

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, 15 February, 2024

Time: 10.00 am

Venue: Ryedale House, Malton

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

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 12 February 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 18 January 2024** (Pages 3 - 6)
- 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. 23/00144/FUL - Construction of 3 dwellings and associated works at OS Field 1745, Back Lane, Tollerton, North Yorkshire** (Pages 7 - 28)

5. **ZB23/01987/REM - Application for approval of reserved matters following outline approval 20/00219/OUT for outline application for construction of 2 dwellings with access to be considered as per amended plans at land north of Mayfield and east of Orchard House, South Otterington, North Yorkshire** (Pages 29 - 38)

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 21 March 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:

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Wednesday, 7 February 2024

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 18 January, 2024 commencing at 10.00 am.

Councillor Caroline Goodrick in the Chair, plus Councillors Joy Andrews, Alyson Baker, Lindsay Burr MBE, Nigel Knapton and Malcolm Taylor.

Officers Present: Alpha Love-Koh, Alan Goforth, Nicki Lishman and Jill Thompson.

Apologies: Sam Cross.

Copies of all documents considered are in the Minute Book

59 Apologies for absence

Apologies for absence were received from Councillor Sam Cross.

60 Minutes for the meeting held on 21 December 2023

The minutes of the meeting held on 21 December 2023 were confirmed and signed as an accurate record.

61 Declarations of interests

Councillor Caroline Goodrick declared a non-pecuniary and non-prejudicial interest in Item 4 as she knew the applicant and the agent and a similar interest in Item 5 as she knew the applicant personally.

Councillors Joy Andrews, Alyson Baker and Lindsay Burr declared a non-pecuniary and non-prejudicial interest in Item 5 as they knew the applicant personally.

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.

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.

62 ZE23/05729/MFUL - Application 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 on land east of The Balk, Slingsby, Malton

The Assistant Director Planning – Community Development Services sought determination of a planning application 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 on land east of The Balk, Slingsby, Malton.

The application was reported to the Area Planning Committee for determination because it was considered that significant planning issues had been raised.

Presenting the report, the planning officer referred to representation from the occupier of Holly Cottage, Church Lane, Slingsby, which was published with the late pages and objected to the application.

Mr Tim Warings, representing neighbouring property owners, spoke to object to the application.

Councillor Fiona Farnell, Chair of Slingsby, Southolme and Fryton Parish Council spoke to object to the application.

James Ellis, representing the applicant, spoke in support of the application.

During consideration of the application, the Committee discussed the following issues;

- The planning application for the proposed development to the east of the site
- Concerns regarding access to the proposed development to the east of the site
- Concerns regarding the consistency of design of the proposed development to the east of the site. The planning officers assured Members that they had authority to ensure that there was consistency across the two developments
- The condition and protection of the trees within the conservation area to the west of the site

Decision

That planning permission be GRANTED subject to the conditions detailed in the Committee report and the addition of an amendment to the conditions to consider the timing of maintenance works to the trees.

Voting record

5 For

1 Abstention

The Chair allowed a 5 minutes break at 11.00 am

63 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

The Assistant Director Planning – Community Development Services sought determination of a planning application for the change of use of The Cottage at the public house from managers/owner’s 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.

The application was reported to the Area Planning Committee for determination because it was considered that significant planning issues had been raised.

Presenting the report, the planning officer confirmed that there were no updates to the published report.

Councillor Ian Craven, representing Flaxton Parish Council, spoke to object to the application.

Claire Docwra, the applicant, spoke in support of the application.

During consideration of the application, the Committee discussed the following issues;

- The impact of the application on the registration of The Blacksmiths Arms as an Asset of Community Value (ACV) which applied to the whole building. Officers confirmed that the ACV would remain in place, until its expiration date or until the property owner applied to amend the ACV
- The impact of the application on the future use and financial viability of the public house

Decision

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

Voting record

Unanimous

64 Any other items

There were no items of urgent business.

65 Date of next meeting

15 February 2024.

The meeting closed at 11.57am.

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Planning Committee

15 February 2024

23/00144/FUL - Construction of 3 dwellings and associated works

At OS Field 1745, Back Lane, Tollerton, North Yorkshire

On Behalf of Ian Reynolds at Stephenson's Estate Agents

Report of the Assistant Director Planning – Community Development Services

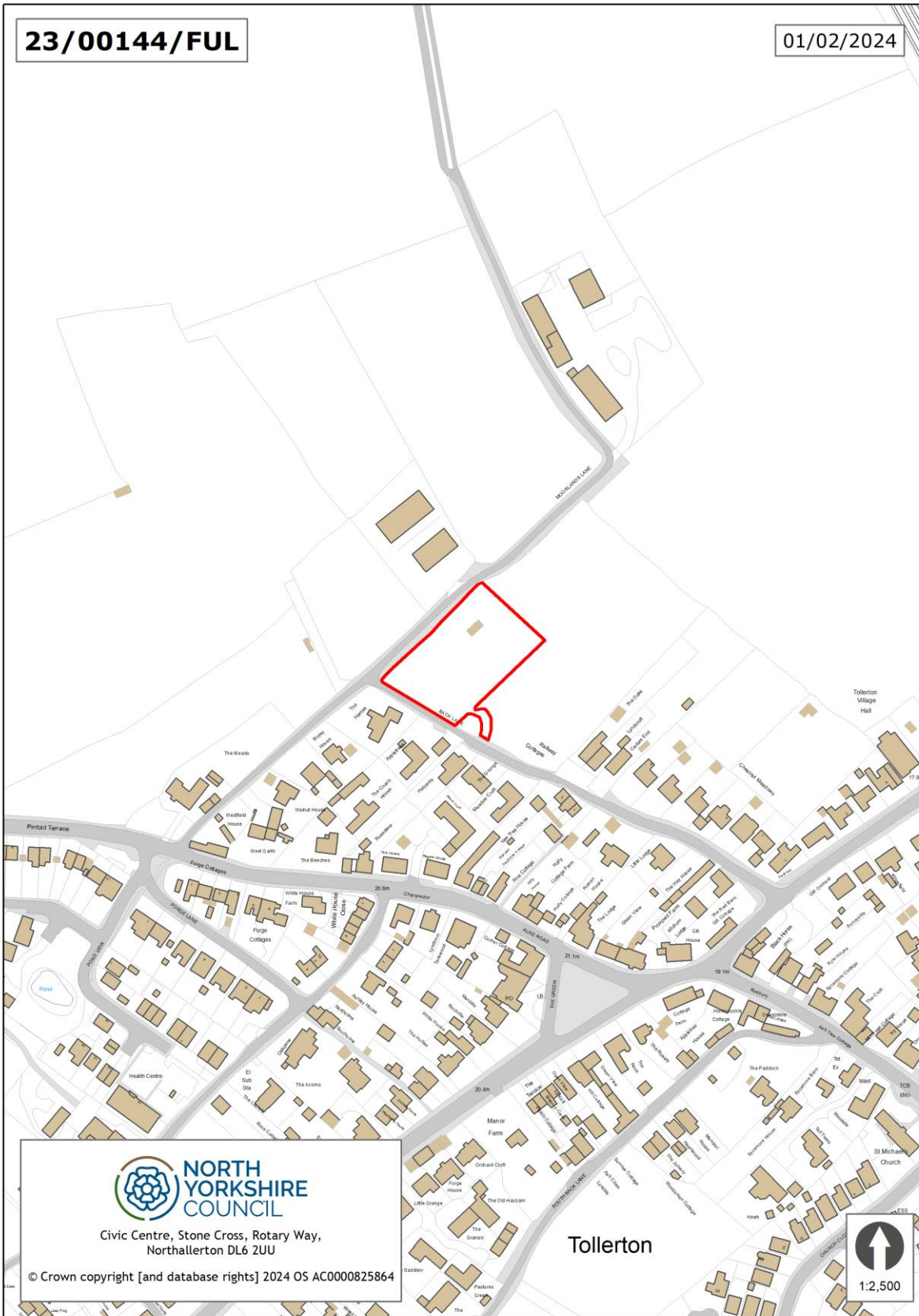
1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the construction of three dwellings at OS Field 1745, Back Lane, Tollerton.
- 1.2 This application is referred to the Planning Committee following a referral by the Ward Member prior to Vesting Day

2.0 SUMMARY

RECOMMENDATION:

- 2.1 That planning permission be **GRANTED** subject to the conditions set out in Section 12 of this report.
- 2.2 The proposed development comprises three dwellings located in the greenfield site at the junction of Back Lane and Moorlands Lane on the northern side of the village. With the exception of the application site the remainder of Back Lane has residential development on both sides.
- 2.3 Compliance with Policy HG5 in terms of this sites suitability for windfall housing development is one of the main considerations, paying heed in particular to the impact on the character and appearance of Back Lane and the village as a whole. Technical matters such as highway safety and drainage are also important material planning considerations.



3.0 PRELIMINARY MATTERS

3.1 Access to the case file on Public Access can be found here [Associated Documents](#)

Planning history

3.2 Application site:

None

3.3 Adjacent site to south east:

17/00943/OUT. Outline application (all matters reserved) for the construction of five dwellings. Withdrawn 14.06.2018.

21/02712/FUL. Construction of 3 detached dwellings with garages and access. Granted 08.08.2022.

22/02881/NMC. Non-material amendments to add PV panels to all 3 plots and change of roof material on Plot 3 from flat concrete tile to pantile. Granted 30.03.2023.

23/00571/NMC. Application for non-material amendment to previously approved application 21/02712/FUL - Addition of sun pipe to en suite and Velux window to Kitchen on Plot 3. Granted 06.04.2023.

ZB23/01708/NMC. Application for a non-material amendment to the approved layout plan of condition 2 (to accommodate changes to the location of the north west site boundary and the geometry of the internal private driveway within the site boundary - new block plan 124-03-N) following grant of planning permission 21/02712/FUL for the construction of 3 detached dwellings with garages and access. Granted 23.10.2023.

3.4 Site to north west:

19/01277/FUL. Construction of an agricultural building for accommodation of livestock. Granted 5/08/2019.

22/01749/OUT Application for outline planning permission with some matters reserved (considering access) for the construction of agricultural workers dwelling Granted. 18.11.2022.

ZB23/01046/FUL. Construction of Agricultural Workers Dwelling Granted 06.07.2023.

4.0 SITE AND SURROUNDINGS

4.1 The application site forms part of a larger field located on the north-east side of the Back Lane which runs to the rear of the Main Street on its north side. The site abuts the remainder of the field on the north-east boundary. To the south east is a recent residential development of three bungalows known as Breckland Court. To the south west is Back Lane and the dwellings on the opposite side of Back Lane, and to the north west is Moorlands Lane and a farm on the opposite side of Moorlands Lane. The site is bound by hedges and trees to Back Lane, a hedge runs along the boundary with Moorlands Lane, a fence and hedge marks the south east boundary with adjacent bungalows, and the site is open to the remainder of the field to the north east. The width of the Back Lane reduces from the southeast where it allows two-way traffic to the north-west where it is single track. Moorland Lane is single track. There is an existing access point to the field in its western corner.

- 4.2 The northern boundary of the Tollerton Conservation Area runs along the northern edge of Back Lane to a point just east of the application site where the boundary then extends south and west. The application site along with the dwellings to the east and those to the south opposite the application site are therefore excluded from the conservation area. The site is located within flood zone 1.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application relates to the construction of three detached dwellings. Plot 1 is closest to the recently constructed bungalows and comprises a two bedroomed, three person detached bungalow measuring approximately 78.4m² GIA. Plot 2 is a one and a half storey detached dwelling with accommodation in the roof space. This is a three bedroomed, six person detached bungalow measuring approximately 145.7 GIA, with two of the bedrooms at ground floor level. These two dwellings each have a garage in a shared double garage unit. Plot 3 is a two storey four bedroomed, seven person detached dwelling measuring approximately 212 GIA, with traditional double fronted design, single storey rear offshoot, and detached garage located forward of the dwelling. The overall housing mix is 1 x 2 bed, 1 x 3 bed and 1 x 4 bed.
- 5.2 During the course of the application the proposed vehicular access to the site has been amended. As originally submitted plots 1 and 2 were to be served by the access to the adjacent three bungalows and plot 3 served by the existing access to the corner of Back Lane and Moorlands Lane. Amended plans show all three dwellings served by the existing access to the adjacent three bungalows. A temporary site access is proposed from Moorlands Lane during the construction period, involving the removal and reinstatement of a section of hedge. The detailed design of plot 3 has also been amended to represent a more traditional dwelling. An updated drainage strategy has been received following the change in layout. A ten day re-consultation has been undertaken. Further amended plans have been received showing the addition of roof mounted solar panels to all three dwellings.
- 5.3 The application is submitted with a Design, Access and Planning Statement, Preliminary Ecological Appraisal, Archaeology and Heritage Desk-Based Assessment, Tree Survey, and Biodiversity Metric Gain Metric and 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 the Hambleton Local Plan (adopted February 2022)

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 Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - Hambleton Housing SPD

7.0 CONSULTATION RESPONSES

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

Consultees

Original consultation

- 7.2 Parish Council –

Wish to see this application refused.

Village survey of Nov 2021 has been ignored by Planning Committee.

Of 92 respondents majority did not want further development.

Since then 7 more dwellings have been granted.

50 new dwellings on the last 5 years, 12% increase

National and local policy requires protection of community and environs and sustainable aspects of communities enhanced.

Proposal not representative of the required diversity that exists within the parish

Destruction of agricultural margins along a lane that is widely used by the community is not sustaining the nature of the village.

Further erosion of the feel of the area.

Proposed properties are substantial and detached.

Design does not enhance diversity of the parish community.

Ecological survey during winter ignores perennial growth and is limited as to fauna

Green avenues should be maintained.

Access via the narrow Moorland Lane and Back Lane detrimental to the pedestrian use of the lane.

Adjoining application 21/02712/FUL granted without reasonable consideration to the existing properties.

Proposal will further spoil amenity these parish members have enjoyed for many years.

- 7.3 Highways Authority – Comment two of the dwellings are proposed to be accessed from the access approved as part of planning application reference 21/02712/FUL. The third dwelling (plot 3) will use an access on the corner of the site at a location where there is an existing gate. It is claimed that this is an "existing agricultural access" but it is not surfaced and there is no evidence of existing vehicular use. The lane leading to this access is very narrow with no pedestrian facility nor opportunity for vehicles to pass. Visibility from this access is very restricted in three directions and whilst it could be improved in two directions by the removal of the boundary hedge/trees within the applicant's control, the third direction (to the south west) is not in the applicant's control. The Local Highway Authority recommends that Planning Permission is refused for reasons relating to the roads leading to the site by reason of their poor junction, insufficient width and lack of footways unsuitable for the traffic which would likely be generated by this proposal, and insufficient visibility in a south westerly would be likely to create conditions prejudicial to highway safety

Revised plans showed plot 3 served from a new access onto Moorlands Lane, and the Highway Authority again recommended refusal on the grounds of the roads leading to the site by reason of their poor junction, insufficient width and lack of footways unsuitable for the traffic which would likely be generated by this proposal.

Further revised plans and a statement from the applicants transport planner were received showing all 3 dwellings accessed by the recently constructed access point serving the adjacent three bungalows, and a construction access point from Moorlands Lane, The Highway Authority have commented informally their policy for the number of dwellings served by a private drive is 5 but there is no statutory basis for this; it is based on the notional capacity of private service suppliers , water, electricity etc. As the proposed properties will abut an already adopted highway and the design of the private drive has a pedestrian route and is sufficient for 2 way traffic, this can be supported as a deviation from the policy. Highways advised further the construction access element using Moorlands Lane was discussed and can be covered by conditions.

An updated consultation response has been received from the Highway Authority which removes their earlier objection. Conditions are recommended in relation to the provision of approved access, turning and parking areas, and submission of a construction phase management plan.

- 7.4 Environmental Health - Consider that there could be a negative impact in terms of smell, flies and noise from farming activities on future residents of such properties, dependant on the intensity of their use. Some impact might be expected from time to time in a rural location however the proposal is very close to the barns and this does not appear to have been considered as part of the application. Generally recommend that residential use close to livestock farming, would only be suitable if the future occupants had an interest in any nearby farming activity.
- 7.5 Following subsequent receipt of an Odour Risk Assessment, Environmental Health comment the report has indicated that the nearby cattle will be overwintered in the sheds but that they graze in fields during the summer. It also indicates that there is the potential for the number of cattle to increase over time. The assessment has classed the source of the odour as 'moderately offensive and unpleasant', and the effectiveness of the pathway as 'moderately effective'. The report indicates that these together mean that the risk of odour exposure of the proposed development (the exposure pathway) is 'low risk'. The new receptors are classed as having 'high sensitivity' which, with the 'low risk' of exposure pathway means the report concludes that this results in a 'slight adverse impact' on the housing development which it indicates 'would be considered not significant'. The closest shed is not large and is, in part, used for storage. In addition, the cattle will be away from the site during the warmer summer months, reducing the impact during the times when use of gardens is more likely. It should be noted that odours are likely, from time-to-time to have an impact on the amenity of the future occupants of the proposed development, given the proximity to the cattle/store sheds. Flies are likely to have an impact, given the proximity to farm animals. Noise from farm machinery (used to help look after the animals) is also likely, but the types, times and frequency of machinery used has not been provided or assessed by the applicant in relation to the impact on amenity. However, it would not be anticipated that the equipment used would be fixed plant with intensive use.
- 7.6 Environmental Health (Contaminated Land) – Recommend conditions requiring a Phase 2 assessment of the risks posed by contamination, remediation scheme, verification report, and reporting of unexpected contamination
- 7.7 Yorkshire Water Services – Recommend condition requiring the development to be carried out in accordance with the details shown on the submitted plan and Drainage Strategy.
- 7.8 MOD RAF - No safeguarding objections.
- 7.9 NYC Heritage Services – No objection with comments “the application includes an archaeological desk based assessment prepared by MAP Archaeological Practice. The report suggests that other than the site containing ridge and furrow earthworks there is a

low archaeological potential. I agree with this assessment. The ridge and furrow is a heritage asset in its own right and forms part of a more extensive block or ridge and furrow on the eastern side of the village of Tollerton. The neighbouring site also contained ridge and furrow which was recorded prior to development. There would appear to be little gain from further recording within the application site as it will only replicate the previous results and not add to our knowledge.

Revised consultation

- 7.10 Parish Council – No response received.
- 7.11 Highways - No response received.
- 7.12 Environmental Health – Comment the odour report concludes in a 'slight adverse impact' on the housing development which would indicate that the likely impact is not significant. Odours and flies are likely to have an occasional impact on the amenity of the future, and recommend conditions in relation to construction working hours, internal and external maximum noise levels, glazing specification, and external lighting. A noise survey has been received and a further response is awaited.
- 7.13 Environmental Health (Contaminated Land) confirm the conditions recommended on the 02 Feb 23 remain extant.
- 7.14 Yorkshire Water Services – Recommend condition requiring the development to be carried out in accordance with the details shown on the submitted plan and Drainage Strategy.
- 7.15 MOD RAF - No safeguarding objection.

Local Representations

Original consultation

- 7.16 One neutral representation received and 16 objections received including two authors who submitted two representations, summarised as follows:-

Neutral:

Three new dwellings should share a single access to Moorland Lane or corner of Back Lane and not to use the existing access.

Separate access in interests of road safety and to avoid multiple vehicle movements overcrowding a single access.

An assessment by North Yorkshire Highways may be necessary.

Objection:

Back Lane and Moorlands Lane are both narrow and single track.

No passing spaces.

Sharp corner with limited visibility.

No pavement for pedestrians or dog walkers

Both roads are used by heavy farm machinery.

Increase in danger of traffic accidents, and risk to pedestrians

Back Lane hedge already damaged by construction traffic struggling to enter the site.

Roads unsuitable for additional development.

Tollerton becoming overdeveloped with roads, utilities, amenities and parking stretched to the limit.

Will it take a fatality before road safety issues are taken seriously?

Back Lane is so narrow that two cars cannot pass side by side
 No on street parking, cars will park on small section of pavement
 Lack of street lighting
 Plot 3 access point on the blind corner, will trees and hedges be removed?
 Plot 3 would not have easy pedestrian access to the village centre
 Developer of existing three bungalows has destroyed trees and hedges and damaged road surface
 This is a phase 2 development that would not have been allowed if a single scheme.
 Two sets of 3 house developments is to circumvent the wider planning regulations and still equals over-development
 If granted where is the 'agricultural access' to the fields to the north considered necessary in the 2021 application?
 Proposal would impede emergency, refuse, and agricultural vehicles.
 Proposal would increase existing conflicts between traffic, cyclists, pedestrians and horse riders.
 Harm to grass verges and hedgerows local wildlife and ecology.
 Incremental development in part of village without infrastructure to accommodate proposal.
 Is this another "wave through" like the previous application 21/02712/FUL on Back Lane?
 Developers at adjoining site installed an unapproved and dangerous site access at the pinch-point in Back Lane.
 Council has failed to notify all the residents affected.
 The site does not have Highways Compliant Access
 Cumulative weight of small developments upon the fabric of the village is causing severe problems for existing residents.
 Understand the site was a Former Cattle Market. Contamination not adequately covered in the application.
 Loss of agricultural land.
 Three cheaply constructed traditional carbon heavy boxes constructed for commercial gain
 Insufficient parking
 Loss of wildlife habitat
 Drainage system will not cope
 How will building materials be delivered to this new development?
 Is access suitable for removal vans, furniture deliveries, refuse lorries etc?
 Proposal cuts off farm access to the remainder of the field.
 Proposal not in keeping.
 Policy HG2 requiring an appropriate mix of dwellings would be breached if a single application.
 Site bound by bungalows. Loss of privacy from two storey houses
 Impact on welfare of cattle that live and are bred on adjacent farm
 Sustainable wild space with pond and orchard looking after mental health and wellbeing of villagers would be more value

Revised consultation:

The new BNG assessment does not reflect the most recent plans
 BNG assessment says all onsite hedgerows are to be retained and existing
 hedgerows 200-250 years old.
 Offsite land bank" to the rear of does not appear to have an access.
 Both sites adjoin, are in same field and use same access
 If same developer it is a phase 2 proposal.
 Incremental process to circumvent planning regulations.
 Refuse to accept that this is two separate development sites.
 No provision for social housing.
 Object to construction traffic using Moorlands Lane.
 Object to removal of hedge for temporary access.
 Hedge provides green corridor for wildlife.
 Moorlands Lane narrow, unmetalled and has poor sight line at entrance to Alne road.

Existing access too narrow for 3 houses never mind 6.
 Construction traffic can't use the access to Brecklands Court.
 Wagons will not be able to turn and the road will be blocked.
 Developers will create another unauthorised access.
 Adjacent developer blatantly disregarded of the access approvals
 Drainage on adjacent site differs from approval.
 Previously approved agricultural access is now being proposed as a permanent access to the new site.
 Safe and suitable access cannot be achieved.
 Moorlands Lane runs down to the ridge and furrow field system important to our history.
 Old hedgerows should be regarded as irreplaceable
 Hedge is an important bio diversity asset
 Do not need a large house looming over Back Lane.
 Do not need 13 parking spaces for the new development
 Do not need the danger of construction traffic
 Do not want our peaceful Lane destroying by traffic volume
 Do not want to be fearful of walking in our village.
 Do not want any more of our pets killed by traffic
 We value Moorlands Lane with its long unbroken hedges and history
 Since the first 3 houses have been built Back Lane now floods.
 Further development will cause more problems to the users of Back Lane.
 This is a development of 6 houses, has the issue of social housing been pursued?
 Question why plot 3 is a four bedroomed house when surroundings is bungalows?

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 development
- Highway safety
- Housing mix
- Affordable housing
- Design
- Impact on amenity
- Drainage and flood risk
- Ecology and biodiversity net gain
- Contaminated Land
- Impact on heritage assets
- Other matters

10.0 ASSESSMENT

Principle of Development

10.1 The purpose of Local Plan S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development.

10.2 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local

plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in Policies including HG5: Windfall Housing Development.

- 10.3 Policy S3 sets out the settlement hierarchy. Tollerton is a Secondary Village within the Easingwold sub area. Such villages are expected to see development. This is because they have been identified as having the better access to services and the settlement character would be able to accommodate new development. Policy S5 sets out what constitutes the built form of a settlement, land outside it is defined as countryside. The application site does not fall within the built form of Tollerton and therefore it is in the countryside. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 10.4 Local Plan Policy HG5 provides support for windfall housing development. HG5 states that a proposal for housing development on a site adjacent to the built form of a defined village, which infers land within the countryside, will be supported, subject to provisions within the policy a- e.
- 10.5 Criterion a) requires that a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village. The agent has advised they have undertaken an assessment of the village and have not been able to identify any suitable and viable previously developed land which is available for development within the built form of the village and therefore sequentially preferable. The lack of previously developed land in Tollerton is further established by virtue of reviewing the Council's Brownfield Land Register, which confirms that there are no available sites within Tollerton. Consequently, officers are content that there are no suitable and viable previously developed land available within the built form of the village and therefore requirement (a) of Policy HG5 is met.
- 10.6 Policy HG5(b) relates to housing mix and refers to the evidence bases relating to this matter that have fed into the Local Plan as well as the Housing Supplementary Planning Document (SPD). The overall housing mix will be assessed in depth in a subsequent section of this report but overall it is considered that the proposal of 1 x 2 bed bungalow, 1 x 3 bed bungalow with bedroom 3 in the roof space, and 1 x 4 bed dwelling is broadly in line with the targets set out in the Housing SPD and would help to address an identified shortfall in the districts housing stock. As a result, the requirement of HG5(b) is met.
- 10.7 Criterion c) requires that the proposal to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that 3 dwellings can be considered small scale in this context. It is acknowledged that there has been a series of approvals resulting in housing growth within the village but cumulatively they equate to a small proportion of the existing households in the village. Figures show that since 2015, Tollerton has grown by approximately 19% at an average of 2.375% per year, in terms of the number of dwellings. It is considered that this is an acceptable level of growth for a settlement that offers a reasonable level of local facilities, with a doctor's surgery, pub, shop, as well as good public transport links to Easingwold and from there on to larger settlements such as York. On this basis it is considered this development would not have a detrimental impact on the size and scale of the settlement or undermine its role as a secondary village and thus the requirements of policy HG5(c) are met.
- 10.8 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The site abuts the boundary with neighbouring development on one side and is opposite residential development on another. There is a tall hedge to the roadside the restricts views into the

site. The site is not within the conservation area. The site does have a historical connection with the village by virtue of its medieval ridge and furrow field system. This is discussed in greater detail below. Overall the proposal is found to accord with the requirements of criteria d.

- 10.9 Criterion e) requires that the proposal would not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character. The location of the site has an association with the surrounding built form and is screened by hedges. The location and layout of the site, and its relationship with adjacent built form is considered to result in an appropriate development without projecting unacceptably into the open countryside, and without significant harm to the character and appearance of the area.
- 10.10 The above assessment demonstrates that this development complies with all requirements set out in Policy HG5 for a windfall housing development and therefore the principle of this development is supported by the Local Plan.

Highway Safety

- 10.11 Local Plan Policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments. Paragraph 111 of the NPPF states development should, only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe.
- 10.12 The Local Highway Authority objected to the original submission to access plot 3 from an existing access point at the junction of Back Lane and Moorlands Lane, and to a revised proposal to access plot 3 from Moorland Lane. The Highway Authority are satisfied with the proposal to access all three plots from the existing access serving the adjacent recently constructed three dwellings known as Breckland Court.
- 10.13 Many of the objections received to this application express concerns regarding highway safety. This includes reasons including the width of the lanes and lack of passing places to overcome this, and the development bringing additional vehicle movement that would exacerbate these issues and increase risk to pedestrians.
- 10.14 It is accepted that Back Lane is narrow and does not allow passing places, however, the test is whether the development would have an “unacceptable” impact on highway safety. Given the scheme is for three dwellings the vehicle movements to and from the site, and thus the additional traffic on Back Lane, will only increase by a small amount that overall is not considered to have an unacceptable impact on highway safety
- 10.15 During the development of the adjacent site contractors vehicles had difficulty entering the site particularly when cars were parked on the opposite side of the highway and the developer removed a section of hedge to create a temporary access. The current application proposes a temporary access for construction vehicles off Moorlands Lane, involving the removal and reinstatement of a section of hedge.
- 10.16 Paragraph 115 of the NPPF states “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.” The Highway Authority do not consider there to be an unacceptable impact on highway safety, and neither are the cumulative impacts considered to be severe. Highway safety, access and parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan Policy IC2.

Housing Mix

- 10.17 Policy HG2 of the Local Plan seeks to ensure that housing development provides the right type of dwelling in order to meet the needs of the district as a whole. It states “a proposal for housing development will be supported where...a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing”. The Housing SPD is a material consideration and goes into greater detail on the number of dwellings required depending on the number of bedrooms provided and sets out the following target mix:
- 1 bed - 5-10%
 - 2 bed - 40-45%
 - 3 bed - 40-45%
 - 4 bed - 0-10%
- 10.18 The Housing SPD at paragraphs 3.7 and 3.8 that “Hambleton has very low proportion of bungalows within its existing stock. In particular there is a shortage of two-bed bungalows for people to downsize to” , and therefore “To assist older people to downsize and improve the offer of smaller accommodation the Council will seek bungalow provision where there is an evidenced need.”
- 10.19 It is important to note that the targets are guidance only and on smaller schemes such as this it would not be mathematically possible to completely meet these targets. The scheme provides 1 x 2 bed bungalow, 1 x 3 bed bungalow with bedroom 3 in the roofspace, and 1 x 4 bed dwelling, and therefore comprises 33% each of 2,3 and 4 bedroomed units. The scheme includes 2 bungalows which would help to address the short fall in the districts housing stock, with one of these being a 2-bed unit which is the most desirable.
- 10.20 The proposal is broadly in line with the targets set out in the Housing SPD and would help to address an identified shortfall in the districts housing stock. It is considered that the overall housing mix provided is acceptable and meets the aims of Policy HG2 and the Housing SPD.
- 10.21 Representations question if the mix of the 3 houses on the application site together with the 3 houses on the adjacent site would meet the target mix. The adjacent site comprises 2 x 2 bedroom bungalows and 1 x 3 bedroom bungalow, together the two scheme comprise 3 x 2 bedrooms bungalows, 2 x 3 bedroom bungalows and 1 x 4 bedroom house. Whilst there is no requirement to consider the mix of the two schemes together, the combined mix is acceptable.

Affordable Housing

- 10.22 Whilst the proposal is 3 units, policy HG3 requires 30% affordable housing on schemes of 5 houses or more. The Local Planning Authority has to consider whether as both the application site and the adjacent site where three bungalows have been constructed form part of the same field, there may be requirement for affordable housing.
- 10.23 The agent has advised Policy HG3 is not applicable as the proposed development is below the threshold for affordable provision. Evidence has been provided to demonstrate the field was once divided, and the south-eastern part of the field has remained is in a different ownership to that of the north-western part of the field. The OS map of 1909 shows all the paddocks then on Back Lane, Tollerton and which all have 3-digit numbers. The application site is paddock number 164 and the land to south-eastern is paddock number 166. The application site is to be purchased from Steven Otterburn whose family have owned paddock 164 for 102 years. Paddock 166 was owned by the Ramsden family prior to its

development. Therefore, whilst the site is part of the same field as the adjoining site, both parcels of land are in different ownerships and have been so for some time. Land registry titles for both parcels of land have been submitted.

- 10.24 Having regard to the above there is no requirement for affordable housing at the application site.

Design

- 10.25 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. The proposal is of a modest scale of 3 units and reflects the linear character and scale of development along Back Lane.
- 10.26 The character of Back Lane is varied, includes dwellings and bungalows, and is predominantly brick with an assortment of roof materials. The proposed dwellings are considered to be well designed. Each is proposed to be constructed in a material palette to match the local vernacular. The proposal is considered to assimilate into the varied character of the Back Lane. The detached garage to plot 3 is forward of the dwelling, this is not uncommon along Back Lane. The proposed development will be in accordance with Local Plan Policy E1.

Impact on Amenity

- 10.27 Policy E2 of the Local Plan requires all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. This relates to matters such as mutual privacy, adequate daylight provision, and protection from noise and disturbance.
- 10.28 To the west of the site is a farm with sheep and cattle. Environmental Health initially raised some reservations in relation to smell, flies and noise given the proximity to the farm. An odour survey has been submitted that concludes there is a 'slight adverse impact' on the housing development which it indicates 'would be considered not significant'. Environmental Health have commented the report is a reasonable assessment, odours are likely from time-to-time to have an impact on the amenity of the future occupants of the proposed development. The closest shed is not large and is in part used for storage. In addition, the cattle will be away from the site during summer months, reducing the impact during the times when use of gardens is more likely. Flies are likely to have an impact, given the proximity to farm animals. Noise from farm machinery used look after the animals is likely however, it is not anticipated that the equipment used would be fixed plant with intensive use. The dwellings accord with the minimum sizes set out in the Nationally Described Space Standards.
- 10.29 In addition a noise impact assessment has been submitted. The assessment finds the soundscape on the site is comprised predominantly of intermittent trains on the York to Thirsk railway line and intermittent farm vehicle activity noise on Moorlands Lane. The survey shows acceptable external noise levels, and with regards to road traffic using Moorlands Lane, compliance with internal noise criteria can be achieved with standard thermal double glazing and acoustic trickle ventilation Paragraph 5.1.1 of the survey relates to mitigation and states "There will be an exceedance of the noise criteria with an open bedroom window and so it is recommended that any bedroom window, with either full or partial line of sight to Moorlands Lane, is fitted with an acoustic trickle ventilator". Noise levels from the cattle shed have been found to be insignificant in comparison to other noise sources in the locality. The survey comments noise should not be deemed to be a determining factor in the granting of planning permission for the site. Comments are

awaited from Environmental Health regarding the survey. A condition is recommended to ensure development takes place in accordance with the mitigation requirements set out at paragraph 5.1.1 of the noise impact assessment.

- 10.30 Adequate separation distances exist between the proposed dwellings and the existing surrounding dwellings to prevent any loss of privacy or daylight provision. The proposal is not considered to result in overlooking, overbearing or overshadowing impacts upon neighbours.
- 10.31 Overall in officer opinion, and subject to the Environmental Health comments awaited, the proposal is considered to provide a satisfactory level of amenity for future residents and is not considered to result in harm to existing amenity levels afforded to neighbours. The proposal is considered to accord with policy E2 of the Local Plan.

Drainage and Flood Risk

- 10.32 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. Foul water will discharge to public foul sewer network. Yorkshire Water have not raised any objections to foul water.
- 10.33 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding.
- 10.34 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. The submitted Percolation Testing Report states that sub-soil conditions do not support the use of soakaways. Yorkshire Water had no objection to the drainage details submitted with the original layout which showed:
- a.) The proposed separate systems of drainage on site and off with combined off-site
 - b.) The proposed amount of domestic foul water to be discharged to the public foul/ water sewer
 - c.) The proposed amount of curtilage surface water to be discharged to the public foul water sewer at a restricted rate of 1 litre/second
 - d.) The proposed point(s) of discharge of foul and surface water to the foul public sewers.
- 10.35 A revised drainage layout has been submitted reflecting the amended layout of plot 3 and a revised consultation response is awaited from Yorkshire Water
- 10.36 Given the satisfactory response having been received from Yorkshire Water, the proposed will satisfactorily deal with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied.
- 10.37 Third party representations refer to flooding along Back Lane since the construction of the Brecklands Court development. Both the Brecklands Court development and application proposal include positive drainage measures and therefore should not contribute to flooding in the locality. The approved discharge of condition application for Brecklands Court approved a surface water storage tank pumped at a controlled rate to the public foul sewer. This issue of flooding potentially arising from the Brecklands Court development is referred to Enforcement for further investigation.

Ecology and Biodiversity Net Gain

- 10.38 Policy E3 The Natural Environment requires all proposals to demonstrate a net gain for biodiversity. Policy E7: Hambleton's Landscapes seeks to protect and enhance the distinctive landscapes of the district. The impact of a development on protected species is also a material planning consideration which will be assessed below.
- 10.39 The submitted tree survey shows the three existing trees adjacent to the Back Lane to be category B1 trees, and the two hedgerows, one to Back Lane and onto Moorlands Lane to be category B2 hedges. With the exception of the removal of a section of hedge to create the temporary construction access which will thereafter be reinstated, existing tree and hedges are retained.
- 10.40 The application is submitted with an Ecological Appraisal. The appraisal finds the proposals will have no impacts on statutory or non-statutory nature conservation designations. The appraisal comments "The timing of the survey was after the end of the normal bird nesting season regarded as March to August inclusive. Therefore, it was not possible to detect any nesting activity and speculation as to what species might use the area is used as a surrogate for actual data" and "The survey was only done during daylight and there was no dusk survey to detect bat usage, especially as it was during the hibernation period". No further surveys are required unless the site clearance is to be done during the bird nesting season (March to August), when a pre-emptive survey will be needed to confirm a lack of any active nests of ground and hedge nesting species. With regard to bats the appraisal states "Bats are considered likely to use the site for foraging but there are no opportunities for roosting in any of the trees, even though they had a light covering of ivy. This was not sufficiently dense to allow roosting. The dilapidated wooden stable block in the middle of the site was unsuitable for bat roosting, and there was also no evidence of bird nesting inside".
- 10.41 With regard to existing hedges the appraisal states the dominance of Hawthorn and the absence of minor species at moderate frequency is likely to cause the hedgerow to fall short of the required species-richness to be regarded as important under the regulations. Although the hedgerows were surveyed after the leaves had fallen there is a confident expectation that the species composition is as recorded and it is unlikely that any species were overlooked during a thorough inspection of both of the hedgerows on the site.
- 10.42 The appraisal finds overall the site is of low value. Recommendations include new hedgerow planting, bird and bat installations, gaps under any fencing of 15cm or installing Hedgehog holes, and some tree planting to the north east boundary.
- 10.43 The applicant submitted a BNG Metric 4 and report which showed the proposal would deliver an on site net change in hedgerow units of 38.33%. Habitat units are to be delivered off site on adjacent land under the applicants control and will achieve a 14.61% increase in habitat units. The adjacent land is to be used in part to provide BNG for the application site, and partly as a habitat bank for other potential developments by the same developer or third parties with a biodiversity requirement. Given the images in the BNG report separate the BNG land proposed for site from the third party BNG land it is considered this matter can be controlled by condition.
- 10.44 The submitted BNG report was not accurate as i) it does not reflect the revised site layout following the design change to plot 3, and ii) it states all onsite hedgerows are to be retained which is not accurate as a section of hedge is proposed for removal to create the temporary site access. In addition the report states the "existing hedgerows are likely to be around 200-250 years old and are irreplaceable within a reasonable time", which may not be consistent with the Preliminary Ecological Appraisal which states "The dominance of Hawthorn and the absence of minor species at moderate frequency is likely to cause the hedgerow to fall short of the required species-richness to be regarded as important under the regulations", and "Both of the hedgerows were relatively species-poor".

- 10.45 A revised BNG Metric and report has been received reflecting the amended site layout and shows an on site net change in hedgerow units of 215.25%. Habitat units are to be delivered off site on adjacent land under the applicants control and will achieve a 18.16% increase in habitat units. The report confirms all hedgerows are to be retained, this is because the approximately 10m section is to be removed to create the temporary site access is to be translocated to another location on site rather than lost. Whilst existing hedgerows are old they are species poor and would not meet the criteria for an important hedge under the Hedgerow Regulations. The proposed translocation relocates the old soils, micro-flora and microfauna, ground flora, and ancient specimens. The ecologist has confirmed the Preliminary Ecological Appraisal does not include an assessment of the hedgerows under the Hedgerows Regulation as the PEA is a preliminary assessment to characterise the habitats rather than individual features. A pedestrian access only is proposed to the proposed BNG land.
- 10.46 Overall the proposal achieves BNG gains in excess of 10% for hedgerows on site and habitats adjacent to the application site and accords with the requirements of Policy E3.

Contaminated Land

- 10.47 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. A Preliminary Assessment of Land Contamination' form has been submitted along with a Phase I Desk Top Study produced by Arc Environmental. The report recommends a programme of Ground Investigation (intrusive investigation) works to provide an assessment of its geoenvironmental characteristics including laboratory contamination screening on selected samples to assess the risks to Human Health and Controlled Waters. In light of this information, the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment. Conditions are recommended to require the applicant to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

Impact on Heritage Assets

- 10.48 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal. In addition, the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account, requiring a balanced judgement having regard to the scale of any harm or loss and the significance of the asset. Local Plan policy E5 relates to development affecting heritage assets and policy S7 relates to the historic environment requiring conservation of Hambleton's heritage assets appropriate to their significance.
- 10.49 The site is located outside of the Conservation Area boundary which runs long the edge of the road immediately adjacent to the site. The development area contains part of a medieval ridge and furrow field system. The application is submitted with an Archaeology and Heritage Desk-Based Assessment. The report suggests that other than the site containing ridge and furrow earthworks there is a low archaeological potential.
- 10.50 A consultation response has been received from NYC Heritage Services who comment "The ridge and furrow is a heritage asset in its own right and forms part of a more extensive block or ridge and furrow on the eastern side of the village of Tollerton. The neighbouring

site also contained ridge and furrow which was recorded prior to development. There would appear to be little gain from further recording within the application site as it will only replicate the previous results and not add to our knowledge”.

- 10.51 The Local Planning Authority accepts the findings of the Archaeology and Heritage Desk-Based Assessment and considers the proposal overall would result in less than substantial harm to the significance of the non-designated heritage asset. This harm is considered to be outweighed by the benefits of the provision of three dwellings in a sustainable location. The proposal is not considered to result in harm to the setting of the adjacent designated conservation area and listed buildings on Alne Road that are physically and visually unrelated to the site.

Other Matters

- 10.52 Representations question if this application is granted where is the 'agricultural access' to the fields to the north considered necessary in the 2021 application? The 2021 application is for the 3 bungalows adjacent to the application site and does not include any agricultural access to the field beyond the site. Representations also suggest the Council has failed to notify all the residents affected. The application has been advertised by means of a site notice displayed at the site and 25 letters posted to neighbours. The Local Planning Authority has therefore fulfilled its obligation.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposed development meets the requirements of policy HG5 and thus can be supported in principle as a windfall housing development. The proposal would maintain the existing character and appearance of the surrounding village, and Back Lane in particular. The development would provide an acceptable housing mix and would help to address the shortfall in bungalows in the district. Matters relating to highway safety have been suitably addressed and whilst Yorkshire Water had no objections to the original scheme a revised consultation response is awaited regarding the revised drainage layout, along with a response from Environmental Health in relation to the noise survey. Subject to no objections being received from those consultees it is recommended that this application be approved.

12.0 RECOMMENDATION

- 12.1 That permission be granted subject to the imposition of the below listed conditions:

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

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered P102N Site Plan, P101D - Plot 1 plan and elevation, P202B – plot 2 elevations, P302D – plot 3 elevations received by the Local Planning Authority on 25 January 2024; 5017/2C - detailed landscape proposals received by the Local Planning Authority on 31 October 2023; P103A – temporary site access plan, P201D - Plot 2 floor plan, P302D – plot 3 floor plan, P501A – plot 3 garage received by the Local Planning Authority on 30 October 2023; P104 - site access plan received by the Local Planning Authority on 6 July 2023; LP101C - location plan received by the Local Planning Authority on 10 March 2023; and P401 - plots 1/2 garage received by the Local Planning Authority on 20 January 2023, unless otherwise approved in writing by the Local Planning Authority.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method

Reason: In the interests of the visual amenity of the area in accordance with Local Plan Policy E1.

4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

5. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference Project no. 2247 Drawing No. P102 Revision N. Once created these areas 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.

6. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii) the parking of contractors' vehicles;
- iv) measures to manage the delivery of materials and plant to the site including the routes and timings of deliveries and provision of loading/unloading areas;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) details of site working hours;
- vii) a detailed method statement and programme for the building works; and
- viii) 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

7. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8. If contamination is identified during the Phase 2 assessment, prior to any development work, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

10. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. The development shall be carried out in accordance with the details shown on the submitted plan, 'Drainage Strategy' 22418 DR-C-0107 (revision P5) dated Nov 2022 that has been prepared by Topping. (To be updated when revised response received from YWS)

Reason: In the interest of satisfactory and sustainable drainage

12. All existing hedges and trees shall be retained, unless shown on the approved drawings as being removed. All trees and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site by the erection of protective fencing in accordance with the details shown within section 9.4 of the submitted Tree Survey prepared by Blue Hill dated 21Dec 2022. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

13. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan numbered 5017/2C received by the Local Planning Authority on 31.10.2023; and the Biodiversity Net Gain planting on the adjacent site has been carried out.

Reason In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan Policies E1, E3 and E7.

14. Prior to the development hereby approved coming into use, a Management Plan setting out how the landscaping and biodiversity net gain planting both on the application site and on the adjacent biodiversity net gain site shown edged pink on Figure 9.6 of the Biodiversity Net Gain Assessment dated December 2023 will be managed, including periodical review and monitoring, to ensure the specified net gain in biodiversity will be achieved for the 30 year period, has been submitted for the written approval of the Local Planning Authority. Once approved the Management Plan must then be implemented in full.

Reason: To ensure the requirements of Policy E3 are met in full.

15. The mitigation measures outlined in section 6 of the Ecological Impact Assessment prepared by Dryad Ecology dated December 2022 shall be implemented in full, including the following:
- The removal of the hedgerow section to be scheduled to avoid the bird breeding season, which runs from March to the end of August. If this is not possible, then a check for active nests should be carried out immediately before any works to the affected areas begin. If active nests are found, works shall be delayed until all chicks have fully fledged.
 - Site clearance to be scheduled to avoid the bird breeding season, which runs from March to the end of August. If this is not possible, then a pre-emptive survey shall be undertaken to confirm a lack of any active nests of ground-nesting species, or any active nests shall be left undamaged until they are no longer in use.
 - Measures to ensure the development is hedgehog friendly.
 - Inclusion of a bat box and bird box into each dwelling.
 - Any external lighting to emit a wavelength that is bat friendly, with lights that are downward pointing and which are on motion sensors or timers to reduce the time that the area is illuminated.

Reason: To ensure no harm arises to protected species.

16. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 08:00 – 18:00 Monday to Friday

- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution in accordance with Hambleton Local Plan Policy E2.

17. No above ground construction work shall be undertaken until details of the glazing specification, including design, materials, method of opening and ventilation requirements to be incorporated into the construction of the development, shall be detailed and submitted to the Local Planning Authority for prior approval. Thereafter, the approved details shall be implemented in full prior to the development becoming occupied and shall be permanently maintained in full accordance with the approved details.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from noise, and in accordance with Hambleton Local Plan Policies E1 and E2.

18. Any external lighting used at the development shall be shielded to prevent glare or any threat to highway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane.

Reason: To limit the impact of light pollution from artificial light on local amenity, in accordance with Hambleton Local Plan Policy E2.

19. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 22418 DR-C-0107 (revision P5) dated 01/12/23 prepared by Topping Engineers.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Hambleton Local Plan Policies RM1 and RM3.

20. Development shall take place strictly in accordance with the mitigation requirements set out at paragraph 5.1.1 of the noise impact assessment received by the Local Planning Authority on 10 January 2024.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution in accordance with Hambleton Local Plan Policy E2.

Target Determination Date: 22 February 2024

Case Officer: Mrs Naomi Waddington
Naomi.Waddington@northyorks.gov.uk

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**North Yorkshire Council
Community Development Services**

Thirsk and Malton Area Constituency Planning Committee

15 February 2024

ZB23/01987/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 20/00219/OUT for outline application for construction of 2 dwellings with access to be considered (all other matters reserved) as per amended plans received by Hambleton District Council on 13th August 2020 at land north of Mayfield and east of Orchard House, South Otterington, North Yorkshire

On behalf of Yorkshire Land Ltd

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for approval of reserved matters (considering appearance, landscaping, layout and scale) following outline approval 20/00219/OUT for permission for the construction of 2 dwellings on land at Land North of Mayfield and East of Orchard House, South Otterington.
- 1.2 The application is appropriate for consideration by the planning committee owing to a call-in by a member of the Council.

2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed within section 12 of this report.

- 2.1 The proposal is for two large dwellings on a site within the village of South Otterington. It is a rectangular parcel of land between the cul-de-sac of Mayfield to the south and the C road that connects the village to Newby Wiske to the north. Rock Cottage and Fern House, two detached dwellings that front the A167 sit directly to the east. There are a total of 24 trees that are subject to Tree Protection Orders situated around the wider parcel of land, several of which also fall within the two areas at either end of the rectangular parcel of land where the dwellings are proposed to be situated.
- 2.2 The principle of the development was established through the granting of the outline permission and therefore the pertinent issues are now design, the impact on the character and appearance of the locality, the impact on residential amenity, and the impact on the protected trees. Officers consider that the various amendments made to the proposal and a reduction in scale of plot 2 over the course of the application has resulted in an acceptable scheme and therefore recommend approval of the application.



3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here: [Associated Documents](#)
- 3.2 Through the course of the application the plans for plot 1 have been amended to reduce the scale of the dwelling in the interests of the impact on the locality and general design principles. Furthermore, an Arboricultural Method Statement has been submitted outlining protection measures for the trees within the site during construction and moving forward.
- 3.3 There is one relevant planning application for this application which is detailed below:
- 20/00219/OUT - Outline application for construction of 2 dwellings with access to be considered (all other matters reserved) - Granted 26.11.2020.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is a rectangular parcel of grassland totalling approximately 1.83 acres in area in the village of South Otterington. It is located adjacent to existing dwellings to the south and east, with the primary school located to the north opposite a C road that runs westwards to Newby Wiske.
- 4.2 This application specifically relates to two areas at either end of this rectangular piece of land. The western-most area is an L shaped section measuring approximately 0.5 acres that wraps around the adjacent dwelling named Orchard House that is situated immediately to the west. This is plot 2. Plot 1 is located at the eastern-most end of the wider site and measures approximately 0.35 acres in area. This abuts Rock Cottage and Fern House to the east and one of the dwellings situated on Mayfield, the cul-de-sac to the south.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application is seeking reserved matters permission for the two dwellings. This includes design and layout. Plot 1, the eastern-most plot, is proposed to be a two-storey, four bedroomed, unit. It would comprise a main section flanked by a smaller adjoining element on one side and a one and a half storey double garage on the other. This gives way to a stepped roof line. A small porch and bay window help to break up the principle elevation.
- 5.2 Plot 2 would be a similar scale but with the main facade comprising mostly a continuous frontage with a smaller two-storey element at the western side. A detached double garage is then proposed to be sited immediately to west.
- 5.3 Access for plot 1 would come directly off the C road to the north and plot 2 would be served by a driveway running off Beechfield, the existing residential estate to the south. Both of these points of access were approved at outline stage.
- 5.4 All of the protected trees would be retained, along with the other landscaping in the western corner of plot 2 which is not formally protected. Native hedging would be planted along the eastern and western boundaries of plot 1, as well as the eastern boundary of plot 2. The existing hedgerow that runs along the northern boundary of the wider site would also be retained save for a very small section to allow pedestrian access to plot 2 and the larger section to provide the access for plot 1.

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan.

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 Consideration

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

- 7.1 The following consultation responses have been received and have been summarised below:

Consultees

- 7.2 Parish Council: No comments or objections.
- 7.3 Environmental Health: No objections.
- 7.4 Environmental Health (Contaminated Land): No objections.
- 7.5 NYC Heritage Services: The outline planning permission (Ref: 20/00219/OUT) includes a condition (No. 12) relating to archaeological assessment and mitigation. I can confirm that the condition has been addressed and as a result I have no comments to make on the reserved matters application.
- 7.6 NYC Highway Authority: No objection subject to conditions.

Officer note: The conditions recommended by the Local Highway Authority were included as part of the outline permission as access was approved at that stage. It is best practice not to unnecessarily repeat conditions and therefore they are not replicated on the recommendation for this reserved matters application.

- 7.7 Street Naming and Numbering: An application would be required.

Local Representations

- 7.8 Two local representations have been received, both of which are objecting to the application. A summary of the comments is provided below, however, please see website for full comments:

Concerns with the scale and height of plot 1.

Detrimental impact on the residential amenity by way of overlooking and overshadowing.

Concerns with the impact on the existing hedge of installing a timber fence at eastern boundary of plot 1.

Use of "hard boundaries" will be oppressive and not in keeping with the surrounding village.

Procedural issues with the change in the site layout which was miscommunicated during the outline application.

The resulting "stranded asset" of the area of land between the two proposed units which may lead to future development.

- 7.9 A 10-day re-consultation was carried out following amendments to plot 1. No comments have been received.

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:

Design and impact on the character and appearance of locality

Impact on residential amenity

Impact on protected trees

Biodiversity net gain

Other matters raised by objectors

10.0 ASSESSMENT

Design and Impact on the Character and Appearance of the Locality

- 10.1 Policy E1 of the Local Plan requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. It goes on to outline a number of design principles which help to achieve this overarching aim. The most relevant in this case are [a development]:
- a. Responding positively to its context and drawing inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places and;
 - b. Respecting and contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping.
- 10.2 Initially concern was expressed by officers regarding the overall scale and massing of plot 1 and the subsequent detrimental impact it would have had on the wider locality. However, following amendments it is considered this harm has been rectified. It is now smaller in height than originally proposed and owing to the breaking up of the frontage resulting from the staggered roof ridge line and the bay window, it would not appear so large and overbearing within the surrounding street scene.
- 10.3 Plot 2 is smaller in scale and simpler in terms of the overall design. It also utilises a staggered roof line to break up the overall scale and massing and to ensure that it would not appear domineering in the surrounding context.

- 10.4 Both units are undoubtedly large but there is no consistency in terms of the size of dwellings in the wider village. There are examples of larger dwellings in fairly prominent locations, such as Fern House to the east, Orchard House to the west, and the Rectory to the north west. The two proposed units would be seen in this context and therefore would not appear incongruous. Furthermore, the fact both units would be set back from the main road by a considerable distance and would be largely screened by mature trees that line said road, would further mitigate any impact of their large size. The retention of these trees is ensured through the fact they are subject to Tree Preservation Orders. A condition requiring the permanent retention of the hedge along the northern boundary of the site at a minimum height of 1.5m, as well as the landscaping in the north west corner of plot 2, is proposed. This would ensure adequate screening from the main public vantage points in the surrounding area.
- 10.5 No finalised materials have been provided. However, the applicant has submitted samples of some options they consider appropriate. These are all a variation of a red multi brick. Generally this is the most prominent material in the settlement, particularly on the older buildings to the east, as well as Orchard House to the west. As such, it would be in keeping with the character of the surroundings. However, a condition requiring finalised details to be agreed was imposed on the outline permission.
- 10.6 Concerns have been expressed regarding the proposed boundary treatments - namely a 1.8m high close boarded timber fence which is proposed to be used in several small sections to the south of plot 2 and the east and west of plot 1. The rest of the site boundaries would be defined by native hedgerow. Whilst the concerns are noted, there are numerous examples of timber fencing being used in the locality, not least on the boundaries of the dwellings on Mayfield to the south of the site. Furthermore, the location of these sections of fence are such that they would barely be visible from the main road to the north. It is accepted the fencing around the entrance to plot 2 would be more visible but this would in the context of Beechfield - a residential area where such boundary treatments are evident. Based on this, it is considered the boundary treatments on the development are appropriate.
- 10.7 All in all it is considered that the designs of the two units are in keeping with the surrounding context and local character and therefore the requirements of policy E1 are met.
- 10.8 One final point to note in relation to the design of the two units is the requirements of policy HG2. Policy HG2(g) requires all new homes meet the National Described Space Standards (NDSS), or any successor standards/policy. The NDSS sets out minimum requirements for the floor area of dwellings dependent on the number of bedrooms, as well as the minimum size of the bedrooms themselves. It should be noted that both units meet the NDSS requirements in both regards and therefore the pertinent requirement of policy HG2 in this instance is met.

Impact on Residential Amenity

- 10.9 Policy E2 of the Local Plan requires all proposals to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.10 The two objections received are from the residents of Fern House, which is situated to the east of plot 1, who have raised concerns with regards to the height of this plot and it potentially leading to a detrimental impact on their amenity by way of overshadowing and overlooking, as well as the proximity of it to the shared boundary creating an overbearing affect. Fern House faces the A167, with the rear of the dwelling facing towards what would

be the side elevation of plot 1. However, the dwelling itself is separated from the edge of the site by a considerable distance (circa 30m), with an intervening outbuilding used for ancillary space and a vegetable patch/allotment. Between the side elevation of plot 1 and the edge of the grounds surrounding Fern House, there would be a separation distance of over 8m, with the two-storey part of plot 1 further away even still. Consequently, it is considered that there would not be overshadowing nor would the proposal have an overbearing impact. This separation distance along with the lack of windows in the side elevation of plot 1, as well as the intervening boundary treatments, would ensure no loss of privacy either.

- 10.11 Plot 2 would have a similar relationship with the adjacent Orchard House. The rear elevation of this neighbouring dwelling would face towards the driveway serving the new dwelling. However, owing to the orientation of plot 2, there would be no direct views between the two dwellings themselves, nor from plot 2 into the rear garden of Orchard House. As such, mutual privacy for occupants of both dwellings will be ensured.
- 10.12 The final issue in terms of amenity is the dwellings along the northern side of Mayfield. However, the plots within the site would have a back-to-back relationship with these units which is common in residential areas. The separation distances and adequate boundary treatments would ensure mutual privacy.
- 10.13 The above assessment demonstrates the proposal complies with the requirements of policy E1 and a high standard of amenity will be assured.

Impact on Protected Trees

- 10.14 The impact of a development on trees is a material planning consideration. The trees around the edges of the wider parcel of land, including adjacent both proposed accesses for the two units, are protected by Tree Preservation Orders as a recognition of their form and the contribution they make to the wider amenity of the area. Consequently, their protection is of an even greater importance.
- 10.15 The Landscape Masterplan shows all of the protected trees within the two plots are to be retained. There are two trees in particular that are within close proximity of the two accesses where work would be required within the Root Protection Areas (RPAs). These are an oak tree to the west of the driveway serving plot 1 and a sycamore to the west of the driveway serving plot 2.
- 10.16 To ensure no harm to the longevity of these trees arises during construction and subsequently, the Landscape Masterplan sets out that work would be undertaken using "no dig techniques" and the accesses would be surfaced with a permeable block paving and porous gravel. This would ensure protection of the tree roots moving forward. Furthermore, to ensure protection of all trees on and around the site throughout construction, protective fencing would be installed and only removed upon the completion of the development phase. A condition ensuring these requirements are implemented is recommended.
- 10.17 Four small trees would need to be removed to allow the access to plot 2 to be constructed but these are much smaller specimens that are not subject to any legal protection and do not otherwise contribute to the visual amenity of the area. Consequently, their removal is deemed to not cause harm.

Biodiversity Net Gain

- 10.18 Following the granting of the outline permission in November 2020, the Hambleton Local Plan was adopted by the former Hambleton District which is now the development plan in place for this part of North Yorkshire - as set out above. Policy E3 of the Local Plan now

requires all development to demonstrate the deliverability of a net gain in biodiversity. However, as the principle of this development was granted prior to this being a requirement, the Planning Practice Guidance sets out that this development would not be subject to this requirement. No information relating to BNG has been submitted on this occasion, but owing to the above, this is not deemed a reason for refusal.

Other Matters Raised By Objectors

- 10.19 There are several other matters raised in the objections that have not otherwise been addressed above. Firstly, the matter of the impact of the hedgerow of installing a 1.8m high fence. There is no indication as to why the fence would lead to harm in this respect. Indeed, hedgerows in residential settings are very often directly adjacent timber fences. Furthermore, this is on a relatively small section of the site and in general the development would lead to a net increase in the amount of hedging on site. On this basis, this matter is given limited weight and is not considered to warrant refusal of the application.
- 10.20 The second matter is the change to the red line boundary during the outline application. Whilst noted, the Council's systems show that upon receipt of the amended Location Plan, a re-consultation period was carried out in August 2020 ahead of a decision being made in November 2020. Consequently, proper procedure was followed. Nevertheless, this matter is not a material consideration in this reserved matters application.
- 10.21 The final matter raised is the fact the development of either end of the wider rectangular parcel of land would leave an area in between with no possible use. Whilst noted, such a development was deemed acceptable at outline stage and this matter of principle cannot be revisited at reserved matters stage. In any event, the Council can only assess the proposal in front of them and any potential future application concerning this central parcel of land would be assessed on its own merits.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The above assessment demonstrates that the development is acceptable on the grounds of design and the impact on amenity. Furthermore, adequate information has been provided to demonstrate that the trees within the plots and the immediate surroundings would be protected throughout construction and moving forward. Approval is recommended on this basis.

12.0 RECOMMENDATION

- 12.1 That permission be granted subject to the imposition of the below listed conditions:

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

Reason To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered SO-TYPE-B-001, SO-G-001 Revision A, SO-TYPE-B-002, SO-TYPE-B-003, SO-TYPE-A-001 Revision F, SO-TYPE-A-002 Revision E, SO-TYPE-A-003 Revision E, SO-201, SO-101 Revision K and R/2706/1B; received by the Local Planning Authority on 26.09.2023, 11.12.2023 and 18.01.2024; unless otherwise approved in writing by the Local Planning Authority.

Reason In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

3. The landscaping marked as group G8 on the Landscape Masterplan numbered R/2706/1B received by the Council on 18.01.2024 shall be retained in perpetuity.

Reason In the interests of softening the visual impact of the development and ensuring a harmonious addition to the street scene, as required by Policy E1 of the Local Plan.

4. The existing hedgerow along the northern boundary of the two plots shown on the Landscape Masterplan shall be retained at a height of at least 1.5m in perpetuity.

Reason: To ensure visual screening of the development and the preserve the character of the street scene.

5. No part of development must be brought into use until the landscaping scheme shown on drawing number R/2706/1B has been implemented. It must be maintained in line with said plan for the lifetime of the development.

Reason: In order to soften the visual appearance of the development and provide any appropriate screening to adjoining properties.

6. The tree protection measures relating to the access works outlined on the Landscape Masterplan (drawing no. R/2706/1B), as well as the measures outlined in sections 2 and 3 (and the relevant appendices) of the Arboricultural Method Statement, shall be implemented in full.

Reason: To ensure that the trees that are of value are protected in accordance with Local Plan Policies S1, E1 and E7.

Target Determination Date: 16 February 2024

Case Officer: Mr Nathan Puckering
nathan.puckering@northyorks.gov.uk

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