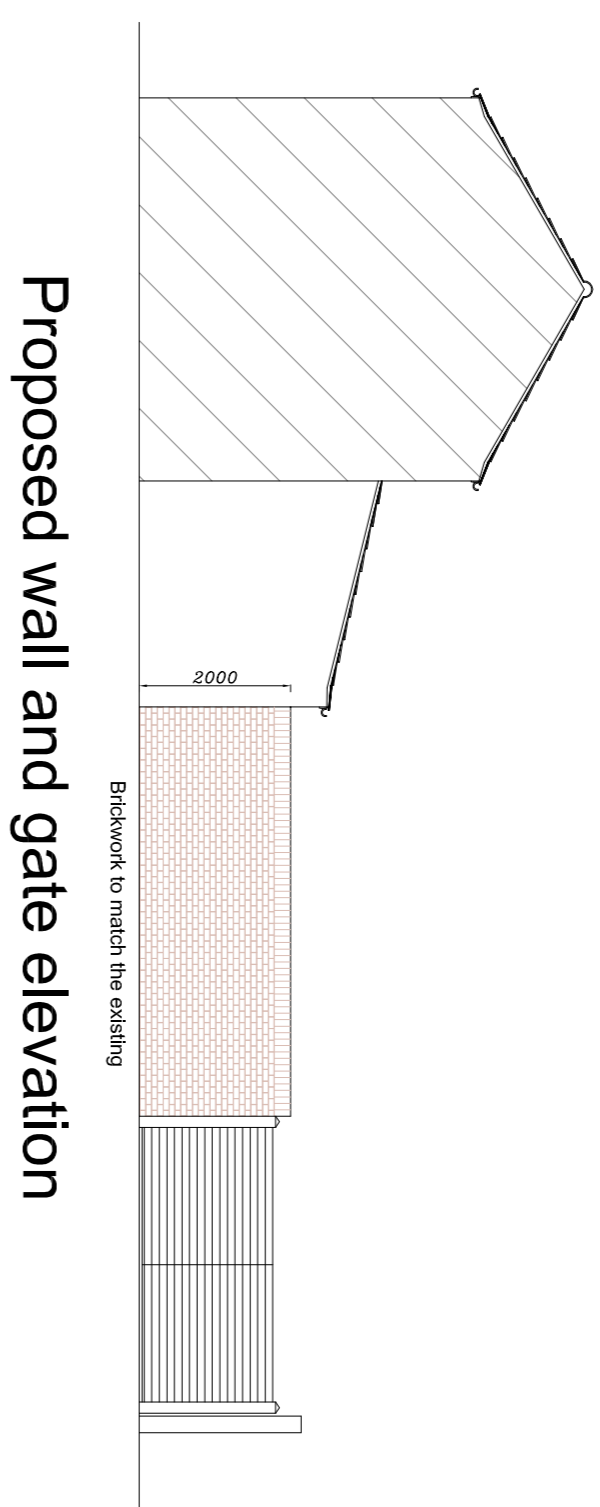
**Case Officer:** Alan Goforth, [alan.goforth@northyorks.gov.uk](mailto:alan.goforth@northyorks.gov.uk)



PROPOSED FIRST FLOOR PLAN



PROPOSED GROUND FLOOR PLAN



Proposed wall and gate elevation

notes :

This drawing is for the purpose of obtaining **Planning Permission** only and is not to be used as working drawings. The drawings do not take into account any structural elements or calculations which must be obtained from a qualified Structural Engineer. Staircase design to be confirmed by a manufacturer. HB Drawing Services Ltd are not liable for changes that have to be made during the construction period from planning drawings.

All dimensions are approximate  
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scale sheet size  
**1:100 A1**

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