

Meeting: Richmond (Yorks) Area Constituency Planning Committee

Members: Councillors Caroline Dickinson, Bridget Fortune, Heather Moorhouse (Vice-Chair), Stuart Parsons, Karin Sedgwick, Steve Watson, David Webster (Chair) and Bryn Griffiths (substitute for Councillor Stuart Parsons).

Date: Thursday, 11th May, 2023

Time: 10.00 am

Venue: Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton DL6 2UU

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 if you have any queries.

This meeting is being held as an in-person meeting that is being broadcasted and will be available to view via the following link: [Richmond \(Yorks\) Area Constituency Planning Committee via Teams](#). Please contact the named democratic services officer supporting this committee if you would like to find out more.

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Agenda

1. Apologies for Absence

2. Minutes for the Meeting held on 13 April 2023 (Pages 5 - 10)
To confirm the minutes of the meeting held on 13 April 2023 as an accurate record.

3. Declarations of Interests

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

4. Public Questions and Statements

Members of the public may ask questions or make statements at this meeting if they have given notice (including the text of the question/statement) to Louise Hancock of Democratic Services (contact details at the foot of the agenda) by midday on Thursday, 4 May 2023. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak:-

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

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

5. **2300625/FUL - Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access at Sedgefield House, Ainderby Steeple, DL7 9JY** (Pages 11 - 32)
Report of the Assistant Director – Planning
6. **19/01779/OUT - Application for outline planning permission for approximately 70 residential dwellings and associated infrastructure with all matters reserved other than dwellings and associated infrastructure with all matters reserved other than access into the site (revised by information received on the 10 February) at Land adjacent to Bungalow Farm, Birkby Farm, East Cowton** (Pages 33 - 56)
Report of the Assistant Director – Planning
7. **22/00930/FUL - Retrospective change of use to B2 at Coulbeck Grainge, Sexhow Lane, Hutton Rudby** (Pages 57 - 82)
Report of the Assistant Director – Planning
8. **22/02352/FUL - Proposed two-storey extension to create an additional 14no. apartments at Elder View, Elder Road, Northallerton** (Pages 83 - 100)
Report of the Assistant Director – Planning
9. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
10. **Date of Next Meeting**
Thursday, 8 June 2023 at 9.00am at Mercury House, Richmond.

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:

Louise Hancock, Democratic Services Officer
Tel: 01609 767015
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Tuesday, 2 May 2023

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 13th April, 2023 commencing at 10.00 am.

Councillor David Webster in the Chair. plus Councillors Caroline Dickinson, Bridget Fortune, Bryn Griffiths (Substitute), Heather Moorhouse, Karin Sedgwick and Steve Watson.

In attendance: Councillors Angus Thompson and Kevin Foster.

Officers present: Fiona Hunter, Sarah Holbird, Bart Milburn, Peter Jones, Ian Nesbit and Laura Venn.

Copies of all documents considered are in the Minute Book

1 Apologies for Absence

There were no apologies for absence. Councillor Bryn Griffiths attended as a substitute for Councillor Stuart Parsons.

2 Declarations of Interests

There were no declarations of interest.

3 Public Questions and Statements

The representative of the Corporate Director – Community Development Services stated that, other than those that had indicated that they wished to speak in relation to the applications below, there were no questions or statements from members of the public.

Planning Applications

The Committee considered reports of the Corporate Director and 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(s) of the Corporate Director – 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.

4 23/00407/FUL - Full Planning Permission for the siting of a statue at Treadmills, Crosby Road, Northallerton for North Yorkshire Council

Considered:-

The Corporate Director – Community Development Services sought determination of a planning application for the siting of a statue on land at Treadmills, East Road, Northallerton. This matter had been brought to the Committee as the former Hambleton District Council was the applicant.

The decision:-

Permission Granted subject to the conditions listed in the Committee report.

5 22/02555/OUT - Outline Planning application for the development of up to 88 dwellings (as amended) on land at Blind Lane, Aiskew

Considered:-

The Corporate Director – Community Development Services sought determination of a planning application for outline planning application for the development of up to 88 dwellings (as amended) on land at Old Hatchery, Blind Lane, Aiskew

The decision:-

Permission Granted subject to the conditions listed in the Committee report and an amendment to condition 10 to include an additional requirement in the construction management plan for a scheme for the examination and where appropriate extermination of vermin on the site prior to demolition. The Committee was satisfied that this was necessary to protect public amenity

The Committee also approved an amendment to condition 19 and an additional condition the wording and reasons are as set out below.

Condition 19 - Correction made to the date of Network Rail's response (new/accurate date underlined) within recommended condition 19 within the 'Recommended conditions' section of the Officer report: Prior to commencement of

development hereby approved a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the issues raised in Network Rails response dated 22.11.2022 in relation to surface water drainage and the adjacent railway line are to be addressed. The development shall thereafter be carried out in accordance with the approved strategy.

Reason: To ensure that the development does not cause drainage/flooding issues on the adjacent railway line in the interest of public safety.

Additional Recommended Condition: "Prior to the occupation of the first dwelling the applicant shall submit an independent survey prepared by a suitably qualified highway engineer confirming that the construction of Bluebell Way has been completed to an adoptable standard in accordance with the approved plans of the Bluebell Way development and that the road is safe to use for both existing and by households who will occupy the proposed development"

Reason: To ensure that the proposed access to the site is safe in accordance with Policy IC2 of the Local Plan.

Additional Recommended Condition: Prior to the commencement of development, other than initial site clearance and the formation of the access, full site levels shall be submitted to and approved by the Local Planning Authority. Levels shall include existing and proposed site levels along with proposed floor, eaves and ridge levels. The development shall be implemented in accordance with the approved details.

The reason:

(The applicant's agent, Ian Prescott, spoke in support of the application.)

(Michael Chaloner spoke on behalf of Aiskew and Leeming Bar Parish Council objecting to the application.)

(Michael Broad spoke objecting to the application.)

6 22/00565/OUT - Outline Planning application with all matters reserved except for access, for proposed storage and distribution units (Use Class B8) totalling 107,640 sq. ft in size at Scotch Corner Caravan Park

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for the proposed storage and distribution units (Use Class B8) totalling 107,640 sq ft at Scotch Corner Caravan Park, Richmond DL10 6NS. This report had been brought to the Committee as the Head of Planning considered a planning application to raise significant planning issues such that it was in the public interest for the application to be considered by Committee.

The decision:-

Permission Granted subject to conditions detailed in the Committee report and amendments to conditions 2, 20 and 21 as set out below and delegated approval to officers to draft and agree two additional conditions to list all agreed plans and reports and compliance with these; and a condition to secure archaeological investigations and recording in line with the NYC Heritage Officer's comments.

Condition 2: To include Scale as a reserved matter to be approved including the height of the buildings.

Condition 20: To be replaced in its entirety with the following new text: Condition 20 Biodiversity (discharge required)

With the Layout Reserved Matter application a Biodiversity Net Gain Scheme (BNGS) including Biodiversity Metric Calculation shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall demonstrate how a biodiversity net gain can be delivered and secured for the lifetime of the development.

The BNGS shall include planting details, establishment scheme, management scheme including funding and responsibilities, and timetable for implementation. Thereafter wards, the development shall take place in complete accordance with the BNGS and in perpetuity.

Reason: Details are required at the Reserved Matters stage as there is limited land to provide mitigation for the tree loss and no indicative Biodiversity Net Gain Scheme has been submitted with this outline application. The need for a Biodiversity Net Gain is likely to affect the layout and thus why the information is needed at this stage. This condition is applied having regards to paragraph 174 of the NPPF.

Note: Without a Biodiversity Net Gain a new application or Section 73 application would be required so that a planning balance exercise could be undertaken in the context of the confirmed percentage loss. Opportunities such as ponds and brown roofs may need to be explored to achieve Biodiversity Net Gain for this development.

Condition 21: First sentence amended to "With the Layout Reserved Matter application a scheme detailing foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority.". Reason amended to : "Details are required at the Reserved Matters stage as SUDs are the most sustainable form of drainage and can also act as ecology and landscaping features. These can take up a reasonable amount of space and therefore need to be considered alongside the layout. This condition is applied to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk; together with contributing towards biodiversity net gain having regard to Sections 12, 14 and 15 and of the National Planning Policy Framework 2021".

(Tom Cook spoke on behalf of the applicant in support of the application.)

(Steve Hill spoke objecting to the application.)

7 Any other items

There were no urgent items of business.

8 Date of Next Meeting

Thursday, 11 May 2023 – Mercury House, Richmond

The meeting concluded at 11.59 am.

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North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Constituency Committee

11 May 2023

**23/00625/FUL - PROPOSED CHANGE OF USE OF AGRICULTURAL AND AMENITY
BUILDING INCLUDING ALTERATIONS TO WEST ELEVATION TO A WEDDING VENUE
WITH ASSOCIATED PARKING FACILITIES AND NEW ACCESS**

AT SEDGEFIELD HOUSE AINDERBY STEEPLE NORTHALLERTON

ON BEHALF OF STUART TWEDDLE

Report of the Assistant Director - Planning

1.0 Purpose of the report

- 1.1 To determine a planning application for Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access on land at Sedgefield House Ainderby Steeple Northallerton North Yorkshire on behalf of the Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as the proposals have generated significant local interest.

2.0 Summary

Recommendation: That Planning Permission be GRANTED

- 2.1 The application is for the change of use of existing buildings on the site to form a wedding and events venue along with the formation of a new access from the highway network to the east of the application site.
- 2.2 The applicant commenced use last year in the absence of planning permission, which resulted in a number of local amenity complaints, culminating in the service of a noise abatement notice, by the Environmental Health Officer. It should be noted that this use was in the absence of any noise mitigation or detailed site management.
- 2.3 An application was made and then withdrawn owing to issues around the use of the existing access.
- 2.4 The main issues to consider are the benefits of a new business and employment activity, the potential impact on the highway network, residential amenity and the character and appearance of the area.
- 2.5 The assessment weighs a number of issues in the planning balance. However, the main determining issues are the balance between the economic activities, residential amenity and the use of the highway.

- 2.6 Officers consider that the majority of the identified issues regarding the potential impact on residential amenity, which would otherwise weigh against the proposed development can be dealt with through local signage, information to be provided in an events pack to be provided to clients and the proposed site management plan.
- 2.7 As set out in the following report the road access to the site is narrow and utilises a difficult junction at Warlaby village. The applicant proposes mitigation in the form of passing places to be formed in appropriate locations along the road, with the agreement of the Local Highway Authority.
- 2.8 Local residents have raised a variety of concerns about the development, including the use of the access but also highlighting concerns about noise and disturbance they consider likely to be caused by an events venue in this location.
- 2.9 These concerns have been somewhat exacerbated by the commencement of the use, last year in the absence of planning permission, when the use caused significant disturbance to local residents.



3.0 Preliminary Matters

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

[Documents for reference 23/00625/FUL: Public Access](#)

3.2 The submission of this application follows an earlier withdrawn application. The matter is brought to Planning Committee owing to the level of public interest generated by the proposed development.

4.0 Site and Surroundings

4.1 The site is located to the south of Ainderby Steeple within farmland on the edge of the curtilage of the farmhouse. The site is accessed via Warlaby lane and then via an unmade road to the farm, and outside the main confines of the village. The land rises up from the tarmac road and the farm buildings stand in a slightly elevated position and are visible at some distance from the main road between Ainderby Steeple and Northallerton.

4.2 Recent permissions have granted the siting 14 camping pods on site. These are set within the surrounding farmland to the north of the current application but can be booked by a party attending the proposed development. Further to this the site has also benefited from a change of use of a former agricultural building, to amenity and office space associated with the use of the camping pods.

4.3 At the time of these previous applications the agent advised that the amenity use within the barn would be for the congregation of camping pod guests in times of bad weather when the pods were hired by large family groups; as somewhere to spend time together. At no point was it advised that the amenity buildings would be used for events with external visitors including noise generating activities such as loud music.

4.4 The existing building complex comprises a small single storey former agricultural building across a courtyard from a similar larger building that benefits from an existing permission as an 'amenity building'. Both are old brick buildings of agricultural origin. A second much larger agricultural building, developed under agricultural permitted development rights (ref: 10/02248/APN) has been converted to a non-agricultural use beyond the scope of the agricultural prior notification for use as an events venue. This includes a substantial insertion of windows into the western elevation without planning consent. This application includes this retrospective element.

5.0 Description of Proposal

5.1 The applicant seeks permission to hold events and weddings including non-resident guests, in the larger agricultural building and the smaller building directly adjoining, granted consent for amenity purposes in 2019. The case officer has sought advice from Environmental Health and the local Highway Authority.

- 5.2 The planning statement describes events would be up to fifteen each year between the beginning of May and the end of October with no more than one happening per week. The majority of these events will take place on Saturdays with guests typically arriving between 11.00 and 13.00 on the day of the event. All events will finish by midnight with the last guests leaving no later than 00.30. It is proposed that the venue can accommodate up to a maximum of 140 guests although it is understood that there will be no more than 100 guests in total at most events. A wedding ceremonies licence has previously been granted by North Yorkshire County Council.
- 5.3 In order to, in part, address amenity issues raised through the use of the existing access from Green Hills Lane, the current application includes a new access taken from the lane to the east of the site, known as Ashcroft, which leads through to Warlabby and subsequently to Warlabby Cross Roads on the A684. This will create a new access link across the fields to the application site.
- 5.4 Through discussion on the potential highway impact through the use of Ashcroft, the applicant has proposed the inclusion of a series of passing places to be built on the lane.

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:
Hambleton Local Plan, adopted February 2022.
Minerals and Waste Joint Plan, adopted 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.

7.0 Consultation Responses

- 7.1 The following consultation responses have been received and are summarised below:
- 7.2 Parish Council - Ainderby Steeple Parish Meeting support the application but wish to see strict measures imposed to limit the inconvenience caused to residents by the noise and traffic flow associated with the wedding venue. At a well attended AGM the majority of the Parish Meeting supported the application, however there was strong representation from neighbouring residents from Warlabby Lane and Warlabby who expressed concern about the disturbance of noise and traffic flow and unsociable hours.

- 7.3 Environment Agency – No objections.
- 7.4 MoD – No safeguarding objections to the proposed development.
- 7.5 Swale and Ure Drainage Board – No objections.
- 7.6 National Grid – Holding response owing to development crossing mains gas infrastructure. At the time of writing it is understood that this matter is being addressed by the applicant and that a technical agreement has been reached with National Grid. Further information on this will be provided in the Committee update.
- 7.7 Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance. If you are minded to approve the application, the Environmental Health Service would recommend that the following conditions are applied:
1. Prior to commencement of use, the Celebration Barn shall be sound insulated in accordance with the agreed scheme approved by the local planning authority.
 2. Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.
 3. No live, amplified music or live entertainment shall take place outside of the premises.
 4. Live music, amplified music, or live entertainment must be put through a noise limiter, levels to be set in agreement with the Environmental Health Service.
 5. The Event Management Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building are proposed and when monitoring procedures identify that controls are either no longer working or inadequate.
- 7.8 Public Rights of Way – There is a PROW in the vicinity of the application. No objections subject to standard provisions to maintain the PROW open.
- 7.9 Highway Authority - Background
The application proposes a wedding venue hosting a maximum of 150 guests with a new access and track from the public highway, known as Ashcroft, to the east of the site. Some events have already taken place at the venue and the applicant has submitted vehicle movement data showing a maximum of 93 movements across a day. Accommodation is available on the site which will lead to some of the associated vehicle movements being spread over 2 or more days. The public highway in the vicinity of the site (Ashcroft) is a

narrow, single carriageway that varies in width between 2.7m and 3.5m and has no formal passing places.

The applicant proposes to route all associated traffic to/from the venue via the junction of Ashcroft with the C10 at Warlaby approximately 600 metres to the south-east from the proposed new access. The total journey between the junction at Warlaby and the venue is approximately 1.3 km with roughly half of this journey being on the public highway and the remainder via the proposed new private access and track which is to be constructed.

Considerations and Conclusions

The proposed new access to the site is at a location on Ashcroft where satisfactory visibility splays are available. It requires construction to an appropriate standard and a planning condition to secure this is included later in this report.

The applicant has provided details of the proposed routing of guests to the site. The proposal uses signs and instructions to direct vehicles to/from the site via the junction of Ashcroft with the C10; but the Local Highway Authority considers this routing proposal cannot be fully secured. Drivers will choose their own appropriate route and some will access and/or egress the site via Green Hills Lane to/from Ainderby Steeple to the north-west. However, for information, the Local Highway Authority considers the route to/from Ainderby Steeple to be more appropriate and would not object to its use subject to suitable mitigation (the introduction of passing places). A driver travelling to the venue from the west would travel approximately 1.5km further if they followed the suggested route rather than travelling directly along Green Hills Lane from Ainderby Steeple. Both Ashcroft and Green Hills Lane are narrow and the applicant is proposing to provide a number of passing places in mitigation. A number of locations have been identified where passing places could be provided within the extents of the public highway with locations to the south-east and north-west of the new access. Given that the routing plan cannot be wholly relied upon, it will be necessary to provide passing places on both Ashcroft and Green Hills Lane ie to the north-east and south-west of the access. It is considered that 8/9 passing places would be appropriate, with a minimum width of 5.5 metres and length of 6 metres. It may be necessary to provide retaining structures at any location where the existing verge is elevated. Such improvements to the public highway should be secured by planning condition and implemented via a Section 278 Agreement.

Visibility at the junction of Ashcroft and the C10 at Warlaby is substandard in both directions. Whilst the Local Highway Authority has concern about the use of this junction there is a system of road markings and signage already in place on the C10 on both approaches to the junction including an advisory 30mph speed limit and warning of road narrowing. Personal injury collision data has been reviewed and there have been no personal injury accidents recorded at this location between 1990 and the date of this report. The document "Manual for Streets 2" advises that "unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem". The fact that there have been no personal injury accidents recorded at this location would suggest that this advice is relevant.

The Local Highway Authority must consider if the impact of the proposed development is unacceptable in the context of Paragraph 111 of the National Planning Policy Framework. Paragraph 111 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". Given the proposed passing places and personal injury collision data, it is considered that a recommendation of refusal of this application on highway safety grounds would not be sustainable. Consequently, the Local Highway Authority recommends that conditions are attached to any permission granted:

Local Representations

7.9 The application has generated significant interest with 32 objections and 24 letters of support. It should be noted that in the main letters of support have come from other local businesses with objections from local residents. These representations are summarised below:

7.10 Objections.

- Irregularities in the application form and supporting documents
- Clarification needed about waste storage and disposal
- Operational hours are unclear
- The use of the extension to the farmhouse as a bridal suite needs to be made clear
- The Green Hills Lane route can still be lawfully used. What is there to prevent its use, noting that it is a PROW and provides access to Green Hills Farm and the farmland in the wider vicinity.
- Surface water flooding to the east of the access.
- Lane through to Warlaby is too narrow for the proposed use.
- Mitigation proposals for the public highway are unclear.
- Re-routing of traffic to Warlaby will result in simply moving the harm to the residents of Warlaby.
- The proposed visibility splay is too small in the absence of a speed survey.
- Harmful impact on appearance owing to the overflow car park. Planting will not be an effective screen for many years.
- Loss of amenity owing to additional cars using Green Hills Lane and Warlaby Lane.
- Noise from the construction of the access. Hours for construction should be included.
- Issues of the "after party" from people attending weddings staying in the camping pods.
- Overall loss of amenity in what is otherwise a tranquil location.
- The management of the proposed double doors is likely to fail resulting in noise breakout.
- Is the proposed track gravel or a rolled surface. Gravel would be noisy.
- Impact on local businesses.
- The management plan is not suitable to control the expected numbers of guests, nor the likely noise levels.

- The proposals are not justified in terms of agricultural diversification.
- New access will spoil the appearance of the countryside.
- Light pollution.
- Road network is not suitable for the likely additional traffic generated.
- The additional traffic will impact on the enjoyment of users of the road network, including pedestrians, cyclists and horse riders
- It is suggested that numbers attending would be up to 200, significantly more than the 150 quoted, resulting in unaccounted for traffic movements and noise.
- Outdoor and marquee weddings are suggested in the applicant's advertising and are not covered in the application.
- Restriction on access through to Green Hills Farm
- Sheep worrying incidents have increased since the arrival of the camping pods
- Noise causing stress to grazing animals
- There are sufficient and more appropriate venues for weddings
- Very poor visibility where the lane meets the Warlaby to Newby Wiske road
- The events to date on the site have caused significant disturbance
- Given the size of the site and numbers proposed, adequate supervision would be very difficult to achieve
- Litter and rubbish has been an issue with recent events
- There is already noise and disturbance from the glamping pods. This will only get worse
- The applicants have already demonstrated their total disregard for planning legislation.
- The fact that the operator blocks out the use of the camping pods, even when not booked by guests, when weddings are occurring demonstrates the likely level of harm local residents will experience
- The hedgerow to be removed meets the criteria for a protected hedge
- Sat Nav will still take one down Green Hills Lane to the venue and not the proposed new access
- Harmful impact on local ecology
- Not all road traffic incidents are recorded. There are far more incidents than those on official record.

23 representations in support have been received summarised below:

- Proposals will support other local businesses
- Generation of local jobs
- Help to support the rural farming economy
- Development is in-line with the draft Hambleton Economic Strategy
- The proposals are supported by the Local Plan
- This will allow the farm business to continue
- Providing important benefits to the immediate local economy including two local village pubs in Ainderby Steeple and Morton on Swale as well as the local village shop.
- Growing a business which will provide a sustainable future for the village and surrounding area.
- Supporting local suppliers

- Supporting the wider local economy -- examples of this are local accommodation providers (wedding guests often stay at other outlying village pubs as well as the two closest ones), local wedding suppliers for example caterers, furniture hire, cake makers, florists, photographers, bridal wear, men's suit hire, stationery, wedding stylists, hairdressers, make-up artists etc.
- The development will ensure that the site is maintained and kept tidy
- This is a perfect location for this use in close proximity to infrastructure including the railway
- The proposed new access will improve the situation in the locality along with the proposed passing places
- Despite spending much time in a local garden, the wedding operations had no detrimental impact last summer
- There has been no notable change in traffic on the roads in the vicinity during events

8.0 Environment Impact Assessment (EIA)

8.1 This development is not Schedule 1 or 2 development and is not considered to require an Environmental Statement.

9.0 Main Issues

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

- Principle of development
- Design
- Impact on residential amenity
- Impact on the character, appearance and amenity of the area
- Matters pertaining to Highway Safety
- Impact on nearby businesses
- Ecology and biodiversity net gain

10.0 Assessment

- Principle of development
- 10.1 It is noted National Planning Policy Framework paragraph 83 gives support for all types of business and enterprise in rural areas; by diversification of land-based businesses and sustainable rural tourism and leisure developments that respect countryside character. Paragraph 84 acknowledges that some sites may be beyond existing settlements and not well served by public transport. In supporting such locations careful consideration is required to ensure it is sensitive to the local environment and local highway infrastructure and exploiting opportunities to make the site more sustainable.
- 10.2 Local Plan policy S1 sets out sustainable development principles which include supporting existing communities, minimising the need to travel and promoting sustainable modes of travel, ensuring communities have a healthy, safe and attractive living environment with reasonable access for all to a good range of facilities and services. This policy also supports local businesses to grow and expand, provide high quality jobs and the contribution of the rural economy but

also requires protection and enhancement to the environment and development in a way that respects and strengthens the distinctive character of the landscape.

- 10.3 Policies EG7 and EG8 acknowledge that some rural employment uses can be supported in the countryside where these involve re-use of an existing building, provided that it is well-related to an existing rural settlement and the use requires a countryside location. Policy EG8 requires new tourist facilities to be of a scale, form, layout and design appropriate to its location and supports development that would not harm the character, appearance or amenity of the surrounding area or wider countryside; would not cause unacceptable harm to the living conditions of neighbours or prejudice existing land uses. The policy also notes the Council will have regard to any benefits to the local economy and local services.
- 10.4 Rural employment uses away from these centres must meet the requirements of EG7, including where:
- c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
 - d. other proposals specifically requiring a countryside location.
- Where new or replacement buildings are required, where possible they should be in close proximity to an existing group of buildings and the siting, form, scale, design and external materials of the new buildings should not detract from the existing buildings nor the character of the surrounding area.
In this case the application proposes no new buildings.
- 10.5 It is accepted by the Council that there are some enterprises that require a rural location by virtue of their offer, such as visitor attractions with a specific countryside market. This makes the addition of visitor uses acceptable under this principle, subject to meeting the other requirements of policy. Wedding venues where they respond to and protect and enhance local character have been also found acceptable in the district where there are adequate controls in place to maintain highway safety and local amenity.
- 10.6 The site has limited public transport within Ainderby Steeple, the bus stop being a 1km walk away although the site is only a short taxi trip from Northallerton railway station.
- 10.7 On balance it is considered that the principle of development can be supported in this location.
- Design
- 10.8 The proposal submitted seeks to regularise the built facilities on site comprising the use of the wedding barn with amended design and the addition of event parking. The application introduces areas of glazing into the main facades of the building and revised accesses through the buildings.
- 10.9 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, including

respecting and contributing positively to local character, identity and distinctiveness. The policy explicitly requires proposals to respond positively to its context and draw inspiration from the surroundings, to create distinctive, high quality and well-designed places. Furthermore, that it achieves a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities of neighbours or the wider area or creating other environmental concerns. The policy continues that sites should be accessible for all users by maximising travel by sustainable modes, plus providing satisfactory means for vehicular access parking, servicing and manoeuvring. Finally, this policy also notes development should achieve a high quality design and the protection of local character and amenity.

- 10.10 Policy S5: Development in the Countryside seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment and contributes to the identity of the district.
- 10.11 The design of the converted barn is considered complementary to the original structure maintaining the overall agricultural character of the site with large fenestration openings. The materials used reflect the traditional Yorkshire boarding approach and give a high quality finish. This design approach is supported by policy and is not contrary to countryside character.
- 10.12 The main car park area is located to the rear of the buildings with additional parking to front of the site close to the access. Planting plans show hedge and tree planting around the overflow car park to help it to be absorbed into the landscape. Whilst it would be visible from the public right of way when in use, it would be seen against the back drop of the farmstead. It is considered that a degree of harm to the wider landscape character results from the overflow parking through visual intrusion. However, it is noted that recent planting along with additional planting in the vicinity will help to mitigate this harm to some extent. No amenity impacts are noted in terms of loss of privacy or over shadowing, other amenity issues are considered later. The built aspect of the proposal is well contained within the existing farmstead and is considered to meet the relevant policy tests.
- Impact on residential amenity
- 10.13 Policy E2 requires that a high standard of amenity is provided and maintained 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. Part c) requires that development results in no significant adverse impacts in terms of noise including internal and external levels, timing, duration and character. The policy also lists obtrusive light as a potential impact.
- 10.14 The proposed development is in proximity to nearby residential properties located in a rural area with low background noise levels, the open nature of the surrounding landscape offers little potential for noise absorption. This issue is a major concern in the public comments received. It is noted that the site has been used for events over the summer of 2022 without planning consent and

complaints received by the planning enforcement team and the environmental health service. It should be noted that the operation at that time was running in the absence of controls that could otherwise be used, through planning conditions, attached to a grant of consent. Noise and disturbance was noted from onsite music and event traffic arriving and departing late in the evening, also recorded by an Environmental Health Officer site inspection during an event. This resulted in a noise abatement notice being served.

- 10.15 The applicant has submitted an updated Noise Report since the original application. Improvements have been made to the acoustic measures and event management proposals, which has resulted in no objections from Environmental Health, subject to a number of conditions.
- 10.16 Resultant noise impacts are identified in the applicant's acoustic report and the report recommends mitigation including insulation and physical improvements, including an internal lobby system to help limit noise breakout along with a noise limiting device. The report details an event management plan, including stewards to help manage the site.
- 10.17 Representations have raised the issue of the "after party", effectively resulting from clients from a wedding or other event continuing the party at the camping pods. Clearly, there is potential for noise and disturbance from the camping pods owing to the proximity of the pods to nearby housing. It has not been demonstrated that the occupation of the pods has caused an issue to date. It is considered that this matter can be dealt with through appropriate on-site management, who would clearly be equally aware of any noise from the pods as any local resident.
- 10.18 The Environmental Health recommended conditions are summarised below
- The Celebration Barn shall be sound insulated in accordance with the agreed scheme
 - Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.
 - No live, amplified music or live entertainment shall take place outside of the premises.
 - Live music, amplified music, or live entertainment must be put through a noise limiter, levels to be set in agreement with the Environmental Health Service.
 - The Event Management Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building are proposed

and when monitoring procedures identify that controls are either no longer working or inadequate.

- 10.19 The mitigation proposed would clearly help the operator deal with noise impacts and lessen the potential for noise disturbance in the vicinity of the application site. It is considered that the noise from events on site can be adequately mitigated through condition and on this basis the proposed development is considered to be in compliance with policy E2.
- 10.20 At the time of the earlier application and associated with events last year, there were significant concerns with regard to traffic generated noise, from vehicles utilising the existing private access which runs north toward Greenhills Lane. Part of the concern being the proximity of the access to neighbouring dwellings and the resultant implications to residential amenity from a large number of vehicles exiting the site late at night.
- 10.21 The applicant has sought to address this issue through the proposal to construct a new access over the fields to the east of the site providing an access from Ashcroft, which is the lane that connects Greenhills Lane to Warlaby village and subsequently to the A684 at Warlaby crossroads.
- 10.22 This route significantly increases the distance between the access and those neighbours directly impacted. Clearly, it does bring the access closer to other residents. However, the access would be approximately 200m from these properties or about 170m from their residential boundaries.
- 10.23 The area is tranquil in character with limited traffic movements, owing to the narrow lane. However, it is considered that this change to the access significantly improves the physical relationship and that whilst occupiers of homes in the vicinity may perceive the access and its use, it is unlikely that the use of the access would result in a significant loss of amenity to these occupiers.
- 10.24 There remains a residual question about the use Ashcroft and Green Hills Lane, into Ainderby Steeple. With regard to vehicles heading out to Warlaby cross roads, via Warlaby village, there are a small number of dwellings adjacent the road. It is considered that the additional joining traffic onto the Newby Wiske Road, whilst resulting in a significant increase in use for a short period, would not be sufficient to result in a harmful impact on amenity.
- 10.25 The issue, should vehicles turn left out of the exit from the proposed new track is slightly different. There are a number of properties which front onto the highway, in the near vicinity. The existing road is extremely quiet at night with very little traffic. As a result, for a short period on each event day, there is the possibility of harmful impact on residential amenity at the end of an event through traffic exiting the site toward Ainderby Steeple.
- 10.26 Whilst it would be difficult to prevent access both from Ainderby Steeple into the site and exiting to the left, toward Ainderby Steeple out of the site, it is considered that subject to advice to be set out in the Management Plan, along

with suitable signage at the exit point (right turn only) that the majority of traffic would use the route to Warlaby. The residual impact of a small number of vehicles insisting on exiting via Ainderby Steeple is not considered to be sufficiently onerous to result in a recommendation of refusal on the grounds of loss of residential amenity. On this basis and subject to conditions, it is considered that the issue of residential amenity is considered acceptable and in compliance with the requirements of policy E2.

- 10.27 It is considered that the development, subject to appropriate conditions covering the management of the site and sound insulation of the building can result in a development in compliance with the requirements of policy E2.

Impact on the character, appearance and amenity of the area

- 10.28 Policy E7 states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it: a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area; c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies; d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape
- 10.29 A number of matters have potential to result in harm to the character of the area, including alterations to the buildings, general increases in noise in a tranquil location and the introduction of additional road users in the vicinity.
- 10.30 The alterations to the buildings are relatively minimal and preserve the overall agricultural character of the site. It is considered that the building alterations result in no harmful impacts in this respect.
- 10.31 The development will result in a degree of change to the locality in terms of noise and general activity on the site, including cars manoeuvring and parking. Whilst the majority of noisy activities are confined to the buildings and as such managed and mitigated, external activities still have the opportunity to change the character of the area.
- 10.32 Following the introduction of a number of passing places along the route of Ashcroft to Warlaby village, a number of representations have raised concerns about the resultant change in character of the road. Clearly, the proposals which effectively result in localised widening of the road to allow free flow of traffic will result in a degree of change to the character of the lane. However, in the view of officers, the use of passing places on narrow rural lanes is not particularly unusual. There are no proposals to remove hedges or trees as a result of the proposed passing places and on balance this change is not considered to be harmful.

- 10.33 On balance, it is considered that whilst these matters will result in a degree of change, the existing and proposed planting within and around the site, results in a satisfactory situation which will protect the overall character and appearance of the area.
- 10.34 The additional use of the road network also has potential to result in a change to the character of the area. Ashcroft is a single track lane, mainly used by agricultural and local traffic. There are few passing opportunities. Representations have highlighted the use of the lane, by cyclists, walkers and horse riders. It is clear that there are difficulties associated with these user groups at present. Whilst arrivals to weddings are likely to result in a degree of change to the enjoyment of these road users, late night use by those exiting an event will have far less impact on those other user groups as they would be less likely to be using the route. Again, on balance this matter is considered acceptable.
- 10.35 The proposed new access is located in a position where it mainly relates to the open countryside as opposed to the nearby built form. As such the access has the potential to result in a harmful impact on the character of the area. In this case the proposed access is to be finished in a rolled stone material which is similar in appearance to many agricultural access tracks across the wider area. Whilst the new access is considered to result in a degree of change, this is considered to be in-line with the character of the area.

Matters pertaining to Highway Safety

- 10.36 Policy IC2 of the Local Plans looks at matters of Transport and Accessibility and new development will only be considered acceptable, providing inter alia, the following matters are demonstrated:
- it is located where the highway network can satisfactorily accommodate the traffic generated by the development and where the development
 - can be well integrated with footpath and cycling networks and public transport;
 - it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
 - highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
 - adequate provision for servicing and emergency access is incorporated; and
 - appropriate provision for parking is incorporated
- 10.37 A number of representations have raised objections on the basis of the increased use of Ashcroft and the cross roads in Warlaby village.
- 10.38 Objectors set out the width of the road, which they state even with passing places would not be acceptable for use by the additional traffic from events on the site. At present a tractor using the road would effectively block the route. The single track route is approximately 400m in length.

- 10.39 The next issue raised is the geometry of the cross-roads in Warlabby. The approach from the west is relatively steep. The geometry of the junction and that of the roads in the vicinity results in relatively poor visibility splays. The visibility splay to the south toward Newby Wiske is particularly poor. The Highway Authority in examining this issue has identified that there have not been any personal injuries resulting from the use of the cross roads and as satisfied that the road markings and advisories in the vicinity are sufficient to protect highway safety in this case. The Highway Authority do raise questions about a left turn out of the proposed access and the likelihood of all users turning right rather than left toward Ainderby Steeple. However, this does not raise concerns from a road safety perspective. This issue is dealt with previously, in terms of residential amenity.
- 10.40 The Highway Authority has not raised any specific objections to the proposed development, but have raised a number of issues for consideration in the determination of the application as well as recommending a series of conditions.
- 10.41 North Yorkshire Fire and Rescue has been consulted but no response has been provided at the time of writing. Given the formation of the new access it is considered that this can be built to meet their requirements. Should their comments be received prior to Planning Committee, Members will be updated on this matter.

Impact on nearby businesses

- 10.42 The issue of agents of change has been raised in correspondence and in particular the potential for impact on a nearby cattery business. The operator has raised concerns about noise and disturbance from the operation of the wedding business impacting on both the welfare of visiting animals and the likelihood of customers taking their custom elsewhere owing to the proximity of the proposed wedding venue.
- 10.43 The question here appears to be twofold, firstly the likelihood of an animal welfare issue arising from noise and disturbance from the venue and vehicles coming and going from the site, potentially late at night and secondly an issue of customer perception and therefore taking business elsewhere. Representations from customers of the cattery have raised this issue, expressing concerns about the business and the welfare of their cats.
- 10.44 The business is located approximately 400m away from the proposed venue, although the outdoor spaces associated with the site are approximately 300m away and the access track approximately 250m to the south of the business. The cattery business is located on the road frontage and as such may experience an increase in traffic passing the site.
- 10.45 Whilst the area is generally quiet and tranquil in nature and the proposed wedding venue will result in a degree of change in this respect, it is considered that the development would result in no harm to the operation of the cattery business in terms of welfare. In terms of the perception of customers, the

proposed wedding venue will not be readily perceptible from the cattery and in officer's view there would be little impact in terms of customer perception.

Ecology and biodiversity net gain

- 10.46 The impact on wildlife was raised through the consultation and has not been directly addressed by the agent or applicant. It is noted that paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies. The agent has supplied more information setting out the recent environmental enhancements on the wider site since 2019 and a series of hedgerow and substantial tree planting scheme (40 plus trees), planned for 2023. On this basis it is likely that the proposal can meet the requirements for biodiversity net gain.
- 10.47 The consultation raised the wider impact on wildlife. A badger survey has been submitted with the application. This document is maintained as confidential owing to the difficulties raised with the identification of badger setts and badger baiting. However, it is concluded that the proposed development would have no adverse impacts on the habitat.
- 10.48 The applicant has advised in their submission that significant hedge and tree planting has been carried out over recent years. The applicant has a history of wildlife conservation on the farm through Countryside Stewardship scheme and voluntary works undertaken; such as the herbal leys which encourage biodiversity, seed bearing crops for birds and wildflower plots for insects. The Yorkshire Wildlife Trust has been consulted but made no comments on the application.

11.0 Planning Balance and Conclusion

- 11.1 There are clearly a number of factors to be considered in the Planning Balance as set out in the preceding paragraphs. Matters pertaining to the economy and the support of local businesses weigh in favour of the proposed development.
- 11.2 It is considered that matters pertaining to residential amenity can be satisfactorily mitigated through conditions and in particular sound insulation and the site management plan and on this basis results in a neutral impact on the planning balance.
- 11.3 Matters pertaining to the impact on other local business have been considered in the assessment of the development but it is considered that there is no harmful impact in terms of agents of change.
- 11.4 The development will clearly result in a significant increase in traffic using the highway network in the vicinity of the application site which given the narrowness of the road could result in traffic congestion. Through consultation with the Highway Authority, it is considered that the proposals will not result in a

severe impact on highway safety and on this basis the development is, subject to the construction of passing places, acceptable.

- 11.5 It is concluded that subject to the mitigation achieved through the recommended conditions, that the development can be implemented in accordance with the requirements of the Development Plan, on the basis that the proposals represent sustainable economic development which will not result in significant harmful impacts.

12.0 Recommendation

That Planning Permission be **Granted** subject to the following 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 following drawings:

Proposed Block Plan – received on 15 March 2023
Proposed Passing Places – received on 27 April 2023
Proposed additional Planting plan for access – received on 15 March 2023
PR701 New Junction Detail – received 15 March 2023
Roadway construction detail – received 15 March 2023
PR313 – Proposed Floor Plans – received 15 March 2023
PR314 Proposed Elevations – received 15 March 2023

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

- 3 Prior to the first use of the Celebration Barn, the barn shall be sound insulated in accordance with the agreed scheme set out in the submitted acoustic assessment. The barn must then be maintained in accordance with these details.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 4 Following completion of all remedial works, and prior to any approved activity, a detailed analysis of noise levels both internally and externally (to include all noise sensitive receptors) should be undertaken when amplified music is being played at the maximum intensity allowed within the structure. The resultant assessment must be submitted and approved by the Local Planning Authority prior to the commencement of any approved use. Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) from the building.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 5 No live, amplified music or live entertainment shall take place outside of the celebration barn identified in the approved drawings.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 6 Live music, amplified music, or live entertainment must be put through a noise limiter, the levels to be set in agreement through submission of details to be agreed by the Local Planning Authority before any event takes place.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 7 The operation of the development must take place in accordance with the Event Management Plan. This Plan should be kept under constant review and all measures enforced in line with the document. In addition, reviews should also take place when new plant and equipment are proposed, following a valid complaint, when planning alterations to the building and when monitoring procedures identify that controls are either no longer working or inadequate.

Reason In order to ensure the protection of residential amenity and to comply with the requirements of policy E2.

- 8 Prior to the commencement of development of the new access track, a scheme shall be submitted to and approved by the Local Planning Authority for the construction of the access over the gas pipeline that crosses the site. The development shall then be implemented in accordance with the approved scheme.

Reason In order to adequately protect strategic gas infrastructure.

- 9 Notwithstanding the requirements of the General Permitted Development Order there shall be no marquee or other temporary accommodation located as part of the operation of the events venue at any time.

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

- 10 The development shall be implemented in accordance with the April 2023 MAB Biodiversity Net Gain Assessment.

Reason In order to achieve a net gain in biodiversity and to comply with the requirements of policy E3.

- 11 The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing reference PR701 and Standard Detail number A1.
- Any gates or barriers must be erected a minimum distance of 14 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

All works must accord with the approved details.

Reason for Condition

To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

- 12 No part of the development must be brought into use until the following scheme of off-site highway mitigation measures has been completed as indicated below:
- Provision of passing places on Ashcroft and Green Hills Lane to provide an overall carriageway width of no less than 5.5 metres, with a minimum length of 6 metres and 30 degree end tapers .

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

A programme for the delivery of the scheme must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. The off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason for Condition

To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Informative

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

- 13 No part of the development must be brought into use until the access and parking areas for all users have been constructed in accordance with the details shown on drawings 'Proposed Access Road to Sedgewell Barn' and 'Site Plan Sedgewell

Barn'. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason for Condition

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Target Determination Date: 10 May 2023

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

North Yorkshire Council
Community Development Services
Richmond (Yorks) Constituency Area Planning Committee

11 May 2023

19/01779/OUT - Application for outline planning permission for approximately 70 residential dwellings and associated infrastructure with all matters reserved other than access into the site (as revised by information received on the 10 February 2023).

**At Land Adjacent Bungalow Farm, Birkby Lane, East Cowton
For Mr Brian Robinson**

Report of the Assistant Director - Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for Application for outline planning permission for approximately 70 residential dwellings and associated infrastructure with all matters reserved other than access into the site at Land Adjacent Bungalow Farm, Birkby Lane.
- 1.2 This matter is brought to Planning Committee owing to the complexity of the Planning Policy issues and other material considerations raised by the application.

2.0 Summary

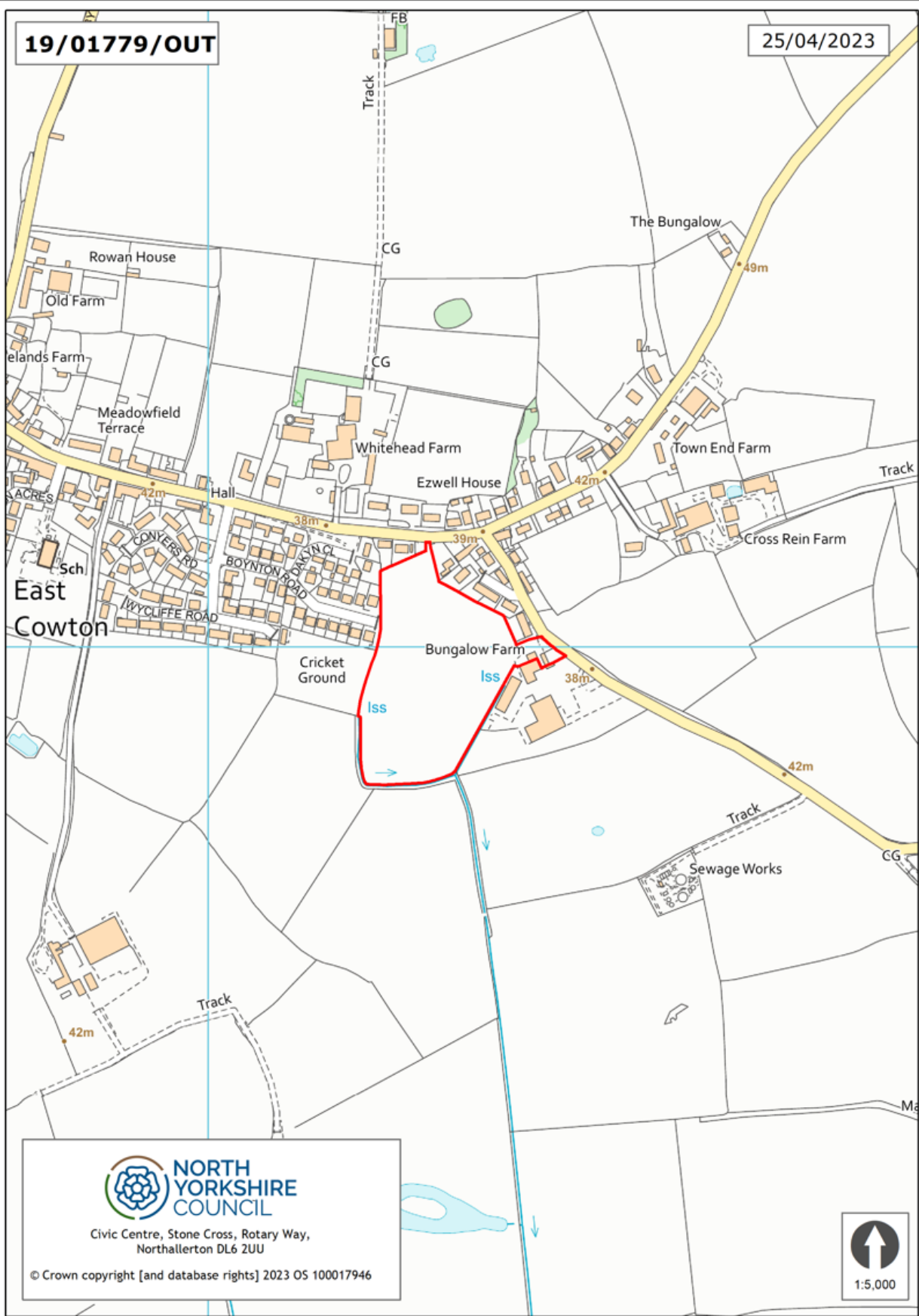
Recommendation: That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1. The application is for outline planning permission for 70 dwellings on a site on the edge of East Cowton. The site is currently an agricultural field. There is existing housing development adjacent to parts of the site and as such the development is considered to be located adjacent to the development form of the settlement.
- 2.2. The application is in part supported by policy S5 and HG5. However, the development fails to meet all of the requirements of policy owing to the scale of the proposed development resulting in a harmful impact on the character of the settlement.
- 2.3. On this basis for the development to be approved, support must be gained from other material considerations. In this case, that weight comes from improvements to be made to surface water management in the village, providing relief from a long term issue of surface water inundation to the foul sewer resulting in local flooding in homes and gardens.

- 2.4. It is considered that the benefits of the proposed development outweigh the identified harm.
- 2.5. The main determining issues in this case are therefore the balance between the requirements of Local Plan policy versus the benefits resulting from the proposed improvements to surface water management in the village.

19/01779/OUT

25/04/2023



3.0 Preliminary Matters

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

[Documents for reference 19/01779/OUT: Public Access](#)

- 3.2. The main focus of the former allocation and the current application has been the delivery and quantification of water management benefits resulting from the proposed development and the resultant benefits to the village.
- 3.3. There is 1 relevant planning application for this application which is detailed below.
- 3.4. 10/01716/FUL - Demolition of existing shop/office, formation of new access, construction of 45 dwellings, SUDS pond and associated drainage infrastructure. Granted 01 August 2008. (Note that this permission was not commenced and as such has expired)

4.0 Site and Surroundings

- 4.1 The application site is currently an open agricultural field, largely flat but with a gentle downward slope to the south west. The field has most recently been planted with arable crops. The boundaries of the site are largely hedged with a mixture of native hawthorn and residential boundary hedges. The boundaries vary in height between approximately 1.5m and 4m. The entrance to the site is located between an existing bungalow and a farm machinery sales business.
- 4.2 The north-east boundary and the southern boundary are bounded by existing residential development, which is mainly brick built and of one and a half and two storey forms. The site is bounded to the west, north and east by residential developments. To the south east is a farm machinery sales business, Brian Robinson Machinery. The remainder of the site adjoins open farmland.
- 4.3 The village's largest housing estate is located immediately to the west of the site. The properties are detached and date from the 1960's / 1970's. The estate roads connect to Meadowcliffe Terrace via Wycliffe Road. None of the residential development surrounding the northern end of the site exceeds two storeys in height. However, the properties date from various periods.
- 4.4 The site was formerly identified by the Council as a housing site within the LDF Allocations DPD (Policy NH4). This allocation has not been taken forward into the Local Plan and as such can be given no weight in the determination of the application.

5.0 Description of Proposal

- 5.1. This application is in outline and is a revised scheme for 70 dwellings. The site has a previous approval for 45 dwellings. However, since the approval, due to the onerous drainage requirements, which included the building of a new pumping station, no developer has offered to take the site forward.
- 5.2. The matters for approval at this stage are access only. The remaining matters, i.e. appearance, landscaping, layout and scale would be for a later application if this is approved.

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 Emerging Development Plan for this site is listed below. It is considered of no weight due to being in the early stages of development.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Supplementary Planning Document - Open Space, Sport and Recreation. Adopted 22 February 2011

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. Parish Council: Councillors noted the increased number of properties for which outline planning permission is sought when compared to the number previously approved under reference 10/01716/FUL and suggest that a development of this size within the village must include a significant number of affordable homes, providing accommodation suitable in particular for first time buyers and the elderly. In light also of historic problems in the village concerning flooding, they stress that drainage calculations must be robust and accurate with a view to ensuring adequate drainage design and infrastructure.

The Parish Council has also provided a letter of support to the applicant following a meeting with the developer. The Parish states that they are seeking a good proportion of affordable housing, access to housing for first time buyers, the drainage issues to be addressed. It was stressed that drainage calculations should be robust. Subject to the necessary consents from pertinent authorities, the Parish were supportive of the proposals.

- 7.3. Highway Authority: In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters: The proposed site has a single priority junction onto Birkby Lane as the vehicular access, which meets the visibility requirements set out in Manual for Streets for a 30mph speed limit. Whilst a single point of access is considered satisfactory, it would be expected that an emergency link be provided for site as it serves over 50 dwellings. Such a link could be incorporated into the footpath

connection either onto Main Street or Boynton Road. There are no Highway Authority objections to the proposed development. Conditions are recommended.

Discussion has taken place with regard to a requirement for local road widening and the provision of a footpath along the road frontage. This is detailed in the Highways Section of this report.

7.4. Yorkshire Water: Waste Water

Yorkshire Water does not wish to make any change from previously imposed conditions, however there are the following comments: -

1.) The drainage details submitted on drawing 000-09 (initial issue) dated 15/12/2022 that has been prepared by Portland Consulting Engineers require amendments, but if planning

permission is granted, the matter can be dealt with via condition. The following points should be addressed:

a.) the submitted drawing should show the proposed rate of foul water pumped discharge

2.) If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email:

technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.

7.5 Teesside Airport: I refer to your consultation email dated 24th February 2023. The airport safeguarding team has assessed the proposal in accordance with the CAA ADR - Aerodromes Regulation 139-2014 and it does not conflict with the safeguarding criteria for the airport.

7.6 Ministry of Defence : No safeguarding objections.

7.7 North Yorkshire Police Designing out Crime: No objections but sets out recommendations to be incorporated at the Reserved Matters stage. The report also comments on the need to be tenure blind in the development to increase social cohesion.

7.8 Natural England: No objections raised but sets out standard advice.

7.9 Swale and Ure Drainage Board: Sets out the requirements of the Board, including a controlled run off rate of 1.4ls/ha along with there permission requirements.

Local Representations

7.10 15 local representations have been received of which 4 in support and 11 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.11 Objections

- Flooding
- Scale of development

- No demand for houses to meet an employment need
- Sewerage/drainage system is at capacity/overloaded
- Increased traffic/congestion
- Road safety/suitability for scale of development
- Local facilities exaggerated in planning statement
- Limited post office and village shop, play areas and school not big enough
- Poorly designed layout and dwellings
- Biodiversity and habitats should be enhanced
- Smaller homes required for local workers and downsizing
- The development will block the watercourse and exacerbate issues
- Design of dwellings should be future proof/carbon neutral
- Issues of infrastructure including electricity provision
- Creation of a “rat run” between proposed development and Boynton Road
- No justification for increased number of houses

Owing to the length of time that the application has been live and due to the changes to the scheme since the original submission a full re-notification was undertaken. The following is a summary of the comments received following the re-consultation.

- This site is subject to flooding and is not suitable for development
- The existing drainage networks are at capacity
- Local pump station is not suitable
- The original response from Yorkshire Water suggested that a new pump station is needed
- Entrance to the site is not suitable for the development
- Local road network is not suitable for the envisaged traffic
- Bus services are inadequate
- Few employment opportunities in the village resulting in most commuting
- This development is too big for the village
- This development will not resolve the drainage issues
- Local electricity supply is inadequate
- Brian Robinson Machinery has expanded and the combined traffic is not acceptable
- There is no longer any proposal for upgrade to the local pump station
- The current proposals include development on what was envisaged as a SUDS pond
- There are insufficient services in the village for a development of this scale

Letters of support outline the need for affordable homes for young local people and new families to support local services such as the school

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
- Drainage
- Affordable Housing
- Residential amenity
- Highways
- Ecology and Biodiversity Net Gain
- Heritage matters
- S106 Agreement

10.0 Assessment

Principle of Development

- 10.1. The principle of residential development on much of the site was formerly established by the allocation of the site for housing under policy NH4 of the Local Development Framework. Following the adoption of the Local Plan, this policy cannot be given weight in the Planning Balance. That said it is of note that this application was submitted in 2019 and at that time the site was allocated for housing development being at a density of approximately 30 dwellings per hectare, resulting in a capacity of around 48 dwellings (of which a target of 40% should be affordable). Importantly the allocation included a requirement for improved sewerage and sewage disposal infrastructure to serve the settlement as a whole.
- 10.2. Consent was granted in 2011 under application 10/01716/FUL for 45 dwellings which included a SuDS pond and associated drainage infrastructure. Whilst permission had been granted (now expired) the landowner found that, due to the relatively small size of the development and the onerous infrastructure requirements, no developer came forward to develop the site in line with the permission.
- 10.3. As a result of this, this application proposes to increase the number of dwellings from 45 to 70 and to incorporate land to the south of the former allocation into the application site. In this way it is anticipated that the viability improves sufficiently to facilitate development. A developer is now on board and is looking to develop the site for 100% affordable housing. The question of the necessity of the quotient of development has been put to the applicant and they have responded that a smaller development would not be viable. No specific evidence has been provided on this basis.
- 10.4. The Local Plan Policy position is effectively described by Policy S5 and HG5 as set out below
- 10.5. Policy S5 states that the Council will seek to ensure that new development recognises the intrinsic beauty, character and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource. The countryside is defined as land outside the existing built form of a settlement identified in the settlement hierarchy in policy S3.

- 10.6. The built form is defined as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them. The built form excludes:
- a. any individual building or group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement;
 - b. any ribbon development attached to the main part of the settlement where the buildings relate more to the surrounding countryside than to the main part of the settlement;
 - c. gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement;
 - d. agricultural buildings on the edge of the settlement; and
 - e. outdoor sports and recreational spaces on the edge of the settlement.
- 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.
- 10.7 Policy HG5 sets out the Council's position with regard to windfall housing more specifically and states that within the built form of defined settlements a proposal for housing development within the main built form (defined in policy S5: Development in the Countryside) of a defined settlement (see policy S3: Spatial Distribution) will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development.
- Adjacent to the built form of Service, Secondary and Small Villages a proposal for housing development on a site adjacent to the built form of a defined village will be supported where the proposal demonstrates that:
- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
 - b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.
- All proposals will individually or cumulatively;
- c. represent incremental growth of the village that is commensurate to its size, scale, role and function;
 - d. not result in the loss of open space that is important to the historic form and layout of the village; and
 - e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.
- 10.8 It is considered that the application site falls on the edge rather than within the built form of the settlement and as such weight can be given in favour of the proposed development in accordance with policy HG5.
- 10.9 In officers view the proposal in its totality can not be supported by Policy HG5. The scale of the proposed development, in relation to the size, character and form of the settlement does not represent incremental growth of the village commensurate to its size, scale, role and function. Owing to this conclusion, it is also considered that the

proposed development will have a degree of harmful impact on the character and appearance of the settlement.

- 10.10 It is considered that a smaller development could be wholly compliant with policy HG5. The question then moves to other material considerations set out elsewhere in this report.

Drainage

- 10.11 Policy RM2 and RM3 look at matters relating to flood risk and state that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere. Development will only be permitted if it has an acceptably low risk of being affected by flooding, assessed against the Environment Agency's flood zone maps and other local information, and where all necessary mitigation measures on or offsite are provided. To be considered for approval, development proposals advanced on land that has any risk of flooding will need to demonstrate that the sequential and exceptions tests required by national guidance have been undertaken, ie. that all sites with less potential for flooding have been examined first, and if necessary a Flood Risk Assessment has been undertaken. Mitigation and relief measures will be supported which reduce the risk of flooding of existing development (and permission granted for related development, if also acceptable in terms of other LDF policies).
- 10.12 At the moment the combined drainage system for the village ends at the pumping station on Main Street, from where it is pumped to the treatment works. When surface water inundates the system the pumps cannot cope with the flows and the storage tanks become full after a period which backs up the drains in Dakyn Close. Yorkshire Water has tried to resolve this problem by building a tank below the green. This tank has improved the situation but it remains a problem during times of heavy rainfall. This is a very pressing situation for local residents who have sought improvements to the system for a number of years owing to inundation of foul waters on relative regular occasion.
- 10.13 Surface water runoff from the fields to the north has been partially intercepted by a drain the Parish had installed in 2000. However, there are areas where run-off bypasses the drain and flows towards Dakyn Close down Main Street. These areas are at Lilac Cottage and at the access to Whitehead Farm.
- 10.14 Neither of the above issues are caused by runoff from the proposed development site. The affected properties on Dakyn Close were built in a 'bowl' ie a low point in the village, so when the drainage system overflows nearby, there is nowhere for the water to flow to. Ideally those properties should have been raised when built in this location. In addition, a watercourse which ran along the rear of properties in Dakyn Close was piped as part of that development, which restricts flows and further exacerbates the problem.
- 10.15 Paragraph 5 of the explanatory text to Policy NH4 within the Local Development Framework Allocations DPD states that *"This development in the settlement is best placed to resolve these sewerage and sewage disposal issues due to its topographical position below the Main Street, which will assist in draining excess surface water. By upgrading the drainage and sewerage infrastructure adjacent to and through the allocated site and increasing its capacity to accommodate the new housing identified, incidences of surface water and the backing up of foul water pipes will be reduced in the village as a whole"*.

- 10.16 Paragraph 6 explanatory text to Policy NH4 within the Allocations DPD identifies that *“Upgrades will be required for the upsizing / diversion of the public sewage pumping station on Main Street and any other necessary drainage and sewerage infrastructure upgraded.”*
- 10.17 Therefore, in part, NH4 was allocated with the objective of delivering improvements to the existing sewerage and drainage infrastructure and can be delivered by the approval of this development. As such it is considered that improvements to drainage and the resultant benefits to the village, should be given significant weight in the determination of this application.
- 10.18 The current proposals have been revised from the original proposals. The Lead Local Flood Authority (LLFA) was consulted on this revised application. An extract from the comments returned is provided below:
- 10.19 The site is predominantly located within Flood Zone 1, with the southern extent shown to be in Flood Zone 2. The LLFA is satisfied that the development platform layout has been designed with a sequential approach. The risk for flooding from surface water maps does indicate an area of high risk to the north of the site on Main Street and an area of risk in the southern extent of the site.
- 10.20 It is understood that as part of the local plan allocation, that the development of the site must provide betterment in the form of a flood alleviation scheme for Main Street. It is understood from the FRA that "a comprehensive scheme for mitigating the pluvial flood risk from the north was agreed as part of the previous planning approval. Subject to obtaining necessary highways approvals this scheme will be implemented by the development. The pluvial flood risk area to the south is within the Flood Zone 2 area which will be maintained as public open space".
- 10.21 Details for the flood alleviation works are limited at this stage. The scheme potentially involves, in addition to the Local Highway Authority, input and agreements between the Parish Council, the Applicant, NYCC as Lead Local Flood Authority, and the IDB. Issues such as highways approvals, maintenance responsibilities, funding mechanisms for ongoing maintenance, access rights and liability for design will all have to be considered prior to any approval of the site layout as part of a reserved matters application or discharge of conditions. The LLFA welcomes the proposal to provide a flood alleviation scheme as part of the development proposals and will provide support in its capacity as LLFA to ensure successful delivery of the scheme.
- 10.22 The LLFA also recommends that the off-site flood alleviation works are commenced prior to or concurrently with the residential element of the scheme and must be complete prior to first occupation.
- 10.23 Surface water must be discharged in line with the drainage hierarchy. A review of Soilscape mapping and BGS borehole logs indicates that infiltration is not likely to be viable in this location owing to the clay substrata impeding drainage across much of the site. There is the potential that freely draining soils meeting poorly draining substrata is contributing to existing drainage issues within the site.

- 10.24 Discharge to watercourse is the next option within the drainage hierarchy. The site is bounded to the west and south east by tributaries to the river Stell which converge in the south east of the site. The topography falls from the north to the south therefore making a gravity discharge to the watercourse viable. Therefore, it is proposed to discharge the surface water to a tributary to the River Stell to the South East of the site at a restricted rate of 5l/s. The proposals are broadly acceptable though consent must be sought from the Swale and Ure drainage board under Section 66 of the Land Drainage Act 1991.
- 10.25 The Swale and Ure drainage board accept a peak runoff of 1.4l/s per hectare. Therefore the design should be amended for a discharge of no greater than 4.2l/s, taking into account the site area. With regard to the proposed 5l/s discharge rate. The statement in section 10.11 - "This rate is applied by Yorkshire Water to achieve a minimum 75mm orifice opening in the flow control" is disputed by the LLFA and is unlikely to be accepted by the IDB. The indicative drawing suggests a maximum design head of 1.5m. It is possible to achieve the required discharge without reducing the hydrobrake orifice to less than 75mm. The LLFA recommends that the IDB is consulted and agrees to the proposed rate of 5l/s prior to the granting of planning permission. The IDB has agreed to this principle.
- 10.26 Micro Drainage quick storage estimates have been provided to demonstrate the required Surface water attenuation volume. It is noted that a Cv Value of 0.75 summer and 0.84 winter have been applied. This can be acceptable on flat sites, where runoff from pervious areas is likely to be significantly reduced, if not negligible, and the developer can demonstrate that no runoff occurs from permeable surface. If the consulting engineers can demonstrate that there is no runoff from the previous areas (gardens etc) due to the landscaping, then a Cv value of 0.75(Summer) and 0.84 (Winter) can be used in the model. Since an external works plan has not been provided at this time and the topography of the site indicates a North to South fall it is recommended that a Cv Value of 1 is utilised in the calculations. As such the storage requirements are likely to change from those illustrated on outline drainage strategy plan 4971-FRA-008.
- 10.27 The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.
- 10.28 In addition, the Swale and Ure Drainage Board were consulted. Following the comments received from the LLFA regarding the surface water discharge rate the Drainage Board agreed that the proposed 5l/s from the complete proposed site is acceptable in principle however separate consent from the Drainage Board will be required. Utilising this rate creates a betterment, and allows the drainage infrastructure to be adoptable for an ongoing maintenance regime & monitoring.
- 10.29 The Drainage Board also confirmed that the proposals relating to the surface water and flood relief outfalls are acceptable in principle, however, again consent from the Drainage Board will be required.

10.30 The Environment Agency was consulted. The response received refers the Council to the standing advice for vulnerable developments. Much of this advice refers to finished floor levels and escape routes etc where development is below flood levels. It is considered that these requirements cannot be met until the reserved matters stage when detailed layout and design plans are submitted. However, noting that the site is in Flood Zone 1 and 2 and taking into consideration the detailed work undertaken to date, it is clear that the full requirement can be met.

Affordable Housing

10.31 Local Plan Policy HG2 seeks 30% affordable housing on developments of this scale. The application proposes 98% affordable housing with just one of the units as market housing. The remainder of the development will be delivered in accordance with the Government definition of affordable housing.

10.32 Officers seek to control 30% of the total offer (23 units) through a S106 agreement in order to achieve compliance with policy. In this case the developer is predicating their scheme on the delivery of affordable housing and the associated grant. On this basis whilst the S106 only seeks to control a portion of the development, the remainder is effectively controlled through the requirements of the grant and as such it is considered reasonable for Member to apply a degree of weight to the additional affordable housing to be delivered, over and above the policy requirements.

10.33 Table showing tenure split. 30% Controlled by S106 agreement

Social Rent	Number
1 Bed quarter Homes	4
1 Bed bungalows	3
Total	7
Affordable Rent	
2 Bed bungalows	3
2 Bed houses	4
Total	7
Shared Ownership	
3 Bed Houses	3
4 Bed Houses	4
Total	7
Total Number of Affordable Units within S106 agreement	21

70% not controlled by S106 agreement

Affordable Rent	
2 Bed Bungalows	2
2 Bed Houses	6
Total	8
Rent to Buy	
3 Bed Houses	25
3 Bed Houses	8

4 Bed Houses	6
Total	39
Total number of affordable units not within S106	47

10.34 The Council seeks a mix of smaller dwellings in order to meet the identified local need. Clearly, the application proposing a majority of affordable units is a little unusual in a location such as East Cowton. However, as can be seen from the tables above, the proposals set out a significant number of rent to buy units which in effect replace what would normally be market development. In this case, in total 83% of the development comprises 1, 2 and 3 bed properties. The number of 1 and 2 bed properties is perhaps particularly significant in this case, comprising 31% of the development.

10.35 In conclusion, it is considered that despite the high percentage of affordable homes proposed in this location, the mix of proposed tenures and the proposed size of homes leads to a mix that the Council is able to support.

Residential Amenity

10.36 Policy E1 requires that all development proposals must adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Development must make provision for the basic amenity needs of occupants and/or users, including where appropriate, provision for an adequate level of open space for the use of occupants/users of the development.

10.37 The indicative layout submitted with the application demonstrates that the proposed number of dwellings could be accommodated within the site without significant impact on the existing neighbouring dwellings. Subject to details to be submitted at the reserved matters stage, it is considered that the proposed development is capable of completion without significant harm in terms of daylighting, overshadowing or loss of privacy and as such capable of compliance with Development Policy E1.

Highways

10.38 Policy IC2 states that development proposals must ensure that safe and easy access is available to all potential users, regardless of disability, age or gender. Proposals must identify all possible barriers to access by different users, and demonstrate where appropriate how specific measures have been incorporated to ensure high standards of access for all.

10.39 Policy IC2 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate: i. footpaths, cycleways, safe provision for cycle parking and cycle shelters; ii. bus stops/shelters and transport information; iii. support for sustainable forms of transport (eg community transport schemes, workforce buses); iv. preparation and implementation of Travel Plans; v. minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.

- 10.40 The accompanying text with Policy NH4 indicated that access to the site should be gained from Main Street and Birkby Road. The layout plan submitted in support of the application indicates that vehicular access will be taken from Birkby Lane between Bungalow Farm and Brian Robinson Machinery. Pedestrian access will be provided from Main Street between The Rowans and the existing pump house. North Yorkshire County Council Highways Officer has been consulted and has raised no objection to the scheme. Conditions relating to road and footway layout, construction details, discharge of surface water, visibility splays, approval of works in the highway, travel plan and construction management are recommended. Additional consultation will be carried out at reserved matters stage in relation to the layout and parking provision for the development. It is considered that the proposed development will not result in any significant impact on road safety and is capable of compliance with policy EC2.
- 10.41 The Highway Authority has requested a footway to be formed from the site entrance, leading back into the village approximately 100m in length. The applicant has stated that there is insufficient available width within the scope of the Highway Authority to allow this to happen. The applicant has also stated that there is no necessity for the footway as additional connectivity is being provided through the development to the centre of the village.
- 10.42 Clearly a new footway would be beneficial. However, on balance officers consider that there is no necessity for the provision, given the alternative routes provided through the proposed development.

Ecology and Biodiversity Net Gain

- 10.43 Policy E3 of the Local Plan states that 'Permission will not be granted for development which would cause significant harm to sites and habitats of nature conservation...Support will be given...to the enhancement and increase in number of sites and habitats of nature conservation value'.
- 10.44 A preliminary ecological assessment was carried out by Brooks Ecological. The assessment found that most of the site is occupied by habitat of low conservation significance, with only the boundary hedgerows and drainage ditches being identified as features of ecological value which should be retained, protected and enhanced.
- 10.45 Great crested newt has been confirmed present within two off-site ponds and the likely presence of this species on site must be assumed. Great crested newts can disperse over 1km from breeding ponds.
- 10.46 A Natural England Rapid Risk Assessment was carried out which identified an 'Amber Warning of an offence likely' should the development go ahead without a European Protected Species Mitigation License (EPSML) which details site specific mitigation measures. Brooks Ecological has concluded that the license will be required prior to work commencing. Further information will also need to be collected on the two ponds (relating to population sizes etc) to support the license application. In addition the site has been designed with likely sufficient greenspace retained along the southern boundary to allow for mitigation. It is recommended that a condition be included which requires appropriate survey work and mitigation as set out in the Brooks report. The license is required prior to commencement as land

clearance, removal of topsoil, storage of materials etc can impact on Great Crested Newts.

10.47 Brooks Ecology identified that hedgerows are likely to support small numbers of common garden/ farmland edge birds during the main nesting season, whilst the field interior may encompass one or two ground nesting bird territories. However, the site's proximity to housing will reduce its suitability for ground nesters, and the abundance of similar or better-quality habitat in the surrounding landscape means the site is highly unlikely to be of significance to any local bird populations. To prevent the proposed works impacting on nesting birds, any clearance of vegetation will need to be undertaken outside of the breeding bird season which is 1st March – 31st August inclusive. Any clearance that is required during the breeding bird season should be preceded by a nesting bird survey to ensure that the Wildlife and Countryside Act (1981) is not contravened through the destruction of nests and that any active nests are identified and adequately protected during the construction phase of the development. It is recommended that these precautions be secured by condition.

10.48 Paragraph 170 of the NPPF indicates that “planning policies and decisions should contribute to and enhance the natural and local environment by [...] minimising impacts on and providing net gains for biodiversity”. The Preliminary Ecological Assessment focuses on minimising impact on biodiversity but does not address biodiversity net gain. As the application is in outline it is considered appropriate to condition the submission of a Construction Ecological Management Plan (CEMP) and a Biodiversity Mitigation Plan (BMP) as recommended by Brooks Ecological. On this basis it is recommended that a condition be included to deal with these matters, in order to ensure that the development results in biodiversity net gain.

Section 106 Agreement

10.49 The following Heads of Terms have been agreed with the applicant for this applications.

Category/Type	Contribution	Amount
Affordable Housing	30% with tenures as set out in the applicant's submission.	21 units
Public Open Space	Bond for delivery in default	To be confirmed

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

Public Open Space

10.51 Policy NH4 required a contribution towards the improvement of public open space within the village. The approved application 10/01716/FUL sought the provision of a commuted sum for the improvement of the Parish owned playground within the village. Since this application was approved, the Council has introduced

the Community Infrastructure Levy which removes the need to provide separate contributions via a S106 agreement towards the upkeep and improvement of local amenities and as such other than the requirement for on-site provision of public open space, detailed below, there is no longer a requirement for a commuted sum to be provided for off-site improvements.

10.52 The Illustrative layout provided with the application shows 0.8 hectares of public open space to be provided to the southern part of the site. The application is in outline only and therefore the detailed layout of this area can be considered as part of the reserved matters application. It is recommended that a detailed landscaping, implementation and management scheme and details of a bond for provision of the scheme be included within the S106 agreement.

11.0 Planning Balance and Conclusion

11.1. Since the demise of the Local Development Framework the then allocation policy carries no weight. As such the principle of the development falls to policy S5 and HG5. As set out in the preceding report officers conclude that the proposed development owing to its scale, form and impact on the character of the settlement, can glean only limited support from policy.

11.2. In order for the proposed development to be granted Members must be satisfied that the benefits of the proposals in terms of the improvements to drainage in the village, outweigh the harmful impacts.

11.3. It is clear that Yorkshire Water are not in a position to resolve these issues and that they are otherwise satisfied with the performance of the foul network. However, there remains the issue of inundation of surface water into the foul network which results in foul water flooding nearby properties. This development will significantly improve this situation by removing significant quantities of surface water from the foul network, attenuating flow and discharging to the water environment at a greenfield run off rate.

11.4. Subject to reserved matters approval, there are no issues in terms of residential amenity, biodiversity or ecology.

11.5. On balance it is considered that the proposed development results in sufficient public benefits to off-set the limited harm that has been identified and as such the development can be recommended for approval.

12.0 Recommendation

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

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

Reason To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

- 2 The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) appearance (b) layout (c) landscaping and (d) scale.

Reason To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

- 3 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered P18 5223 02 received by the Local Planning Authority on 15.08.2019 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 Development Plan Policy(ies) .

- 4 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- (1) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - (a) the proposed highway layout including the highway boundary
 - (b) dimensions of any carriageway, cycleway, footway, and verges
 - (c) visibility splays
 - (d) the proposed buildings and site layout, including levels
 - (e) accesses and driveways
 - (f) drainage and sewerage system
 - (g) lining and signing
 - (h) traffic calming measures
 - (i) all types of surfacing (including tactiles), kerbing and edging.
- (2) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
 - (a) the existing ground level
 - (b) the proposed road channel and centre line levels
 - (c) full details of surface water drainage proposals.
- (3) Full highway construction details including:
 - (a) typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - (b) when requested cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - (c) kerb and edging construction details
 - (d) typical drainage construction details.

- (4) Details of the method and means of surface water disposal.
- (5) Details of all proposed street lighting.
- (6) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- (7) Full working drawings for any structures which affect or form part of the highway network.
- (8) A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority.

Reason In accordance with Policy DP3 and DP4 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

- 5 No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level or block paved (as approved) and kerbed and connected to the existing highway network with street lighting installed and in operation.

The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before the first dwelling of the development is occupied.

Reason In accordance with Policy DP3 and DP4 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

- 6 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details and programme.

Reason In the interests of highway safety.

- 7 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) at Birkby Lane until splays are provided giving clear visibility of 45m metres measured along both channel lines of the major road Birkby Lane from a point measured 2.4m metres down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason In the interests of highway safety.

- 8 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. continual appraisal of travel patterns and measures provided through the travel plan
 - e. improved safety for vulnerable road users
 - f. a reduction in all vehicle trips and mileage
 - g. a programme for the implementation of such measures and any proposed physical works
 - h. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason In order to promote a reduction in travel and a reduction in the use of environmentally unsustainable forms of travel, in accordance with the objectives of Government and the Local Development Framework Core Strategy Policy CP2.

- 9 No demolition or construction for any phase of the development shall take place until a Construction Phase Management Plan for that phase relating to the programme of demolition and construction works has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Phase Management Plan be adhered to throughout the construction period for the phase.

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

- (i) Protection of carriageway and footway users at all times during demolition and construction
- (ii) Erection and maintenance of hoardings, including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate
- (iii) Protection of contractors working adjacent to the highway
- (iv) Measures to manage the delivery of materials and plant to the site, including routing and timing of deliveries
- (v) Loading and unloading of materials and plant
- (vi) Storage of plant and materials used in constructing the development
- (vii) Wheel washing facilities
- (viii) Measures to control the emission of dust and dirt during construction
- (ix) Storage of plant and materials used in constructing the development
- (x) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works
- (xi) The protection of trees

- (xii) The parking of contractors' site operatives and visitor's vehicles; and
- (xiii) A program for the works

Reason To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

- 10 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to greenfield runoff of 1.4/s/ha for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

- 11 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

- 12 No building or other obstruction including landscape features shall be located over or within 3.5 (three point five) metres either side of the centre line of the public sewer i.e. a protected strip width of 7 (seven) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason In order to allow sufficient access for maintenance and repair work at all times

- 13 The site shall be developed with separate systems of drainage for foul and surface water.

Reason In the interest of satisfactory and sustainable drainage.

- 14 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage , for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

- 15 Development shall not commence until a scheme detailing foul water drainage has been submitted to and approved in writing by the Local Planning Authority in consultation with Yorkshire Water. Details shall also be provided of future maintenance responsibilities for the drainage infrastructure. The scheme shall detail phasing of the development and phasing of drainage provision and the works to accommodate the existing foul water , where appropriate. The works shall be implemented in accordance with the approved phasing and no part or phase of the development shall be brought into use until the drainage works approved for that part or phase have been completed. The drainage infrastructure shall be maintained in accordance with the approved details.

Reason This detail is required before development commences to ensure the provision of adequate and sustainable means of drainage and to ensure that the existing foul water drainage network which the site will discharge into is not compromised.

- 16 No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the water main i .e. a protected strip width of 6 (six) metres, that crosses the site . If the required stand -off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area , the approved works have been undertaken .

Reason In order to allow sufficient access for maintenance and repair work at all times.

- 17 Prior to the commencement of the development, including site clearance or depositing of materials on site, the recommended additional surveys and investigations outlined in the "Preliminary Ecological Appraisal Report Bungalow Farm, East Cowton" conducted by Brooks Ecological and received by Hambleton District Council on 15.08.2019 shall be carried out and the results, recommendations, mitigation and enhancement proposals shall be submitted to and approved in writing by the Local Planning Authority. Any recommendations, mitigation and enhancement proposals shall be thereafter implemented in accordance with the approved details.

Reason To ensure that appropriate measures are undertaken to mitigate the impact on and preserve protected species.

- 18 No scrub, hedgerow or ground clearance shall be undertaken during the bird breeding season (March to September) unless a pre-commencement check by a suitably experienced ecologist has been carried out which demonstrates that no

actively nesting birds will be harmed as a result of such works. A written record of the ecologists findings shall be submitted to the Local Planning Authority.

Reason In the interests of biodiversity.

- 19 The reserved matters submission shall include full site levels. Levels shall include existing and proposed site levels along with finished floor levels, eaves and roof ridge levels. The development shall then be implemented in accordance with the approved levels.

Reason In order that site levels can be fully assessed at the Reserved Matters stage and in order to protect the character and amenity of the area to comply with policy E1 and E2 of the Local Plan.

- 20 Prior to commencement of development on site a scheme shall be submitted to and approved by the Local Planning Authority to demonstrate delivery of a target of 10% on-site biodiversity net gain. The scheme shall utilise the latest Natural England Metric to calculate the gain or other metric as agreed with the Council. The scheme shall set out a timetable for the delivery of the gains set out in the submitted scheme. The development shall then be implemented in accordance with the approved scheme.

Reason. In order to ensure delivery of biodiversity net gain in accordance with policy E3 of the Local Plan.

Notes

- 1 In imposing condition number 5 above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
- 2 There must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and the Highway Authority.
- 3 An application for works within the drainage district will be required in addition to planning permission.
Consent will be determined by the Board under Section 23 LDA and the Drainage Byelaws created under Section 66.
Section 23 Consent Section 23 LDA prohibits obstruction etc. in watercourses and states "No person shall erect any mill dam, weir or other like obstruction (or) erect any culvert that would be likely to affect the flow of any watercourse...without the consent in writing of the drainage board concerned".
Section 66 (Byelaw) Consent "No person shall.... introduce any water into any watercourse in the District so as to directly or indirectly increase the flow or volume of water... without the previous consent of the Board (and) no person.... shall erect any building or structure whether temporary or permanent, or plant any tree, shrub, willow.... without the previous consent of the Board, amongst other byelaws specific to each IDB.

Applications for consent will be required for both temporary and permanent works and we have a statutory 2 months determination period from the day on which the application is made or when the application fee (£50 per application or as prescribed) is discharged, whichever is the later.

- 4 i) if the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
- 5 On the Statutory records, there is a 150 mm Ductile Iron live water main within the main road. The submitted report and drawings indicate that the water main will be affected by the proposed flood relief drain construction. The stand-off distance of 3 (three) metres must be shown on the re-submitted plans at the reserved matters stage of the application.
- 6 The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
 - 1 x 240 litre black wheeled bin for general waste
 - 1 x 240 litre black wheeled bin with a blue lid for mixed household recycling; and
 - 1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from North Yorkshire Council (Waste and Streetscene). If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.northyorks.gov.uk or by telephoning 0300 1312131.

Target Determination Date: 02.09.2021

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

North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Constituency Committee

11 May 2023

22/00930/FUL – RETROSPECTIVE CHANGE OF USE TO B2

AT COULBECK GRAINGE, SEXHOW LANE, HUTTON RUDBY
ON BEHALF OF KARL SYSON

Report of the Assistant Director - Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for retrospective change of use of part of the existing building to B2 use at Coulbeck Grainge, Sexhow.
- 1.2 This application is brought to Planning Committee owing to the relatively high public interest in the application and call in by a Member of the Council.

2.0 Summary

Recommendation: That planning permission be REFUSED for the reasons at section 12 of this report.

- 2.1. This application seeks retrospective planning permission for the use of the northern element of the existing building for a specific B2 (general industrial) use, as a steel shot blasting and coatings business. The southern element of the existing modern agricultural building in question has remained in agricultural use (currently used for the storage of bales and agricultural machinery), although the northern element of the building in question was granted planning permission to form a workshop for the servicing/repair of agricultural machinery in December 2019. With the exception of the recent installation of an additional roller shutter door within the eastern elevation of the building (as shown on the amended elevation and floor plans), no external alterations to the building are included within the application.
- 2.2 The modern rural building in question is of concrete block and profile sheet construction and is located in a countryside location at Sexhow, approximately 0.5 mile to the south-east of Hutton Rudby. There are agricultural fields immediately to the south, west and east of the building. Access to the building is via an unsealed track which has a priority T- junction with Sexhow Lane.
- 2.3 Despite the re-use/conversion of rural buildings for sustainable uses being supported by Local Plan policy and the clear but small-scale economic benefits of the development, it is recommended that the application is refused because of the

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:- <https://documents.REF=22/00930/FUL>
- 3.2. During the course of the application, several (relevant) additional and amended plans, documents and information have been submitted, as summarised below:
- Noise Impact Assessment, dated 28.06.2022 (later superseded by version 2, dated 27.07.2022)
 - Traffic Movements Data (Excel Spreadsheet) and applicant's covering email, dated 26.07.2022.
 - Applicant's email clarification regarding operating hours, dated 03.08.2022.
 - (Revised) Proposed Floor and Elevations Plan (P22-343-001 Rev.P3), dated 04.08.2022.
 - (Revised) Existing Floor and Elevations Plan (P22-343-001 Rev.P2), dated 04.08.2022.
 - Copy of the applicant's covering email, dated 01.08.2022.
 - Location Plan with 'shared access' identified.
 - Transport Statement, dated January, 2023.
- 3.3 Re-consultation exercises were undertaken in August 2022 and again in January 2023 (following the LPA's receipt of the Transport Statement). All consultation and re-consultation periods have now expired.
- 3.4 For completeness, the application plans/documents as originally submitted which are still considered relevant (in full or in part) to the consideration of the application are listed below:
- Application Form and Certificates
 - Site Location Plan (with land-edged-red and land-edged-blue)
 - Supporting Statement
- 3.5 There is 4 relevant planning applications and 1 enforcement case for this site, which are detailed below:
- 22/00044/CAT3 - Use of grain store for unlawful businesses/activities, 2 permanent statics, 4 storage containers, 5 caravans stored, unsightly appearance, non-implementation of landscaping scheme, barn on bridle way - (submitted to clarify B2 Use), 'Ending consideration'.
- 19/01949/FUL - Part change of use of an existing building to form a workshop for the servicing of agricultural machinery (use class B2), Approved, 18.12.2019.
- 16/01704/FUL - Retrospective consent for retention of 4 storage containers, use of static caravan as a residential base during events only, use of existing grain store for D1 & D2 purposes for 21 days use of open land for siting up to 80 touring caravans for up to 21 days and installation of a septic tank. – Approved, 23.10.2018.
- 11/00076/FUL - Extension to an existing agricultural grain store – Approved, 10.03.2011.

07/00516/FUL - Construction of an agricultural building, Approved, 11.04.2007.

- 3.6 The following relevant application relates to Sexhow Park Farm and associated land to the north of the application site:

20/01430/FUL - Change of use of agricultural land to a secure dog walking field and for an old agricultural building to be used as an indoor dog walking area, Approved, 27.08.2020.

- 3.7 As of November 2022, the Elim Family Festival which used to operate from the site annually, has ceased to run due to a fall in numbers and increased cost which has made the festival unviable. It is therefore no longer a material consideration to consider the impact of the development on this event.

4.0 Site and Surroundings

- 4.1 The building in question is located in a countryside location at Sexhow, approximately 0.5 mile to the south-east of Hutton Rudby. There are agricultural fields immediately to the south, west and east of the building. Access to the building is via an unsealed track (a public bridleway, 10./28/7/1) which has a priority T-junction with Sexhow Lane (C142) approximately 210m to the north of the building. The eastern elevation of the building is positioned immediately adjacent to the western side of the track/public bridleway, with the track continuing southwards past the building eventually joining the wider public bridleway network at Sexhow Grange. In addition, there are public footpaths with north-south routes located approximately 470m to the east and approximately 500m to the west respectively. Immediately to the west of the access track/Sexhow Lane junction is the residential property and building complex of Sexhow Park Farm. Sited between the building complex of Sexhow Park Farm and the north of the building and its curtilage is an intervening field currently used as a secure dog-walking field, including dog agility equipment. The residential property of Coul Beck House is sited immediately to the north of Sexhow Park Farm.
- 4.2 The wooded watercourse of Coul Beck/ Goulton Beck (a tributary of the River Leven) is located approximately 385m to the west of the building, although the building, its curtilage and the access track are all fully within Flood Zone 1. The site is within the designated Aerodrome Safeguarded Area for Teesside International Airport and the Local Plan-designated Green Infrastructure Corridor. The building is located approximately to the south-west of The Ings Site of Interest to Nature Conservation (SINC) and approximately 468m to the south-east of the Sexhow Meadows SINC. The building is approximately 1.2 miles to the north-west of the nearest part of the North Yorks Moors National Park. The nearest listed building is the Grade 2* listed Old Hall Cottage (Sexhow Hall) located on the north side of Sexhow Lane.
- 4.3 The building is a large, agricultural-style building. With the exception of shipping containers to its east and to its southern gable elevation and a static caravan associated with the now discontinued Elim Festival further to the south (none of

which are related to the B2 business), the building stands alone surrounded by a modest, non-landscaped curtilage. An informal staff parking area is located within the unsealed hardstanding to the north elevation of the building, an area which also included a portable toilet used by the business, while to the east of the access track, the business utilises an area of land as an informal turning head. There is a large steel roller shutter door within the north gable elevation which has been fixed shut. A more recent roller shutter door opening has been created within the building's side (east-facing) elevation which is currently being used in relation to steel deliveries and pick-ups. There is a pedestrian door within the northern elevation of the building.

- 4.4 Although a single structure, the building (constructed circa. 2007/8) is internally partitioned with the southern part of the building used for agricultural storage (a recent site visit by the Case Officer confirmed that the southern part of the building is currently being used to store hay bales). The northern half of the building used by the business has a gross internal floor space of 540 square metres.

5.0 Description of Proposal

- 5.1 This application seeks retrospective planning permission for the use of the northern half of the building for a B2 (general industrial) use. More specifically, this half of the building is currently being used by a steel processing business. The business involves the automated/mechanised shot blasting of steel, with the business currently operating a single automated shot blasting machine. The business also involves steel preparation, including the application of steel coatings. As well as housing the shot blast machinery, the northern half of the building stores steel pending being processed or picked up by the client. There is a raised/partitioned internal office/observation area used by the business, erected on top of a raised platform along the internal western wall of the building. Prior to the current use of the northern half of the building, it was used as a workshop for the servicing and repair of agricultural machinery. It is stated on the application form that the retrospective use of the northern part of the building started in January 2022. It is stated on the application form that the 'hours of opening' for the business is 08:00-17:00 (Mon-Sat), although a subsequent email from the business owner clarified that the operating hours were actually 08:00-18:00 (Monday-Friday) and 09:00-14:00 (Saturday) to facilitate weekend work, as required. It is also stated on the application form that the business has 3 FTE employees, which is proposed to rise to five FTE, although it is understood from conversations between the business owners and the Case Officer that the business is currently operating with only 2 FTE (i.e. the business owners themselves). No external alterations to the building are included within the application, with the exception of a new roller shutter door that has been installed within the eastern elevation of the building (and as shown on the amended elevation and floor plans).

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:

- Hambleton Local Plan, adopted February 2022
- Minerals and Waste Joint Plan, adopted 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 Considerations

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. Please note that all responses below have been submitted in respect of the latest re-consultation exercise, unless where specifically stated otherwise.

7.2. **Parish Council:** The following comments were submitted by the chairperson of Sexhow Parish Council in relation to the original consultation exercise, objecting to the application:

- As chairperson, he has been approached by several residents expressing their objections to the application; no residents have come to him on support for it.
- The main objection of residents is due to the size of wagons delivering/collecting from the business.
- Sexhow Lane (C142) is very narrow in places and has blind corners; the wagons are too large for the road which is having a detrimental impact on the highway verges and any drainage ditches and subterranean infrastructure within them.
- Sexhow Lane does not have any footpaths along its length but is regularly used by hikers, cyclists, dog walkers and horse riders...large wagons approaching horse riders on such a narrow lane 'is an accident waiting to happen'.
- Large wagons passing existing properties on the lane are causing buildings to regularly shake.
- Activity and noise outside of the stated operating hours has been noted and is not considered acceptable in a 'quiet rural community'.

7.3 **Local Highway Authority (LHA):** The LHA provided the following comments/observations following the latest reconsultation, having previously requested that the applicant provides additional trip generation and traffic movement information:

“Concern must be raised with regard to the size of some of the vehicles, such as the articulated lorries, that are involved with the transport of materials to and from the site. The submitted transport statement however shows that the proposals generate a low level of traffic throughout a typical day/ week and as such a highway refusal would be difficult to sustain on this occasion.”

Following a request from Officers, the following clarification was received from The Highway Authority:

“The primary consideration for the Local Highway Authority and the Planning Authority is if the impact of the proposed development can be considered unacceptable in the context of Paragraph 111 of the National Planning Policy Framework. As you will know Paragraph 111 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 application is supported by a Transport Statement that details the traffic movements associated with the site which has been reviewed by the Highway Authority. Given the level of traffic described in Section 3 of the report in particular Table 4.4. which indicates 3 daily two way trips involving a HGV and 3 daily two way trips involving a car or LGV it is considered that it would be very difficult for the Highway Authority to object to this application. As well as the HGVs associated with the new operation there will also be HGVs and other vehicles using Sexhow Lane in association with the existing farming operations in that area. It is acknowledged that the route to and from the site to the A172 is not ideal as Sexhow Lane is a narrow lightly trafficked road however we are not aware of any problems reported along here in terms of damage to the verges or vehicles associated with this use and the existing uses being unable to pass each other. Therefore in consideration of the traffic generation figures and the advice in the National Planning Policy Framework a highway objection would be difficult to sustain on this occasion.”

- 7.4 **Public Rights of Way (PROW) Team:** Have confirmed that their previous (re-consultation) comments remain the same, objecting to the application and having made the following comments: *“The shot blasting and fabrication operations proposed in the application are not safe alongside a rural public bridleway due to the potential of loud noise frightening horses. Advisory: If approved, the public bridleway must be kept clear at all times and not be used to park or unload vehicles.”*

Confirmed within their original consultation response that there is a PROW within or adjoining the application site boundary and provide generic advice about the protection the PROW network and its users, as well as details of the appropriate procedures to be followed should the PROW be permanently physically affected by the development or need to be temporarily closed during construction.

- 7.5 **The Ramblers:** No representations received.

- 7.6 **British Horse Society (BHS):** The BHS remain their objection to the application, commenting that the amended plans show that the (roller shutter) door will open

directly onto the bridleway; the increased use of vehicular traffic is spoiling the enjoyment of the bridleway for all users.

The BHS objected to the application as originally submitted, raising the following comments and observations, (as summarised below) that are still considered relevant to the application (as amended):

- The proposal directly affects and completely disregards the amenity and safety value of the public bridleway (10./28/7/1) and the importance and amenity value of the public bridleway has been completely ignored.
- The use of the public bridleway for motor vehicle traffic (i.e. HGVs) in association with the business is totally unacceptable and against national planning guidance.
- The HGVs drive along and turn on the unsurfaced public bridleway, causing extensive surface damage.
- The noise and traffic movements will change the ambiance and rural open nature of the route to its detriment.
- No meaningful mitigation or compensatory proposals have been submitted to safeguard the users (pedestrians, cyclists and horse riders) of the public bridleway.
- Sudden, unexpected loud shots in a quiet rural location could result in a horse bolting which has the potential to cause serious injury, which is a potential serious safety hazard to both horse and rider and should be considered as an obstruction on the bridleway.

7.7 North Yorkshire Fire & Rescue Service: No representations received.

7.8 Environmental Health (EH): The EH have responded to the latest reconsultation to confirm that they have no further comments to make.

Their previous representations made the following comments/representations (as summarised):

- Confirmed that a site visit had been undertaken, and that noise from shot blasting with the roller shutter door closed was not audibly distinguishable above the background noise environment stood by the boundary of Sexhow Park House.
- However, as recommended within the Noise Impact Assessment, recommended that the roller shutter door be repositioned to the eastern elevation to remove any 'direct line of site'.
- Noted that the Noise Impact Assessment has identified that noise from HGV movements exceed the background noise level by a maximum +2dB above the background noise level.
- Whilst large vehicles, such as agricultural machinery, would already use the shared access to Coulbeck Grainge, further controls are recommended to minimise the impact from HGV movements on neighbouring properties by containing the unloading and loading of such vehicles to inside the building only with the roller shutter door closed.
- The adjacent dog walking and discovery business will introduce an additional sporadic noise to the environment.
- Recommended the following conditions (some of which were recommended within the Noise Impact Assessment):

- Relocation and removal of the North-western façade roller shutter door to the Eastern façade of Coulbeck Grainge within 3 months from the date of permission.
- Hours of operation shall be restricted to Monday to Friday between 09:00 – 18:00, Saturday between 09:00 – 14:00 and not at all on Sundays and Bank Holidays.
- No external fixed plant machinery shall be installed on site without prior approval from the Local Planning Authority.
- Doors and windows shall remain closed whilst shot blasting and accompanying machinery is in use.
- The unloading and loading of HGV vehicles shall take place inside the building of Coulbeck Grainge with the roller shutter doors closed (with an informative note advising that steel should be unloaded on materials such as wood or rubber to absorb the impact and reduce noise impacts).
- No storage of materials externally. The unloading of metal delivered to the premises shall only be done onto absorbent material.

7.9 **Northumbrian Water:** Confirmed in a response made to the original consultation that they have no comments to make, as no connections to the public sewerage network are proposed within the application documents.

7.10 **Local Representations**

A total of 26 local representations have been received of which 5 are in support; 20 are objecting; and 1 commenting (neither supporting/objecting) following consultation and consultation on the application (NB – some respondees have submitted more than one representation) A summary of the consultation and reconsultation comments are provided below, however, please see website for full comments.

7.11 Support (received in response to the consultation undertaken on the application as originally submitted):

- No problems experienced in relation to undertaking farming operations in the locale.
- No issues with access (from the perspective of the transport manager of a company who has delivered agricultural machinery, fertiliser, *et.al* to the site.
- The public bridleway is rarely used.
- Cannot foresee any additional issues with regards to access, traffic volume and noise.
- Considered to be an ideal location for the business.
- The operation of machinery within the building creates only minimal noise.
- The nature of traffic movements and size of vehicles would be similar in comparison with if the building was (fully) used for agriculture.

7.12 Objections (received in response to the consultation undertaken on the application as originally submitted):

- Additional large vehicle traffic movements: (risking accidents, causing obstruction and damaging highway verges along the C142 (Sexhow Lane) and the narrow, winding local road network in the area more generally)

- Impact on the Lane, a public bridleway: (will result in an increase in large vehicles affecting pedestrians, cyclists and horse riders do to a lack of footways and places to go out of the way of traffic; HGVs regularly block/hinder access; safety concerns for bridleway users; potential to block/hinder emergency services)
- Access: (access and egress to the site is poor; limited visibility for large HGVs)
- Noise: (the business has increased the amount of noise emanating from the premises as a result of the operation of machinery, loading/unloading steel including forklift movements and noise from associated traffic movements); noise frequently occurring outside 'office hours', adversely affecting neighbour amenity; the running of existing businesses and affecting livestock, pets and wildlife)
- Location and existing building: (an industrial site located in an agricultural setting is unacceptable...intruding on the safety/tranquillity of the rural environs and the peaceful rural setting; the building was not designed, and is not considered suitable for the business use; such businesses should be directed towards existing employment sites)
- Concerns regarding future expansion of the business and setting a precedent of further businesses to be located in this area.
- Concerns about pollution and vehicle emissions.

7.13 Further objections (received in response to the consultations undertaken in August, 2022 and January, 2023 following the receipt of additional/amended application documents) where comments relate directly to the amendments to the application or were not raised during the original consultation exercise:

- The new position of the roller shutter door in the east elevation has the potential for the loading and unloading of vehicles to block the public bridleway.
- The amended plans appear to show an increase in the floor area used by the business.
- Request for a professional Transport Assessment to be undertaken.
- The confirmed opening/operating hours are not acceptable.
- The previous (extant) partial B2 use was for the servicing of agricultural machinery which is more in keeping with this type of location.
- The amendments to the application have no material impact or result in an improvement to the fundamental problems of the application, i.e. traffic movements and HGV vehicle movements.
- Perceived inaccuracies and limitations of the submitted Transport Assessment provided.

NB – a site notice was posted adjacent to the site, dated 27.05.2022 (now expired)

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
- Impact on the Public Right of Way Network
- Highway Safety, Traffic and Parking
- The Impact on the Current Operations of Sexhow Park Farm and other businesses
- The Impact on Residential Amenity, including Noise Impacts
- Waste and Storage
- Heritage
- Impact on the Character and Appearance of the Rural Landscape
- Protected Species, Off-Site Habitats and Biodiversity Net Gain
- Green Infrastructure
- Flood Risk and Surface Water Management
- Land Contamination and Pollution

10.0 Assessment

Principle of Development

- 10.1 Policy S1 (Sustainable Development Principles) sets out the ways in which the Council will seek to achieve sustainable development and sets out the Council's expectations for all development in the District. Development shall ensure that it makes a positive contribution towards the sustainability of communities, environmental enhancement and climate change adaptation/mitigation by achieving the seven objectives. Of particular relevance, is objective (d) which seeks to 'promote Hambleton as a recognized location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognizing the contribution of the rural economy. It is however recognized that increases in noise and pollution from increased vehicle movements will damage the environment, wildlife, countryside and village life/tranquility.
- 10.2 In order to meet this objective and the Council's aspiration for Hambleton to be 'a place to grow', Policy S2 (Strategic Development Needs) states provision is made within the plan period (2014-2036) for approximately 77.8ha of employment land (approximately 220,000 sq.m. of floorspace) Policy S3 (Spatial Distribution) sets out the spatial development strategy and identifies where (in terms of locations and settlements) the focus for economic development within Hambleton will be: the market towns and designated large villages within the Plan Area; Key Employment Locations within the central transport corridor of the A1(M) and A19; and 'limited development' within defined Small Villages. Designated/defined new and existing employment locations (including defined town centres) are identified within policies EG1, EG2, and EG3/EG4/EG5 of the Local Plan, with the policies requiring specific requirements to be met in relation to proposed development within these new and existing identified employment locations.

- 10.3 Policy EG2 also supports development involving 'non-designated' existing employment sites through their expansion, intensification, upgrading or redevelopment. However, new employment-generating uses will only be supported by Policy EG2 within the built form of 'defined settlements' (i.e. within the settlement hierarchy of Policy S3), although as explained below, Policy EG7 does provide some exceptions within rural areas.
- 10.4 Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported outside of the main built form of a 'defined settlement' where it involves any of the four scenarios below:
- (a) The expansion of an existing business where there is a demonstratable need for expansion that cannot be accommodated within the existing site; or
 - (b) The re-use (conversion) of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use, including appropriate parking provision; or
 - (c) A new building that is well-related to an existing rural settlement where it cannot be located within the built form of a settlement or an identified employment location, or
 - (d) Proposals specifically requiring a countryside location.
- 10.5 As the development involves the partial re-use of an existing countryside-based building, the development is considered to meet criterion (b) of Policy EG7, the conversion of which the supporting policy text (para. 4.69) states is 'a sustainable way of supporting the diversification of the rural economy without detracting from the character of the countryside.' This is in general accordance with paragraphs 84 and 85 of the NPPF which state that planning policies/decisions should enable: the sustainable growth and expansion of all types of business in rural areas including through conversion (para.84), and recognising that sites to meet local business/community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport (para.85).
- 10.6 There is no evidence to suggest that the building is not in structurally sound condition, capable of meeting the functional needs of the business.
- 10.7 As such, the locational principle of new economic development in this countryside location (due to the partial re-use of an existing building) is considered to be acceptable in relation to the strategic and economic policies of the Local Plan, specifically criterion (b) of Policy EG7.

The impact on the Public Right of Way (PROW) Network

- 10.8 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space...in order to support the health and well-being of local communities, stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that:

- the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.); and
- opportunities for enhancement through the addition of new links to the public rights of way network and/or the provision of new facilities have been fully explored and, where reasonable and viable, incorporated into the proposal (criterion i.)

- 10.9 Policy IC2 (Transport and Accessibility) states that the Council will...secure a safe and efficient transport system and secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all, where it is demonstrated that (*inter alia*): it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way (criterion c.)
- 10.10 Policy E4 (Green Infrastructure) that the Council will seek to protect existing green infrastructure, secure improvement to its safety and accessibility...by requiring development proposals to (*inter alia*): take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)
- 10.11 The unsealed access track which provides vehicular access to the building/business from Sexhow Lane to the north of the site forms part of the route of a public bridleway (ref. 10./28/7/1) Having been reconsulted on the application, both the Council's Public Right of Way (PROW) Team and the British Horse Society (BHS) have submitted formal objections to the application (as per the latest amendments), both raising safety concerns for horse riders utilising the bridleway due to the potential for spooking of horses as a result of potentially loud noises emanating from the building as a result of the business operations. The BHS have also raised concerns in their objection regarding adverse impacts to the amenity/enjoyment and safety of users of the bridleway as well as the surface of the PROW as a result of the movements of HGVs and other larger vehicles associated with the business, noting that no meaningful mitigation or compensatory proposals have been submitted to safeguard the PROW users (including walkers, cyclists and horse riders). Within their representations on the application, local residents have referred to occasions when HGVs (due to their size, relative to the track and its access) have resulted in an obstruction and restricted accessibility along the public bridleway, particularly given the lack of appropriate passing places, to the detriment of the safety and amenity value of the PROW for users.
- 10.12 The applicant has provided traffic movement information during the course of the application, providing information on the actual (and post-July 2022, predicted) number of traffic movements (including the type of vehicles) per month in relation to the agricultural use of the building and then the business' use of the building. A Transport Statement (TS) (January 2023) has also been subsequently submitted by the applicant in support of the application. Paragraph 3.4.1 of the Transport Statement concludes:

“The vehicular trip generation associated with the proposed development in isolation is considered to be minimal, and when considered in tandem with the potential traffic generation associated with the extant permission for a B2 workshop for agricultural machinery, is likely to result in either a net reduction, or similar vehicular movements on the local highway network.”

- 10.13 While the above conclusion in the TS is acknowledged, the principal concern with regards to the impact of traffic movements on the safety and amenity of users of the public bridleway is the nature of the vehicular movements along the PROW, rather than any increase in the frequency of traffic movements. Although it is accepted that the current lawful use of the part of the building in question as a B2 workshop (for the repair/servicing of agricultural machinery) would generate a similar or reduced number of vehicular movements, the TS fails to make a quantified comparison between the types of vehicular movements generated by the lawful and current uses, only noting generally at para. 3.3.4 that a Technical Note Report submitted in relation to a similar B2 use (agricultural machinery repair/servicing workshop) application, and only confirming as a general statement at para. 3.3.4 that the most common vehicle types (requiring access to the site) were identified as cars, 4x4 vehicles, rigid vans, articulated lorries and tractors-towing-trailers, and providing an unquantified conclusion that at para. 3.4.2 that the proposed development would result in a reduction of vehicle movements associated with tractors towing a trailer to/from the site (in comparison with an agricultural machinery repair and service workshop use).
- 10.14 Even if it is accepted ‘at face value’ that there is a reduction in the number of tractor-with-trailer vehicle movements, there is no similar comparison (or supporting vehicular movement data) between the number of HGV/rigid/articulated lorry movements between the approved and current B2 uses, which are the larger and potentially least manoeuvrable types of vehicles on the track and which are most likely to raise safety, accessibility and amenity concerns with regards to the various users of the PROW. Even in the absence of such comparable traffic movement data within the TS, it would seem reasonable to conclude that the three (5-day average) HGV trips per day to the site (as provided in table 4.2 of the TS) is more than would be generated by the agricultural machinery repair and service workshop use given the nature of the respective businesses.
- 10.15 Although such trips to site of HGVs of a size capable of accommodating these larger 29 tonnes payloads represent only a small number of the overall trips to site (on average) on a weekly basis, there nevertheless appear to be a consistent operational need of the business, and something which is considered to be unlikely in the case of the agricultural vehicle repair/servicing workshop use. Anecdotal evidence and photographs submitted by local residents would suggest that it is the larger HGVs that have caused the greatest issues in terms of accessibility, obstruction and amenity issues along the track/bridleway due to their relative size and lack of manoeuvrability.
- 10.16 It is also acknowledged that the existing business utilises an area of land adjacent to and to the east of the track as a makeshift turning head of vehicles to be able to manoeuvre up to and into the new east-facing roller shutter door of the building. This inevitably involves the utilisation of the track (and public bridleway) for the turning

and manoeuvring of such HGV vehicles up to/into the building for loading and unloading of steel. In terms of retaining the PROW clear from obstruction, and with regards to the safety and amenity of users of the public bridleway, this is far from a satisfactory arrangement. While it is unclear whether the agricultural machinery repair and service workshop use would require similar turning arrangements for its generated traffic movements, for the reasons explained above, it's likely that the existing business will require the turning/manoeuvring of larger HGVs on a more consistent basis than the extant B2 use, thus having a greater impact on the PROW. The Transport Statement states that the unloading and loading of all vehicles will occur within the building (via the roller shutter door within the eastern elevation of the building), ensuring that no parking or unloading will occur on the access track/PROW. Given the size of the building in comparison with the size (length) HGVs delivering and picking up steel, it appears unrealistic to expect the loading and unloading of HGVs to be undertaken fully within the building, particularly in respect of larger HGVs, and applicant has not provided any plan to demonstrate that 'in-building' loading and unloading is possible for all types of delivery vehicles. The owner has stated that he believes in-building loading and unloading for the larger HGVs is entirely possible and has agreed to provide further information to demonstrate this prior to the Committee Meeting, however at the time of writing such information hasn't been submitted, and concerns in this regard remain. Therefore, given the immediate adjacency of the route of the public bridleway to the eastern elevation (and roller shutter door) of the building, it has not been adequately demonstrated that the loading and unloading of HGVs (likely to be more prevalent with the existing use than the extant B2 use) will not additionally affect the accessibility and amenities of users of the public bridleway.

10.17 Concerns have been raised by both the PROW Team and the BHS regarding the impact on the safety and amenity of horse riders as a result of noise emanating from the building (associated with the business) spooking/frightening horses/ponies. An updated Noise Impact Assessment has been submitted with the application, but this has considered the noise impact of the development on the identified sensitive noise receptor related to residential properties (i.e. Park Farm), rather than a consideration of the impacts of users of the public bridleway. Nevertheless, the updated Noise Impact Assessment provides some information/conclusions that are of wider relevance, not just in relation to the identified sensitive noise receptor:

- Concerns about 'loud audible bangs' were found, on further investigation, to be the result of a fault in the roller shutter door which the assessment considers to be addressable through maintenance works to the door's mechanism.
- Noisy operations within the building are 'sporadic and intermittent' throughout the working day/week.
- Internal sources (i.e. Reverberant Sound Pressure Levels) are identified within the building in relation to both the cumulative operation of machines as well as forklift unloading.
- Noise sources identified from HGV manoeuvre, HGV idling and HGV unloading with forklift.
- The assessment concludes that the overall results of show that there will be no significant impact upon the closest Sensitive Noise Receptor, although the report suggests that further mitigation options could be considered.

- 10.18 While the noise concerns of the PROW Team and the BHS on horse-riders using the public bridleway are acknowledged, in the absence of any specific assessment of noise impact on users of the public bridleway, it is difficult to accurately conclude the nature and severity of the noise impact on horse riders as a result of the internal and external activities of the business. The updated Noise Impact Assessment does suggest that sudden loud noises from the building are now unlikely and not 'par for the course' (with the fixing of the roller shutter door) although as with all commercial activities, such sudden noises can't be entirely discounted. That said, there seems no reason to conclude that the character and level of the noise impact from the business (including incidences of sudden, loud noises) is markedly different from that of an agricultural vehicle repair/servicing workshop use as to have more of an impact on horse-riders using the public bridleway. However, there is considered to be a greater but limited risk of the 'spooking' of horses on the public bridleway due to the increase in the passing, turning and manoeuvring of larger HGVs/articulated lorries within and immediately adjacent to the route of the public bridleway as a result of the current business use and the nature of its operations/traffic movements as analysed above.
- 10.19 Overall, the application has failed to demonstrate that the development applied for either protects or enhances the PROW network for the amenity and safety of its users. On the basis of the evidence available, it is reasonable to conclude that the nature and consistency of the HGV traffic movements generated by the development does result in harm to the amenity value of the existing PROW, to the detriment of the enjoyment and amenities of its users. No proposals have been submitted with the application confirming that the existing route of the PROW (public bridleway) is proposed to be diverted to mitigate this harm and to protect the amenity value of the PROW network, therefore the development is considered to be contrary to the relevant parts/criteria (as referred to above) of policies IC2, IC3 and E4 of the Local Plan.

Highway safety, traffic and parking

- 10.20 Paragraph 85 of the NPPF states that planning decisions should recognize that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 10.21 Policy IC2 of the Local Plan states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate: i. footpaths, cycleways, safe provision for cycle parking and cycle shelters; ii. bus stops/shelters and transport information; iii. support for sustainable forms of transport (e.g. community transport schemes, workforce buses); iv. preparation and implementation of Travel Plans; v. minimum

levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.

- 10.22 On site parking (for employees) takes place in the area of curtilage adjacent to the northern gable of the building. Although not formally laid out as designated parking for the business, it is located sufficient distance from the access track/bridleway as to not cause an obstruction, while providing sufficient on-site parking and manoeuvring space to adequately serve the employee parking needs of the business within the curtilage of the building.
- 10.23 Having been consulted and reconsulted on the application (including on the submitted Transport Statement), the Local Highway Authority have raised concerns within their representations regarding the size of the larger vehicles (e.g. articulated lorries) accessing the site, particularly given the narrowness of the road leading to the site, and the limited places for larger vehicles to pass. However, the LHA consider that the submitted Transport Statement shows that the development generates a low level of traffic in a typical day/week, and notwithstanding their outstanding concern, do not object to the application.
- 10.24 Paragraph 3.2.6 of the Transport Statement accepts that typically the delivery and collection of steel is undertaken by HGVs (rigids or articulated lorries), although on occasion smaller vehicles (i.e. vans and vehicles with trailers are used) No breakdown has been provided within the application regarding the proportion of trips generated in relation to HGVs and those of smaller vehicles, although given the nature of the business and the stated sizes of the payloads involved, it is reasonable to expect that a substantial proportion of the vehicle movements involve HGVs. Table 4.2 in the Transport Statement provides the following summary of the predicted 'payload' vehicle trips for the business:

Processing Capacity per Month	500 tonnes					
	<u>15 tonnes</u>			<u>29 tonnes</u>		
Average Vehicle Payload						
Vehicle Movements	In	Out	2way	In	Out	2way
HGV trips per month	33	33	66	17	17	34
HGV trips per week	8	8	16	4	4	8
HGV trips per day (5-day average)	2	2	4	1	1	2

- 10.25 The cumulative average trip generation of the business figures (which includes employee trips) are provided at table 4.4 of the Transport Statement with a total average two-way cumulative vehicle trip generation per week of 56 vehicles and per day of 12 vehicles. However, given the size of the vehicles and relatively small

number of trips generated, the more significant impact on the local road network are the generated trips involving HGVs, as detailed above.

10.26 Section 3.3 of the Transport Statement has made a comparison between the trips generated by the existing business, and the predicted trip generation of the extant use of this part of the building, i.e. as a B2 workshop for the repair/servicing of agricultural vehicles/machinery. The basis for the predicted trip generation of the extant B2 use is the reliance on vehicular trip information submitted as part of a similar use subject to application 21/00730/FUL at Great Busby: 'during spring and summer, the maximum number of vehicle movements is 30 two-way trips per day, reducing to approximately 10 two-way trips per day during autumn and winter', although it is noted in the Transport Statement that the trips involved a range of vehicular types including cars/4x4s, rigid vans, articulated lorries and tractor/trailer, although no trip breakdown by vehicular type has been provided, although the Transport Statement does state that the existing use (in comparison with the extant B2 use) would result in the reduction of tractor/trailer vehicle movements.

10.27 Overall, the Transport Statement concludes at para. 3.4.1 that:

“The vehicular trip generation associated with the proposed development in isolation is considered to be minimal, and when considered in tandem with the potential traffic generation associated with the extant permission for a B2 workshop for agricultural machinery, is likely to result in either a net reduction, or similar vehicular movements on the local highway network. It is therefore considered that the proposed development does not have the potential to result in a severe impact on the local highway network.”

10.28 Given the nature of the business, its location and the relatively small number of employees, there are limited opportunities in practical terms for improving non-car modes of accessibility to the site, although it is recognised that the building is sited immediately adjacent to the PROW network. If Members are minded to approve the application, it is recommended that the provision of secure cycle storage (for existing and/or future employees) is required via condition.

10.29 While the existing use is likely to have a greater reliance on larger HGVs for deliveries and pick-ups than the extant B2 agricultural vehicle repair/maintenance workshop, given the relatively small number of such HGV movements generated (as well as overall generated traffic movements) and taking into account the representations of the Local Highway Authority, it is agreed that the development does not have an unacceptable or severe impact on the local highway network. Overall, the development is considered to comply with Policy IC2 and the NPPF in this regard.

The impact on the current operations of Sexhow Park Farm and other businesses

10.30 Paragraph 187 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable

restrictions placed on them as a result of development permitted after they were established. Similarly, Policy E2 (Amenity) of the Local Plan expects all proposals to provide and maintain a high standard of amenity for all user/occupiers, including existing occupants and users of neighbouring land and buildings.

- 10.31 The building/site is located to the south of a 3 acre paddock associated with Sexhow Park Farm which has extant planning permission (ref. 20/01430/FUL) for its use as an outdoor, secure dog 'exercise and discovery' facility. The planning permission also includes the use of an agricultural building as an indoor dog walking area.
- 10.32 While it is acknowledged that the owners of Sexhow Park Farm have raised concerns in their representations regarding the detrimental impact of the development on the operation of their dog 'exercise and discovery' facility/business as a result the noise generated by business operations (including traffic movements), it can't be concluded that the difference in the nature of business operations and deliveries/pick-ups (i.e noise and the nature/frequency of traffic generation) between the existing use and the extant B2 agricultural machinery/vehicles repair/maintenance use would result in any marked additional impact on the existing business, and an other businesses within the local area. Overall, the development is considered to be in compliance with para. 187 of the NPPF and Policy E2 of the Local Plan in this regard.

The impact on residential amenity, including noise impacts

- 10.33 Policy E2 (Amenity) of the Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. A proposal will therefore be required to ensure (*inter alia*):
- (c) there are no significant adverse impact in terms of noise (particularly with regards to noise sensitive uses...), including internal and external levels, timing, duration and character;
 - (d) that impacts from contamination, dust, obtrusive light and odour (*inter alia*) will be made acceptable.
- 10.34 Policy E2 adds that where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.
- 10.35 An updated Noise Impact Assessment has been submitted during the course of the application. This has considered/assessed noise contributions from the business in relation to the identified Noise Sensitive Receptor, i.e. the residential property of Park Farm where an assessment of the predicted noise contributions to both ground and first floor windows was undertaken. The Assessment has considered the comparative noise impact (on the Noise Sensitive Receptor) between the current use of the site and proposed use of the site as well as the assessment of HGV Noise, considering both 'noise breakout' from the building and noise resulting from deliveries and site servicing arrangements.

- 10.36 In relation to deliveries and site servicing, the results of the assessment indicate that noise contributions from site servicing arrangements (including HGV Deliveries), inclusive of a are predicted to be a maximum of +2 dB above existing background noise levels at the residential property of [Sexhow] Park Farm during the operating hours of 0800-1800. Noise impacts arising from site servicing operations are therefore predicted to be below the Lowest Observed Adverse Effect Level (LOAEL) for the assessment. In addition, noise contributions from noise breakout from the building are predicted to be a maximum of 2dB below existing measured background noise levels at Park Farm during the operating hours of 0800h - 1800h, Monday to Friday. Noise impacts from the internal operations at the site are therefore predicted to be below the LOAEL. For clarification, noise levels below the LOAEL are an indication that it is less likely that the specific sound source will have an adverse impact.
- 10.37 It is noted that one of the 'operational assumptions' of the Noise Impact Assessment is that deliveries will occur between 08:00-18:00 and will be internal within the building. As explained in para. 10.16 above, it is considered unrealistic to expect all deliveries to be unloaded and uploaded fully within the building, especially deliveries involving larger HGVs. As this assumption may be inaccurate and could potentially affect the results of the assessment in relation to (Sexhow] Park Farm, it is not considered that an accurate consideration of the noise impact of the development on the aforementioned residential property can be made based on the updated Noise Impact Assessment. This matter has been raised with the applicant, but failure to accurately demonstrate that the development will not have a significant adverse impact in terms of noise on residential properties (in accordance with Policy E2 of the Local Plan) would represent a reason for refusal of the application.
- 10.38 Given the relatively close proximity of the residential property at Sexhow Park Farm to the priority junction of the access with Sexhow Lane, there is the potential for any increase and changes in the nature of the traffic movements to additionally affect the amenities of the occupants of this property, although in consideration of the nature and frequency of the traffic movements associated with the extant (partial) B2 workshop use of the buildings, any resulting impacts on the residential amenity of occupants of this property (and those of occupants of properties locate further from the junction) are not considered to be so different as to materially affect the existing amenity levels enjoyed by residents
- 10.39 In terms of dust, the supporting statement confirms that the shot blasting machinery is operated within the building and operates by recycling and filtering the shot used, creating 'an almost dust free environment'. A site visit by the Case Officer confirmed that there were no external ventilation or exhaust. It is also confirmed that the development under consideration does not include any external lighting. Should planning permission be granted, Environmental Health have recommended several planning conditions (see para.7.8 above) primarily recommended to mitigate any noise impacts form the development on nearby properties.

Waste and storage

- 10.40 Criterion (e) of Policy E2 (Amenity) states that adequate and convenient provision should be made for the storage and collection of waste and recycling. Little information has been supplied regarding waste storage, collection and recycling. Officers have requested that details of waste storage and collection are provided, and this information will be available for Members to view prior to the Committee Meeting. Although any waste and recycling storage and collection details submitted by the applicant will be considered in due course against the requirements of Policy E2, there is no reason to conclude at this stage that the development is not capable of providing acceptable waste and recycling storage on site or is incapable of meeting the Council's waste and recycling collection requirements.

Heritage

- 10.41 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.42 Policy E5 (Development Affecting Heritage Assets) of the Local Plan (in accordance with the NPPF) states that a proposal will only be supported where it ensures that (*inter alia*): (i) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.
- 10.43 Also in accordance with the NPPF, Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the NPPF.
- 10.44 The nearest listed building is the Grade 2* listed Old Hall Cottage (Sexhow Hall) located on the north side of Sexhow Lane, while the nearest Conservation Area is at Hutton Rudby. The settings of these heritage assets (as well as those a heritage assets further distance away from the site) are not considered to be affected by the development due to the lack of external alterations to the building and external lighting.

Design and impact on the character and appearance of the rural landscape

- 10.45 Policy E1 (Design) states that development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 10.46 Policy E7 states that the Council will protect and enhance the distinctive landscapes of the district. A proposal will be supported where it: a. takes into consideration the degree of openness and special characteristics of Hambleton's landscapes; b. conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area; c. conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies; d. takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; e. protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and f. is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape
- 10.47 Given the commercial nature of the use and the building's countryside setting, there is the potential for the development to harm the rural and landscape character and of the area, including increases in noise in a tranquil location and alterations to the character of traffic movements.
- 10.48 With the exception of the installation of the roller shutter door within the side (eastern) elevation of the building, the operation of the existing business has not resulted in, or required, external alterations to the building. There are some external items associated with the business that are sited externally (e.g. a portable toilet) , although the minor nature of these items and their close association with the building means that their impact on the character of the rural landscape is minimal and not harmful to the wider rural setting/character. As mentioned above, the development results in a degree of change to the locality in terms of noise and the character/nature of traffic generation, however these are not considered to be markedly different in general character to cause additional harm the tranquillity of the rural surrounds, particularly in comparison with the extant B2 use of this part of the building.
- 10.49 Overall, the development is considered to meet the requirements and expectations of Policy E1 and E7 of the Local Plan.

Protected species, off-site habitats and biodiversity net gain

- 10.50 Paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.

- 10.51 The development in question involves a change of use of part of an existing modern building (with no external extension or alterations, except for a new roller shutter door already installed). The building was originally constructed for agricultural use, with a relatively modestly-sized, non-landscaped curtilage. The remaining southern element of the building remains in agricultural use, while the northern part of the building has an extant use as an agricultural machinery/vehicle repair and serving workshop. Although no Ecological Appraisal, species surveys or BNG metric have been submitted with the application, it is within this context that the impact on ecology and Biodiversity Net Gain needs to be considered.
- 10.52 The building is located approximately to the south-west of The Ings SINC and approximately 468m to the south-east of the Sexhow Meadows SINC. However, given the nature of the development and its location, no material impacts on these off-site local conservation sites are considered likely. In addition, the limited landscaped curtilage and the modern form and construction of the building means that there is not considered to be any significant adverse impact on any protected species or habitats on-site. The commercial use, existing form of the building and its hard-surfaced curtilage is not conducive to achieving any notable BNG, and given the nature and size of the development, it is considered unreasonable to require BNG through off-site provision in this particular instance. Overall, the development is considered to comply with paragraph 174 of the NPPF and Policy E3 of the Local Plan.

Green infrastructure

- 10.53 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure...and secure net gains to green infrastructure provision by requiring development proposals to (inter alia): (a) incorporate and where possible enhance existing green infrastructure features as an integral part of the design; (b) capitalise on opportunities to enhance and/or create links between green infrastructure features within the site and, where possible, with nearby features beyond the site; (c) where the site is located within, or in close proximity to a green infrastructure corridor, or a component of green infrastructure, enhance or create links within, to and between the site and the corridor and to enhance the functionality of the corridor.
- 10.54 The building and its curtilage are located within Green Infrastructure Corridor, as designated within the Proposals Map of the Local Plan. As with BNG, given the nature of the development and the limitations of the building and its curtilage, there is not considered there to be any reasonable opportunities to enhance, or improve links between, green infrastructure features.

Flood risk and surface water management

- 10.55 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments

(criterion d.) Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the relevant requirements/criteria listed within the policy.

- 10.56 The site is located within Flood Zone 1 of the Environment Agency's flood maps, and as such is in an area at the lowest risk of fluvial flooding. There is no indication that the change of use of the building had required any change/alteration of the surface water drainage system for the building/site. The development is considered to comply with policies RM2 and RM3 of the Local Plan.

Land contamination and pollution

- 10.57 One of the seven 'Sustainable Development Principles' within S1 is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality (criterion f.) In order to maintain a high standard of amenity, part d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination
- 10.58 No 'phase 1' environmental assessment has been submitted with the application to assess any potential sources, pathways or risks relating to contamination. However, the building has a solid concrete floor with shot blasting and steel coating activities taking place within the building with external openings closed. There is no external ventilation. Therefore, the risk of contamination of land and the water environment is considered to be below.

11.0 Planning Balance and Conclusion

- 11.1. Local Plan policy, in accordance with the expectations of the NPPF, supports the sustainable re-use/conversion of existing rural buildings for commercial development, therefore the locational principle of new economic development in this countryside location (due to the partial re-use of an existing building) is considered to be acceptable in relation to the strategic and economic policies of the Local Plan, specifically criterion (b) of Policy EG7.
- 11.2. In terms of economic benefits, the business currently employs two full time staff, although has until recently employed three full time workers, and represents a relatively successful local business providing steel shot blasting and coatings for a range of companies, including some multi-nationals. These economic benefits, although relatively small in scale, nevertheless should be given reasonable weight within the planning balance given that they represent economic growth within the Plan Area.
- 11.3 The building/business in question is accessed by and located immediately adjacent to an unsealed track with a priority T-junction off Sexhow Lane. This track also forms part of the route of a public bridleway (ref. 10./28/7/1) While it is accepted that the submitted Transport Statement concludes that the lawful extant use of the northern element of the building (i.e. as a agricultural vehicle/machinery repair and

servicing workshop) in question is considered to generate a volume of traffic movements not dissimilar to the predicted number of traffic movements for existing business use, it is considered reasonable to conclude that the existing use will generate a proportionally higher number of traffic movements (on average) involving larger HGVs (i.e. rigid and articulated lorries) While such traffic movements and deliveries (including turning/manoeuvring, loading and unloading) of larger HGVs generated by the business are low in number, they are nevertheless considered to have an unacceptable additional adverse impact on the amenity and enjoyment of various users of the aforementioned public bridleway, including horse riders, pedestrians and cyclists, contrary to the relevant parts/criteria of policies IC2, IC3 and E4 of the Hambleton Local Plan. In the overall planning balance, this adverse impact on PROW network and its users is considered to outweigh the economic benefits of the development.

- 11.4 While the applicant has submitted an updated Noise Impact Assessment which concludes that the internal 'breakout' noise and noise from servicing and delivery activities meet the relevant acceptable noise levels in relation to the Noise Sensitive Receptor (i.e. the residential property of Park House), it is noted that the Assessment is based on what Officers considered to be an unrealistic assumption, i.e. that all loading and unloading of steel deliveries will take place within the building (with the roller shutter door shut) As such, the results and conclusions of the updated Noise Impact Assessment (as based on this assumption) does not allow for an accurate determination of the noise impact of the development on Park House. Policy E2 of the Local Plan expects development to maintain high standards of amenity, particularly for residential properties. Therefore, unless resolved, the inability to accurately assess the amenity (noise) impact of the development on Park House will constitute a reason for refusal and is given moderate weight in the planning balance.
- 11.5 While the locational principle of the development, in planning policy terms, is considered acceptable, and there are clear but small-scale benefits of the development with regards to the local economy, these considerations would not outweigh the adverse impact of the development on the existing PROW (and the amenities and enjoyment of its various users) as well as the potential (noise) amenity impacts of the development of the residential property when considered within the overall planning balance.

12.0 Recommendation

- 12.1 That planning permission be **REFUSED** for the following reasons:
- i. The building/business in question is accessed by and located immediately adjacent to an unsealed track with a priority T-junction off Sexhow Lane. This track also forms part of the route of a public bridleway (ref. 10./28/7/1) While it is accepted that the submitted Transport Statement concludes that the lawful extant use of the northern element of the building (i.e. as a agricultural vehicle/machinery repair and servicing workshop) in question is considered to generate a volume of traffic movements not dissimilar to the predicted number of traffic movements for existing business use, it is considered reasonable to conclude that the existing use will generate a

proportionally higher number of traffic movements (on average) involving larger HGVs (i.e. rigid and articulated lorries) While such traffic movements and deliveries (including turning/manoeuvring, loading and unloading) of larger HGVs generated by the business are low in number, they are nevertheless considered to have an unacceptable additional adverse impact on the amenity and enjoyment of various users of the aforementioned public bridleway, including horse riders, pedestrians and cyclists, contrary to the relevant parts/criteria of policies IC2, IC3 and E4 of the Hambleton Local Plan.

- ii. While the applicant has submitted an updated Noise Impact Assessment which concludes that the internal 'breakout' noise and noise from servicing and delivery activities meet the relevant acceptable noise levels in relation to the Noise Sensitive Receptor (i.e. the residential property of Park House), it is noted that the Assessment is based on what Officers considered to be an unrealistic assumption, i.e. that all loading and unloading of steel deliveries will take place within the building (with the roller shutter door shut) As such, the results and conclusions of the updated Noise Impact Assessment (as based on this assumption) does not allow for an accurate determination of the noise impact of the development on Park House. Policy E2 of the Local Plan expects development to maintain high standards of amenity, particularly for residential properties. Therefore, unless resolved, the inability to accurately assess the amenity (noise) impact of the development on Park House will constitute a reason for refusal.

Target Determination Date: 07.07.2022

Case Officer: Ian Nesbit ian.nesbit@northyorks.gov.uk

**hNorth Yorkshire Council
Community Development Services
Richmond (Yorks) Area Constituency Committee**

11 May 2023

**22/02352/FUL – PROPOSED TWO-STOREY EXTENSION TO CREATE AN
ADDITIONAL 14 APARTMENTS**

**AT ELDER VIEW, ELDER ROAD, NORTHALLERTON DL6 1NH
ON BEHALF OF MR PAUL COCHRANE**

Report of the Assistant Director - Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for a two storey extension to the existing apartment building to create 14 additional apartments at Elder View, Elder Road, Northallerton.
- 1.2 This application has been brought to Planning Committee as it has been 'called in' by the Division Member.

2.0 Summary

Recommendation: That planning permission be REFUSED.

- 2.1 The proposal would extend the existing building to create 14 additional apartments by adding two additional stories. The proposal would create additional third and fourth floors to the main element of the existing apartment building (i.e. that fronts Elder Road) and additional second and third floors on the existing building's lower rear wing that runs adjacent to Tweddles Yard. No changes to the site layout or the footprint of the existing building are proposed.
- 2.2 Elder View is a relatively modern 'L-shaped' apartment building located on Elder Road, Northallerton. The main part of the building is three stories in scale and fronts onto Elder Road, while a lower secondary two storey element runs adjacent to Tweddles Yard. The building is situated behind the buildings located on the eastern side of Northallerton High Street. The application site is located within the Northallerton Conservation Area and within the defined town centre boundary.
- 2.3 Although there are noted benefits related to the proposals, particularly in terms of the provision of additional, single bedroom residential units within an accessible town centre location, this, in the overall planning balance, would not outweigh the less than substantial harm the increase in size and scale of the building would cause to the significance of the Northallerton Conservation Area along with the setting of adjacent listed buildings, noting that any harm must be given great weight and importance in the planning balance. The development is also considered to be contrary to Local Plan policy in terms of its adverse impacts on townscape, the impact on the vitality and vibrancy of Northallerton Town Centre and in terms of design because of the extended building's significant size and scale.

22/02352/FUL

20/04/2023



Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU

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3.0 Preliminary Matters

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

[Documents for reference 22/02352/FUL: Public Access](#)

3.2 The application site has an extensive planning history. However, there are three applications of particular relevance to this application which are detailed below.

12/02401/MRC - Retrospective application to vary condition 2 of planning approval 11/00485/FUL to retain the 2 additional windows on the north elevation and replace the approved shop front with a front door and 2 windows as amended by plans received by Hambleton District Council on 8th January 2013, Approved, October 2013.

11/00486/LBC - Application for listed building consent for alterations and extension to existing bar/night club to form 14 flats and 2 shops, Application withdrawn.

11/00485/FUL - Alterations and extension to existing bar/night club to form 14 flats and 2 shops, Approved, October 2011.

3.3 As well as the application form (and certificates) and site location plan, the following application plans and documents have been submitted as part of the application:

- (a) Existing elevations (SCH1508 Dwg.3 Rev.A)
- (b) Existing first and second floor plans (SCH1508 Dwg.2 Rev.A)
- (c) Existing ground floor plan (SCH1508 Dwg.1 Rev.A)
- (d) Proposed elevations (SCH1508 Dwg.5 Rev.A)
- (e) Proposed second, third and fourth floor plans (SCH1508 Dwg.4 Rev.A)
- (f) Planning, design and access statement (October 2022)
- (g) Heritage statement (September 2022)

4.0 Site and Surroundings

4.1 Elder View is a relatively modern 'L-shaped' apartment building located on Elder Road, Northallerton. The main part of the building is three stories in scale and fronts onto Elder Road, while a lower secondary two storey element runs adjacent to Tweddles Yard. The external walls of the existing building are a mixture of brickwork and render, with a relatively shallow dual-pitched roof with tile covering. The building is situated behind the buildings located on the eastern side of Northallerton High Street. The application site is located within the Northallerton Conservation Area and within the defined town centre boundary.

5.0 Description of Proposal

5.1 The proposal would extend the existing building to create 14 additional apartments by adding two additional stories, including a new dual-pitched roof structure. More specifically, the proposal would create additional third and fourth floors to the main element of the existing apartment building (i.e. that fronts Elder Road) and additional second and third floors the existing building's lower rear wing that runs adjacent to Tweddles Yard.

- 5.2 No changes to the site layout or the footprint of the existing building are proposed. The submitted planning, design and access statement confirms that external materials would be utilised that are consistent with the existing building and its character and appearance. The access arrangements to the building would be unchanged as a result of the proposed development. The proposed apartments fronting Elder Road would be accessible via the existing stairwells and entrance doors within the front elevation whereas the apartments located to the rear of the building would be accessible via the ginnel which passes between High Street and Elder Road.
- 5.3 All additional 14 apartments would be one bedroom as well as a bathroom and open plan lounge and kitchen area, but would range in size from 38 sqm to 51 sqm.

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:

- Hambleton Local Plan, adopted February, 2022
- Ingleby Arncliffe Neighbourhood Plan, adopted December 2021
- Minerals and Waste Joint Plan, adopted 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 Considerations

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework, 2021
 - National Planning Practice Guidance
 - National Design Guide, 2021
 - Housing SPD, 2022

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Northallerton Town Council:** No representations received.
- 7.3. **Division Member:** Requested that the application be 'called in' and considered by the Constituency Area Planning Committee.

7.4 **Housing Services Manager:** The proposed 14 x 1 bed apartments occupy a floorspace of approximately 790 square metres, i.e. less than the 1000 square metre threshold for an affordable housing element to be required under Local Plan Policy HG3. The Council's Housing SPD (Table 3.1) sets out a target range for market and affordable dwellings. In terms of 1 bedroom market homes it recommends a range of 5-10% as part of the overall mix. Given that the proposed scheme is an extension of an existing block of 2 bedroom apartments it is reasonable to expect that the new homes should be 1 bedroom. Furthermore, given the overall low numbers of 1 bedroom market homes included in new housing schemes the proposed homes will contribute towards meeting the need for 1 bedroom market homes.

7.5 **Local Highway Authority (LHA):** No objections, subject to a condition for the provision and prior approval of a Construction Phase Management Plan.

"Note to Planning Officer: Concern must be expressed that the plans indicate that no off-street parking spaces associated with the new residential units are proposed. Whilst the site is located within Northallerton town centre which is regarded a sustainable location, it is however still anticipated that parking demand will be generated by the future residents of the units and visitors and that their vehicles will be parked as close as possible to the proposed units. Notwithstanding the fact that there are Traffic Regulation Orders in the area that limit the on-street parking of vehicles adjacent to the site, there is however off-street car parking available in the vicinity which is controlled by Hambleton District Council. On this basis an objection to the application on Highway safety grounds is therefore unlikely to be sustained on this occasion."

7.6 **Police Designing Out Crime Officer (DOCO):** It is acknowledged that this application is for the extension of an existing apartment block and that the main areas of concern in relation to Designing Out Crime relate to the design and layout of the ground floor, which are to remain unaltered and do not form part of this planning application. Having reviewed the accompanying documents and drawings that were submitted with the application, I contacted the architects to obtain further information to enable me to undertake a meaningful evaluation of the proposal and would make the following comments. It is accepted that some of these may not necessarily fall within the remit of planning, but their adoption will ensure that the security of the scheme is not compromised.

The DOCO sets out a number of detailed recommendations for the security of the building.

7.7 **Environmental Health (EH):** EH have considered the potential impact on amenity and likelihood of the development to cause, and/or be affected by a nuisance, and have raised the following comments/concerns:

- **Construction: Noise and Dust** - Due to the proximity of existing residents (below the proposed flats) they will be particularly vulnerable to noise and disturbance during the construction phase. If you are minded to approve the application, the Environmental Health Service would recommend that the following condition(s) are applied: Details of what steps shall be taken to prevent the emission of dust and noise from the site during construction shall be submitted to, and approved in writing by the Local Planning Authority prior to the development commencing.

- Refuse storage - Environmental Health are aware that refuse storage arrangements are not sufficient for the existing flats at Elder View. If you are minded to approve the application, the Environmental Health Service would strongly recommend that prior to any decision being made the Local Planning Authority seeks confirmation that adequate refuse storage (and recycling provision) will be provided for the additional 14 flats in order to prevent a detriment to amenity in the locality.

7.8 **Yorkshire Water Services (YWS):** Have confirmed that no comments are required from YWS.

7.9 **Yorkshire Wildlife Trust (YWT):** No comments to make on the application.

7.10 **RAF Safeguarding:** The application site occupies the statutory safeguarding zone(s) surrounding RAF Leeming. In particular, the aerodrome height, technical and birdstrike safeguarding zones surrounding the aerodrome and is approx. 8.48 km from the centre of the airfield. After reviewing the application documents, I can confirm the MOD has no safeguarding objections to this proposal.

7.11 **Conservation Officer:** *“.....I think it is important that we have a photo montage to scale of how the proposed new level of flats would sit upon the high street. Views from all angles which have been demonstrated in the heritage statement already. I need to be convinced that the increased height would not harm the conservation area or the setting of some listed buildings. Although I am aware there may be some public benefit in terms of housing obviously. All heritage assets have significance, some of which have particular significance and are designated. The contribution buildings make by their setting and to their significance varies. Although many settings may be enhanced by development, not all settings have the same capacity to accommodate change without harm to the significance of the heritage asset or the ability to appreciate it. This capacity may vary between designated assets of the same grade or of the same type or according to the nature of the change. The setting to accommodate change without harm to the heritage asset’s significance or of views of the asset. This requires the implications of development affecting the setting of heritage assets to be considered on a case-by-case basis. Historic England 2017 (17:Page 7) Currently it is difficult to ascertain whether the setting of key listed buildings and the conservation area shall be affected by the proposal. There is concern that the once the roof height is raised that this may result in altering the roof scape of the high street as currently for the most part dominated by 3 storey buildings with Welsh slate roofs. Further consideration needs to be made to the development in relation to the position and to key views to, from and across the town. The form and appearance of development its prominence, dominance, and conspicuousness also requires consideration. Without further information it is difficult to ascertain whether the proposal is competing against heritage assets and if it would cause a distraction, due to its dimensions, scale and massing. The proposed extension does not enhance the character of the conservation area along Elder Road. Opportunities should be sought to improve this area, although it is not a main thoroughfare for some it is still affords public views. Therefore, visual permeability is of concern and the wider effects of the development may create a change to built surroundings and spaces and a change to general character.”*

7.12 **Historic England:** Have confirmed that they are not offering any advice on the application.

- 7.13 **North Yorkshire Fire and Rescue Service:** No objections/observations. (have confirmed that they will make further comment in relation to any statutory Building Regulations consultation).
- 7.14 **NYC Heritage Services (Archaeology):** The proposal is to add additional storeys to an existing building. As such there should be no direct impact on archaeological remains. I presume that your Conservation Officer will be providing advice on the impact of the proposal on the setting of the Conservation Area and individual assets within it. I have no objection to the proposal and have no further comments make.
- 7.15 **Other Consultees:** Although consulted on the application, representations have not been received from the Council's Design and Maintenance Manager; Planning Policy Manager; the Environment Agency; Ancient Monuments Society; Society for the Protection of Ancient Buildings; Council of British Archaeology and Natural England.

Local Representations

2 local representations have been received; both are objecting. A summary of the comments is provided below, however, please see website for full comments.

- 7.16 Objections:
- Inadequate parking provision
 - Inadequate drainage
 - Loss of light (increasing the height of the existing flats will result in loss of natural sunlight to the existing buildings opposite.)

A site notice and a newspaper advertisement have been published. Time has now expired.

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
 - Housing mix and need
 - Affordable housing
 - Heritage
 - Design and impact on the townscape of Northallerton
 - Amenity
 - Highway safety and parking
 - Storage and Collection of Waste
 - Ecology and biodiversity net gain
 - Drainage

- Other matters
- The Equality Act

10.0 Assessment

Principle of development

- 10.1 The Hambleton Local Plan includes a series of ‘strategic policies’ that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.
- 10.2 Policy S2 confirms that the housing strategy (including the aforementioned housing targets) will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. Sufficient allocated sites within the Local Plan will meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy HG1 (Housing Delivery) sets out the specific site allocations, although it is worth confirming that the building and site in question is not part of any of the site allocations within the Local Plan.
- 10.3 Strategic Policy S3 (Spatial Distribution) sets out the Local Plan’s strategy for the focus and spatial distribution of development and growth across the Hambleton plan area. The policy states that the main focus of housing growth will be in relation to the two main towns of Northallerton and Thirsk (with Sowerby)
- 10.4 Policy HG5 (Windfall Housing Development) supports so-called ‘windfall’ housing development on unallocated sites within the ‘main built form’ (as defined within Policy S5) of the defined settlements listed within the settlement hierarchy of Policy S3 (Spatial Distribution) where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The existing building and site is within the main built form of the defined settlement of Northallerton (‘Market Town’) and is not safeguarded, allocated and/or protected in relation to the matters listed in Policy HG5. As such, although the building/site is not part of an allocated site within the Local Plan, because its within the main built form of the defined Market Town of Northallerton and is not allocated, protected and/or safeguarded in respect of the matters listed in Policy HG5, the locational principle of new residential development in this location is supported as ‘windfall’ development by Policy HG5

Housing mix and need

- 10.5 Policy HG2 (Delivering the Right Type of Homes) requires proposals to achieve an appropriate mix of dwellings in terms of size, type and tenure. Housing development will be supported where it achieves a range of house types and sizes to reflects and responds to the existing and future needs of the district’s households as identified within the SHMA, having regard to local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Housing SPD provides

further detail regarding the market and affordable housing mix expected. The proposed development would provide for 14 additional single bedroom apartments. As confirmed by the Council's Housing Services Manager, table 3.1 of the Housing SPD recommends that new residential development provides a 5-10 per cent proportion of single bedroom market units within the overall housing mix of the development. However, the Housing Services Manager has nevertheless concluded that given the overall low numbers of single bedroom market homes included in new housing schemes, the 100 per cent provision of single bedroom, market units would contribute towards meeting the need within the Plan Area of one bedroom market homes. There are some minor discrepancies in the plans with regard to compliance with the Nationally Designated Space Standards. Clarification is being sought from the applicant's agent and Members will be updated at the meeting.

Affordable housing

- 10.6 Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing (not within a designated rural area) to make provision for 30 per cent affordable housing (subject to viability) for proposals with 10 or more units, unless the development has a combined gross floorspace (GIA) of no more than 1,000 square metres. The proposals would have a combined gross floorspace of approximately 790 square metres, and thus is below the aforementioned GIA threshold of Policy HG3. As such, no affordable housing provision is required for the proposed development.

Heritage

- 10.7 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.8 Policy E5 (Development Affecting Heritage Assets) of the Local Plan (in accordance with the NPPF and Policy S7) states that a proposal will only be supported where it ensures that (*inter alia*): (i) those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved; (j) those elements that have been identified as making a positive contribution to the special architectural or historic interest of a conservation area and its setting are preserved and, where appropriate, enhanced, having regard to settlement character assessments and conservation area appraisals.
- 10.9 Also in accordance with the NPPF, Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification. Less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use. Substantial harm to, or total loss of, the significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh the harm caused, or in the exceptional circumstances set out in the

NPPF. Any identified harm must be given great weight and importance in the planning balance.

- 10.10 The building/application site is located within the Northallerton Conservation Area and also adjoins a listed building. A Heritage Statement (dated September 2022) has been submitted with the application. The Heritage Statement has considered and assessed the impact of the development on the significance of the Conservation Area and the settings of several specific listed buildings within the locale of Elder View, although it is not supported by any visualisations or photo montages showing how the building (with its additional two stories) would be viewed from vantage points within Northallerton High Street and other important vantage points within the Northallerton Conservation Area.
- 10.11 The Heritage Statement consistently concludes that due to a combination of factors (including the distance that the building is setback from the High Street, the width of the street and the density/screening effect of surrounding buildings, the views and settings of various listed buildings as well as the character and appearance of the Conservation Area, as viewed from the High Street, would not be affected. However, without photomontages/visualisations showing the proposed increased height of the building in relation to adjacent buildings and from important viewpoints within and outside the Conservation Area, such conclusions lack supporting evidence.
- 10.12 It is acknowledged that the submitted Heritage Statement has endeavoured to identify all heritage assets potentially affected by the development and, for the most part, make detailed, individual assessments of the impact of the development on the identified heritage assets. However, it is noted that an assessment is lacking on whether any harm is caused (and if so, what level of harm) to the character and appearance of the Conservation Area resulting from the increased visibility of the enlarged building above the roofline of the existing buildings within the Conservation Area from the viewpoint looking southwards along Brompton Road. On this matter, the Heritage Statement limits itself to concluding that the proposed development 'would not represent a significant change to the current setting and any potential impact to views into the conservation area down Brompton Road could be mitigated through sympathetic design.' However, as mentioned, this does not make it clear whether this acknowledged visual change would result in any harm to the character and appearance of the Conservation Area, and if so, what level of harm would be caused. In addition, it concludes that the potential impact on views into the Conservation Area from Brompton Road could be mitigated through 'sympathetic design'. It is equally unclear what 'sympathetic design' would constitute in this regard; whether it has been achieved through the current detailed proposals and what this mitigation would mean for the level of any harm caused by the development.
- 10.13 Although the Case Officer has contacted the agent recommending that the aforementioned photomontages/visualisations and additional clarification is provided in support of the application, this has not been forthcoming.
- 10.14 Notwithstanding the above, it is clear from the submitted plans and application documents that the proposals would create the highest building in the northern part of Northallerton Conservation Area, making what is already a large building within the context of the town, two stories higher, i.e. resulting in an increase in stories

from 2-to-4 and 3-to-5. The proposed five storey element of the building would have a ridge height of 15.58m, an increase of just under five-and-a-half metres and an increase of approximately one-third in height. (the existing ridge height of this part of the building is 10.18m). This increase in ridge height of the building would result in a scale of building that is completely out-of-proportion with other buildings in the locale, including those adjacent buildings sited on the eastern side of Northallerton High Street. It is considered that this relationship results in less than substantial harm to the significance of the Conservation Area and the setting of adjacent listed buildings.

- 10.15 This height differential and the incongruous scale of the extended building, would be clearly apparent from particular viewpoints despite the presence of intervening buildings, including the aforementioned view looking southwards down Brompton Road mentioned above. Although the Heritage Assessment has failed to conclude whether the increase in height would be harmful to the character and appearance of the Conservation Area, in particular the character and appearance of its roofscape from this public vantage point, it is clear that the increased height of the building and its visibility above the existing roofline of buildings would look out-of-scale and dominate this view, effectively creating a landmark building alien in character to the Conservation Area, resulting in clear harm to the character, appearance and significance of the Conservation Area, particularly as viewed from vantage points looking southwards along Brompton Road. In addition, Officers also consider that the increased size and scale of the building will further obscure and dominate views of the rear elevations of the buildings (some of which are listed) situated along the eastern side of Northallerton High Street as viewed/approached from the east.
- 10.16 Although few of these buildings have rear elevations of particularly notable architectural significance, collectively this row of buildings is important to the historic layout of the town, and while it is accepted that the visual appreciation of these buildings and their significance with regards to the traditional form/layout of the town has become increasingly obscured over the last fifty years or so, due to the construction of modern buildings between their rear elevations and east road to the east, by markedly increasing the size/scale of the existing building situated immediately to the east of these traditional buildings, the proposed development would further exacerbate this unsatisfactory situation, while the increased height and scale of the extended building would undoubtedly dominate the settings of the adjacent listed buildings sited on the east side of Northallerton High Street. O
- 10.17 Overall, the proposed development is considered to cause 'less-than-substantial' harm to the character and appearance of the Northallerton Conservation Area and the settings of adjacent listed buildings sited on the eastern side of Northallerton High Street. Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification, and that 'less than substantial harm' to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal. A consideration of any public benefits of the proposals (as weighed against the less-than-substantial harm caused to the aforementioned heritage assets) will be undertaken within the Planning Balance section of this report.

Design and Impact on the townscape of Northallerton

- 10.18 Policy E1 (Design) states that development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.
- 10.19 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district, including Northallerton. The policy confirms that this will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.20 Policy EG5 (Vibrant Market Towns) seeks to maintain and enhance the environment, vibrancy and vitality of market towns (including Northallerton, particularly the market places and high streets. In part, the policy states that it will do this by supporting the delivery of specific projects, including The Ginnels Projects in Northallerton with the priority of improving the existing east-west linkages and with the key objective of achieving high standards of material finish and design quality in order to enable pedestrian movement and create a safe and inviting environment. The building is sited immediately adjacent to one of the yards/ginnels that is identified on the Proposals Map of the Local Plan as being part of the aforementioned Ginnels Project.
- 10.21 There is a policy requirement to consider the impact of the design and scale of the development on the character of the townscape more generally, although it is accepted that there would inevitably be some overlap with heritage issues in this regard. While it is accepted that the building occupies a location that is largely surrounded by other buildings, it would be inaccurate to conclude that the building is sited where visual permeability is not an issue or in a location where the proposed extension would not markedly affect the townscape of Northallerton. The presence of the existing building's ridge above the buildings fronting Friarage Street (as viewed from Brompton Road) has already been assessed in the heritage section of this report above, but as referenced in the Heritage Statement, views of the existing building are also possible from East Road (looking west) while the building is located adjacent to a ginnel/yard identified within Policy EG5 as being important to the permeability and accessibility of the town centre, and providing east-west links between the High Street and the former prison/treadmills site.
- 10.22 The proposal would create a building of a size and scale that would dominate townscape (particularly roofscape) views from these vantage points, particularly those east-west pedestrian (ginnel/yard) links that adjoin or are in close proximity to the existing building to the detriment of its existing character, while undermining the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton. From such viewpoints and routes, it is hard to over-estimate the sheer physical and overbearing impact the proposed building would have, the increased height of the building being at odds with the cumulative scale and character of the rear elevations and roofscape of the buildings that front onto the east side of the High Street and which are generally of a similar scale. The proposed development would therefore be contrary to policies E7 and EG5 of the Local Plan.

10.23 While in design terms, the extension would utilise materials and forms similar or identical as the existing building, the design of the building in terms of its massing and scale is considered to be at odds with its surroundings and lacking local distinctiveness. The design of the proposed development would therefore be contrary to policy E1 of the Local Plan.

Amenity

10.24 Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.

10.25 Although they have not objected, Environmental Health have noted that existing residents will be particularly vulnerable to noise and disturbance during any construction phase of the development. and recommend a condition requiring details to be approved of appropriate measures to prevent dust and noise issues for residents during construction. In addition, the Local Highway Authority have recommended that a condition is imposed requiring a Construction Environmental Management Plan (CEMP) to be submitted and prior approved by the LPA should planning permission be granted.

10.26 Having raised concerns with the agent regarding the potential impact of the development of residents within the existing apartment building during construction, the agent replied confirming that:

- The applicant, via his letting agent, wrote to all existing tenants in June 2022 to advise them that the applicant intended to apply for planning permission to construct two additional floors to the block of flats at Elder View, advising them that there would be no effect on any tenant during 2022, and that tenants would be kept updated if planning permission was granted, and if they had any queries in the meantime to contact him.
- In addition, any top floor flats that have since come up for rent, the letting agent has made it clear that these would only be available for a short-term tenancy, i.e. of 6 months only. This has been clearly highlighted in the property details when advertised, explained to any interested tenant, and made clear in the subsequent tenancy agreement.
- Should planning permission be obtained the applicant would give at least 2 months' notice to tenants in the top floor flats, which should provide them with sufficient time to find new accommodation.
- The letting agent would provide 'first refusal' for similar accommodation in Northallerton to any affected tenant at Elder Road, although it was confirmed that the letting agent cannot guarantee such accommodation will be available.
- Should the affected tenants be able to find short-term temporary accommodation whilst the work is completed, the applicant would commit to giving them first refusal on their flat or any of the new flats that will then be available.

10.27 While most of these commitments/measures would need to be agreed outside of the planning system, it is important to ensure that appropriate measures are agreed

and in place to control dust, noise, vehicle parking/material storage and working hours (in part through the approval of a suitable CEMP) in order to mitigate any temporary adverse impacts on the amenities of local residents, particularly those currently occupying apartments within the building in question.

- 10.28 Overall, and subject to the aforementioned conditions, it is considered that the development would be capable of providing acceptable levels of amenity in accordance with Policy E2 of the Hambleton Local Plan.

Highway safety and parking

- 10.29 Policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments, including suitable parking provision.
- 10.30 The proposals does not include any parking provision. Although as a 'town centre' development the Local Highway Authority have not objected to the proposals, they have nevertheless expressed concern within their representations that the development would nevertheless generate parking demand and it is anticipated that future residents and visitors will seek to park as close of possible to the building. They do however note that there are Traffic Regulation Orders in the area that limit the on-street parking of vehicles adjacent to the site, while off-street car parking is available in the vicinity which is controlled by the Council.
- 10.31 While the lack of dedicated parking provision for the development involving 14 residential units is far than ideal and is likely to increase the risk of indiscriminate parking in the locale, increasing the risk of tension between residents and road users. Nevertheless, it is acknowledged that as a town centre site, future residents would have the opportunity to access regular and convenient bus and train services, as well as access to town centre car parking. Therefore, in consideration of this and the LHA's response, the development is considered to comply with policy IC2 of the Local Plan.

Storage and collection of waste

- 10.32 Criterion (e) of Policy E2 (Amenity) states that adequate and convenient provision should be made for the storage and collection of waste and recycling. Little information has been supplied regarding waste storage, collection and recycling.
- 10.33 Environmental Health have stated within their representation that they are aware that refuse storage arrangements are not sufficient for the existing flats at Elder View. Therefore, if planning permission is approved, they recommend that prior to any decision being made, confirmation is sought that adequate refuse storage (and recycling provision) would be provided for the additional 14 apartment in order to prevent a detriment to amenity in the locality.
- 10.34 The agent has responded to Environmental Health's comments by stating that they consider that there is sufficient room within the existing covered bin store to cater for the additional demand, although the applicant also owns the open yard space to the north, directly adjacent to the site and that he would be willing to accept a condition requiring the submission of details in relation o the provision of acceptable and appropriate waste storage and recycling facilities for the proposed development.. Further clarification on capacities and the storage facilities are

sought from the agent and any additional information/clarification provided in this regard will be reported to the Planning Committee either as part of the Update List or during the Committee meeting, depending on when they are received.

Ecology and biodiversity net gain

- 10.35 Paragraph 174 of the NPPF seeks minimising impacts on and providing net gains for biodiversity. The Local Plan policy E3, requires all development will be expected to demonstrate the delivery of a net gain for biodiversity and all development must have as a principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.
- 10.36 The development in question does not involve any increase in the footprint of the existing building, or any material changes to the building's modestly-sized, non-landscaped curtilage. Although no Ecological Appraisal, species surveys or BNG metric have been submitted with the application, it is within this context that the impact on ecology and Biodiversity Net Gain needs to be considered.
- 10.37 Given the nature of the development and its location, no material impacts on these off-site local or national designated conservation sites are considered likely. In addition, the limited landscaped curtilage and the modern form and construction of the building means that there is not considered to be any significant adverse impact on any protected species or habitats on-site. The form of the building and its hard-surfaced curtilage is not conducive to achieving any notable BNG, and given the nature and size of the development, it is considered unreasonable to require BNG through off-site provision in this particular instance. Overall, the development is considered to comply with paragraph 174 of the NPPF and Policy E3 of the Local Plan.

Other matters

- 10.38 Within the application documents, the agent has stated that the proposed development would constitute by virtue of Part 20 (Construction of New Dwellings), Class A ('New dwellinghouses on detached blocks of flats') of the General Permitted Development Order (as amended). However, criterion (o)(i) of A.1. is clear that development is not permitted by Class A if: the land or site on which the building is located, is or forms part of article 2(3) land. (which includes land within a Conservation Area). As the site is within the Northallerton Conservation Area, Officers do not consider that the proposals constitute permitted development, therefore there is no fallback position that would need to be given due weight (as a material consideration) within the overall planning balance. In any case, the legislation provides for an assessment of heritage matters.
- 10.39 Concerns about drainage have been mentioned by current residents of the apartments within their representations. The proposed development is not increasing the size of the existing footprint of the building or the extent and surfacing of its curtilage, therefore additional surface water run-off resulting from the proposed development is not anticipated. The agent has also confirmed that the applicant would look to address current downpipe and guttering issues, currently causing drainage issues for existing residents.

The Equality Act, 2010

- 10.40 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.
- 10.41 Given the substantial scale of the proposed demolition and construction works involved with the development, the close proximity of existing apartments in relation to any such construction works and taking account of the likely duration of the works, if approved, the development is considered to create temporary amenity and obstructions to existing residents of a nature and duration that is likely to particularly adversely affect older and younger people, people with disabilities or who are pregnant. Although the LPA is not aware of any specific existing tenants of the Elder View apartments that share one or more the aforementioned protected characteristics, given the number of existing apartments at Elder View, it is considered likely that the proposed development will directly affect at least one such individual.
- 10.42 Therefore, in order to ensure that the Council fulfils its duty under Section 149 of the Equality Act, it needs to be ensured that if planning permission is granted, the decision notice includes conditions which require the impacts on those residents with the aforementioned protected characteristics to be mitigated as much as possible, taking into consideration their specific requirements and needs.

11.0 Planning Balance and Conclusion

- 11.1 The proposed development would result in the creation of 14 additional, single bed apartments within a town centre location on an existing residential site. In locational terms, there is support within the strategic policies of the Local Plan for residential development within such larger settlements, with Policy S3 (Spatial Distribution) stating that the main focus of housing growth within the plan area will be the two main towns of Northallerton and Thirsk (with Sowerby) Such locations, including the site in question, have relatively good accessibility to services, facilities and regular public transport, and in this respect represent sustainability locations for residential development. This needs to be given low-moderate weight in the planning balance, as does the provision of 14 single bedroom (market) units which would contribute towards meeting the identified need within the plan area of one bedroom market homes.
- 11.2 Nevertheless, the benefits of the proposed development needs to be appropriately considered within the overall planning balance against the adverse impacts of the development, particularly the impact on designated heritage assets (in this case the Northallerton Conservation Area and setting of adjacent listed buildings) where the planning acts require 'special attention' to be given to preserving and enhancing the character and appearance of a Conservation Area and to the desirability of

preserving the setting of Listed Buildings, and paragraph 199 of the NPPF states that 'great weight' needs to be given to a heritage asset's conservation.

- 11.3 The proposed development would increase the ridge height of the building by approximately a third, from 10.18m to 15.58m, adding two additional stories. The significantly increased size and scale of the extended building will create an incongruous and out-of-scale building within the Northallerton Conservation Area, causing 'less-than-substantial' harm to the character and appearance of the Northallerton Conservation Area and the settings of adjacent listed buildings sited on the eastern side of Northallerton High Street. In light of this harm, the noted public benefits of the scheme are not considered to outweigh the 'less than substantial' harm to the significance aforementioned designated heritage assets in this case.
- 11.4 In addition, the height and scale of the proposed extended building would result in an out-of-proportion and incongruous building that would dominate important viewpoints of Northallerton's townscape (including roofscape) and undermine the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton, contrary to policies E7 and EG5 of the Local Plan. While in design terms, the extension would utilise materials and forms similar or identical as the existing building, the design of the building in terms of its massing and scale is considered to be at odds with its surroundings and lacking local distinctiveness, and thus contrary to Policy E1 of the Local Plan.
- 11.5 Overall, taking into consideration the stated benefits and adverse impacts of the scheme having given special attention to preserving and enhancing the character and appearance of a Conservation Area and to the desirability of preserving the setting of Listed Buildings, as well as applying great weight to the conservation of the designated heritage assets affected, it is recommended that the application is refused.

12.0 Recommendation

12.1 That planning permission be **REFUSED** for the following reasons:

- i. The significantly increased size and scale of the extended building will create an incongruous and out-of-scale building within the Northallerton Conservation Area, causing 'less-than-substantial' harm to the character and appearance of the Northallerton Conservation Area and the settings of adjacent listed buildings sited on the eastern side of Northallerton High Street. In accordance with the NPPF and Policy S7, Policy E5 states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification, and that 'less than substantial harm' to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal.

Although there is public benefit from the development in terms of providing additional residential units within a sustainable and accessible town centre

location, particularly as the provision of single bedroom units will help assist in meeting the existing demand within the Plan Area for one bedroom, market residential accommodation, this is not considered to outweigh the less than substantial harm to the designated heritage assets mentioned above, taking in account the statutory 'special attention' to be given to preserving and enhancing the character and appearance of a Conservation Area and to the desirability of preserving the setting of Listed Buildings and the 'great weight' to be given to a heritage asset's conservation required by paragraph 199 of the NPPF.

The proposed development is therefore contrary to the requirements of Policies S7 and E5 of the Local Plan and section 16 of the NPPF.

- ii. Policy E7 (Hambleton's Landscapes) states that it needs to be ensured that development is appropriate to, and integrates with, the character and townscape of the surrounding area, while Policy EG5 (Vibrant Market Towns) supports the vibrancy and vitality of the Plan Area's Market Towns, by supporting the delivery of specific projects, including The Ginnels Projects in Northallerton, with the priority of improving safe and inviting east-west links within the town through the use of high quality finishes and materials. The building in question is sited adjacent one of the ginnels/yards. The increased height and scale of the proposed extended building would result in an out-of-proportion and incongruous building that would dominate important viewpoints of Northallerton's townscape (including roofscape) and undermine the aims of The Ginnels Projects (as stated within Policy EG5) to create inviting and high quality designed east-west pedestrian routes/links within Northallerton.

The proposed development is therefore contrary to policies E7 and EG5 of the Local Plan.

- iii. Policy E1 (Design) states that development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. While in design terms, the extension would utilise materials and forms similar or identical as the existing building, the design of the building in terms of its massing and scale is considered to be at odds with its surroundings and lacking local distinctiveness.

The design of the proposed development is therefore contrary to policy E1 of the Local Plan.

Target Determination Date: 13.01.2023

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