

**Meeting:** Richmond (Yorks) Area Constituency Planning Committee

**Members:** Councillors Tom Jones, Heather Moorhouse (Vice-Chair), Stuart Parsons, Karin Sedgwick, Angus Thompson, Steve Watson and David Webster (Chair).

**Date:** Thursday, 12th October, 2023

**Time:** 10.00 am

**Venue:** Civic Centre, Stone Cross, 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.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Members of the public may ask questions or make statements at this meeting if they have given notice to Sarah Holbird, Democratic Services Officer by midday on Monday, 9 October 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 when the relevant agenda item is being considered.

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

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 Planning Constituency Committee via Teams](#). Please contact the named democratic services officer supporting this committee if you would like to find out more. *(Optional and amended as needed)*

## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on Thursday, 14th September 2023** (Pages 5 - 12)  
To confirm the minutes of the meeting held on Thursday, 14th September 2023 as an accurate record.
3. **Declarations of Interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **Opposed Public Path Order (a Public Path Diversion Order) relating to public rights of way at Thimbleby** (Pages 13 - 32)  
Report of the Assistant Director – Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access
5. **23/00085/OUT - Outline Planning Application (with all Matters Reserved Except Access) for the Erection of 15 No. Residential Dwellings at Land off Wild Hill Lane, Hunton** (Pages 33 - 60)  
Report of the Assistant Director Planning – Community Development Services
6. **22/00730/FULL - Full planning permission for the erection of 5no. dwellings, creation of access and landscaping at Land at Station Road, Scorton for Rothstone and Torsion Homes** (Pages 61 - 76)  
Report of the Assistant Director Planning – Community Development Services
7. **22/00583/FULL - Full Planning Permission for the Creation of 5 New Dwellings and Access on Agricultural Land at Land Adjacent to Runnymede, Leyburn** (Pages 77 - 90)  
Report of the Assistant Director Planning – Community Development Services

### **Break**

Please note that due to the anticipated length of this meeting there will be a scheduled break of 1 hour at or around 12.30pm. The following agenda items will not be considered until after this break at 1.30pm.

8. **22/02741/FUL - Application for Planning Permission for the Construction of a New 2 Bed Dwelling with a Shop/Post Office and Change of Use of an Existing Shop/Post Office to Residential Use - as amended (revised plans/documents received by the Local Planning Authority on 16.05.2023) at Village Shop and Post Office, Front Street, Appleton Wiske for Antony Marsay** (Pages 91 - 108)  
Report of the Assistant Director Planning – Community Development Services
9. **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 along with the formation of passing places on the highway subject to report received on 22 August 2023 at Sedgefield House, Ainderby Steeple, Northallerton, DL7 9JY** (Pages 109 - 142)

**for Stuart Tweddle**

Report of the Assistant Director Planning – Community Development Services

10. **ZB23/01360/FUL - Change of use of domestic extension to mixed use for domestic use and holiday let at Sedgefield House, Ainderby Steeple, Northallerton for Stuart Tweddle** (Pages 143 - 150)  
Report of the Assistant Director Planning – Community Development Services
11. **20/02047/OUT - Application for outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue at Prices Paving and Tiles Limited, The Manor House, Snape for Prices Paving & Tile Ltd** (Pages 151 - 178)  
Report of the Assistant Director Planning – Community Development Services
12. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
13. **Date of Next Meeting**  
10.00am, Thursday, 9 November 2023 at Mercury House, Station Road, 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:**

Sarah Holbird (Democratic Services Officer)

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Email: sarah.holbird@northyorks.gov.uk

Wednesday, 4 October 2023

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## North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 14th September, 2023 commencing at 10.00 am at Mercury House, Richmond.

Councillor David Webster in the Chair, plus Councillors Bryn Griffiths (substitute for Councillor Stuart Parsons for Item 4 only, Minute 37 refers), Heather Moorhouse, Stuart Parsons, Karin Sedgwick, Angus Thompson and Steve Watson.

Officers present: Bart Milburn, Planning Manager, Peter Jones, Development Manager - North, Fiona Hunter, Development Management Team Leader and Laura Venn, Legal Manager, Alexander Gardner, Improvement Manager (Area 1) and Sarah Holbird, Democratic Services Officer.

In attendance: Councillor Bryn Griffiths for Items 1-3, 6-10 and Councillor Stuart Parsons for Item 4.

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

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#### **34 Apologies for Absence**

Apologies noted (see above).

#### **35 Minutes for the Meeting held on Thursday, 10 August 2023**

The minutes of the meeting held on Thursday, 10 August 2023 were confirmed and signed as an accurate record.

#### **36 Declarations of Interests**

All Members of the Committee declared that they had been lobbied in respect of items 4 and 5 on the agenda in that they had received correspondence direct from interested parties.

#### **37 22/00136 FULL - Hybrid Planning Permission for 29 Dwellings and 3 Self/Custom Build Plots together with associated Open Space and Infrastructure at Hurgill Stables, Hurgill Road, Richmond, DL10 4TA**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a hybrid planning application for 29 dwellings and 3 self/custom build plots together with associated open space and infrastructure at Hurgill Stables, Hurgill Road, Richmond. This application was submitted for Committee decision due to raising significant material planning considerations.

Tom Pearson spoke objecting to the application.

Ian Woods spoke on behalf of Richmond Town Council objecting to the application.

Councillor Stuart Parsons as Division Member spoke objecting to the application.

The applicant's agent, Kevin Ayrton, spoke in support of the application.

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

- The proximity of the application site to the built line of the town and its impact on the surrounding landscape.
- The provision of footpaths and what currently exists, due to the development site being in walking distance of the town.

The decision:-

That contrary to Officers recommendations planning permission be REFUSED.

#### Voting Record

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

Reason:-

The Committee's reasons for refusing the application are as set out below:

- (i) The development will have an unacceptable impact on the surrounding landscape, heritage assets and the approach to and from the town, contrary to CP4 and CP12.

Note: Councillor Bryn Griffiths left the meeting at 10.50am.

Note: The meeting was adjourned at 10.50am and reconvened at 11.30am.

Note: Councillor Stuart Parsons took his seat on the Committee at 11.30am and considered all of the following applications.

**38 22/00063/FULL - Full Planning Permission (including Change of Use) for 12 Holiday Lodges, Installation of Package Treatment Plant and Amended Access at Easby Park Field between Southern Junction of Easby Access Road and Easby**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for 12 holiday lodges, installation of package treatment plant and amended access at Easby Park Field between Southern Junction of Easby Access Road and Easby.

John Clark spoke objecting to the application.

Graham Berry spoke on behalf of Easby Parish Meeting objecting to the application.

The applicant's agent, Jeremy Lambe, spoke in support of the application.

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

- The form of occupation of the lodges, making it clear that the lodges should be for holiday let only and not permanent residential purposes.
- Road safety and highways issues based on consultee responses, in particular the provision of the passing places.
- The impact of the proposed package treatment plant on the water supply of nearby properties and the requirement for an Environmental Permit.

The decision:-

That planning permission be GRANTED subject to the conditions set out in section 12 of the report and additional conditions for foul drainage and ecological walkover, together with condition 12 to be updated to reflect best practice and ensure enforceability.

#### Voting Record

A vote was taken and the motion was declared carried with 5 for and 1 against.

#### Additional Conditions

Condition 13: Details of foul drainage to be agreed pre-commencement including an environmental permit, if required.

Condition 14: Prior to commencement of development an ecology walkover be carried out and if needed, mitigation be undertaken.

Condition 15: Delegated authority be given to officers to review best practice for holiday use conditions and update condition 12 accordingly.

Note: The meeting was adjourned at 12.10pm and reconvened at 1.30pm.

Note: Councillor Bryn Griffiths entered the meeting at 1.30pm.

**39 21/030001/FUL - Application for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March 2023) on Land to the rear of 56 Ainderby Road, Romanby - REPORT WITHDRAWN**

The report was withdrawn prior to the meeting, following receipt of Counsel Opinion with regard to the application of policy HG4, further consideration is necessary. In addition, amendments to the layout have proven necessary to meet Highways requirements and further consultation may be necessary.

**40 20/02047/OUT - Application for outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue at Prices Paving and Tiles Limited, The Manor House, Snape, Bedale, North Yorkshire, DL8 2SZ**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an outline planning application with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage systems (SuDS) and vehicular access point from The Avenue at Prices Paving and Tiles Limited, The Manor House, Snape, Bedale.

David Smith spoke objecting to the application.

John Duck spoke on behalf of Snape with Thorp Parish Council objecting to the application.

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

- The amount of affordable housing and how this fits with policy. They were advised that the scheme is policy compliant and exceeds the required level, the Section 106 Agreement will provide certainty, with any reduction in the number changing the planning balance.
- The recommended highways changes to increase the visibility splay and their acceptability based on the impact to the existing road network.
- The potential flooding implications from development of the site and the operation of the pumping station.

The decision:-

That the application be DEFERRED.

Voting Record

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

Reason:-

The Committee agreed that the application should be deferred to seek further information on the drainage proposals together with information on traffic numbers and speeds in the village.



**41 22/00127/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following approval 19/02101/OUT for outline planning application with all matters reserved (excluding access) for the construction of up to 25 no. residential dwellings at White House Farm, Stokesley, TS9 5LE**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for approval of reserved matters for the construction of up to 25 no. residential dwellings at White House Farm, Stokesley.

Councillor Bryn Griffiths as Division Member spoke in objection to the types and tenures proposed in the application.

The applicant's agent, Martin Bonner, spoke in support of the application.

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

- The mix of housing types and tenures, including the provision of affordable housing.
- The current condition of the site in relation to the surrounding area.

The decision:-

That the reserved matters for appearance, landscaping, layout and scale be approved subject to the conditions, as amended set out in paragraph 12 of the report and the additional conditions shown below.

Voting Record

A vote was taken and the motion was declared carried with 5 for and 1 against.

Amended Conditions

Condition 2: Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the following plans:

BH20002-APP-94-XX-DR-C-2020-S1 P03  
BH20002-APP-94-XX-DR-C-2100-S1 P02  
BH20002-APP-XX-00-DR-A-200 P2  
BH20002-APP-XX-00-DR-A-001 P8  
BH20002-APP-XX-00-DR-A-050-P2  
BH20002-APP-XX-00-DR-A-051 P6  
BH20002-APP-90-DR-C-2400 P03  
BH20002-APP-90-M3-C-3000 P03  
BH20002-APP-XX-00-DR-A-101 P3  
EDS 07-0102.05 Version D  
BH20002-APP-XX-00-DR-A-100 P3  
BH20002-APP-XX-00-DR-A-108 P3  
BH20002-APP-XX-00-DR-A-106 P4

BH20002-APP-XX-00-DR-A-103 P3 C002-A  
BH20002-APP-94-XX-DR-C-7200 P02  
BH20002-APP-XX-00-DR-A-104 P3  
BH20002-APP-XX-00-DR-A-105 P3  
BH20002-APP-XX-00-DR-A-1001 P1  
BH20004\_APP\_ZZ\_XX\_DR\_A\_300 P1  
BH20004\_APP\_ZZ\_XX\_DR\_A\_S01\_301 P1  
BH20002-APP-XX-00-DR-A-107 P4  
0401 P5  
EDS-07-0102.05 Version A  
LL01 Rev.F  
P21042 ENGSTC  
0402 P1  
0403 P1  
0404 P1  
DRA 120 P1 (garage detail)

Reason: To ensure that the development is carried out in accordance with the approved plans listed above.

#### Additional Conditions

Condition 6: Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

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

Condition 7: No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

Condition 8: No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any

obstruction and retained for their intended purpose at all times.

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

**42 Any other items**

There were no urgent items of business.

**43 Date of Next Meeting**

10.00am, Thursday, 12 October 2023 – Civic Centre, Northallerton

The meeting concluded at 2.55 pm.

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## The North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

12 October 2023

#### Opposed public footpaths 10.146/013, 10.146/015 & 10.146/200 and public bridleway 10.146/016, Thimbleby Grange, Thimbleby Diversion Order 2023

#### Report of the Assistant Director – Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access

### 1.0 PURPOSE OF THE REPORT

- 1.1 To advise Members of the Richmond (Yorks) Area Constituency Planning Committee of the proposed submission to the Secretary of State (SoS) of an opposed Public Path Diversion Order. A location plan is attached to this report as **Plan 1**. The route is shown on **Plan 2**.
- 1.2 To request the Members of the Richmond (Yorks) Area Constituency Planning Committee to decide what stance the Authority should take in its submission to the SoS, regarding the confirmation of the opposed Diversion Order.

### 2.0 SCHEME OF DELEGATION

- 2.1 Within the Council's scheme of delegation, it is delegated to the Assistant Director of Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access, to decide whether to abandon an opposed Diversion Order where the Authority is of the opinion that the requirements to confirm the Order may not be met, and where an Inspector appointed by the Secretary of State may decline to confirm the Order; or to recommend to the Richmond (Yorks) Area Constituency Planning Committee that the Order be referred to the Secretary of State for resolution.
- 2.2 The Assistant Director of Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access is satisfied that the tests have been sufficiently met to recommend the confirmation of the Order and recommends that the Order should be referred to the Secretary of State for resolution.
- 2.3 Within the Council's scheme of delegation, it is delegated to the Area Constituency Planning Committees to authorise the making of representations to the Secretary of State regarding Public Path Orders to which valid objections have been received.

### 3.0 THE APPLICATION

Applicant:	Ms Diane Baines (agent for the landowner)
Date of application:	16/11/2022
Type of Application	Diversion Order S.119 Highways Act 1980
Parish:	Thimbleby

Local Member:	Cllr. Bridget Fortune (at the time of the consultation).
Applicant's grounds for making the application	The current PRow network completely surrounds and criss-crosses in close proximity to the farmstead. They effectively separate the farmstead from its land to the south and east, making it difficult to expand or improve the farmstead, which is severely impacting the farm's operational viability.

#### **4.0 GENERAL DESCRIPTION OF ROUTES AND THE PROPOSAL**

- 4.1 The routes to be diverted comprise a network of footpaths and a bridleway across a mixture of arable fields and pasture, which are located predominantly to the south and east of the Thimbleby Grange farmstead.
- 4.2 The routes include one footpath which currently joins the A19 without a further public right of way to access and is from a safety point of view, effectively a dead-end.
- 4.3 There is a bridleway which runs along a track and across a field which has been badly affected by rabbits and which is close to the neighbouring clay pigeon shooting range.
- 4.4 This proposal effectively removes the network of paths in the more immediate vicinity of the farm buildings, and creates a loop around them, linking into the wider network, removing the path onto the A19 and reduces proximity to the shooting range.
- 4.5 The applicant's clients have indicated that if the Diversion Order is confirmed they intend to upgrade all the resulting routes to bridleways, though this would require an entirely separate dedication when the current diversion process has been completed.
- 4.6 A plan showing the new network as it would appear after the proposed diversion and bridleway dedications is shown in Plan 3.
- 4.7 Photographs of various sections of the existing and proposed routes are provided in Appendix A.

#### **5.0 RELEVANT LEGAL CRITERIA**

- 5.1 Under Section 119 of the Highways Act 1980, the Council, having consulted any other local authority, may divert a Public Right of Way where it appears to the Authority that in the interests of the owner of the land crossed by the Public Right of Way described in the Order it is expedient that the line of the route should be diverted.
- 5.2 The Council charges applicants for the costs incurred in the processing/making of diversion Orders, as provided for by the Local Authorities (Recovery of Costs for

Public Path Orders) Regulations 1993 (S.I. 1993/407), amended by regulation 3 of the Local Authorities (Charges for Overseas Assistance and Public Path Orders) Regulations 1996 (S.I. 1996/1978).

5.3 Where an Order is opposed, the Council cannot confirm the Order. The Council may choose to abandon the process or to forward the opposed Order to the Secretary of State for resolution. The Secretary of State will confirm an Order if the Inspector is satisfied that:

- i) in the interests of the landowner it is expedient to divert the footpath, and
- ii) the diversion will not be substantially less convenient to the public as a result of the Order, and that it is expedient to confirm the Order having regard to the effect which:
  - (a) the diversion would have on public enjoyment of the route as a whole;
  - (b) the coming into operation of the Order would have, as respects other land served by the existing public right of way; and
  - (c) any new public right of way created by the Order would have, as respects the land over which the right is created and any land held with it.

5.4 There is a legal requirement to consult with any other local authority or local authorities in whose area the land concerned is situated.

## **6.0 REASON FOR THE DIVERSION OF THE FOOTPATH**

6.1 The owners are looking to improve and upgrade the farmstead, but the current network of routes close to the farm buildings and yard, make it very difficult to expand or improve the farmstead providing new buildings in appropriate locations, which will impact the farm's operational viability. They also wish to improve privacy and security. In addition, the zig-zag nature of the current routes (particularly Footpath 10.146/013) result in people not keeping to the legal line and taking their own line across cropped fields. The proposal would replace the footpath which has a dangerous juncture with the A19. In addition, it is the applicant's intention, if the Diversion Order is confirmed, to subsequently upgrade all the resulting footpaths to bridleways, thus significantly improving the bridleway network in the area.

## **7.0 RESPONSES TO THE INITIAL CONSULTATIONS**

7.1 One objection was received at informal consultation from the Ramblers, who were happy with some aspects of the proposal, namely the diversion of A-AC away from the A19 and F-G-S onto F-O-P-Q-R-S and, whilst they saw no advantage of H-V-W-X-Y-Z-AA from a walker's perspective as walkers can just as easily use the road, they were not inclined to oppose this element.

7.2 The Ramblers did, however, object to the diversion of the remaining routes on the grounds as they believe that they represent a significant reduction in enjoyment for those people using them. The Ramblers stated that, in their view, the existing network of routes provides variety and interest, and excellent views over the surrounding countryside.

- 7.3 Attached to this report as Appendix B is a copy of the report submitted to the Assistant Director – Travel, Environmental and Countryside Services of the former North Yorkshire County Council, on 9 March 2023 which considered the objection received from the Ramblers. (To avoid repetition and too great a file size, the photographs have been removed from Appendix B).
- 7.4 The objection was not considered to be substantial enough to refuse to make an Order, therefore the Assistant Director approved the making of a Diversion Order, which was subsequently made and was duly advertised by notice on 12 May 2023.

## 8.0 RESPONSES TO THE PUBLICATION OF THE SEALED ORDER

8.1 Fourteen objections were received consisting of a letter from the Ramblers, and copies of a 'proforma letter' submitted by 13 members of the public.

8.2 The nature of the objections received were as follows:

- **Objection:** This Order would result in a reduction in variety and attractiveness, which would mean a reduction in public enjoyment and therefore make the new routes substantially less convenient. (Ramblers).
- **Objection:** The Order would result in a loss of views, (Ramblers & members of the public), particularly from the top of the ridge between Points M and N (members of the public).

**Officer's Comments:** The existing routes are predominantly field edge routes, as are the proposed routes, so it is considered that there is no reduction in the variety of the nature of the routes. In addition, similar views, as well as alternative views, which could be considered equally attractive, are available from the proposed new routes, and that overall, the proposal would enhance public enjoyment of the vicinity, rather than detract from it. Enjoyment and convenience are two separate issues subject to separate tests within the legislation and should not be conflated.

The member of the public objections refer to a loss of views from the top of the ridge, however, the legal line of the route has not run along the top of the ridge since it was diverted previously in 1995.

- **Objection:** The bridleway is being diverted onto area of boggy land, reducing accessibility (members of the public).

**Officer's Comments:** The applicant has indicated that there is a defective land drain next to the area in question which will be repaired before the new route would be brought into use, this is expected to resolve any past drainage issues. It is envisaged that at this location the land will be dry, and would be more accessible than the current route, which runs across a slope and has been badly affected by rabbits and is therefore more challenging for those with less mobility.

8.3 The responses in support of the Order were as follows:

- The British Horse Society supports the Order and is grateful for the proposal to subsequently upgrade the routes to bridleways.



**Officer's Comments:** The proposal to upgrade all the new routes to bridleways cannot form part of a Diversion Order and so will be subject to a separate dedication if, and when, the Diversion Order has been confirmed. Officers have no reason to doubt that the applicant will dedicate the routes as bridleways, and this would be a welcome enhancement of the bridleway network in this area.

## **9.0 REPRESENTATION MADE BY THE LOCAL MEMBER**

9.1 No comments were received from the local Member (Cllr. Bridget Fortune), who is no longer a Councillor. The position was vacant at the time of preparing this report.

## **10.0 FINANCIAL IMPLICATIONS**

10.1 If the opposed Order were to be submitted to the SoS, the Order would be resolved by written representations, a Hearing or a Public inquiry.

10.2 There would be a non-rechargeable cost to the Authority in preparing a submission to the SoS and responding to any queries raised by the SoS and these costs would be for officer time which would be met by the respective staffing budgets. If the Inspector chose to hold a Public Inquiry, the costs of arranging, hosting and supporting the Inquiry would fall to the Council, and would be unlikely to exceed £1,000.

## **11.0 EQUALITIES IMPLICATIONS**

11.1 There are no significant equalities implications arising from this report.

## **12.0 LEGAL IMPLICATIONS**

12.1 The opposed Diversion Order would be determined by an Inspector appointed by the SoS, by way of either a Public Inquiry, a Hearing or by written representations.

12.2 The Inspector, on the basis of the legal criteria summarised in paragraph 5.3 above, will decide whether or not to confirm the opposed Diversion Order. If he/she decides to confirm the Order, part of the existing routes would be extinguished and the proposed routes would be added to the Definitive Map.

## **13.0 CLIMATE CHANGE IMPLICATIONS**

13.1 There are no significant climate change implications arising from this report.

## **14.0 CURRENT DECISIONS TO BE MADE**

14.1 The decision to be made at this stage are, firstly, whether the Order is to be abandoned, or is proposed to be forwarded to the SoS for resolution.

14.2 Secondly, if it is decided that the matter is to be forwarded to the SoS then a further decision will need to be made, namely which stance the authority would take within its submission to the SoS towards the confirmation of the Order; that is the Authority needs to decide if it:

- supports confirmation of the Order, or not,  
or
- considers the circumstances are so finely balanced, or are particularly unclear and wishes to take a neutral stance.

## **15.0 CONCLUSIONS**

- 15.1 The majority of the objections received have been made on the grounds of reduced public enjoyment, but this is not something which the Council is obliged to take into account before making an Order.
- 15.2 It is, however, a factor which an Inspector is required to consider if an Order is referred to the Secretary of State, so it would be wise to consider it at this stage. Officers believe that the proposed new routes would provide similar amenities and vistas as the existing route, albeit from different locations.
- 15.3 In addition, the existing Public Bridleway between Points M and N is in an area which is badly affected by rabbits and is also close to a clay pigeon shooting range so the proposed diversion would have the added benefit of moving the route away from these issues.
- 15.4 The issue raised by the members of public concerning boggy ground is being addressed by the applicant by repairing a defective drainage system, which should alleviate any problems there may have been with poor drainage in the past.

## **16.0 REASONS FOR RECOMMENDATIONS**

- 16.1 In these circumstances it is felt that the objections do not warrant abandoning the Order. It is considered that the relevant test have been met and that the Order would have a reasonable chance of being confirmed by an Inspector if it is referred to the Secretary of State.

## **17.0 RECOMMENDATION**

17.1 It is therefore recommended that:

- the Order is submitted to the Secretary of State for a decision on confirmation as an opposed Order
- a supportive stance is taken towards the confirmation of the Diversion Order
- the Corporate Director is delegated to make representations to the Secretary of State.

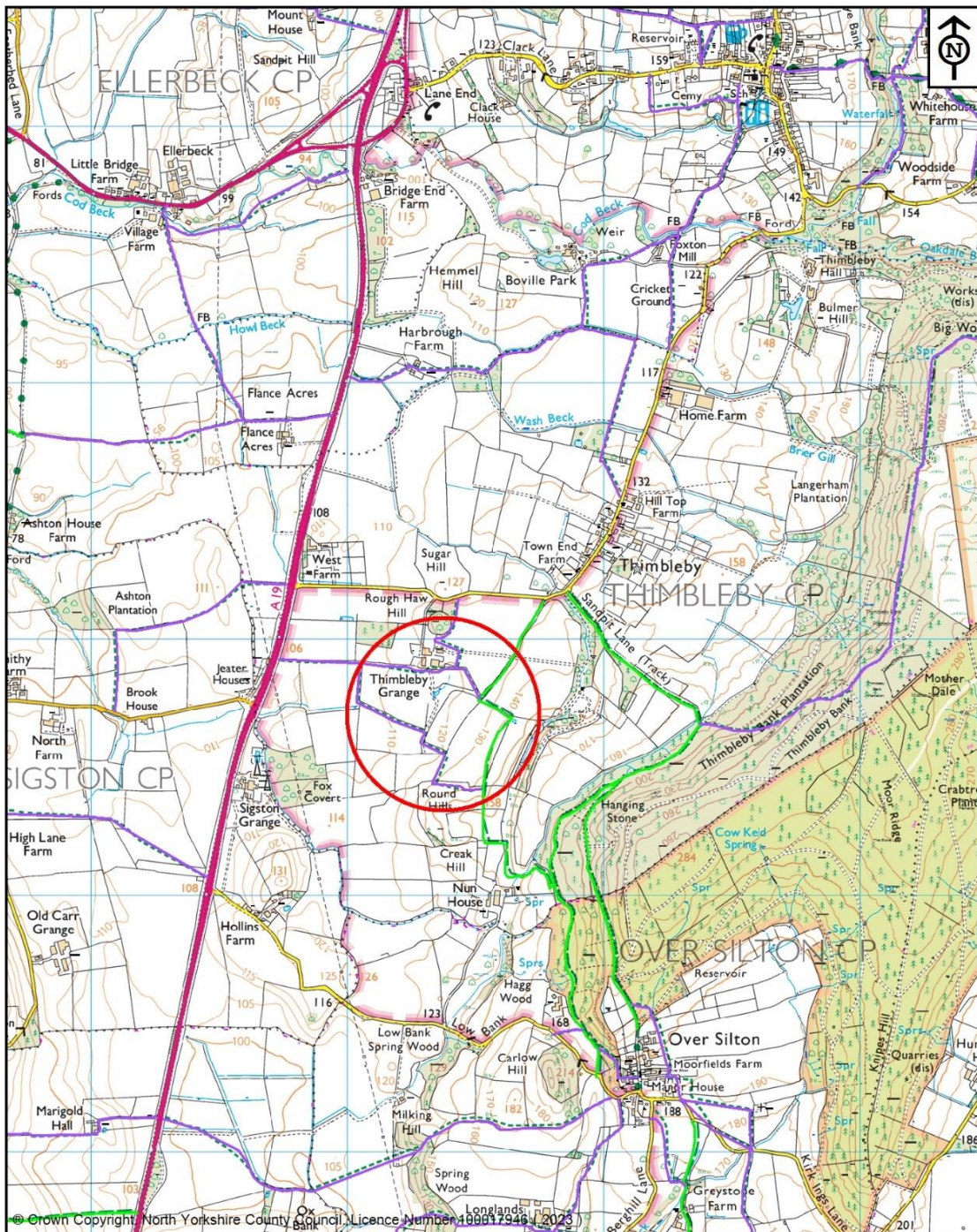
**APPENDICES - APPENDIX A** – Photographs of routes


**BACKGROUND DOCUMENTS:** File Ref HAM-2022-12-DO

Author of report: Steve Metcalfe, Definitive Map Officer

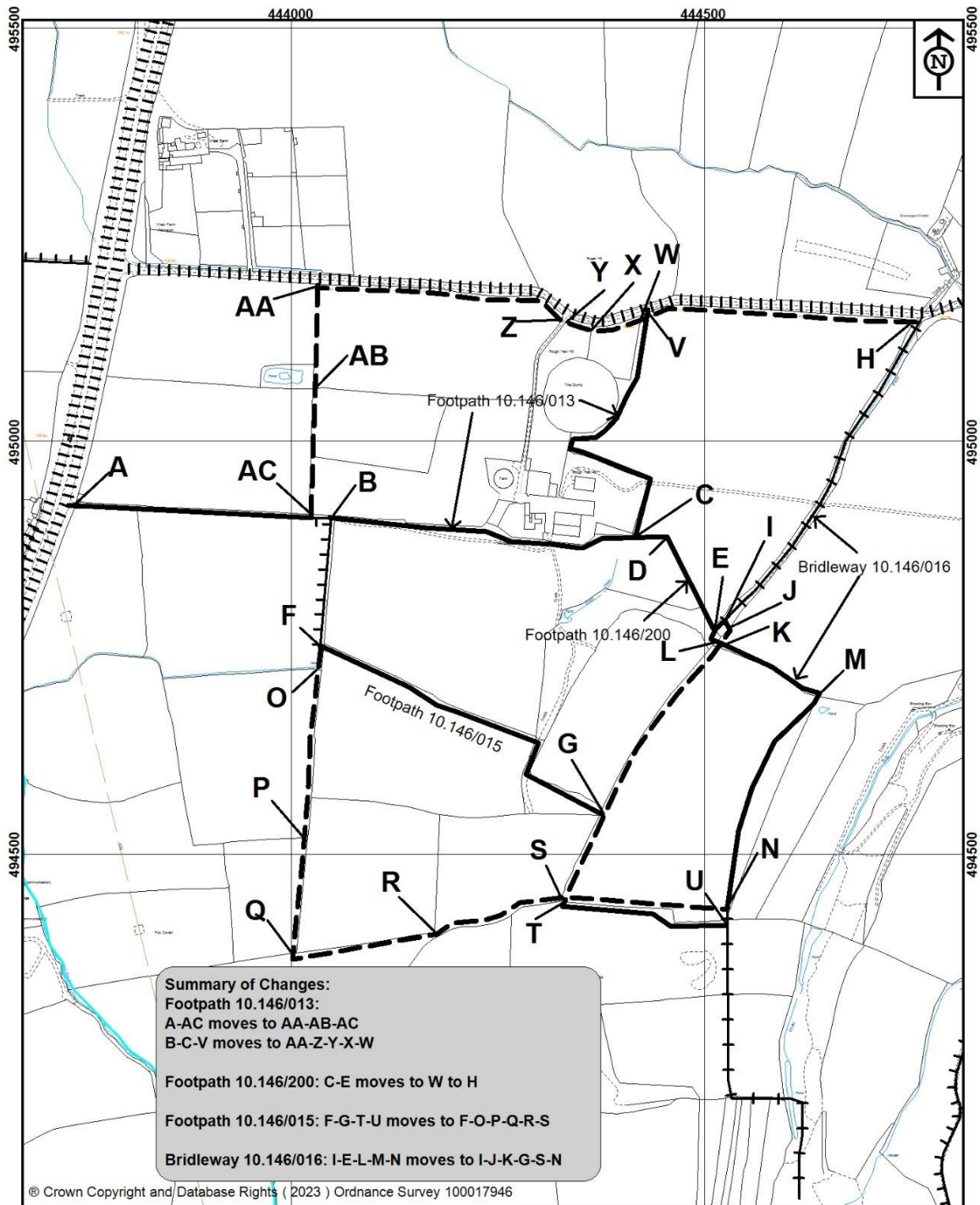
Presenter of Report: Penny Noake, Principal Definitive Map Officer

# PLAN 1



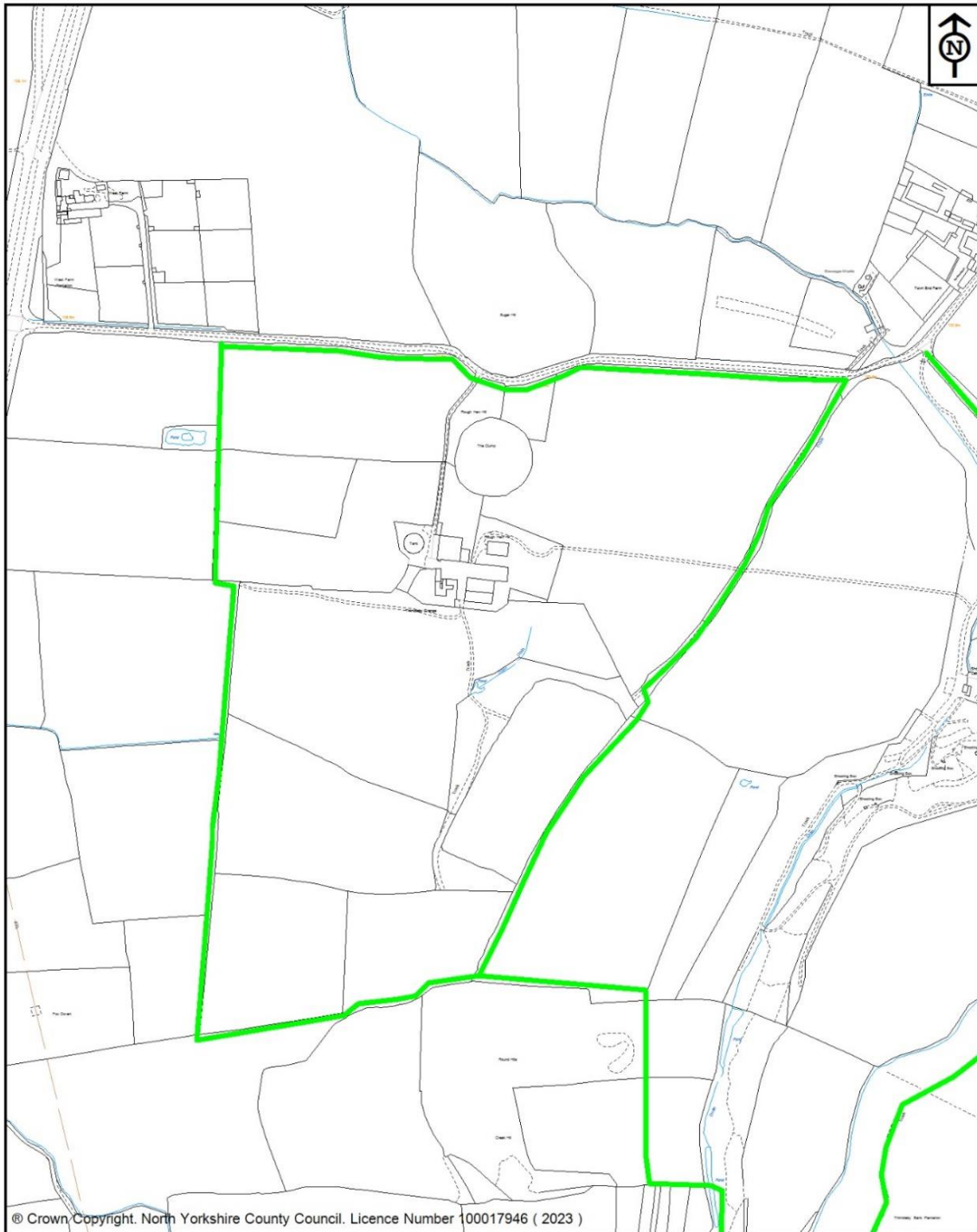
 <p><b>North Yorkshire County Council</b></p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <ul style="list-style-type: none"> <li>Public Footpath <span style="color: purple;">—</span></li> <li>Public Bridleway <span style="color: green;">—</span></li> </ul>	<p><b>North Yorkshire County Council</b></p> <p><b>LOCATION PLAN</b></p> <p><b>THIMBLEBY GRANGE</b></p>
	<p>Map drawn on 27 February 2023</p> <p>Drawn by SCM    Scale 1:20000</p>	

# PLAN 2



<p><b>NORTH YORKSHIRE COUNCIL</b>                  Public Rights of Way                  Countryside Access Service                  County Hall                  Northallerton                  DL7 8AH</p>	<p>Key:</p> <ul style="list-style-type: none"> <li>Route to be added </li> <li>Route to be deleted </li> <li>Other footpaths </li> <li>Other bridleways </li> <li>Maintainable Highways </li> </ul>	<p><b>The North Yorkshire Council</b>                  Highways Act 1980 Section 119                  Public Footpaths 10.146/013,                  10.146/015 &amp; 10.146/200                  and Public Bridleway 10.146/016                  Thimbleby Grange, Thimbleby                  Diversion Order 2023</p>
	<p>Map drawn on 14 April 2023                  Drawn by SCM</p>	

**PROPOSED FINAL NETWORK AFTER DIVERSIONS & UPGRADES**



 <p><b>North Yorkshire County Council</b> Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <p>Public Bridleway <span style="color: green;">—</span></p>	<p><b>North Yorkshire County Council</b></p> <p>Network at Thimbleby Grange After Proposed Diversions &amp; Upgrades</p>
	<p>Map drawn on 27 February 2023</p> <p>Drawn by SCM    Scale 1:6000</p>	<p>File Ref No. refno: HAM/2022/12/DO</p>

PHOTOS OF ROUTES -

APPENDIX A



Point AC looking towards Point A (A19) (to be deleted)



Point AC looking towards Point B (to be retained) and towards Point C (to be deleted)



Point AC looking towards Point AB (to be added)



Point B looking towards Point F (to be retained)



Point F looking towards Point G (to be deleted)



Point S looking towards Point N (to be added)



Point Q looking towards Points P and F (to be added)



Point N looking towards Point K



Point K looking towards Point G (to be added)



Point I looking towards Point H (to be retained)



Gates & Trees at Points I-E-L



Point V looking towards Point H (to be added)



# APPENDIX B

## North Yorkshire County Council

### Business and Environmental Services

09 March 2023

#### OPPOSED PROPOSED DIVERSION OF PUBLIC FOOTPATHS 10.146/13, 10.146/15 & 10.146/200 AND PUBLIC BRIDLEWAY 10.146/16, THIMBLEBY GRANGE, THIMBLEBY

#### Report to the Assistant Director – Travel, Environmental & Countryside Services

##### 1.0 Purpose Of Report

- 1.1 To advise the Assistant Director of an opposed proposed Diversion Order for three Public Footpaths and a Bridleway in Thimbleby. A location plan is attached to this report as Plan 1. The proposal is shown in detail on Plan 2.
- 1.2 To seek authorisation to make and advertise a Diversion Order.

#### Background

##### 2.0 Scheme of Delegation

- 2.1 Within the Country Council's scheme of delegation, it is delegated to the Assistant Director – Travel, Environmental and Countryside Services to exercise the functions of the Council under Section 119 of the Highways Act 1980 ("the 1980 Act") to make and advertise Diversion Orders, including where an objection has been received from any person or body entitled under the relevant statute to the making of the Order.

##### 3.0 General Description of Route(s)

- 3.1 The routes to be diverted comprise a network of footpaths and a bridleway across a mixture of arable fields and pasture, which are located predominantly to the south and east of the Thimbleby Grange farmstead. The routes include one footpath which currently terminates at the A19, and is effectively a dead-end, and a bridleway which runs along a track and across a field which has been badly affected by rabbits and which is close to the neighbouring clay pigeon shooting range.
- 3.2 This proposal effectively removes the network of paths across the land and creates a loop around it, which links into the wider network and removes the termination at the A19 and proximity to the shooting range.
- 3.3 The applicant has indicated that they intend to upgrade all the resulting routes to bridleways, though this would require a separate dedication when the current diversion process has been completed and is not subject of this report.
- 3.4 A plan showing the new network as it would appear after the proposed diversion and bridleway dedications is shown in Plan 3. Photographs of various sections of the existing and proposed routes are provided in Appendix A.

#### 4.0 The Application

Applicant:	Ms Diane Baines
Date of application:	16/11/2022
Type of Application	Diversion Order made under Section 119 Highways Act 1980
Parish:	Thimbleby
Local Member:	Cllr. Bridget Fortune
Local Member Comments:	None
Applicant's grounds for making the application	The current PROW network completely surrounds and criss-crosses in close proximity to the farmstead. They effectively separate the farmstead from its land to the south and east, making it difficult to expand or improve the farmstead, which is severely impacting the farm's operational viability.

#### 5.0 Relevant legal criteria

- 5.1 Under Section 119 of the Highways Act 1980, the County Council, having consulted any other local authority, may divert a public right of way (PROW) where it appears to the Authority that in the interests of the owner of the land crossed by the PROW described in the Order, it is expedient that the line of the PROW should be diverted, and that the diversion would not be substantially less convenient to the public.

#### 6.0 The current proposal

- 6.1 The current proposal is for the diversion of a number of public footpaths and a public bridleway in the vicinity of Thimbleby Grange, Thimbleby, as shown on Plan 2. The applicant is an agent, working on behalf of the landowner of Thimbleby Farms, Thimbleby Hall, Thimbleby. The applicant has also stated that it is their client's intention to upgrade the resulting footpaths to bridleways via a separate dedication, once the current diversion proposal has been implemented.
- 6.2 An initial site visit was carried out on 23 August 2022, following which a detailed proposal was drawn up and agreed by the applicant. An informal consultation was initiated on 18 November 2022.
- 6.3 The only objection made in response to the informal consultation was from the Ramblers.
- 6.4 The Ramblers representatives are happy with some aspects of the proposal, namely the diversion of A-AC away from the A19 and F-G-S onto F-O-P-Q-R-S and, whilst they see no advantage of H-V-W-X-Y-Z-AA from a walker's perspective as walkers can just as easily use the road, they are not inclined to oppose it.
- 6.5 The Ramblers have, however, objected to the diversion of the remaining routes on the grounds that they believe that they represent a significant reduction in enjoyment for those people using them. The Ramblers state that, in their view, the existing network of routes provides variety, interest and excellent views over the surrounding countryside.

## 7.0 The Objection(s)

7.1 The Objections and associated DMO comments can be summarised as follows:-

Objection No:	1
Objector Details:	Ramblers representative
Grounds:	<p>The Ramblers have indicated that they would object to an Order which included the diversion of Public Footpath routes B-C-D-E, C-V and S-T-U and also Public Bridleway route I-E-L-M-N on the grounds that this would substantially reduce public enjoyment due to a loss of variety and interest and views over the landscape.</p> <p>They have also suggested that the bridleway between Points M-N could be diverted to run alongside the field boundary to the east of the current line instead of the proposed diversion K-G-S and that the current confusing alignment of gates etc at Points E, I, J, K &amp; L could be rationalised.</p>
DMO Comment:	<p>The landowner's prime motive for applying for this diversion is to remove the routes which surround the farmyard and farm buildings, which restrict the landowner's ability to improve and develop the farm's operational viability.</p> <p>They are also seeking to improve other routes around the farm, improvements which the Ramblers Association appear to be in agreement with.</p> <p>In addition, the landowner has said that if the diversion is confirmed, it is their intention to then upgrade all the resulting routes to Public Bridleways, resulting in further gains to the network as a whole.</p> <p>In particular, providing a bridleway along H-AA will take horse riders off a link road to the A19 and greatly improve their safety and enjoyment. Officers do not agree that the diversion of the parts of the routes to which the Ramblers are objecting would adversely affect the enjoyment of the public as similar views are afforded by the proposed routes, albeit from slightly different locations.</p> <p>The Ramblers' suggestion to move the existing route between Points M and N would bring the route closer to the neighbouring clay pigeon shooting range, which would be of particular concern to anyone riding the route on horseback. The reason for wishing to divert the route along the western field boundary (Points K-S) is to move the bridleway further away from the shooting range.</p> <p>It is maintained that the proposed diversions will also achieve the Ramblers' desire to rationalise the gates at Points E, I, J, K &amp; L as only the gates at Points J &amp; K would remain.</p> <p>Officers do not feel that these arguments provide sufficient grounds for abandoning the proposal at this stage.</p>

## **8.0 Options available**

- 8.1 Negotiations have been undertaken with the objector to explore ways in which they could be persuaded to withdraw their objection, but these have been unsuccessful and so as there is no further scope to amend the proposal to resolve those objections, there are only 2 options available to the Authority:
- i) Reject the application and advise the applicant that the Authority is not prepared to pursue a Diversion Order in the light of the objection at the current time, but that they may re-apply at later date if they can find a way to satisfy the objector.
  - ii) Decide that despite the objection the proposal satisfies the criteria within the legislation, as referred to in section 5.1 above, and resolve to make the Diversion Order, letting the statutory process take its course.

## **9.0 Legal Implications**

- 9.1 If an Order is made and no duly made objections are received the Authority would confirm the Order. If objections are received, and are not subsequently withdrawn, the Authority cannot confirm the Order, and a formal decision will then need to be made whether to abandon the Order, or to forward the opposed Order to the Secretary of State for resolution.

## **10.0 Financial Implications**

- 10.1 There are no financial implications in rejecting the application at this stage. However, if the Order were to be made and was opposed, and the Authority was still prepared to pursue the Order then there would be a cost to the Authority in making a submission to the SoS and being involved in the subsequent processes involving written representations, a local hearing or public inquiry. Any necessary works to the proposed route would be undertaken by the applicant and at his own expense.

## **11.0 Equalities Implications**

- 11.1 Consideration has been given to the potential for any adverse equality impacts arising from the recommendations. It is the view that the recommendations do not have an adverse impact on any of the protected characteristics identified in the Equalities Act 2010.

## **12.0 Climate Change Implications**

- 12.1 This decision would have no positive or negative impacts on climate change.

## **13.0 Conclusions**

- 13.1 It is considered that the criteria described in 5.1 above are met ie that it would undoubtedly be in the interests of the owner of the land crossed by the public footpaths for the paths to be diverted, and it is also considered that the proposed diversion would not be substantially less convenient to the public.
- 13.2 The existing public bridleway between Points M and N is in an area which is badly affected by rabbits and is also close to a clay pigeon shooting range so the proposed diversion would have the added benefit of moving the route away from these issues.

The Ramblers have suggested moving the route to the east, closer to the shooting range but this is not considered to be appropriate.

- 13.3 The Ramblers have given their general view that public enjoyment would be reduced by claiming that there would be less variety and interest and poorer views for walkers without elaborating further.
- 13.4 The effect of a diversion on public enjoyment is not something which the Council is obliged to take into account before making an Order. However, the Council is required to have a 'regard' for 'the effect which the diversion would have on public enjoyment of the path or way as a whole' if it intends to confirm an unopposed order. Similarly, an Inspector is required to have the same regard if an Order is made and is opposed, and is referred to the Secretary of State, so it would be wise to consider this at this stage.
- 13.5 Officers do not feel that public enjoyment overall would be adversely affected, as the views are equally extensive from the different field boundaries along which the existing and proposed routes are aligned, and the topography is similar between the existing and proposed routes.

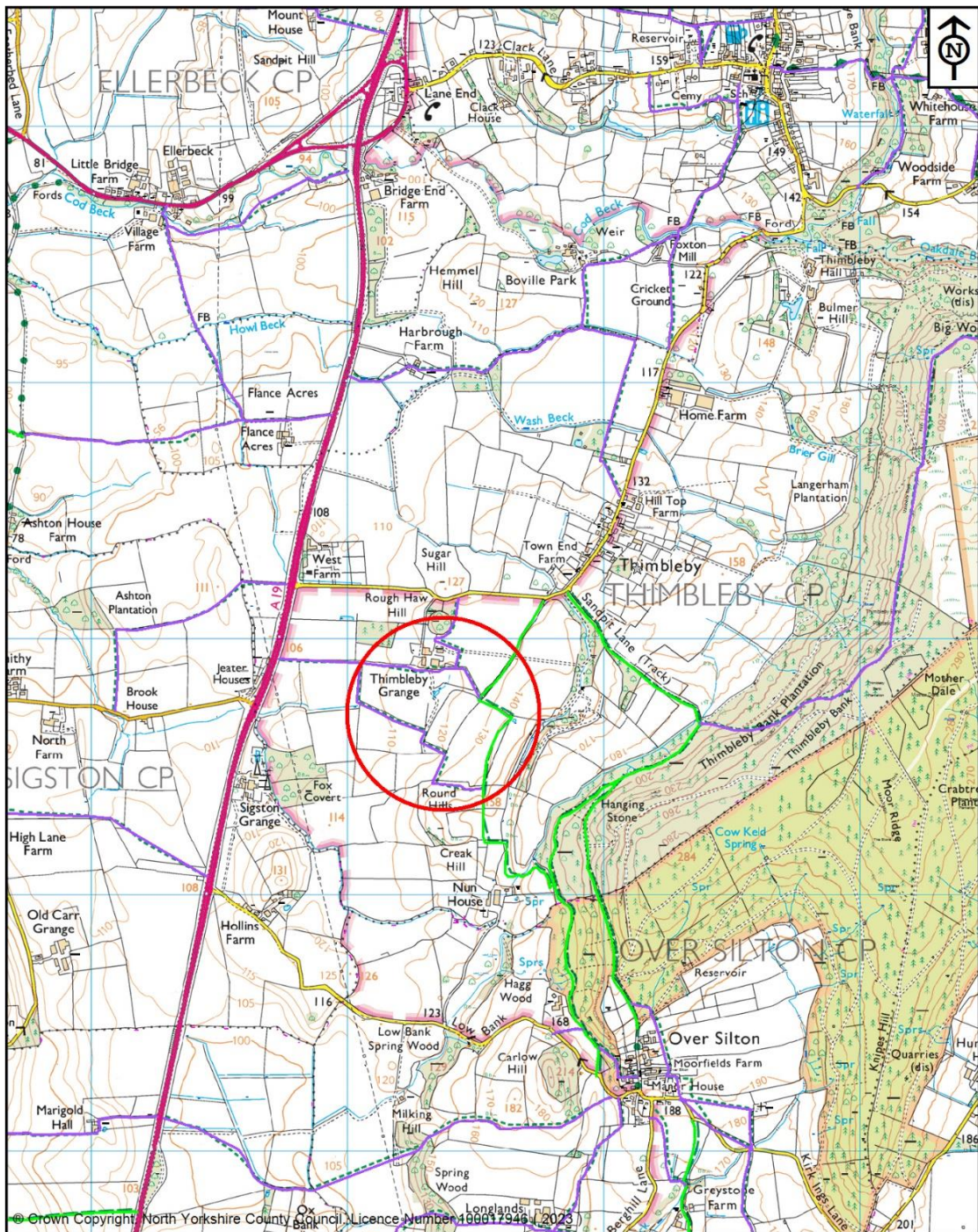
#### **14.0 Recommendation**


- 14.1 It is therefore recommended that the Assistant Director, Travel, Environmental and Countryside Services authorises the making of a Diversion Order.

Author of Report: Steve Metcalfe

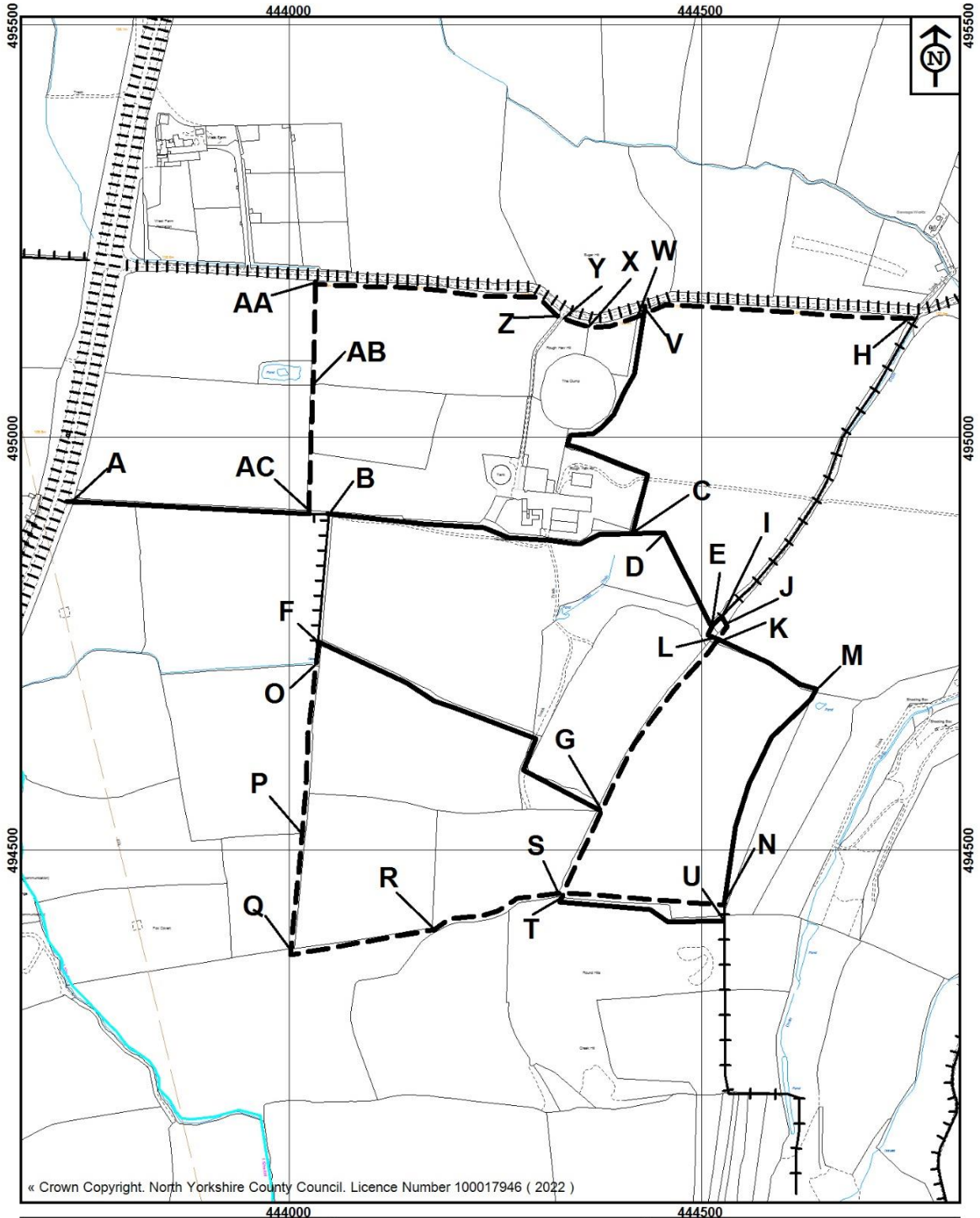
Background Documents: File Ref: HAM-2022-12-DO

# PLAN 1 – LOCATION PLAN




 <p><b>North Yorkshire County Council</b></p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <p>Public Footpath <span style="color: blue;">—</span></p> <p>Public Bridleway <span style="color: green;">—</span></p>	<p><b>North Yorkshire County Council</b></p> <p><b>LOCATION PLAN</b></p> <p><b>THIMBLEBY GRANGE</b></p>
	<p>Map drawn on 27 February 2023</p> <p>Drawn by SCM</p>	<p>Scale 1:20000</p>

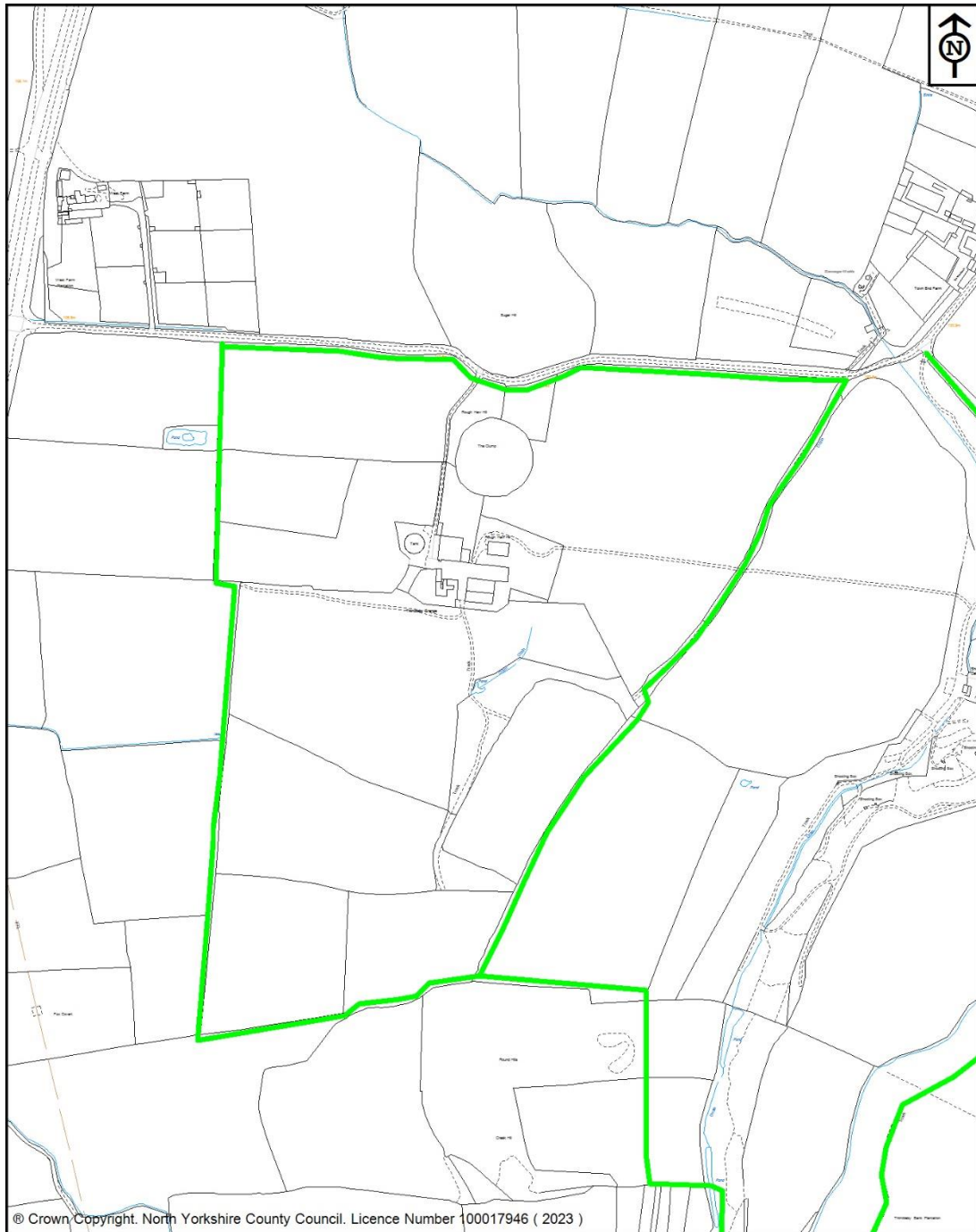
# PLAN 2 – PROPOSAL PLAN





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 <p><b>North Yorkshire County Council</b> Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p><b>Key:</b> Route to be added Route to be deleted Other footpaths Other bridleways Maintainable Highways</p>	<p>----- =====</p>	<p><b>North Yorkshire County Council</b> Highways Act 1980 Section 119 Proposed Diversion of Public Footpaths 10.146/013, 10.146/015 &amp; 10.146/200 and Public Bridleway 10.146/016 Thimbleby Grange, Thimbleby</p>
	<p>Map drawn on 28 October 2022 Drawn by SCM</p>	<p>Scale 1:6000</p>	<p>File Ref No. HAM/2022/12/PROP</p>

**PLAN 3 – FINAL NETWORK AFTER DIVERSIONS & UPGRADES**



 <p><b>North Yorkshire County Council</b></p> <p>Public Rights of Way Waste and Countryside Services County Hall Northallerton DL7 8AH</p>	<p>Key:</p> <p>Public Bridleway </p>	<p><b>North Yorkshire County Council</b></p> <p>Network at Thimbleby Grange After Proposed Diversions &amp; Upgrades</p>
	<p>Map drawn on 27 February 2023 Drawn by SCM      Scale 1:6000</p>	<p>File Ref No. refno: HAM/2022/12/DO</p>



## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 2023

**23/00085/out - Outline planning application (with all matters reserved except access)  
for the erection of 15 no. Residential dwellings  
At Land off Wild Hill Lane, Hunton, North Yorkshire for Rob H Roberts, B Lockey  
and C Lockey**

#### **Report of the Corporate Director – Community Development Services**

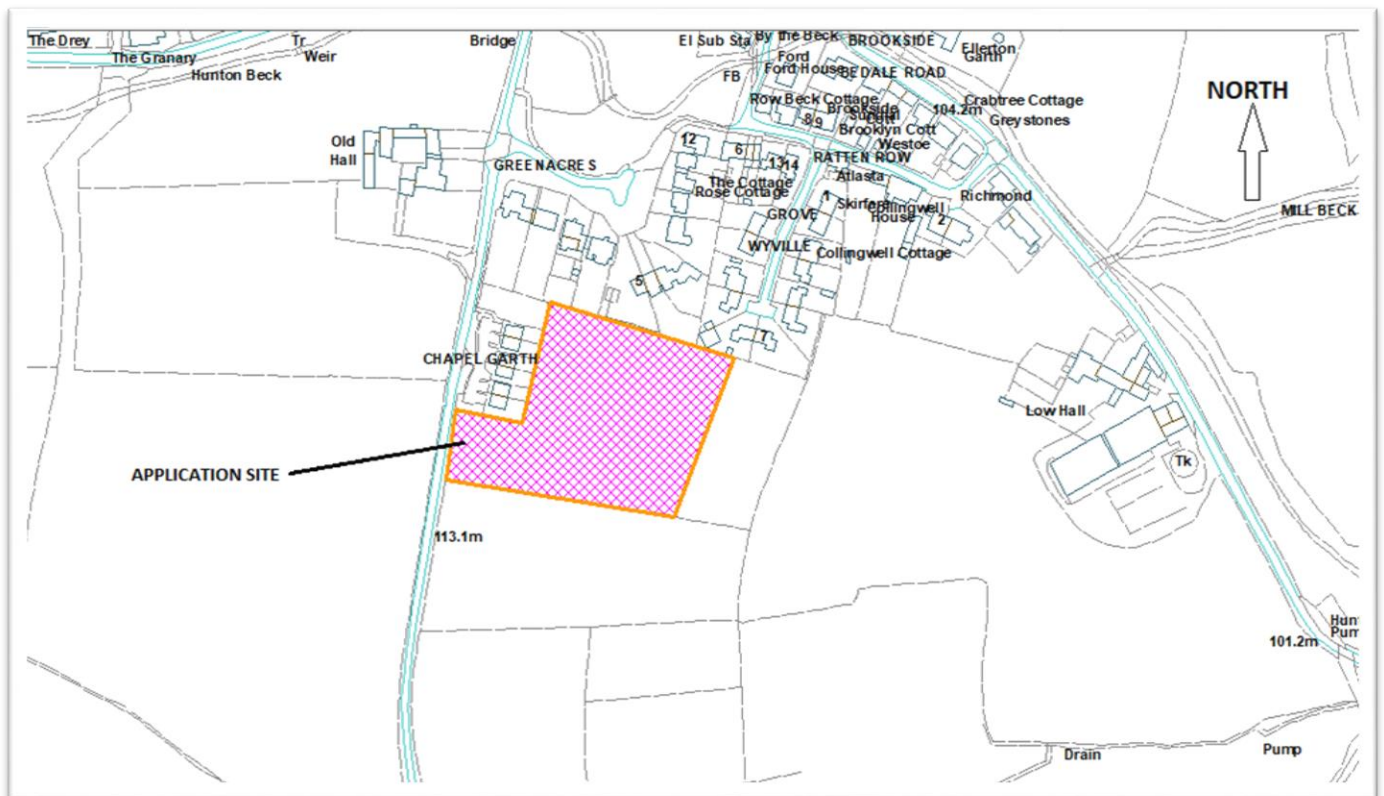
##### **1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for Outline Planning Application (with All Matters Reserved Except Access) for the Erection of 15 No. Residential Dwellings on land at Land Off Wild Hill Lane, Hunton, North Yorkshire.
- 1.2 This application is brought to planning committee due to raising significant material planning considerations.

##### **2.0 SUMMARY**

**RECOMMENDATION:** That planning permission be **GRANTED** for the erection of 15 dwellings subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space and a contribution towards education.

- 2.1 The application site is outside and adjacent to the Development Limits of Hunton a Secondary Service Village. The minimum dwelling target for the village has been met, and in accordance with Policy CP4 should be considered on its merits. It is considered that a moderate scheme of 15 dwellings including 40% affordable with very good biodiversity net gain in a location which will not cause significant visual, landscape and amenity harm is acceptable in principle.
- 2.2 Technical matters have been suitable addressed with no statutory consultee objections.



### 3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here: [Online Documents](#)
- 3.2 The ward member Councillor Jones requested this application to be considered by planning committee which was accepted.
- 3.3 During the course of the application there has been amendments to the proposal including the change of type of affordable housing and the addition of a LAP of 100sqm on-site.
- 3.4 There is no recent or relevant planning history to the application site.

### 4.0 SITE AND SURROUNDINGS

- 4.1 The application site is located to the south of the settlement of Hunton, with the application site measuring approximately 0.95ha. Access to the site is via Wild Hill Lane to the east. To the northern boundary is residential dwellings and associated curtilage; to the east and south are agricultural fields; and to the west is Wild Hill Lane with agricultural fields beyond, and six dwellings to the north-west (affordable dwellings approved under planning permission reference 12/00736/FULL).
- 4.2 The settlement of Hunton is located in the Lower Wensleydale Sub Area of the Richmondshire district and is classified as a Secondary Service Village within the Settlement Hierarchy of the adopted Local Plan. The market towns of Leyburn and

Bedale are located circa 5 miles (to the south-west) and 6 miles to the (south-east) respectively.

4.3 The settlement has a population of 431 (Census, 2021) and benefits from a village hall, public house/hotel called The Countryman’s Inn, a Methodist Church and a primary school (Hunton and Arrathorne Community Primary School). There are two public bus routes serving Hunton (Service number 30 and 155) which operate on a regular basis connecting the settlement to larger localities including Bedale, Leyburn and Princes Gate, Catterick Garrison.

4.4 The site is not located within or adjacent to a Conservation Area. The site is located within Flood Zone 1, with part of the settlement to the north of the site being located within Flood Zones 2 and 3. There are no listed buildings or protected trees on the site. Old Hall & Old Hall Cottage (Grade II listed) and Low Hall (Grade II listed) are located approximately 80m north-west and 135m east respectively. There is a public right of way which runs along the eastern boundary of the application site.

## 5.0 DESCRIPTION OF PROPOSAL

5.1 This application seeks outline planning permission for the erection of 15 dwellings with all matters reserved except access. The Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000) and Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) provide an indicative site layout for the proposed scheme.

5.2 The scheme is proposed to provide a mixture of 3 bungalows, 8 semi-detached properties and 4 detached dwellings. The housing mix and type is set out in the table below.

<b>Bedrooms</b>	<b>Detached Bungalow</b>	<b>Semi-Detached</b>	<b>Detached</b>	<b>Total</b>
1 bed	0	0	0	0
2 bed	2	4	1	7
3 bed	1	4	1	6
4 bed	0	0	2	2
<b>Totals</b>	<b>3</b>	<b>8</b>	<b>4</b>	<b>15</b>

5.3 In terms of affordable housing it is proposed that 6 of the dwellings would be affordable, with the mix agreed for 3 first homes/discount market sale and 3 affordable rent. This equates to a 40% on-site affordable housing contribution (in line with Policy CP6).

5.4 With regards to highways, the access to the site would be from a new singular access point off Wild Hill Lane.

5.5 A public footpath has been incorporated into the development to provide a link through the development from the existing public right of way which runs to the eastern boundary of the site to the existing footpath which runs along Wild Hill Lane.

5.6 The Outline Soft Landscape Plan (Drawing no. MR22-057/101) (date received 10.08.2023) illustrates one way the site could be laid out including: the amenity

space for each plot; the proposed open space including a LAP play area; and a strip of land to the east of the site for biodiversity net gain.

## 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:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

### Emerging Development Plan – Material Consideration

6.3 The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.

- Richmondshire Local Plan Issues and Options 2021

### Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021

## 7.0 CONSULTATION RESPONSES

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

7.2 **Hunton Parish Council:** Objects to the proposal on a number of grounds, namely: the development is not 'local development plan led' in accordance with the first principles of the National Planning Policy Framework. It breaches a number of core policy principles in the local development plan; Core Policy CP3 (land classification); the local infrastructure is not suitable to accommodate the development; climate change and environmental considerations; the proposed development is not sensitive to the local surroundings; and affordable/social housing.

7.3 **The Byways and Bridleways Trust** - Thank you for your notice. Due to the number of notices received, we will not necessarily respond.

7.4 **LLFA** - The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions are attached to any permission granted including: 'Standard Detailed Drainage Design'; 'Runoff rate Storage Requirements and Maintenance'; and 'Outfall Destination/Impact on

network’.

- 7.5 **NHS:** No comments to make, and will not be requesting a S106 contribution.
- 7.6 **NYC Archaeology:** Advise that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal.
- 7.7 **NYC Ecology:** The applicant should adhere to the ecological mitigation measures recommend in section 6.3 of the report. The Biodiversity Net Gain (BNG) report projects large gains for both area-based habitats (+375%) and hedgerows (+664%), which would be very comfortably compliant with policy.

*Following amendments:* No further comments on the PEA. Satisfied that the explanation regarding the amended landscaping scheme in relation to BNG. Do not need to see a BNG calculation at this stage however if there further amendments to the scheme at reserved matters stage an updated calculation will be required.

- 7.8 **NYC Education:** Based on the proposed number of dwellings a developer contribution would currently be sought for education facilities should the application be approved, this amounting to £63,472.50 for Primary Education improvements. Developer contributions may also be required towards educational facilities at alternative schools to those shown on the attached pro-forma.
- 7.9 **NYC Environmental Health:** Considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties and consider that the impact will be low.

Contaminated Land - satisfied that the Environmental assessment report dated 21.11.22 from Envirosolutions confirms that the site is at low risk from contamination, recommends standard condition relating to where contamination is found during the course of the development.

Noise and Dust - The development is close to existing residential properties and has the potential for an adverse impact from noise and dust during the construction phase of the development. Recommends conditions are attached including the submission of a Construction Environmental Management Plan prior to commencement and limits noisy construction works to between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.

- 7.10 **NYC Highways:** Recommends conditions are attached to any permission granted including: ‘Detailed Plans of Road and Footway Layout’; ‘Construction of Adoptable Roads and Footways’; ‘New and altered Private Access’; ‘Closing of Existing Access’; ‘Visibility Splays’; ‘Details of Access, Turning and Parking’; ‘Parking for Dwellings’; ‘Garage Conversion to Habitable Room’; and ‘Construction Phase Management Plan’.
- 7.11 **NYC PRow:** Identifies a public right of way which runs within or adjoining the application site. Provides standard advice on where a development may impact on a public right of way.

- 7.12 **Police Designing Out Crime Officer:** requests further information on specific design and layout of site (boundary treatments, parking, cycle storage, lighting) and management plan for public amenity spaces. Concludes that if the suggestions are incorporated and observations addressed then the development will provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour. Recommends a condition requiring the full details of crime prevention measures that will be incorporated into the development to be submitted as part of any reserved matters application.
- 7.13 **Waste and Street Scene Manager:** No response received.
- 7.14 **Yorkshire Water:** No objections to: The proposed separate systems of drainage on-site with combined off-site; The proposed amount of domestic foul water to be discharged a private packaged treatment plant and discharge into the watercourse through a combined sewer with the surface water from the site; The proposed amount of curtilage surface water to be discharged to the watercourse located south of the site at a restricted rate of 3.0 litres per second; and The proposed points of discharge of combined water to the watercourse will be subject to agreement with the LLFA and NYCC Highways. (All of the above as detailed within the submitted Proposed Drainage Strategy. Consider the Drainage Strategy (Dated May 2023) to be acceptable, in summary the report states: Foul water will discharge to private package treatment plant which will have an eventual outfall to watercourse south of site via a combined connection; Sub-soil conditions do not support the use of soakaways; A watercourse exists near to the site -- connection subject to Environment Agency / Local Land Drainage Authority/ LLFA requirements; and Surface water will discharge to watercourse to the south of the site at a restricted rate of 3.0 litres per second.
- 7.15 **Yorkshire Wildlife Trust:** No response received.

#### Local Representations

- 7.16 **The Rambers:** Welcome the proposal to provide a pedestrian link from the development to the footpath 20.36/1/1 (located along the eastern boundary). Quotes Parish Council observations in relation to the public footpath with there being no egress onto Wyville Grove and from the site from the north-east. Notes that the southern end is obstructed, and neither ends of the footpath signed. Comments that the Council should take required action to reinstate the footpath with a diversion if needed. However, the developer as a “contribution to the community” should be required, as a condition of any approval, to meet the associated costs.
- 7.17 **British Horse Society:** No response received.
- 7.18 18 local representations have been received of which all 18 are objecting to the proposal. A summary of the comments is provided below, however, please see website for full comments.
- 7.19 Objections include:

- Location, scale/size, nature, design, appearance of development / outside of development limits / unsustainable increase / greenfield site / not sensitive to local surroundings
- Development not plan led and contravenes development plan and national policy.
- Flood risk/development increases risk of flooding / increase risk in adjacent flood zone 3 areas.
- Drainage and sewerage concerns / surface water (with information on this being unclear) / Unpleasant odor from existing septic tank that serves the 6 dwellings adjacent to application site, the development potentially could add to this / concerns regarding waste water and ground water / owner will not grant access for sewerage system if it is to run through their land to sewerage treatment plant on Bedale Lane.
- Highway safety/ Access down narrow road / increase in traffic movements/volume
- Lack of facilities in village / lack of public transport
- Impact on biodiversity, existing wildlife, flora/fauna. / Increase in rodents
- Poor pedestrian access / the existing PROW is blocked/not accessible.
- Lack of / impact on and strain on existing infrastructure / limited services – limited bus service, no village shop, school at capacity. Strain on roads and waterways.
- No demand for additional housing
- Affordable housing need, type of AH not affordable.
- Loss of privacy (leading to overshadowing)
- No mains lighting

## **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
- Highways and Access
- Housing Mix
- Affordable Housing
- Public Open Spaces
- Drainage and Flooding
- Contamination and Noise
- Residential Amenity
- Heritage and Archaeology
- Landscape Impact
- Protected Species and Biodiversity Net Gain
- Energy Efficiency
- The Public Sector Equality Duty
- Infrastructure and S106 Legal Agreement

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 The council has a 5-year land supply and therefore the 'titled balance' is not applied.
- 10.2 Spatial Principle SP2 (Settlement Hierarchy) classifies Hunton as a Secondary Service Village, with these settlements being defined as 'Settlements with fewer services that support the needs and sustainability of rural communities'.
- 10.3 Spatial Principle SP4 (Scale and Distribution of Housing Development) then goes on to set out the scale and distribution of housing development, specifically that a minimum of 3,060 dwellings will be delivered in the plan period at a rate 180 dwellings per year of which 12% will be in the Lower Wensleydale Sub Area where the site is located. Secondary Service Villages in the Lower Wensleydale Sub Area (Hunton and the cluster of Finghall-Harmby-Spennithorne) are to accommodate 1.5% of all housing growth, with this equating to 45 dwellings within the plan period which runs to 2028. It is important to note that this figure is the minimum target not the maximum or limit. There has also been a general expectation that this figure of 45 would be apportioned evenly across these settlements but again, the Plan does not stipulate this. To date permission has been granted for 32 dwellings in the cluster of Finghall-Harmby-Spennithorne and a total of 24 in Hunton (14 of which were at Adelphi House located to the north-east of the main settlement along Moor Lane), in total amounting to 56 dwellings in this area. Please note that this figure relates to permissions granted as opposed to actual completions. The Council's Annual Monitoring Report October 2021 details that the target has been met in the Lower Wensleydale Secondary Service Villages, with 45 net completions in this area noted.
- 10.4 Policy SP4 supporting text advises that *"The target of 180 homes each year is not a ceiling for the level of expected growth. It is considered to be realistic, deliverable and therefore an achievable target to address current and future needs. A managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward - they will be considered on their merits"*. For this specific site and proposal it is considered the following are the key factors to consider in the developments merits: (a) is the location suitable; (b) can existing infrastructure accommodate the development; (c) housing numbers in the settlement/ proportion of development; and (d) land use. These key issues are discussed here in the principle of development sub-section.
- (a) is the location suitable*
- 10.5 The application site is located to the south of the settlement of Hunton. The northern boundary of the site is adjacent to and abuts the development limit of Hunton as defined by Policy CP4 (Supporting Sites for Development) and the Local Plan Proposals Maps. In this respect the site meets the locational requirements of adopted Local Plan policy.
- 10.6 The site is within a comfortable walking distance to the various services and facilities within the village, this further enhanced by the provision of a footpath link from within the site and connecting to the existing footpath to the north-west as well as the public right of way running to the east.



*(b) can existing infrastructure accommodate the development*

- 10.7 The LLFA, NHS, NYC Education, NYC Highways and Yorkshire Water have not objected to the application. NYC Education have requested a contribution to be sought to go towards the improvement of Hunton and Arrathorne Community Primary School (although with flexibility to spend it within the catchment area). The settlement of Hunton benefits from a handful of facilities as detailed in paragraph 4.3. It is considered that the facilities and services available are sufficient to accommodate residential development of the scale proposed.

*(c) housing numbers in the settlement/ proportion of development*

- 10.8 As set out in paragraph 4.3, the settlement of Hunton has a population of circa 431 (Census, 2021) and benefits from facilities such as a village hall, a public house/hotel, a Methodist Church and a primary school. It is considered that a development of 15 dwellings in addition to the already approved 24 dwellings is proportionate to the settlement and not 'excessive' or 'disproportionate' to the villages existing size, form, character and services and facilities. More specifically, it is around a 22% uplift since the 2021 Census.

*(d) land use*

- 10.9 Policy CP3 sets out that development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites. This has been raised as an objection to the application site given its current use as an agricultural field. However, there are limited brownfield sites within the settlement of Hunton and of those that are there, these are considered unlikely to come forward in the near future. In addition, there not any known brownfield sites which would provide 10 dwelling or more and thus also provide First Homes and affordable rent homes.
- 10.10 In summary, as detailed in paragraph 10.3 it is acknowledged that the minimum target of 45 dwellings within the plan period which runs to 2028 has been met and exceeded. Paragraph 10.4 then goes on to advise that a managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward, with these considered on their merits. As per paragraph 10.5 it is found that the development site meets the locational requirements of adopted policy, being located adjacent to development limits. As per paragraph 10.6 and the relevant sections below it is considered that the existing infrastructure can sufficiently accommodate this level of development, with no objections being raised in this respect by statutory consultees. Further to this, the proposed development would allow for a policy compliant housing mix, a 40% on-site affordable housing contribution, public footpath linkages, a very good net gain in biodiversity and a contribution towards education at the local primary school. It is considered therefore on planning balance that the proposed site, and the cumulative benefits the scheme would bring, would be a suitable, sustainable and deliverable site for housing development. Ultimately, all the positives and negatives of the scheme need to be weighed up in the planning balance which is provided at the end of the assessment at Section 11 of this report.

### Highways and Access

- 10.11 Access to the site would be via a new singular access point off Wild Hill Lane to the west of the application site.
- 10.12 Further information has been submitted during the course of the application including further details of the proposed access and footway as requested by NYC Highways, with their requested amendments incorporated into the final design. They have considered off-site road and junction capacity and safety and have found this acceptable. NYC Highways have raised no objection and recommend conditions, these being listed below in the Recommended Conditions section.
- 10.13 NPPF paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For this proposal, these thresholds are not considered to have been met and are found to accord with adopted Local Plan Policy CP4 and paragraphs 110 and 111 of the NPPF, subject to conditions.
- 10.14 Concerns have been raised by members of the public and The Ramblers Association regarding the existing public right of way access which runs to the east of the application site being blocked/not accessible. As part of this application it is the intention that footpaths through the site are provided which will in turn link the existing public right of way with the existing footpath which runs along Wild Hill Lane to the north. It is considered that the provision of this pedestrian link would improve existing connectivity and accessibility in this area, and would be in accordance with adopted local plan policy CP4 in this respect.

### Housing Mix

- 10.15 Core Policy CP5 expects proposals for housing to take into account local housing requirements across all sectors of the community in terms of size, type and tenure, and also the accessibility and adaptability of dwellings.
- 10.16 The Council's latest Strategic Housing Market Assessment (SHMA) is 2019 and has not been publicly published and therefore has limited weight (age and non public), however, gives a steer on housing needs. This report advises the mix of dwellings: 1- bedroom 9.2%, 2-bedroom (33.6%), 3-bedroom (42.3%) and 4 or more bedroom (14.9%).
- 10.17 The proposal is for 15 dwellings, consisting of 7 two-beds, 6 3-beds and 2 4-beds. This equates to 47% 2 beds, 40% 3-beds and 13% 4-beds on-site. It is considered that the proposed housing mix is acceptable and in accordance with local plan policy CP5. The housing mix as above will be secured via condition.

### Affordable Housing

- 10.18 Core Policy CP6 seeks to achieve affordable housing in all developments where there is a net gain in dwellings, generally with the expectation that this contribution being met on site. In the Lower Wensleydale Sub-Area it is expected there be a

40% affordable housing contribution.

- 10.19 The proposal is for 6 affordable units to be provided as part of the scheme, equating to a 40% on-site contribution. According to the submitted planning statement this would be split to 5 x 2-bed properties and 1 x 3-bed property. Provision of 40% affordable housing on-site is in accordance with adopted policy.
- 10.20 In terms of type of affordable housing, Policy CP6 requires 80% to be social rent and 20% intermediate. Originally the scheme proposed for all 6 affordable units to be social rent. Policy CP6 pre-dates the government guidance on First Homes which requires 10% of the overall number of homes for major development to be First Homes. In respect of the mix of affordable, the most recent Strategic Housing Market Assessment (2019 for Richmondshire), albeit unpublished, advises that the need is now 50:50 affordable rent and intermediate. As a result the scheme has been amended so 3 dwellings are to be First Homes (has benefits over intermediate) and 3 are affordable rent. It is considered that this proposed affordable housing mix is therefore acceptable. This will be secured via a S106 agreement should the committee resolve to approve.

#### Public Open Space

- 10.21 Core Policy CP11 expects new development to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate, a contribution towards enhancing existing assets will be sought. More specifically, supporting text for Policy CP11 advises that “The Fields In Trust ‘Planning and Design for Outdoor Sport and Play’ (2008), formerly the National Playing Fields Association “Six Acre Standard”, provides minimum national standards for play and recreation space.”. This document has been superseded by the Fields in Trust (FiT) “Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020” (FiT 2020 Guidance) which is now used for the purpose of applying Policy CP11. Using this more up to date guidance document there would be a requirement for 752.5sqm of formal outdoor space and 1120sqm of informal outdoor space, totalling 1872.5sqm which is 19.5% of the total site area. Notably the guidance recommends the provision of 87.5sqm of equipped/designated play area.
- 10.22 The indicative plans show 1,167 sqm of amenity open space to the north and south of the access and another 1,338 sqm of amenity green space to the east of the properties (labelled as Biodiversity Net Gain area), totalling 2,505 sqm. A LAP of 100sqm has been incorporated into the development as recommended by the guidance. It is considered that the proposal provides adequate open space provision and would be in accordance with Core Policy CP11 in this respect. The provision of open space including a detailed layout and future maintenance plan of such open space will be secured via the S106 agreement.

#### Drainage and Flooding

- 10.23 The site is within Flood Risk Zone 1 the lowest risk of flooding from rivers and seas. As this is a major development the application has been supported by a Drainage Strategy (by Andrew Moseley Associates, 21620-DS-002 Rev 1, Dated May 2023) and subsequently a Drainage Technical Note by Andrew Moseley Associates

(21620-Wild Hill Lane, Hunton, Date 16.07.2023).

- 10.24 Within the technical note it is confirmed that both surface water and foul water from the site has been proposed to be discharged to the local watercourse network via an unnamed ditch to the south. The submitted documents also confirm that *'Foul Water from the site will be treated through a packaged treatment plant on site and a combine outfall is formed into the watercourse to the south of the site. The packaged treatment plant will be a Vortex 30 (or similar) which will provide clean effluent - up to 98.9% pollutant reduction. This is through a complete aerobic digestion leaving no odour'*.
- 10.25 The LLFA consider that the submitted documents demonstrate a reasonable approach to the management of surface water on site and recommend a number of conditions be attached to any permission granted, these being listed below in the Recommended Conditions section. The LLFA have requested that, as a condition, the full route of the outfall connection is provided and an assessment of the outfall watercourse condition to confirm the receiving ditch has adequate capacity.
- 10.26 Furthermore, Yorkshire Water have raised no objections to the proposal and are satisfied with the findings and conclusions made within the submitted reports. Subject to all of the above measures, the proposal is considered acceptable with regards drainage and flood prevention and are in general accordance with adopted Local Plan Policy CP3.

#### Contamination and Noise

- 10.27 An Environmental Assessment Report Phase 1 (Dated 21.11.22) accompanies the application. This has been reviewed by NYCC's Environmental Health who are satisfied with the report which confirms that the site is at low risk from contamination. Notwithstanding this, it has been recommended as a precautionary measure that a condition be imposed requiring remediation of any 'unexpected' contamination found during the course of development.
- 10.28 Furthermore Environmental Health have noted that the development, being close to existing residential properties, has the potential for an adverse impact from noise and dust during the construction phase of the development. During construction, it has been recommended that a Construction Environmental Management Plan (CEMP) be submitted for approval prior to work commencing on site. This would include details of how noise and dust would be managed during construction. In addition, any noisy construction works audible outside of the site boundaries could also be controlled by condition, restricting such activities to between the hours of would only 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.
- 10.29 Overall, it is considered that the proposal satisfactorily addresses matters relating to contamination and disturbance and would accord with adopted Local Plan Policy CP3 in this respect.

## Residential Amenity

- 10.30 There are residential neighbouring properties to the north and north-west of the application site. Environmental Health have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties to be low. As this is an outline application the more specific details such as design, exact location and orientation of dwellings for example will be a consideration as part of any reserved matters application. Notwithstanding this, the submitted Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000) and Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) do provide an indicative layout showing the general locations of dwellings and open space. These plans demonstrate that a suitable level of separation should be able to be achieved between main elevations on the development and those of any surrounding neighbouring properties, and also between main facing elevations and secondary/side elevations.
- 10.31 In addition to this the Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) details potential landscaping within the site as well as proposed planting around the periphery of the site, (which would assist in maintaining a satisfactory relationship between the existing properties and the site). Again these details will be finalised as part of any reserved matters application.
- 10.32 For these reasons, it is considered that based on the submitted plans as part of this application and thus any reserved matters scheme coming forward can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed. Conditions have been added, as listed below in the Recommended Conditions section, including the submission of: a detailed scheme of both hard and soft landscaping for the site; a detailed layout of the open space areas; details of external lighting; and the limitation of dwelling heights being to two storey. It is considered therefore, subject to the conditions as suggested, that the proposal would meet the requirements of adopted Local Plan policy CP4.

## Heritage and Archaeology

- 10.33 A Heritage Statement has been submitted as part of the application. The application site is not located within a conservation area and there are no listed buildings on the site. The Heritage Statement confirms that no recorded designated or non-designated built heritage assets fall within the site. The information does identify *'a number of designated assets, as recorded on the National Heritage List for England, fall in relatively close proximity and include the Grade II Listed Buildings the Old Hall and Old Hall Cottage (list entry number 1301780) to the north-west and Low Hall (11314500) and an associated barn (1179782) and granary (1131451) to the east'*. The statement concludes that other designated assets, with them being located within the historic core of Hunton to the north given distancing and intervening existing residential development, would remain unaffected. The statement further identifies the site retains earthwork evidence of ridge and furrow field patterns with this being classified as an undesignated heritage asset.

- 10.34 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.
- 10.35 The Heritage Statement concludes that the proposed development would have a limited impact upon the visual setting to the Old Hall and the building group at Low Hall. The statement details that the *'visual enclosure of the site to the west and north, along with distancing from the assets, will ensure that the settings, and positive elements within them, of these assets will be sustained. As such minimal harm is assessed subject to detailed consideration of design, material treatment and scale of the new dwellings. Given distancing and mitigation through the arrangement of open space and landscape planting it is considered that development can be achieved without harm to significance'*. The design, material treatment and scale of the new dwellings will be considered and determined at the reserved matters stage, however it is considered likely there will be harm at the lower end of less than substantial and this would be outweighed by the benefits of new housing in a sustainable location.
- 10.36 In terms of undesignated heritage assets and archaeology, as detailed within the Heritage Statement *'the site retains earthwork evidence of ridge and furrow field patterns which continue to the south and these likely date to the later medieval or early modern period. The development will remove these patterns from much of the site although opportunities may arise for some retention within open space and landscape buffer areas. The loss will give rise to a degree of harm although given distancing from the historic settlement core and the existence of other patterns surrounding the village this impact will be relatively localised and minimal in extent and effect'*. A Geophysical Survey OSA Report No. OSA22EV29 (November 2022) has also been submitted as part of the application. The survey itself reveals a large enclosure which would have likely formed part of the medieval plan of the village. The aforementioned enclosure extends to the west and was partly excavated in 2013 in advance of the construction of the properties at Chapel Garths.
- 10.37 NYC Archaeology have reviewed the submitted document and notes that the *'...archaeological features at the development site are of interest as they can shed light on the layout and form of the medieval settlement at Hunton and in particular the uses of what appear to be an outlying plot on the south side of the village. The excavations at the adjacent site indicated that these uses might include agriculture, industry and potentially settlement. Although these remains are of interest they are unlikely to be of such significance as to preclude development provided that further archaeological recording takes place in advance'*. NYC Archaeology have advised that a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal, this being listed below in the Recommended Conditions section.
- 10.38 For the reasons as set out above, subject to suggested conditions, the proposal is not considered to be harmful to the setting of those Listed Buildings that are nearby or any archaeological remains. Consequently, the proposal accords with both the Framework and adopted Local Plan policies CP3, CP4 and CP12.

## Landscape Impact

- 10.39 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. The immediate surrounding landscape of the area consists of residential/built up infrastructure in association with Hunton as well as agricultural buildings and farmland. The wider landscape setting generally consists of open agricultural fields with drystone wall enclosures and native hedgerows and trees located along field boundaries. The application site itself is agricultural grassland with a mixture of boundary treatments including native hedgerow, stock proof timber and mesh fencing. The LVIA further describes the site to fall *'gradually towards the north-east with a small embankment into the adjacent field to the eastern boundary. The natural topography of the surrounding landscape is undulating with pockets of rises and dips of approximately 40m within the locality to the north, east and south'*. Open views can be achieved from within the site but are disrupted by existing surrounding built form and mature vegetation. Views of the site can be achieved from the immediate locality and the wider landscape but are again disrupted by existing and mature vegetation, the built form and road infrastructure. It is considered therefore that the proposal would have a limited impact on setting, landscape or approach to the village.
- 10.40 The Outline Soft Landscape Plan (Drawing no. MR22-057/101) (Date Received 10.08.2023) has been developed in accordance with the findings and recommendations of the LVIA and includes for suitable boundary treatment including native hedgerow planting and tree planting. The area to the east of the site is proposed to be a landscape buffer and an area to provide a net gain in biodiversity. It is proposed that the southern boundary will be improved with soft landscape planting with the introduction of a native hedgerow and an area of native whip/scrub planting implemented to create a thick buffer to this boundary.
- 10.41 The precise details of the landscaping of the site will be secured by condition, but the indicative layout and relevant documentation as submitted as part of this application indicate that the proposed development of the site would not have a negative impact on the immediate and wider landscape setting. It is considered therefore that the proposal would be in accordance with adopted local plan policy CP12 in this respect.

## Protected Species and Biodiversity Net Gain

- 10.42 Policies CP3 and CP4 of the RLPCS seek to support developments that promote biodiversity and avoid adverse impacts in terms of biodiversity. Accordingly, a Preliminary Ecological Appraisal (PEA) Survey Report (dated 25<sup>th</sup> October 2022), Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023) and Ecological Statement Update (Dated 10.08.2023) have been received as part of the application. The PEA concludes that there were no priority habitats were recorded within the site boundary and there were no active/inactive nests recorded within the site however noting the hedgerow within the western aspect recorded potential to support breeding birds within the breeding season. With regards to bats, the site was deemed suitable to support minor foraging and commuting grounds within and immediately outside the site however no suitable roosting features were recorded within the site at the time of survey. Furthermore suitable habitat for hedgehog is present throughout the site and connectivity within the immediate environment and

adjacent land.

- 10.43 The PEA contains ecological mitigation, compensation and enhancement measures to be incorporated into the proposal. NYC Ecology have recommended that the ecological mitigation measures recommend in section 6.3 of the report should be adhered to, and this secured by condition.
- 10.44 In terms of Biodiversity Net Gain, the submitted BNG Report projects large gains for both area-based habitats 62.37% (a gain of 1.18 units) and hedgerows 440.95% (a gain of 1.27 units) which would be very comfortably compliant with policy. Following amendments to the landscaping, namely the addition of an open space LAP on-site of 100sqm it was confirmed that the BNG score would not alter/would remain applicable. NYC Ecology were satisfied with this explanation and confirmed that if further amendments to the scheme were made at the reserved matters stage then an updated BNG calculation would be sought. This can be secured by way of condition.
- 10.45 Provided the measures that are set out in the submitted documents are incorporated into any final designs, the proposal is, on balance, not considered to have any cumulative impacts on protected species or biodiversity. Furthermore, there is clearly the potential to deliver biodiversity net gain on site and wider improvements out with, the final detail of such would need to be conditioned to be determined at the Reserved Matters Stage. With such measures in place, the proposal would bring positive benefits to biodiversity in the area and would accord with adopted Local Plan Policies CP3 & CP4 in this regard.

#### Energy Efficiency

- 10.46 As the application has only been made in outline, there is no detail at this stage regarding energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. As such, it would be reasonable to impose a condition requiring submission of an energy statement for approval at the reserved matters stage. On this basis, the proposal is considered to generally accord with adopted local plan policy CP2 in this respect.

#### Infrastructure and S106 Legal Agreement

- 10.47 The NHS have not requested any contributions for health care improvements.
- 10.48 NYC Education have requested a contribution of £63,472.50 to go towards education facilities at Hunton and Arrathorne Community Primary School. This will be secured via a S106 agreement.
- 10.49 NYC Highways have not requested any monies for off-site improvements. However, have requested a footpath to be secured by condition.
- 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.

### The Public Sector Equality Duty

10.51 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. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic.

## **11.0 PLANNING BALANCE CONCLUSION**

- 11.1 The development would provide 15 new homes adjacent to the Secondary Service Village of Hunton. The amount would exceed the minimum target for the settlement; however, this would not be an amount which is considered to be excessive or disproportionate to its existing size or position within the settlement hierarchy.
- 11.2 The proposed development would allow for: a policy compliant housing mix; 40% of the proposed being provided as affordable dwellings; adequate open space and provision of a LAP; public footpath linkages from the existing public right of way to the east through the development site and to the existing footpath to the west of the site; a net gain in biodiversity; and a financial contribution towards the improvement of local primary school facilities.
- 11.3 Technical aspects including highways & access, protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.
- 11.4 Given the application is for outline consent the details of appearance, landscaping, layout and scale will be considered at the reserved matters stage. From the information provided as part of the application however it can be considered that a scheme can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed.
- 11.5 The development would not have a negative impact on the immediate and wider landscape setting. The proposal would not have a harmful impact on the setting of nearby Listed Buildings or any archaeological remains.
- 11.6 Having regard to the above, it is considered that the proposal comprises a suitable, sustainable and deliverable housing site which on balance provide a number merits which in turn justify the housing target in this area being exceeded. As such approval of the application is recommended.

## 12.0 RECOMMENDATION

- 12.1 That outline consent be **GRANTED** for 15 dwellings with details of appearance, landscaping, layout and scale to be reserved matters; subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space and education contribution.

Conditions:

Condition 1 – In accordance with approved plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- (a) Application form and certificate
- (b) Location Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1001)
- (c) Proposed Site Plan (Drawing no. 3333-DEN-ZZ-XX-DR-A-1000)(in relation to access position only)
- (d) Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023)
- (e) Ecological Statement Update (Dated 10.08.2023)
- (f) Drainage Strategy by Andrew Moseley Associates (21620-DS-002 Rev 1, Dated May 2023)
- (g) Drainage Technical Note by Andrew Moseley Associates (21620-Wild Hill Lane, Hunton, Date 16.07.2023)
- (h) Site Access Design (Drawing no. AMA/21620/SK005)
- (i) Site Access Design and Carriageway Widening (AMA/21620/SK004 Rev B)
- (j) Report on a Geophysical Survey OSA Report No. OSA22EV29 (November 2022)
- (k) Preliminary Ecological Appraisal (PEA) Survey Report (dated 25<sup>th</sup> October 2022)
- (l) Environmental Assessment Report Phase 1 (Dated 21.11.22)
- (m) Highways Supporting Statement (Dated 19.12.2022)

Reason: To ensure the development is carried out in accordance with the approved particulars and plans.

Condition 2 – Reserved Matters

Approval of the details of the appearance, landscaping and layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters.

Condition 3 – Time Limit

Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of five years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

#### Condition 4 – Maximum number of dwellings

The development hereby approved is for up to 15 dwellings only.

Reason: To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

#### Condition 5 - Standard Detailed Drainage Design

With the layout reserved matter application a Drainage Strategy and Plans shall be submitted to and approved in writing with the Local Planning Authority which accord with standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. The Strategy and Plans shall be designed to/include:

- (a) Restrict the flowrate from the site to a minimum flowrate of 3.69 litres per second for up to the 1 in 100 year event.
- (b) Incorporate 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.
- (c) Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.
- (d) Treatment system for all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems. Roof water shall not pass through the treatment scheme.
- (e) Exceedance Flow Plan
- (f) Phasing of the development and phasing of drainage provision, where appropriate.
- (g) A detailed maintenance and management regime for the drainage system including: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition or in accordance with the approved phasing. 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

#### Condition 6 - Outfall Destination/Impact on network

Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for

the impact resulting from the minimum 1 in 100 year return period storm event including a 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed in full.

Reason: To accommodate flows in storm events and allow for future maintenance.

Informative - The scheme to be submitted shall demonstrate that surface water drainage system(s) are designed in accordance with the standard details as set out in the North Yorkshire County Council's SuDS Design Guidance document.

#### Condition 7 – Foul Water

Prior to commencement of development a foul water discharge scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable, any phasing where proposed and a management and maintenance scheme. The development will thereafter be constructed in complete accordance with the approved details and no dwelling shall be occupied until it is served with a working foul drainage system. There afterwards, the system shall be retained and maintained in accordance with the approved details.

Reason: To ensure appropriate foul water discharged is provided.

#### Condition 8 - Ecological Mitigation Measures

All ecological mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Survey Report (dated 25<sup>th</sup> October 2022) and shall be delivered in full prior to first occupation of the development hereby approved unless alternative mitigation and enhancement measures and first agreed in writing with the Local Planning Authority.

Reason: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works are secured.

#### Condition 9 - Biodiversity Enhancement and Mitigation Plan

Development shall not commence until a Biodiversity Enhancement and Mitigation Plan (BEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall provide an overview of habitat enhancement and creation based upon the recommendations set out in the Preliminary Ecological Appraisal (PEA) Survey Report (dated 25<sup>th</sup> October 2022) and the Biodiversity Net Gain Report (Date December 2022, Updated 01.02.2023).

Once agreed, all of the measures contained within shall then be implemented within a timescale to be first agreed in writing with the Local Planning Authority and maintained thereafter for the lifetime of the development.

Reason: To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

#### Condition 10 - Detailed Plans of Road and Footway Layout

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

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

Informative - It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

#### Condition 11 – Construction of Adoptable Roads and Footways

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

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

#### Condition 12 - New and altered Private Access

The development shall not be brought into first use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

- The crossing of the highway footway shall be constructed in accordance with the approved details as shown on Drawing Number AMA / 21620 / SK 004 Revision B and Standard Detail Number A1 and the following requirements:
- Details of measures necessary to prevent surface water from the site discharging onto the existing Public Highway shall be agreed with the Local Planning Authority prior to commencement. The measures shall then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

Reason: 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 County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

#### Condition 13 – Closing of Existing Access

The development shall not be brought into first use until the existing access onto Hunton Road has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area.

#### Condition 14 – Visibility Splays

There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of Hunton Road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres.

Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

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

#### Condition 15 – Details of Access, Turning and Parking

There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Vehicular and cycle parking (to include facilities to charge electric vehicles)
- Appropriately sized turning heads

No part of the development shall be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority.

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

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informative: The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments.

#### Condition 16 – Parking for Dwellings

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

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

#### Condition 17 – Garage Conversion to Habitable Room (Removal of PD Right)

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

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

#### Condition 18 - Construction Management Plan

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

- The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site
- An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway
- An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
- Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas
- A photographic survey to record the condition of the carriageway and adjacent verges of Hunton Road along the entirety of the site frontage and for a distance of 100 metres on each side shall be undertaken before the development commences and submitted to the Planning Authority and the Highway Authority.

The survey will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity.

#### Condition 19 - Construction Environmental Management Plan

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

1. The parking of contractors, site operatives and visitor's vehicles clear of the highway.
2. Measures to manage the delivery of materials and plant to the site including the routing and timing of deliveries and the location of loading and unloading areas.
3. The provision of areas for the storage of plant and materials used in constructing the development clear of the highway.
4. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway.
5. The control of noise during construction.
6. Contact details for the responsible person (site manager / office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

#### Condition 20 - Noisy Construction Hours of Work

Noisy construction works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time at all on Sundays and Bank Holidays.

Reason: In the interest of public amenity

#### Condition 21 - Archaeological Mitigation Recording

(a) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording
- Community involvement and/or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.



- (b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.

#### Condition 22 – External Materials

Prior to the erection of external walls, external wall, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority. A sample of the external wall and roof material shall be made available at site upon request of the Local Planning Authority. The development shall be thereafter be constructed in accordance with the approved materials.

Reason: For the visual amenity of the development locality.

#### Condition 23 – Height of Dwellings

For the avoidance of any doubt, the details to be submitted in accordance with condition no. 2 shall provide for dwellings to be of a maximum height of two storeys.

Reason: To ensure a satisfactory relationship with surrounding properties and in doing so ensure that there is no unreasonable impact on the privacy and amenity of neighbours; together with creating an appropriate transition from countryside to village.

#### Condition 24 – Energy Statement

An Energy Statement and Plans shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy, greater energy generation output etc.

Reason: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

#### Condition 25 – Hard and Soft Landscaping

No part of the development shall be brought into use until there has been submitted to, and approved in writing by the Local Planning Authority, a detailed scheme of both hard and soft landscaping for the site. Soft landscape works shall include planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted; and (where appropriate) details of phasing. For the avoidance of doubt, the scheme shall use best

endeavours to incorporate measures so as to achieve a minimum net biodiversity gain of at least 10% for the lifetime of the development.

Reason: In the interests of the appearance and biodiversity of the development and to reserve the rights of the Local Planning Authority with regard to this matter.

#### Condition 26 – Maintenance of Approved Hard and Soft Landscaping Scheme

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason for Condition: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

#### Condition 27 – Housing Mix

The development shall provide a housing mix consisting of x7 two bedroom, x6 three bedroom and x 2 four bedroom properties.

Reason: To reserve the rights of the Local Planning Authority with regard to this matter and to ensure the development provides an acceptable housing mix in accordance with adopted local plan policy CP5.

#### Condition 28 – External Lighting

Details of any external lighting to be used on the site shall first be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

#### Condition 29 – Boundary Treatments

Prior to the erection of any external walls a Boundary Treatment Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before occupation of the adjoining dwelling; or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

**Target Determination Date:** 10.05.2023

**Case Officer:** Harriet Westwood, [harriet.westwood@northyorks.gov.uk](mailto:harriet.westwood@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 2023

**22/00730/FULL - Full planning permission for the erection of 5no. residential dwellings, creation of access and landscaping at Land at Station Road, Scorton, North Yorkshire for Rothstone and Torsion Homes**

**Report of the Assistant Director Planning - Community Development Services**

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for full planning permission for the erection of 5no. residential dwellings, creation of access and landscaping on land at Station Road Scorton North Yorkshire.
- 1.2 The application has been called in by Councillor Les on the grounds that the site was designated as a protected landscape zone by the former Richmondshire District Council Local Plan and due to its proximity to settlement limits.

#### **2.0 SUMMARY**

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

- 2.1 The proposed development of five dwellings, represents a modest increase to new development within the village of Scorton. The appeal at Barton has made it clear that the correct approach is to consider whether the amount of dwellings is excessive when considered against the overall scale of the settlement to which it would relate and as to whether the infrastructure that is available can accommodate the proposal or can be made to accommodate it. In this case the proposal is not considered excessive and there is no evidence submitted that the existing infrastructure within the village cannot accommodate the proposal.
- 2.2 The site is located adjacent to the settlement boundary for Scorton, there is existing built form located to the east and south of the site and therefore the impact on the landscape is considered to be minimal.
- 2.3 The proposed access is considered acceptable by the highway authority, the foul and surface water drainage issues are acceptable by the relevant statutory consultees and the proposed development would not be harmful to the ecology of the site and there would be some bio diversity net gain.



### **3.0 PRELIMINARY MATTERS**

- 3.1 Access to the case file on Public Access can be found here:- [Online Documents](#)
- 3.2 Planning permission granted in 2005 (reference 05/00735/FULL) for the erection of a two storey medical centre on an adjacent site.

### **4.0 SITE AND SURROUNDINGS**

- 4.1 The Site lies within the open countryside adjacent to the development limits of Scorton and comprises an 0.3ha open grassed field. The site immediately abutts the northern built extents of the village of Scorton. The site lies immediately to the west of a relatively new health centre, which has its main access 30m to the east of the proposed residential access point.
- 4.2 Along the southern boundary of the Site, which is defined by an existing hedge, is Stags Way, an adopted highway which serves the medical centre and various residential properties. Beyond this are residential properties which front onto the unnamed main road which runs through Scorton in a north-south direction and which access is taken from. The western boundary of the Site, which is defined by a timber post and rail fence, abuts the grassed highway verge of the aforementioned road. The northern boundary is defined by a post and wire fence with a number of young trees; open agricultural land is situated beyond this point.

### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 The Proposed Development seeks full planning permission for the erection of 5no. residential dwellings as well as the creation of a new access and landscaping. The site plan shows a private drive will be provided into the Site from Stags Way with a turning head at the northern end of the development. The proposed dwellings will be 2-storeys in height and constructed of brick under clay pantile roofs. A mix of property types are to be provided.

### **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:  
Richmondshire Local Plan

#### Guidance - Material Considerations

- 6.3 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.
- 7.2 **Parish Council:** Object to the proposal the site was designated as landscape zone, in respect of 05/00735/FULL dated 16th August 2005.
- 7.3 **Ward Member:** The application is in a designated landscape zone in the former RDC LP, which some years ago resulted in the Scorton Medical Centre being well set back from the road, so creating a precedent.
- 7.4 **Highways:** Raised concerns initially, following adjustments to the entrance have no issues subject to conditions.
- 7.5 **Environmental Health:** No objection subject to unsuspected contamination condition being applied.
- 7.6 **Ecology:** No objections in principle, given that the PEA includes recommendations for achieving BNG. However, there will need to be a post-development BNG assessment undertaken to accompany this design, with the aim of achieving net gain.
- 7.7 **Waste and Recycling:** Require confirmation that the turning head is large enough to accommodate a 26 tonne refuse collection vehicle with a turning circle of no less than 22m. Highways have accepted the turning area detail.
- 7.8 **Yorkshire Water:** Initially required a revised plan of where the main was on the site in relation to the new builds. This has now been addressed.
- 7.9 **NYCC Archaeology:** A scheme of archaeological evaluation is required to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area and enable an understanding of the potential impact of the proposal upon their significance. This evaluation should comprise geophysical survey, to be followed by trial trenching, as appropriate to be undertaken prior to determination. Survey provided by agent's conditions recommended.
- 7.10 **Yorkshire Wildlife Trust:** No comment

### Local Representations

- 7.11 5 local representations have been received of which 0 are in support and 5 are objecting.
- 7.12 Objections on the following grounds:
- access point is planned to feed into Stags way, dangerously close to its junction with Station Road - just a few metres. Stags Way is a narrow lane with blind



tight bends. It already serves some 35 dwellings or so, a busy children's nursery & Doctors surgery plus a popular dance school.

- Too many dwellings on the site, the area will become blighted by all the proposed development in the village
- Bus routes. The services are not suitable for commuting as the first passes through Scorton too late & the last too early. On a Saturday the services cease early afternoon so are not suitable for social transport either.
- Overlooking of adjacent properties
- Flooding
- Will not benefit the village stretching services, doctors school etc
- This site is also likely to have an effect on the local wildlife with bats and birds nesting within the grounds and local area, especially trees on the site and opposite. Noise, light and air pollution will cause concerns in this case.
- Lack of affordable housing
- Brownfield sites must be used first

## **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
- Affordable Housing
- Highway matters
- Flood Risk and Surface Water Drainage.
- Foul Drainage and Water Supply
- Ecology
- Archaeology
- Other Matters

## **10.0 ASSESSMENT**

### Principle of Development

10.1 Scorton is a designated Primary Service Village in the adopted Local Plan. The village benefits from a number of facilities and amenities which are accessible to the Site including; Scorton Medical Centre (c.50m); Little Learners Nursery Centre (c. 100m); Scorton Post Office (c. 260m); Scorton Village Pre- School (c. 400m); and Scorton Village Hall (c. 400m); and Bolton on Swale C of E School (c. 700m). There are also two bus stops located to the south of the Site to the east and west of The Green to the centre of Scorton. These provide access to Richmond, Darlington and Northallerton every day except Sundays.

10.2 The site lies outside but adjacent to the village's development limits and abuts the built extents of the village to the south and east. There has been a number of objections to the number of houses that are being proposed around the village and

which also raise that this would be contrary to the strategic policies of the adopted Local Plan.

- 10.3 The NPPF places great emphasis on significantly boosting the supply of homes and suggests there can be circumstances when consideration should be given to sites which reflect current and future demographic trends and market signals. Spatial Principle SP4 of the Core Strategy sets out the scale and distribution of housing development in the district, with a minimum of 3,060 dwellings sought to be delivered during the plan period at a rate 180 no. per year. The Plans explanatory text states that “should further suitable, sustainable and deliverable housing sites come forward, they will be considered on their merits.”
- 10.4 In the Central Richmondshire Area, Scorton is one of three Primary Service Villages (PSV’s), along with Catterick Village and Brompton on Swale, which collectively were expected to accommodate a minimum of 240 new dwellings during the plan period, which runs to 2028. It is important to note that this figure is the minimum target not the maximum or limit. There has also been a general expectation that this figure of 240 would be apportioned evenly across the three PSV’s but again, the Plan does not stipulate this. However, Policy SP3 does require development to be proportionate to the existing settlement size and local service provision.
- 10.5 Consequently, it is reasonable to expect the market and land availability to indicate the exact split between the three Central Richmondshire Area PSVs. However, the total amount of new housing for each proportionate should not substantially exceed this planned figure to ensure development is proportionate to the existing settlement size and local service provision. In terms of how much would be a substantial exceedance of the target, there is no guidance or figure set for this.
- 10.6 To date, a total of 402 dwellings have been granted in the Central Richmondshire PSV’s, broken down as follows:
- Scorton – 111 dwellings.
  - Catterick Village – 47 dwellings
  - Brompton-on-Swale – 244 dwellings
- 10.7 The target for Scorton (if evenly split) has been exceeded by 31 dwellings, equating to 39%. With this current application the total would therefore increase to 116 dwellings, an exceedance of 36 dwellings equating to 45%. There is a current live application for a further 10 dwellings on land opposite the site on Station Road (reference 22/00148/OUT).
- 10.8 A recent appeal decision for 50 dwellings at Rose Villa Farm, Barton (reference APP/V2723/W/21/3287312) has provided an objective insight into how such matters should be considered in respect of the spatial distribution of housing within the primary service villages. The appeal at Barton resulted in the target for the settlement being exceeded by nine dwellings, of which the Inspector noted that “...a numerical limit is not referenced. Notably, the Plan does not specify any further breakdown of the housing growth target set out in Policy SP4 by individual named settlement. Crucially, the precise wording of the Local Plan policies does not expressly direct the decision-taker to resist development where the proposed level of housing delivery would be exceeded in one of the Plan’s defined sub-area or settlement hierarchy geographies. Rather, the Plan states that a managed approach

will be taken should further suitable, sustainable and deliverable housing sites come forward based on their individual merits.”

- 10.9 The Inspector then went on to say “I note that the Plan’s supporting text states that Barton is the largest settlement in this sub-area. In its totality, the appeal proposal would not be excessive in scale relative to the remainder of the built-up form and role of Barton.” The Inspector’s impartial view provides clarity over how to proceed in circumstances such as those presented by the current live applications in Scorton and this is a strong material consideration that carries great weight. Whilst it is acknowledged that most objectors have cited an exceedance of the predicted targets that are set out in the plan, it is unequivocal that these applications should not simply be refused on the basis that the minimum target in the Core Strategy has been exceeded. The correct approach is in fact to consider whether the amount of dwellings is excessive when considered against the overall scale of the settlement to which it would relate and as to whether the infrastructure that is available can accommodate the proposal or can be made to accommodate it.
- 10.10 As the proposal is only for five dwellings, it is considered that the modest amount of new residents that the development would accommodate would still have a positive impact on the bus service, garage/petrol station, convenience shop and public houses on offer. Scorton also has a medical centre and the NHS has not asked for a contribution to increase the size of this facility. It is therefore considered that in overall terms, the support from the new residents to the exiting business would bring marginal benefits to the village. Whilst objections over impacts on services are acknowledged, having paid regard to the aforementioned factors, the proposal is not considered to result in an excessive amount of new housing for the village which had a population of 1012 people in 2011.
- 10.11 In terms of location, whilst the land lies outside of, but is adjacent to, the development limits of the village, it is in fact contained by existing built development to the east and south and represents a logical rounding off on this side of Station Road. It therefore has limited impact on setting, landscape or approach to the village from the north. Furthermore, it is also within comfortable walking distance to the village’s various services and facilities.
- 10.12 The Parish Council refer to the site being designated as a landscape zone and refer to an application in 2005. The current local plan has no specific designation for the site other than being located within open countryside. Having reviewed the decision notice for 05/00735/FULL there is no condition protecting this current application site land.
- 10.13 The applicant has submitted a landscape visual assessment and states the landscape of the existing site is considered to have medium value. It provides a gateway from the northern approach into the settlement of Scorton and a transition between the settlement and the more rural fields to the north. It also provides some sense of separation and openness between properties in this location and vegetation and trees associated with its boundaries add to local character. It may be valued by the local community for this reason but has no wider recognition in terms of designation or recreational value. The landscape visual assessment concludes that clearly the existing site will change in character through the development. However, the effects are limited to the site itself and the proposed development will

knit into the existing edge of village character. A positive gateway into Scorton can be achieved through high quality design which we consider the layout and unit design to comprise. It is considered that the assessment accurately describes the site and agree that the impact on the landscape will be minimal.

- 10.14 Taking into account that the population of the village is around 1000, this modest proposal of 5 units, adjacent to the existing settlement limits is considered to be a form of development that would help the village grow in a more measured and organic way than it would with a larger addition of a homogenous “bolt-on” housing estate. Furthermore, the proposal meets other expectations of Policy CP4 in terms of the proportionate size of the development in relation to the existing settlement and its accessibility and relationship to existing facilities.
- 10.15 Some of the objectors have raised the issue of using brownfield land first. It is also important to consider that Policy CP3 sets out that development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites. However, there are limited brownfield sites remaining in Scorton and of those that are there, these are considered likely to come forward in any event.
- 10.16 In relation to infrastructure and services, the NPPG advises that contributions should not be sought for minor applications such as this and the impact due to the small development will be negligible when viewed in context of existing patients list etc.
- 10.17 Policy CP5 of the Core Strategy relates to providing an appropriate housing mix. The policy states that: Proposals for housing must take account of the local housing requirements across all sectors of the community in terms of size, type and tenure, and also the accessibility and adaptability of dwellings. The housing mix of the proposed development is a matter which was discussed in detail during the pre-application stage and the proposals been revised to reflect the discussions. The current mix includes 3no. three and 2no. four-bedroom properties, which had been agreed with the LPA to represent an appropriate approach to meeting the housing needs of the population across the Plan Area and one that meets the expectations of Policy CP5 in terms of the sizes/types of properties.
- 10.18 Overall, having had regard to all of the above, the principle of this relatively modest amount of housing coming forward at this time is, on balance, considered to be compliant with Policies SP1, SP2, SP4, CP3, CP4, CP5 of the Core Strategy and is therefore acceptable.

#### Affordable Housing

- 10.19 With respect to affordable housing, Policy CP6 of the Local Plan Core Strategy requires a 40% affordable housing provision from new developments located within the Central Richmondshire Sub Area. This target is subject to an economic viability assessment. However due to recent appeals the Planning Inspectorate has raised concerns with policy CP6. The Inspector gave significant weight to the NPPF (para 64) which stipulates “affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas

(where policies may set out a lower threshold of 5 units or fewer". Recently the Council made a resolution not to require affordable housing in line with this threshold. As a result, no affordable housing contribution is required for this project.

#### Highway matters

10.20 The proposal has been subject to a number of changes to the site layout to meet the requirements of adequate access, parking and turning areas. The Local Highway Authority is now content with these amendments to the initial plans. There have been some concerns raised by nearby residents as to the access point and the additional traffic that would be created. The Local Highway Authority have not raised any concerns with regards to highway safety therefore the proposal complies with the relevant part of Policy CP4.

#### Flood Risk and Surface Water Drainage.

10.21 Although it was initially proposed that surface water would be disposed by connection to the public sewer, the applicant has since carried out further work into the feasibility of soakaway drainage as a more sustainable means of surface water disposal. Percolation testing has confirmed that ground conditions do enable soakaway drainage to be used and the details of this, including arrangements for future management and maintenance of individual soakaways, are being developed in consultation with the Flood Risk Management Team at North Yorkshire County Council. Whilst suitable in principle, the details of surface water drainage will almost certainly still need to be the subject of conditions in the event of planning permission being granted.

10.22 With regard to Flood Risk the site is located in Flood Zone 1 which is the lowest category of flood risk and is not considered to be an issue for the proposed development.

#### Foul Drainage and Water Supply

10.23 Yorkshire Water have confirmed that foul drainage from this development can be accommodated by the local treatment works and sewers. A suitable water supply can also be provided for the development. An objection was initially raised as to the location of the main across the site and how the proposal may affect this. Amended plans were forwarded to YW who have now rescinded their objection subject to conditions.

#### Ecology

10.24 The site has been subject to a preliminary survey, the results of this showed a low value site albeit there were hedgerows and trees. The hedges didn't connect to the wider area and although there maybe nesting birds given that the hedges and trees are to be retained the potential harm would be minimal. There are opportunities to improve the site with fencing being made mammal friendly for example, ideally a 10% gain should be made. A suitably worded condition will be attached to achieve this. The Council ecologist has stated they have no major concerns in relation to the impacts of the development upon existing habitats and species.

## Archaeology

- 10.25 The council archaeologist advised the results of the agents' survey showed a number of anomalies of archaeological potential including a pair of parallel ditches that run north-south through the site. There are also several anomalies consistent with pits. The site to the immediate north was also subject to geophysical survey as part of a site assessment. The linear features noted in the current survey are most likely continuations of linear gullies noted in this earlier survey. The site to the north was also subject to trial trenching and this suggested either a late prehistoric/Roman date for the linear features or an early medieval date, with the obvious possibility that these features, probably representing a trackway, were in use over an extended period. The pit type anomalies are more enigmatic, with three appearing to be in alignment. These would be consistent with a prehistoric pit alignment, a number of which are recorded elsewhere in the area.
- 10.26 Given that we have a reasonable understanding of both types of anomaly present from previous investigative work it is appropriate to make a planning recommendation based on the results of the geophysical survey in this case. Accordingly, officers are content that the condition will provide sufficient measures to deal with any archaeological findings, in line with the latest guidance.

## Other Matters

- 10.27 With regard to other matters raised by objectors not covered above, the issue of overlooking of adjacent properties has been raised. However, the degree of separation between the proposed dwellings and the existing dwellings located to the east is relatively significant. Furthermore, the windows in the proposed dwellings located in the northern most part of the site, which are closest to the neighbouring properties, are orientated north and south, which is away from the nearest property located to the east. It is considered there will be no issues in respect of overlooking existing properties.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The proposed development of five dwellings, represents a modest increase to new development within the village of Scorton. The appeal at Barton has made it clear that the correct approach is to consider whether the amount of dwellings is excessive when considered against the overall scale of the settlement to which it would relate and as to whether the infrastructure that is available can accommodate the proposal or can be made to accommodate it. In this case the proposal is not considered excessive and there is no evidence submitted that the existing infrastructure within the village cannot accommodate the proposal.
- 11.2 The site is located adjacent to the settlement boundary for Scorton, there is existing built form located to the east and south of the site and therefore the impact on the landscape is considered to be minimal.
- 11.3 The proposed access is considered acceptable by the highway authority, the foul and surface water drainage issues are acceptable by the relevant statutory

consultees and the proposed development would not be harmful to the ecology of the site and there would be some bio diversity net gain.

## 12.0 RECOMMENDATION

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

Condition 1: The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended)

Condition 2: The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) application form and certificates
- b) Site Location plan A010 Revision P00
- c) Proposed Site Plan AO13 Revision P10
- d) 3 Bed House Type DRA-A-101 Revision P0
- e) Proposed Site Sections DR-A-A300 Revision P01
- f) Proposed Single Garage DR-A-103 Revision P00
- g) 4 Bed House Type DR-A-100 Revision P02
- h) Proposed Double Garage DR-A-102 Revision P00
- i) Preliminary Ecological Appraisal Report, Brooks Ecological Ltd, dated 12th September 2022

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 3: Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall not be converted into domestic accommodation without express planning permission from the Local Planning Authority.

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

Condition 4: No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works.

1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.

2. An area for the parking of all contractors, site operatives and visitor's vehicles clear of the Public Highway.
3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
4. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.
5. A photographic record of the condition of the Public Highway adjacent to the site (to include the carriageway, footways and grassed verges) should be undertaken before the development commences and submitted to the Planning Authority and the Highway Authority. The survey will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.
6. Contact details for a responsible person who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 5: Prior to commencement of development hereby approved a detailed surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The Strategy shall demonstrate how the sustainable drainage hierarchy has been followed which requires infiltration to ground if feasible first.

The scheme shall be designed to the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall be designed for the 1 in 100 year rainfall/ storm event plus 40% allowance for climate change and urban creep. The scheme shall include a detailed maintenance and management regime for the storage facility and drainage system.

The approved surface water drainage scheme shall be implemented and delivered in full prior to first occupation of the development hereby approved or in accordance with any phasing embodied within the scheme. There afterwards the approved surface water drainage scheme shall be maintained and retained in perpetuity in accordance with the approved maintenance details.

No piped discharge from the application site shall take place unless first approved in writing with the Local Planning Authority.

Reason: To ensure delivery of an adequate surface water drainage scheme which prevents keeps the development safe for its lifetime and prevents an increased of flooding off-site. This condition is also applied having regard to paragraphs 167 and 169 of the National Planning Policy Framework 2021 and Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 6: Noisy demolition/construction works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.



Reason: In order to protect neighbouring residential amenity

Condition 7: The development must not be brought into first use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway must be constructed in accordance with the approved details as shown on Drawing Number A013 Revision P10 and Standard Detail Number A1 and the following requirements:

- Provision to prevent surface water from the site discharging onto the existing highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 6 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing public highway

All works must accord with the approved details.

Reason: 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.

Condition 8: There must be no access or egress by any vehicles between the highway and the application site until minimum splays are provided giving clear visibility of 19.5 metres to the west and 18 metres to the east measured along the nearside channel lines of Stags Way from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres.

Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Condition 9: No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number A013 Revision P10 and Standard Detail Number A1. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Condition 10:

- (a) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
  2. Community involvement and/or outreach proposals
  3. The programme for post investigation assessment
  4. Provision to be made for analysis of the site investigation and recording
  5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  6. Provision to be made for archive deposition of the analysis and records of the site investigation
  7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- (c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured

Reason: In accordance with Section 16 of the NPPF ( Paragraph 205) as the site is of archaeological significance

Condition 11: If contamination is found or suspected at any time during development that was not previously identified, all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development, occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land contamination: risk management (LCRM), has been submitted to and approved in writing by the local planning authority. Where remediation is necessary, a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Reason: To ensure that any potential contamination and any risks arising are properly assessed and that the development incorporates any necessary remediation and subsequent management measures to satisfactorily deal with contamination.

Condition 12: Prior to the commencement of the development hereby approved, a Biodiversity Gain Plan (BGP), in line with the recommendations set out in the submitted Preliminary Ecological Appraisal, dated 12th September 2023 shall be submitted and approved in writing by the Local Planning Authority. This shall include:

- a) steps taken to minimise disruption of existing onsite habitats and any other habitat;
- b) the pre-development and post-development biodiversity of the onsite habitat;

- c) the biodiversity gain of any registered off-site habitat allocated to the development;
- d) any biodiversity credits purchased;
- e) any other matters which regulations specify (such regulations not yet having been published);
- f) Planting Plans including species, size and quantity.
- g) A management and maintenance plan; and
- h) Implementation timetable

Once approved, the development shall be implemented in accordance with the BGP unless otherwise approved in writing.

Reason: To ensure that adequate steps are taken throughout the course of the development process to mitigate the impacts on ecology and biodiversity and achieve an overall biodiversity net gain.

Condition 13: Prior to the commencement of the development hereby approved, an Ecology Management Plan (EMP) shall be submitted to and agreed in writing by the Local Planning Authority. There afterwards the development shall take place in complete accordance with the EMP.

Reason: To ensure that adequate steps are taken throughout the course of the development process to mitigate the impacts on ecology and biodiversity

Condition 14: Prior to the commencement of the development hereby approved, an Tree Protection Plan and Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall take place in complete accordance with the approved details.

Reason: For the protection of existing trees.

Condition 15: No dwelling shall be occupied until the boundary treatments shown on Proposed Site Plan AO13 Revision P10 to which it adjoins has been erected. The 5<sup>th</sup> dwelling shall not be occupied until all site boundary treatments as shown on Proposed Site Plan AO13 Revision P10 have been erected. There afterwards, all site boundary treatments shall be retained unless replaced like for like.

Prior to the commencement of the development hereby approved, an Ecology Management Plan (EMP) shall be submitted to and agreed in writing by the Local Planning Authority. There afterwards the development shall take place in complete accordance with the EMP.

Reason: To ensure that adequate steps are taken throughout the course of the development process to mitigate the impacts on ecology and biodiversity.

**Target Determination Date:** 19<sup>th</sup> December 2022

**Case Officer:** Nick Howard, [nick.howard@northyorks.gov.uk](mailto:nick.howard@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 2023

**22/00583/FULL - Full planning permission for the creation of 5 new dwellings and access on agricultural land at Land Adjacent to Runnymede, Leyburn for Mr Ford**

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

#### **1.0 PURPOSE OF THE REPORT**

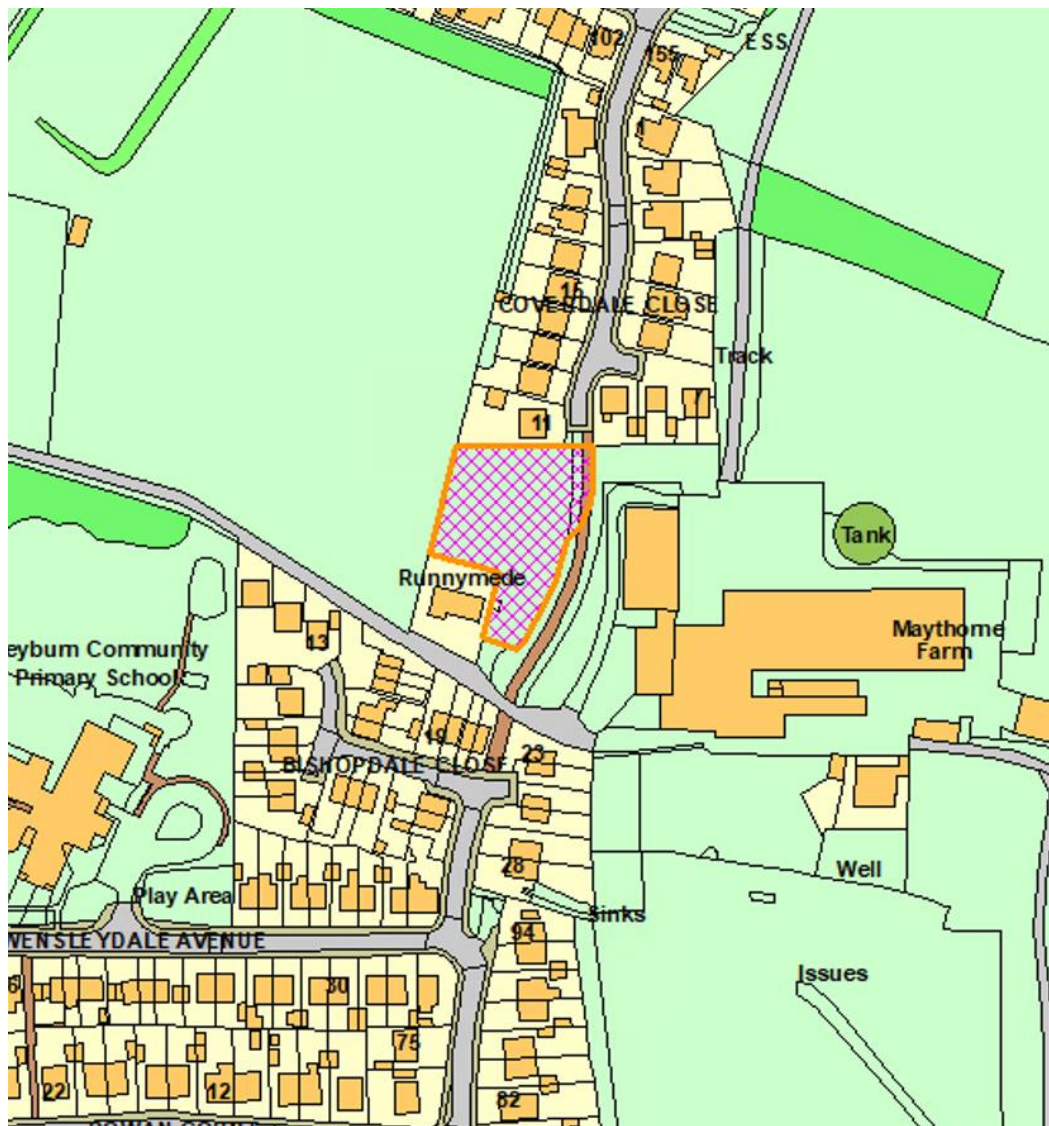
- 1.1 To determine a planning application for full planning permission for the creation of 5 new dwellings and access on agricultural land on land adjacent To Runnymede, Leyburn, North Yorkshire.
- 1.2 The application is brought to the Area Planning Committee as the Ward Member has called this in to go to planning committee. Cllr Sedgwick raised concern in respect of car parking issues elsewhere that might be exacerbated by the proposed dwellings; together with the potential for a “rat run” into the town. Cllr Sedgwick also raised concern about surface water flooding as there was a flood in 2019 and general upset to existing residents.

#### **2.0 EXECUTIVE SUMMARY**

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

- 2.1 The proposed development is for five dwellings comprising a detached dwelling, two linked detached dwellings and two semi-detached dwellings. The proposal also includes a new access onto Coverdale Close.
- 2.2 The site comprises a small field to the north of an existing dwelling called Runnymede. To the north of the site is a residential estate comprising Coverdale Close, to the west is a cricket field and to the east is a working farm.
- 2.3 The site is located within the Leyburn settlement boundary and is considered to be an infill site between existing residential properties located to the north and south of the site. The principle of development is considered acceptable and accords with Policy CP4 of the Councils Core Strategy Local Plan.
- 2.4 The other key issues are highway and parking, the layout of the development and drainage issues.

- 2.5 There are no objections from statutory consultees and the neighbour's objections have been considered in the main body of the report. Having regard to the overall planning balance the development is considered sustainable and approval is recommended subject to conditions.



### 3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here:- [Online documents](#)

### 4.0 SITE AND SURROUNDINGS

- 4.1 The site comprises an area of agricultural land of approximately 0.2 ha in size close to the eastern edge of Leyburn. The proposed access would be taken from the end of Coverdale Close which consists of a small housing estate located to the north of the site. To the west of the site is a cricket pitch, to the south is the property Runnymede with a residential estate further south served from Bishopdale Close and to the east is a working farm.

4.2 The site is located on the edge of Leyburn and is approximately 1.5 km in a straight line to the north east of the centre with access to local services and facilities.

## 5.0 DESCRIPTION OF PROPOSAL

5.1 This application seeks full planning permission for five dwellings with an access linking up with Coverdale Close. The proposal comprises one detached dwelling, two linked detached dwellings and a pair of semi-detached dwellings.

5.2 The detached dwelling is to be located adjacent to the existing property Runnymede (plot 1) and the other dwellings (plots 2-5) are to be positioned in a line running from north to south. Each dwelling will be two storeys in height, plots 2-5 will have a rear outlook to the cricket field to the west and front onto the access road. Plot 1 will be positioned 'side on' to the access road with principal views north and south.

## 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:

- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
- Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
- The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

### Emerging Development Plan – Material Consideration

6.3 The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.

- Richmondshire Local Plan Issues and Options 2021

### Guidance - Material Considerations

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021

## 7.0 CONSULTATION RESPONSES

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

7.2 **Parish Council:** The Council discussed concerns raised by residents and expect the planners to take these concerns into consideration. The Council agreed that additional traffic navigating through the parked vehicles on Dale Grove may pose highway safety issue, highways access reports should be carried out to take this into consideration. The Council would like to see more affordable housing as the

North Yorkshire Strategic Housing Market Assessment (NYSHMA, 2011) confirms the ongoing affordable housing issue.

- 7.3 **Ward Member:** Councillor Sedgwick has called the application in for it to go to the planning committee.
- 7.4 **Highway Authority:** No objections subject to conditions relating to Detailed Plans of Road and Footway Layout, Detailed Plans of Road and Footway Layouts, Construction of Adoptable Roads and Footways, Parking for Dwellings, Garage Conversion to Habitable Room and Construction Phase Management Plan.
- 7.5 **Environmental Health:** I have considered the potential impact on amenity and the likelihood of the development to cause or be affected by a nuisance and consider there will be low to moderate impact as the proposed development is adjacent to Maythorne Farm, a working farm. I have no objections to the development which is for 5 no. domestic dwellings set amongst other similar properties subject to conditions. The changes to the planning application do not have a potential impact on amenity or the likelihood that the proposed development will cause a nuisance to neighbouring properties. Therefore, Environmental Health have no further comments to make.
- 7.6 **Yorkshire Water:** No objections subject to conditions.
- 7.7 **Ecology:** Thank you for your consultation on the above application which is accompanied by an Ecological Impact Assessment (EclA). I can confirm that I am satisfied with the content and conclusions of the EclA. The habitats present on site are of local ecological value and impacts upon the habitats are capable of being mitigated. This parcel of land has been recently disturbed and may have been reseeded/restored as part of an earlier development – see attached aerial photo from June 2018 when it appears that the site which is the subject of this application was being used as a contractors compound. I am supportive of the recommendations for the inclusion of native species within the landscape scheme and also incorporation of bat and bird nest boxes onto the housing units. A landscape and biodiversity plan can be secured via a condition which requires submission of a plan showing the location and type of native planting and the location and type of bat and bird roost/nest units to be included.

#### Local Representations

- 7.8 14 local representations have been received of which 0 are in support and 14 are objecting. A summary of the comments is provided below, however, please see website for full comments.
- 7.9 **Objections:**
- Parking and access are already an issue and more traffic will be less safe in the area.
  - Proposed development will join two estates together.
  - Increased traffic during construction
  - Environmental Impact with removal of the field
  - No guarantee drainage will cope and may lead to flooding in neighbours gardens
  - No additional affordable housing.



- Overlooking into rear gardens
- Site is too small for five dwellings
- Noise and smell from the farm in close proximity to the site
- Housing does not align with housing need as set out in Leyburn
- Current access to Coverdale Close for delivery vehicles, waste/refuse lorries and emergency vehicles is restricted already due to the large number of vehicles parked on the road (and footpaths) particularly on the upper and lower part of Dale Grove (which is a narrow piece of road with, on occasion, poor parking). This situation would be made much worse by the increase of vehicles using the access to the proposed development, and then on completion, residents and visitors travelling to and from the development.
- Risk of flooding. The area is often water-logged in the winter and the risk of flooding at this time will increase as a result of additional hard landscaping associated with the building of the houses and their surroundings.
- Environmental issues. Another housing development which would in effect link the houses on Coverdale Close and Bishopdale Close would destroy the remaining green space between the two areas and further restrict the establishment of the trees planted at the side of the link road.
- The proposal shows that this privacy would be invaded by being overlooked from upstairs plots 2, 3, 4 and 5.

## **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

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

## **9.0 MAIN ISSUES**

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

- Principle of development
- Highway, Access and Parking
- Proposed site layout and design.
- Impact on neighbouring residential amenity
- Affordable Housing
- Noise and Odour issues
- Flooding and Drainage
- Ecology

## **10.0 ASSESSMENT**

### Principle of Development

10.1 The Lower Wensleydale Spatial Strategy (LWSS) defines its main settlements as Leyburn and Middleham, which provide a central focus for several smaller villages. Leyburn is identified as a Local Service Centre. The LWSS further states that within Leyburn there is limited scope for new housing and employment, but where opportunities do exist, these should remain the priority and focus for new development as they are most sustainable. Spatial Principle SP4 identifies the Scale and Distribution of Housing Development. The policy states that the scale and location of further housing and employment development in the town will reflect its

role in the sub area and the preference for new development is on existing vacant and previously developed sites in the built-up area.

- 10.2 Sufficient planning permissions have been granted within and adjacent to Leyburn to meet the minimum housing target set out by Policy SP4. In these cases, further housing development should be considered on their merits.
- 10.3 The site is located within the settlement boundary of Leyburn as defined by the Local Plan policy map. The farm track located to the east of the site and the farm buildings forms the settlement limit. The proposals map also shows that the site forms part of former allocation which included the dwellings served by Coverdale Close (Policy 31). However, Policy 31 refers to the previous local plan and as a result this policy has been superseded.
- 10.4 The application site is located within the settlement boundary and represents an infill site between existing residential properties to the north and south of the site. It is considered the merits of sustainably located new houses at an infill site make the application acceptable in principal and complies with Policies SP4 and CP4 of the Councils Core Strategy Local Plan.

#### Highways, Access and Parking

- 10.5 The applicant has submitted a revised location plan with an amended redline. This was uploaded to the Council's website on the 29<sup>th</sup> March 2023 and re-consultations sent the same day. This extends the redline eastwards to encompass the development area. Even with this redline increase, the redline does not connect to an adopted highway as advised by the NYC Highways Officer. It is understood there is a "ransom" strip owned by a third party and an agreement will need to be reached to enable access for the proposed development to Coverdale Close. This is acceptable, subject to a Grampion condition (i.e. no development whatsoever shall commence until...) requiring an access strategy and plans to be submitted prior to commencement. There is a risk that this condition may not be achievable, in which case, the development cannot proceed and would lapse. However, it is considered there is a reasonable chance that an agreement can be reached between the applicant and third party land owner to the north.
- 10.6 It is proposed that the existing footpath acts as an emergency link road that connects Coverdale Close with Bishopdale Close. The latest plan does not show a continued vehicular access through and the existing bollards would be repositioned further along the emergency access so a direct link for non-emergency won't physically be possible. The proposal would therefore not link the two residential estates and would not create a 'rat run' between the estates.
- 10.7 The Council has received objections on the grounds that parking and access is already an issue in the locality. Although the proposal would create additional traffic movements through the local road network from the additional five dwellings, the increase is not significant and would not lead to severe impact upon highway safety. Furthermore, the highway authority raises no objections to the proposal. The proposal provides at least two parking spaces for each dwelling and the majority of the dwellings also have garages. The use of the garages can be secured by

removing permitted development rights for them to be converted into habitable space.

- 10.8 A further objection has been raised in respect of increased traffic during the construction of the dwellings. This type of traffic can be disruptive to neighbouring properties, however the construction process for five dwellings would be relatively short and therefore the disruption would be limited. The highway authority has suggested a condition requiring a Construction Phase Management Plan, which will mitigate against the disruption. The proposal would therefore not cause significant adverse impact on highway safety and accords with the relevant part of Policy CP4 of the Council's Local Plan Core Strategy.

#### Proposed Site Layout and Design

- 10.9 The proposed site layout is for five dwellings. Four of the dwellings are positioned in a line running from north to south. The northern most dwellings (plots 4 & 5) are a pair of two bedroom semi-detached properties. Further south the proposal includes two 3 bedroom linked detached dwellings and alongside Runneymede close to the southern boundary is a four bedroom detached dwelling.
- 10.10 The proposal for five dwellings on a site area of 2000 square metres would provide on average a plot size of 400 square metres which is not considered to represent an overdevelopment of the site. The layout of the site broadly has a linear form, which replicates the linear form of development on Coverdale Close. The proposal would therefore be in keeping with the area and not impact adversely on the character of the settlement.
- 10.11 The proposed design of the dwellings would consist of cottage style properties. They would be constructed in new quarried course stone with interlocking tiles and flush casement windows. The dwellings would consist of a simple pitched roof design with pitched roof porches. The proposed dwellings would be visually attractive and respect the local context. The proposal would therefore comply with Policy CP13 of the Councils Core Strategy Local Plan which promotes high quality design.

#### Impact on neighbouring residential amenity

- 10.12 The proposed dwellings will in the main face east and west. Plots 2-5 will have a rear outlook over the cricket ground located to the west of the site. Objections have been received that the neighbouring residents will have their privacy invaded by being overlooked from the upstairs windows of plots 2, 3, 4 and 5. However, only plot 5 which is the northern most dwelling will be adjacent to the neighbouring properties on Coverdale Close. The main outlook from the first floor window, which serves bedroom two would be over the rear garden and the cricket ground to the west. The future occupier of plot 5 would have a view into the neighbours garden however, this would be an oblique view and would be limited in that plot 5 would be located further back than the neighbouring property to the north. The potential overlooking would therefore be limited to a potential view to the rear of the neighbour's garden and would be no different to views achieved by the existing dwellings to the north of the site.

10.13 With regard to the property Runneymede, which is located to the south and west of the site, plot 2 will be positioned directly to the north of Runneymede. The distance between the rear of Runnymede and the blank side gable of plot 2 would be approximately 12 metres, which is considered to be a sufficient separation distance so that the dwelling on plot 2 would not have an overbearing impact on the neighbouring property. Plot 1 would be located adjacent to Runnymede and would have a similar outlook to the neighbouring property. Therefore plot 1 would not create any overlooking or any overbearing impact on the neighbouring property. Overall, the proposal would not cause a significant adverse impact on amenity and the proposal accords with the relevant part of Policy CP4 of the Councils Core Strategy Local Plan.

#### Affordable Housing

10.14 The Council have received an objection that the proposal does not provide any additional affordable housing. The proposal is for five market housing. The Council recently received an appeal decision where the inspector determined that an affordable housing contribution for a minor residential development was not required to make it acceptable. The Inspector gave significant weight to Paragraph 64 of the Planning Framework which stipulates that affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer)". On the basis of the appeal decision the Council took a decision to cease requiring affordable housing contributions for development of 9 units or less and/or where the site area is less than 0.5ha. The site area is below 0.5ha and the development is less than 9 units. Accordingly, the proposal does not need to provide any affordable housing.

#### Noise and Odour issues

10.15 The site is located in close proximity to a working farm, which is situated to the east. The applicant has submitted a noise and odour assessment to accompany the application. The noise assessment was based on a previous approval for an extension to the existing farm and the report concluded that the noisy activities of the farm would no longer take place and the neighbouring residents will experience a reduction in the sound levels. With regard to the odour assessment, it was concluded no adverse odours were experienced within the site curtilage and no odours were discernible at the site boundary. The Environment Health officer considered that the potential impact from the nearby farm on amenity and the likelihood of the development to cause or be affected by a nuisance would be low to moderate impact. The proposal would therefore not be harmful to amenity by reason of noise or odour and accordingly the proposal complies with the relevant part of Policy CP4 of the Councils Core Strategy Local Plan.

#### Flooding and Drainage

10.16 The Council have received objections on the grounds the proposal may lead to flooding in neighbours gardens and the area is often water-logged in the winter and the risk of flooding at this time will increase as a result of additional hard landscaping associated with the building of the houses and their surroundings. The site is not located in Flood Risk Zone 1, which has the lowest risk of flooding from

rivers or seas. However, the site is partially at low risk of surface water flooding. Dwellings are considered a 'more vulnerable' land use and these are considered acceptable in flood zone 2. Whilst the site is not technically in flood zone 2 which relates to rivers, it has the equivalent risk from surface water.

- 10.17 The applicant has submitted a drainage strategy which shows the foul drainage will connect to a water sewer in the south east part of the site. Surface water is proposed to be collected in an underground storage area close to plot 3. This would then be discharge at a rate of 1 litre per second, which is designed to accommodate the 1 in 100 year rainfall event with a 40% allowance for climate change and urban creep. This will ensure that is no increase risk of flooding off site. However, given the sensitivity of flooding in the area, the LLFA have been consulted and their response reported in the supplementary agenda.
- 10.18 No objections have been received from Yorkshire Water and therefore the proposed drainage strategy is considered acceptable.

### Ecology

- 10.19 The applicant has submitted an Ecological Impact Assessment (EclA). The report concluded that the site consists of an unmanaged poor semi-improved grassland field with patches of tall ruderal vegetation to the eastern boundary. A short stretch of hawthorn-dominated species-rich hedge borders the south western edges of the site and timber and metal palisade fencing bounds the rest. Overall, the site is considered of up to low value for the habitats it supports, with the hedge of up to local value.
- 10.20 The report further concludes that the site is up to local value for hedgehog and common amphibians and low value for birds and foraging bats, with other protected and priority species likely to be absent. The consultant has suggested landscape planting to enhance structural diversity and should include plants bearing flowers, nectar and fruits which are attractive to invertebrates, thereby helping to maintain food resources for wildlife in general. Further mitigation measures should include the planting of native trees and the provision of two integrated bird nesting opportunities suitable for species such as swift, house sparrow, starling, house martin and/or swallow and two bat roosting features in the new buildings on site.
- 10.21 The Councils Ecologist has confirmed that they are satisfied with the content and conclusions of the EclA. The habitats present on site are of local ecological value and impacts upon the habitats are capable of being mitigated. They consider that the site has been recently disturbed and may have been reseeded/restored as part of an earlier development. Furthermore, they are supportive of the recommendations and a landscape and biodiversity plan can be secured via a condition which requires submission of a plan showing the location and type of native planting and the location and type of bat and bird roost/nest units to be included.

### Section 149 of The Equality Act 2010

- 10.22 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. No negative impacts in this respect has been identified.

## 11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The site is located within the Leyburn settlement boundary and is considered to be an infill site between existing residential properties located to the north and south of the site. Applications for dwellings should be considered on their merits where the minimum target has been reached such as for Leyburn. It is considered that the merits of providing market housing in a sustainable location make the application acceptable in principle and accord with Policies SP4 and CP4.
- 11.2 The other key issues are highway and parking, the layout of the development and drainage issues, which have been assessed, and are considered not to create any harm.
- 11.3 Having regard to the overall planning balance the development is considered sustainable and approval is recommended subject to conditions.

## 12.0 RECOMMENDATION

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

Conditions:

### Condition 1 - Time Limit

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended)

### Condition 2 - Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) application form and certificates
- b) Location plan revision 2
- c) Proposed site layout plan
- d) Plot 1 Plans and elevations
- e) Plots 2 & 3 plans and elevations
- f) Plots 4 & 5 plans and elevations
- g) Ecological Impact Assessment dated 26<sup>th</sup> July 2023 by E3 Ecology Ltd
- h) Drainage Strategy DR-C-0100 Rev P1
- i) Surface Water Drainage Maintenance and Management Schedule

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### Pre-Commencement

#### Condition 3 - Access Strategy & Plans (discharge required)

No development whatsoever shall take place until an Access Strategy and Plans have been submitted to and approved in writing by the Local Planning Authority. The Access Strategy and Plans relate to the land between the application site and adopted highways to the north and shall include:

- Detailed road/access plans to connect the application site to the adopted highway
- Evidence of an agreement with access land landowner(s) for: (a) construction works and future residents and visitors access in perpetuity; and (b) construction works to deliver the detailed road plans.
- Details of when the road works shown on the Detailed road/access plans shall take place and any phasing.
- Timing of when the agreement and access rights take effect.
- Details of Maintenance Responsibilities for the Access Land.

The development will there afterwards and in perpetuity take place in complete accordance with the approved Access Strategy and Plans.

Reason: To ensure that access can be delivered for the development and to prevent abortive works with associated soil and residential amenity disturbance in the event access cannot be secured.

#### Condition 4 - Construction Management Plan (discharge required)

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

1. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
4. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.

Reason: In the interest of public safety and amenity.

#### Condition 5 - Contamination Investigation & Remediation (discharge required)

No development whatsoever shall take place until a Contamination Investigation Report has been submitted to and approved in writing by the Local Planning

Authority. This Report shall recommend whether any remediation is required and if yes, include a Remediation and Verification Strategy.

Whether Remediation is required, the constructions works shall take place in complete accordance with the approved Remediation and Verification Strategy and no occupation shall take place until a Verification Report has been submitted to and approved in writing with the Local Planning Authority.

Any and all remediation works shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: Details are required prior to commencement to protect human health from contamination present at the application site having regard to paragraphs 120, 174, 183 and 184 of the National Planning Policy Framework 2021 and Policy CP3 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014. This condition is necessary to ensure no likely significant environmental impact having regard to the Environmental Impact Assessment Regulation 2017 as updated.

#### Condition 6 - Details of Roads (discharge required)

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

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

#### Pre-Occupation/ During Construction Works

##### Condition 7 - Construction Works Hours

Noisy construction and ground works audible outside the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.

Reason: In order to protect neighbouring residential amenity

##### Condition 8 - Landscaping and Biodiversity

Prior to erection of any external walls hereby approved a landscape and biodiversity plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the location and type of native planting and the location and type of bat and bird roost/nest units to be. The approved details shall be delivered prior to first occupation unless and alternative timetable is first approved in writing with the Local Planning Authority which make take into account optimal planting seasons.



Reason: To improve biodiversity.

#### Condition 9 - Roads Delivery

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

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

#### Condition 10 - Parking Delivery

No dwelling shall be occupied until its parking facilities have been constructed in accordance with the approved plans including Site Layout Plan and details approved under other conditions. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

#### Condition 11 - Boundary Treatments

No dwelling shall be occupied until the boundary treatments to which it adjoins has been erected.

Reason: For the new dwellings residential amenity.

#### Condition 12 - Drainage Outfall

Prior to first occupation of the development hereby approved the drainage strategy as detailed in Drainage Strategy DR-C-0100 Rev P1 shall be constructed in full and in working condition, with a maximum discharge rate 1 litre per second. Thereafter the drainage systems shall be retained and maintained in accordance with the Surface Water Drainage Maintenance and Management Schedule in perpetuity.

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.

#### Post Occupation/ in perpetuity

#### Condition 13 - Garages Conversion Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order or re-enactment, the garages shall not be converted into domestic accommodation without the planning permission granted by the Local Planning Authority.

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

**Target Determination Date:** 28<sup>th</sup> October 2022

**Case Officer:** Nick Howard [Nick.Howard@northyorks.gov.uk](mailto:Nick.Howard@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 2023

**22/02741/FUL – Application for planning permission for the construction of a new 2 bed dwelling with a shop/post office and change of use of an existing shop/post office to residential use – as amended (revised plans/documents received by the local planning authority on 16.05.2023) at Village Shop and Post Office, Front Street, Appleton Wiske, DL6 2AA for Mr Antony Ramsay**

#### **1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for the construction of a two bedroom dwelling with a Shop/Post Office. The proposals are also seeking a change of use of the existing Shop/Post Office to residential use (as part of an existing residential dwelling) at Village Shop and Post Office, Front Street, Appleton Wiske.
- 1.2 This application has been brought to Planning Committee following a Member call-in.

#### **2.0 SUMMARY**

**RECOMMENDATION:** That Planning Permission be **REFUSED**.

- 2.1 The application (as amended) is seeking planning permission for the construction of a two bedroom dwelling with a Shop/Post Office. The proposals are also seeking a change of use of the existing Shop/Post Office to residential use (as part of an existing residential dwelling) at Village Shop and Post Office, Front Street, Appleton Wiske.
- 2.2 The relatively narrow, rectangular former workshop site is located on the eastern side of Front Street and is positioned between the residential property of Welbury House to the south and the Appleton Wiske Post Office (and shop) premises and Cherry Tree Cottage to the north. The site is currently occupied by a brick workshop/store building which adjoins the respective properties to the north and south. During the course of the application, the 'land-edged-red' of the application site has been amended to include the Shop/Post Office building.
- 2.3 The two bedroom dwelling proposed lacks any on-site parking, which will result in vehicles associated with the development being parked indiscriminately outside of the site, including on Front Street (part of the Public Highway) to the detriment of the free flow of traffic and to highway safety. This is considered to be contrary to policy IC2 of the Local Plan and paragraph 111 of the National Planning Policy Framework. The application is therefore recommended for refusal.

22/02741/FUL

27/09/2023



Appleton Wiske

**NORTH YORKSHIRE COUNCIL**  
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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:

[Online Associated Documents](#)

3.2 Planning History

#### The Village Shop/Post Office

- 15/00758/FUL - Retrospective application for conversion of existing 5 bedroom house with shop to two dwellinghouses with shop, APPROVED, 23.07.2015.
- 88/1363/FUL - Alterations To Existing Shop And Dwelling, APPROVED, 08.09.1988
- 83/1257/EUC - Use Of Part Of Ground Floor Of Existing dwelling in connection with existing shop and change of use of existing store to residential use at The Post Office, APPROVED, 26.05.1983.
- 77/1601/FUL - Construction Of A Storage Building, APPROVED, 28.07.1977.

#### Garage/Workshop

- 2/89/008/0093 – Conversion of existing domestic garage to a dwelling with domestic garage, APPROVED, 01.06.1989.

#### Adjoining Welbury House

- 2/92/008/0104 - Extension To Existing Dwellinghouse To Include a Domestic Garage, APPROVED, 19.05.1992.

### **4.0 SITE AND SURROUNDINGS**

4.1 The relatively narrow, rectangular former garage/workshop site is located on the eastern side of Front Street and is positioned between the residential property of Welbury House to the south and the Appleton Wiske Post Office (and shop) premises and Cherry Tree Cottage to the north. The site is currently occupied by a brick workshop/store building which adjoins the respective properties to the north and south. The roof structure and parts of the walls of the workshop building has been removed, leaving the front (west-facing) and rear (east-facing) elevations which both comprise a large sliding timber door with brick walling above. The existing floor plan submitted shows that there is a 0.9m wide right of access through the premises in order to provide access to the residential gardens to the rear of the buildings.

4.2 During the course of the application, the 'land-edged-red' of the application site has been amended to include the existing Shop/Post Office premises.

### **5.0 DESCRIPTION OF PROPOSAL**

5.1 The amended proposals would involve the demolition of the existing workshop/garage building on the site and the construction of a new two storey building. The front element of the ground floor of the new building would be used as

a shop/post office, while the rear of the ground floor would consist of a living/dining area for a new two storey dwelling, with an internal staircase providing access to a first floor area consisting of two bedrooms, bathroom and ensuite for the proposed dwelling. Access to the dwelling would be via a set of folding patio doors within the rear elevation. The front elevation (facing onto Front Street to the west) would contain two first floor windows to serve the master bedroom (bed 1), while at groundfloor this elevation would contain a pedestrian door to serve the Post Office/Shop unit. A pedestrian access within the frontage would maintain the right of access between Front Street and the pedestrian access to the rear of the Post Office/Shop building, whilst also providing access to the rear curtilage of the new residential property, including a bin storage area.

- 5.2 It is confirmed within the Design and Access Statement that it is proposed to relocate the existing Post Office/Village Shop from the existing premises to the north into the frontage of the groundfloor of the new building, concluding that the proposed relocation of the Shop/Post Office (as part of the development) would provide the opportunity for Post Office/Shop to continue serving the local community. Discussions have been held between the Officers, agent and the owners of the site and existing Post Office/Shop during the course of the application regarding the means of ensuring that the existing Post Office/Shop use does not cease until the new proposed shop is operational, hence the amendment to the 'land-edged-red' of the application to include both the former workshop/garage and the existing Post Office/Shop premises.
- 5.3 The revised scheme also includes amendments to the design and scale of the proposed dwelling as well as the proposed provision of designated, off-site parking. These amendments are explained within section 10 below. The amended scheme also includes a change of use of the existing Village Shop/Post Office premises back to residential use as part of one of the applicant's existing dwelling.

## **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:

Parish Council – Responding to the reconsultation on the revised scheme, the Parish Council have stated that they remain in strong support of the application, adding that in their opinion refusal to grant planning permission would be contrary to the Local Plan and the need to sustain local services. If the Post Office/Shop were to close, residents of Appleton Wiske and surrounding parishes would be forced to travel to Northallerton or Yarm for their essentials, local produce, newspapers/periodicals, and Post Office facilities (including parcel deliveries and cash withdrawals)

Responding to the proposal (as originally submitted), Appleton Wiske Parish Council confirmed that they are 'strongly supportive' of the application making the following comments/observations:

- (a) The existing Post Office/Shop has been under threat of closure for approximately 18 months, as it is claimed that the owner of the premises wishes to turn the premises into domestic accommodation.
- (b) Although various other options for its relocation have been considered, none have been considered suitable.
- (c) The proposals would retain the shop within the centre of the village, adjacent to its current location, while the paved area in front of the site would be suitable to help facilitate deliveries.
- (d) The site has been derelict/used for storage of building materials for many years and the centre of the village would be enhanced by its development. The addition of accommodation behind and above the shop adds to the benefits.
- (e) The shop and post office are recognised as a valuable asset by parishioners.

Local Highway Authority (LHA) - Responding to the proposal (as originally submitted), the LHA have recommended that the application is refused due to the absence of adequate on-site parking space, meaning that the proposed development is likely to result in vehicles being parked outside of the site on the County Highway to the detriment of the free flow of traffic and road safety, further stating that for a residential property of the size proposed, a minimum of two dedicated off-street parking spaces would be required.

Following reconsultation on the amended application, the LHA have maintained their objection for the same reason as set out above. Although they have noted that the amended plans now include designated off-street parking spaces to be provided adjacent to the proposed property, the LHA have noted that these proposed spaces are not on land under the control of the applicant and are also located on an area which is registered Village Green. Therefore, the LHA is unable to regard the spaces as being dedicated for the exclusive use of residents of the proposed property.

Civil Aviation Authority (CAA) – No representations received.

Teesside International Airport – Responding to the proposals (as both originally submitted and as amended), the airport's safeguarding team confirmed that they have no aerodrome safeguarding objection the proposals.

Natural England – No representations received.

Yorkshire Wildlife Trust (YWT) – No representations received.

Yorkshire Water Services (YWS) – No representations received.

### Local Representations

7.2 The application (as originally consulted on) generated no objections; ten representations of support and a single representation neither supporting nor objecting to the application (but raising several matters of concern). In respect of the reconsultation undertaken on the amended scheme in June, 2023, four representations in support of the amended scheme have been received, and two submitted neither supporting nor objecting to the proposals (although raising several matters of concern). These representations are summarised below:

7.3 Representations in Support (as submitted in relation to the amended scheme/reconsultation).

- The Village/Post Office provides an essential service for Appleton Wiske and surrounding Villages. Its loss would be a significant blow to the community.
- The proposed location (of the new Shop) would be ideal, being centrally situated, and providing the best compromise for access in Appleton Wiske.
- If the planning permission is not granted, the village (and surrounding villages) will lose a vital community asset.
- It is understood that notice has been given to the operators of the existing shop to vacate the current premises, so time 'is rapidly running out.'
- The workshop site remains an eyesore in the village, and the proposed development will transform the site.
- The proposed development would ensure the continuation of the village Shop/Post Office, a vital community facility for the village and surrounding settlements, providing vital services and a 'life-line' to residents and acting as a *defacto* community hub, particularly for elderly residents.
- The new proposed Shop premises would provide more dedicated facilities and premises.
- The retention of a shop in the village would reduce the need for additional car journeys and reduce climate-change emissions.
- The retention of a shop in the village would continue to support local jobs.
- On-street parking concerns are not an issue.
- Without the shop, the village would cease to be a living community.

7.4 Representations in Support (as originally submitted).

- The site is an eyesore and potential health and safety risk and thus is in dire need of improvement.
- The proposed development will support the Post Office/Shop as an essential service and vital community asset to the village (and other surrounding villages/communities), including elderly and disabled residents, by providing grocery shopping, newspapers, postal services, a deposit and safe place for doctor's prescriptions and many other useful services.
- The shop is also a vital asset for local business, cyclists and tourists visiting the area.



- The proposed development will help with the necessary and viable relocation to new premises within the village, thus retaining the facility within the village.
- The proposal represents a much needed and sensible development of the proposed plot.
- The existing shop next door is outdated; the proposed replacement will be much more fit for purpose.
- Parking for the shop will not be affected.
- The additional dwelling will have a low impact.

#### 7.5 Comments Neither in Objection nor Support (as originally submitted).

- The proposed building would extend halfway down the boundary with the garden of the adjoining property to the south, directly on the boundary. As a proposed two storey building, this would dominate the garden (of the property to the south) in an overbearing manner.
- The proposed building would have a window within the side elevation (facing south) that would overlook the garden of the adjoining property to the south. The proposed rear balcony would also overlook the garden, severely curtailing the privacy of the occupants.
- The application plans use a boundary line that 'has not been in use since the early 1990's' and therefore the development would impinge onto an area used by the neighbouring adjoining property for the stationing of an oil tank.
- Concerns expressed that the applicant has not, or will not in the future, follow the appropriate procedures (e.g. the requirements of The Party Wall Act)
- The planning application appears to have no provisions for shop waste and rubbish storage...there are already existing issues associated with the village Post Office/shop with storage bins and related items on the village green.
- There are already issues with parking within the centre of the village, with cars, delivery vans and post vans often blocking the pavement, with no solution forthcoming. [several photographs have been submitted throughout the course of the application by the same local resident purporting to show indiscriminate parking on the public highway and the adjacent paved area on the village green]
- If planning permission is granted, it should be ensured that the side of the adjoining residential property to the south (which has been exposed by the works) is finished in a manner that is acceptable in terms of appearance.
- Overall, would be supportive of having access to a Post Office/village shop which would be a benefit to the village. However, the size and scope of the proposals is questioned, as is the appropriateness of the location. Could the 'purpose-built' village hall that has a large car park not prove to be a solution to the situation?

#### 7.6 Comments Neither in Objection nor Support (as submitted in relation to the amended scheme/reconsultation), although concerns raised.

- The application site still appears to be encroaching on the adjacent property (Welbury House) The owner of Welbury House has commissioned a boundary report (which has subsequently been submitted to the LPA and to the agent) and has requested that the LPA to take this into consideration.
- Parking associated with the Village Shop has been, and remains, a topic of discussion for the Parish Council (including the involvement of the police)

without any measurable success...the existing shop causes massive on-road parking and road safety issues

- The plans show two parking spaces on the village green. These spaces are typically already habitually used by adjacent householders, and the current proprietor of the shop, and the space provides access to other residents to their properties.
- A more suitable location for the Village Shop should be considered. (e.g. the site of the current village hall or 'farm space')
- It would be reasonable to believe that new residents of the property if approved would have one, possibly two cars. Is there any provision provided for this eventuality, and to accommodate their access? (i.e. as required by the LPA for the previous planning application)
- There is a continuous stream of vehicles that park on the pavement near the shop in order to visit the premises. This includes customers and delivery vans. This seems to be the case whether the area in front of the shop is clear or occupied.
- Everyone believes the shop is an asset to the village.
- Concerns regarding why planning permission wasn't initially applied for.
- The proposed dwelling is unnecessary and will lead to major construction works involving new sewerage, electrical work and plumbing.

## **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:

- Location and Principle of Housing Development
- Existing and New Community Facilities
- Highway Safety, Accessibility, Permeability and Connectivity
- Design, Landscaping and Impact on Townscape Character
- Impact on Residential Amenity
- Ecology, Biodiversity Net Gain and Green Infrastructure
- Other Matters

## **10.0 ASSESSMENT**

### Location and Principle of Housing Development

10.1 The 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 (Strategic Priorities and Requirements) 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. There are sufficient allocated sites within the Local Plan to meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy
- 10.3 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Hambleton Plan area. While the main focus of housing growth will be in the Plan area's Market Towns, limited development will be accommodated within the defined 'Service Villages' and 'Secondary Villages' (as identified within the 'settlement hierarchy') reflective of their size, character and range of services/facilities. Identified 'Small Villages' are expected to accommodate limited development to help address affordable housing requirements and to support social, economic and social sustainability. Appleton Wiske is identified as a 'Secondary Village' within the settlement hierarchy.
- 10.4 The Local Plan also makes provision for additional 'housing exceptions' (Policy HG4) and 'windfall sites' (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' as specified within the settlement hierarchy of Policy S3. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios (a-e).
- 10.5 Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Service Villages') in two general scenarios:
- (1) on sites within the 'built form' of a defined settlement, and
  - (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.6 It is considered that the application site is a brownfield site within the built form of a defined settlement (Secondary Village) within the settlement hierarchy, therefore scenario (2) of Policy HG5 is considered to be relevant to the consideration of this application.
- 10.7 Scenario (2) of Policy HG5 states that housing development proposals within the main built form of a defined settlement (such as Appleton Wiske) 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. The application site is not allocated, designated or safeguarded for any specific value or other type of use, therefore the proposal would be supported by Policy HG5 as a windfall site within the built form of the village.

#### Existing and New Community Facilities

- 10.8 In relation to existing community facilities, Policy IC4 (Community Facilities) states that a proposal that would result in the loss of premises or land currently or last in community use will not be supported unless it can be demonstrated that:

- (a) prior to the commencement of development a satisfactory replacement facility will be provided in a suitably accessible location for the catchment area or the community served;
- (b) the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use;
- (c) the continued use of the site for community purposes would conflict with other planning policies; or
- (d) the loss of the community facility is integral to a strategic proposal to improve community services within the locality.

- 10.9 In respect of new community facilities, Policy IC4 states that a proposal that provides for new or enhanced community facilities will be supported if the proposed facility will be accessible to the community it is intended to serve and the development would not detract from the character of the local area. In considering the suitability of a site for a new community use, the Council will have regard to the local need for the facility. It is stated within the supporting text of the policy that the definition of a community facility would include a village shop.
- 10.10 The proposals have been amended to include within the 'land-edged-red' the existing Post Office building as well as the site of the former garage/workshop. This has been done so that the closure of the existing shop can be controlled (via condition) to coincide with the opening of the new shop premises within the proposed building adjacent to the existing shop. This would ensure that there would remain a shop within the centre of the village without any gap in provision and of comparable floorspace. Subject to this condition, the proposal would therefore comply with criterion (a) of Policy IC4 of the Local Plan which requires a satisfactory and accessible replacement facility to be provided prior to the commencement of the development.
- 10.11 No evidence has been submitted with the application to demonstrate that the proposals would comply with criteria b, c and d of Policy IC4, although as Policy IC4 only requires the proposal to demonstrate compliance with one of the four criteria, the proposal would comply with Policy IC4 in respect to the loss of an existing community facility.
- 10.12 In respect of the provision of new community facilities, the proposed new shop premises would be located immediately adjacent to the building within which the existing shop is located within the centre of the village. Due to its location similar to that of the current village shop, the proposed new shop premises would be within safe and convenient walking distance for the majority of Appleton Wiske residents. The lack of other similar provision within the village or the immediate surrounding area and the overwhelming level of support for the proposals within the representations received (both from local residents and the Parish Council) would indicate that there remains a local need for a village shop within the village.
- 10.13 Policy IC4 states that the new development should not detract from the character of the local area. This matter is considered in more detail in the design and settlement character sections below, although the amended proposals are considered to comply with this requirement of Policy IC4.

10.14 Overall, the amended proposals are considered to comply with the relevant requirements of Policy IC4 with regards to the loss and provision of new community facilities (i.e. a village shop in this case), subject to the imposition of a condition restricting the use of the existing village shop for residential use until the new proposed shop is operational.

Highway Safety, Accessibility, Permeability and Connectivity

10.15 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that: the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.); the need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.); highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.), and appropriate provision for parking is incorporated taking account, amongst other matters, highway safety and access to from and in the vicinity of the site; the needs of potential occupiers, users and visitors now and in the future and the amenity of existing and future occupiers and users of the development and nearby property ...(criterion g.) Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability.

10.16 The Local Highway Authority (LHA) have maintained their objection to the application due to the lack of adequate on-site parking for the proposed dwelling, which they consider is likely to result in vehicles being parked on the Public Highway outside of the site to the detriment of the free flow of traffic and road safety. The LHA have confirmed that a two bedroom dwelling in this location would require a minimum of two 'off-street' parking spaces (in accordance with the Council's interim minimum parking standards).

10.17 Given the size-limited, constrained, and in-fill nature of the garage / workshop site, the agent has not been able to design a scheme capable of achieving any on-site parking provision for either the new village shop or the proposed two storey dwelling. This is understandable given the lack of any land within the ownership of the applicants in front of the building line and limited space to the rear which would need to be prioritised for outdoor amenity space. Furthermore, an integral or attached double garage would not be feasible in design terms due to the limited plot size and access issues.

10.18 Nevertheless, it does mean that neither the new village shop nor the proposed two bed dwelling are capable of meeting the requirement of criterion g. of Policy IC2 of the Local Plan that requires appropriate provision for parking to be incorporated into development proposals. While the agent has sought to include three off-site parking spaces within the amended scheme, these are located on registered village green and outside of the ownership of the applicant, and thus cannot be considered to be 'appropriate parking' in respect of Policy IC2.

10.19 As referred to in section 6 above, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of planning applications in

accordance with Development Plan unless material considerations indicate otherwise. There are material considerations in this case that need to be given due weight and consideration in the determination of the application. It is the case that the NPPF is a material planning consideration, and its contents need to be taken into consideration in the determination of the planning application.

- 10.20 Paragraph 111 of Section 9 (Promoting sustainable transport) of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The thresholds within para.111 are set relatively high and means that even proposals that are considered to have an impact on highway safety can be acceptable, providing that the highway safety impact is not considered to be 'unacceptable'. In addition, the cumulative impact on the road network needs to be severe in order to not comply with the NPPF.
- 10.21 In relation to the proposed new shop, it is acknowledged that the existing adjacent village shop also doesn't have any designated parking, with patrons consistently relying on on-road parking or parking on the paved area in front of the shop which is part of the registered village green. Therefore, the provisions of the new shop (which is of comparable size to the existing shop it is proposed to replace) is unlikely to result in any notable net increase in indiscriminate parking in the surrounding area, including on the Public Highway. While the lack of any suitable designated parking provision for the proposed Village Shop/Post Officer premises is not ideal, any highway safety impact resulting from the new shop element of the proposals is not considered to meet the 'unacceptable' threshold of para.111 of the NPPF. This is supported by the LHA's representations which do not mention the lack of parking for the new village shop in their recommended reason for refusal.
- 10.22 In respect of the proposed dwelling, it is accepted that the lack of any associated on-site parking provision would lead to additional off-site parking, which is likely to utilise the Public Highway which is already used in the village for on-street parking. While the LHA have not mentioned in their reason for refusal whether they consider the resulting highway safety impact to be 'unacceptable', given the nature of the recommendation and the reasons given, it can be reasonably inferred that the LHA consider the impact on highway safety to be unacceptable.
- 10.23 The amended scheme includes provision for three designated parking spaces adjacent to, but outside of the application site and not within the ownership of the applicants. It has been subsequently established by the agent that the proposed parking spaces are within registered village green, including a section of blocked paving. The Parish Council have confirmed that they cannot give explicit consent for parking on the registered village green, although state that vehicles have been parked in this area for many years and wish to see the proposed development go ahead. The Local Highway Authority have confirmed that they are unable to take into account in their recommendation the proposed parking spaces on the registered village green given that they cannot be dedicated for use by residents of the proposed dwelling. Therefore, no material weight can be given to the proposed dedicated parking outside of the application site, as shown within the plans of the amended scheme.

10.24 Overall, the lack of any appropriate parking provision for the proposed dwelling and its impact on highway safety is considered to be contrary to both Policy IC2 of the Local Plan and paragraph 111 of the NPPF.

Design, Landscaping and Impact on Townscape Character

- 10.25 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site (criterion h.)
- 10.26 Criterion b. of Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping
- 10.27 In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.28 It is stated within the Design and Access Statement that the design of the proposed building would reflect the existing built form and general character of the village, respecting the existing linear/terrace form of this part of Front Street. This is considered to be an accurate assessment of the form and character of the proposed building (as it fronts Front Street) with the frontage of the property respecting the building line along the eastern side of Front Street. The eaves and ridge heights of properties along the eastern side of Front Street vary. However, the scale, height and form of the proposed building is not considered to be out of place within its surroundings.
- 10.29 In terms of materials, the external walls of the proposed building would consist of cream-painted render with a red brick plinth and corbelled brickwork detail to the eaves. A grey concrete tile would be used as the roof covering. The doors and windows would have white uPVC frames. Properties in Appleton Wiske have utilised a range of different materials, including buildings with brick and rendered external walls. As such, the external materials proposed are considered to be in keeping with those of other properties on Front Street.
- 10.30 Landscaping within the development site is inevitably limited due to the limited size of the plot, and thus restricted to a small outdoor amenity area at the rear of the property. In the circumstances, this is considered to be acceptable.
- 10.31 A concern has been raised within the consultation responses that because the workshop building is current attached to Welbury House, its full demolition would leave visible a degree a damage to the side elevation of Welbury House, and it is

requested that if planning permission is granted, that a condition is imposed to 'make good' the north (side) elevation of Welbury House. Such a condition is considered to be reasonable.

- 10.32 No physical changes to the frontage of the existing Shop/Post Office building are proposed within the current application.
- 10.33 Overall, the proposed development would be designed to be a congruous and acceptable addition to the street scene and townscape of Appleton Wiske making use of an unsightly brownfield infill plot, in accordance with policies E1 and E7 of the Local Plan

#### Impact on Residential Amenity

- 10.34 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.
- 10.35 Amendments to the design of the proposed building have been made in order to reduce the impact on the rear curtilage of the adjacent property of Welbury House to the south. The amendments include the removal of a balcony to the rear (eastern) element of the building, and the removal of a window within the side (south-facing) elevation of the proposed building. Despite the omission of the rear balcony, the length of the building would remain the same and would still extend the same length along the southern boundary (i.e. 7m beyond the rear wall of Welbury House), although the length of the two storey element has been reduced and effectively replaced with a lower single storey element at the rear of the building, meaning that the two storey element of the building extending beyond the rear wall of Welbury House would be reduced to approximately 4m.
- 10.36 While the length of the proposed building and its proximity to the rear curtilage boundary of Welbury House would, despite the amendments, still have an impact on the amenities of its occupants. Crucially, the amendments made to the scheme would ensure that there would no longer be any material overlooking and privacy issues through the removal of the window within the southern elevation (creating a blank facing elevation to the rear garden of Welbury House) and through the removal of the rear balcony. In addition, the physical impact on the rear garden of Welbury House would be markedly reduced through the reduction in the length of the two storey element as explained above. The proposed building is to the north of Welbury House which would in any case limit the degree of overshadowing of this neighbouring property. Overall, the proposed amendments to the scheme would result in an acceptable amenity relationship between the proposed building and the neighbouring residential dwelling of Welbury House to the south, in accordance with Policy E2 of the Local Plan.
- 10.37 The proposals, if approved, would relocate the current shop to the plot and new building immediately to the south, thus moving the facility adjacent to Welbury



House. The proposed groundfloor shop would be adjacent to the integral garage of Welbury House, and although Welbury House has a habitable room above the garage, the additional noise impacts on the residents of Welbury House would not be significant or unacceptable, particularly given the modest size of the premises and opening hours. Given the similar location and comparable size/scale of the enterprise, there is not considered to be any material change in the amenity impact on residents as a result of deliveries and other traffic movements associated with the new shop. The proposed development would comply with Policy E2 of the Local Plan in this regard.

- 10.38 The amenity impact on Cherry Tree Cottage to the north has also been reduced as a result of the reduction in the length of the two storey element and removal of the balcony, and no unacceptable overlooking and physical impact in relation to the rear elevation and curtilage of this property to the north are anticipated. While there would inevitably be some increased overshadowing of the property as a result of the proposals, no significant loss of lighting/overshadowing would be expected given the existing closed nature of the rear of the property. The amended proposed plans show a single first floor window within the side (north-facing) elevation that would face northwards towards Cherry Tree Cottage. Although this is shown on the proposed floor plans as serving a bathroom, if planning permission is approved it is recommended that a condition is imposed ensuring that this window is permanently fitted with obscure glazing.

#### Ecology, Biodiversity Net Gain and Green Infrastructure

- 10.39 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that direct or indirect adverse/negative impacts on SINC, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances as detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported in certain circumstances.
- 10.40 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 10.41 No ecological appraisal or species surveys have been submitted with the application, although given the characteristics, features and brownfield nature of the site and its immediate surroundings as well as the condition of the existing building (i.e. lacking a roof), the proposals are considered unlikely to affect any protected or priority species (or their habitats) or impact any important habitats. Furthermore, the modest size of the proposed development is not considered to impact on any designated or non-designated nature sites in the local area.
- 10.42 The form and design of the proposed building and its limited-sized 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 Issues

- 10.43 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS. The proposed (amended) layout plans show the potential for the dwelling to be adaptable in the future, while the Design and Access Statement confirms that level access would be provided for the dwelling. As a 2 bed dwelling (with three bed spaces), the size and internal layout of the proposed dwelling is considered to comply with the current NDSS
- 10.44 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by avoiding development in flood risk areas...(criterion a.); and 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.) the application site is 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.
- 10.45 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 following requirements (amongst others not considered relevant to the proposals): where appropriate, sustainable drainage systems (SuDS) are to be incorporated. The application documents state that surface water would be disposed of via the mains sewer, which is believed to be the existing means of disposing of surface water for the existing workshop building. The location of the site and its limited curtilage area may mean that more sustainable means of surface water drainage are appropriate or feasible, however if planning permission is granted it is recommended that a condition is imposed requiring details of the surface water drainage schemes to be submitted and approved by the LPA, having considered sustainable drainage options. In relation to the disposal of foul drainage, it is stated on the application form that a mains sewer connection is proposed which would represent a sustainable means of foul sewage disposal.
- 10.46 Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine: the nature, extent and any possible impact (criterion a.) No report or other information showing that the potential contamination risks on site have been investigated has been submitted with the application. Given the previous commercial use of the site as a workshop, it is recommended that if Members resolve to approve planning permission, that a condition is imposed requiring the submission and approval of an investigation report to determine the nature, extent and any possible impact of any potential contamination and any mitigation measures. It is also recommended that Members impose a condition stating the procedures and measures to be followed should

unexpected contamination to be found during construction should it be resolved to approve planning permission.

- 10.47 The owner of Welbury House has maintained that part of the 'land-edged-red' includes land within their ownership, with the potential for the new property to be constructed on land outside the ownership of the applicants. This matter has been put to the agent before the reconsultation exercise who confirmed (having spoken to the applicant) that the land-edged-red was on land owned by the applicant, albeit that it did include some land that was being used in association with Welbury House. Following the reconsultation exercise, the owner of Welbury House has maintained his concern that part of the land in his ownership is included within the 'land-edged-red', and the owner of Welbury House has commissioned a written opinion/recommendation from a building surveyors company, which states that the boundary line on site appears to be different to the line shown on the Registered Title Plan [and Land Registry plan], and concludes that there appears to be sufficient evidence (on site) to support a claim for possessory title for the 'stepped back' section of garden currently being used in conjunction with Welbury House. This matter has again been raised with the agent, although there remains no agreement between the applicants and the owner of Welbury House on this matter.
- 10.48 It is beyond the scope of the planning process to decide boundary and land ownership disputes. While there remains a clear difference in opinion between the owner of Welbury House and the concerned applicant on this matter, the applicants assert (as confirmed by the agent) that the land within the current 'land-edged-red' is within their ownership and is consistent with the current Land Registry plan and Registered Title Plan. Therefore there is no compelling reason for the LPA to conclude that the incorrect ownership certificate has been signed as part of the amended application.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The element of the proposals to create alternative premises for the existing village shop has the support of the Parish Council and the majority of local residents who have submitted representations, and providing it is ensured (by condition) that the new shop is operational prior to the change of use of the existing shop to residential use, the creation of the new shop and the change of use (and loss of) the existing shop is supported by Policy IC4 of the Local Plan. Retaining the provision of a community facility that is important to residents and the local community should be afforded moderate weight in the planning balance.
- 11.2 The proposed redevelopment of the workshop site would result in a localised improvement to the character and appearance of the village in accordance with policies E1 and E7 of the Local Plan, which should be given modest-moderate weight in the planning balance.
- 11.3 The two bedroom dwelling proposed as part of the application lacks any on-site parking, and while the amended plans show that three parking spaces are proposed to the land immediately to the west of the site, this is on land understood to be registered village green and not in the ownership or control of the applicant, and as such are not considered to be appropriate parking for the development. The lack of appropriate parking for the development, and the proposed two bed dwelling in

particular, will result in vehicles associated with the development being parked indiscriminately outside of the site, including on Front Street (part of the Public Highway) to the detriment of the free flow of traffic and to highway safety, where the impact on highway safety is considered to be unacceptable. Having been consulted and reconsulted on the application, the Local Highway Authority have maintained their objection to the application on this basis. It is considered that the proposed dwelling without any appropriate on-site parking is contrary to Policy IC2 of the Local Plan and paragraph 111 of the National Planning Policy Framework. This unacceptable impact on highway safety and the additional impediment posed to the free flow of traffic through the village (particularly given the existing high levels of on-street parking experienced on Front Street) should be given substantial weight in the planning balance.

- 11.4 In conclusion, while there are clear benefits to the local community and to the character and appearance of the village that would result from approving the amended proposals, such benefits will be outweighed by the unacceptable additional risk posed to highway safety and to the impediment of the free flow of traffic through the village that will result from the provision of an additional two bedroom dwelling without any suitable off-street parking.

## 12.0 RECOMMENDATION

- 12.1 That planning permission be **REFUSED** for the following reason:

- i. The two bedroom dwelling proposed lacks any on-site parking, which will result in vehicles associated with the development being parked indiscriminately outside of the site, including on Front Street (part of the Public Highway) to the detriment of the free flow of traffic and to highway safety.

The proposals will therefore be contrary to Policy IC2 (Transport and Accessibility) of the Local Plan that states that the Council will seek to secure a safe and efficient transport system only it is demonstrated that the development is located where it can be satisfactorily accommodated on the highway network (criterion a.); where highway safety will not be compromised (criterion e.); and where appropriate provision for parking is incorporated taking account highway safety and access to and from the site and the needs and amenities of potential occupiers (criterion g.)

The proposals will also be contrary to paragraph 111 of the National Planning Policy Framework which states that planning permission should be prevented or refused on highways grounds if there will be an unacceptable impact on highway safety.

**Target Determination Date:** 24 February 2023

**Case Officer:** Mr Ian Nesbit [ian.nesbit@northyorks.gov.uk](mailto:ian.nesbit@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 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 along with the formation of passing places on the highway subject to report received on 22 August 2023 at Sedgefield House, Ainderby Steeple, Northallerton, DL7 9JY for Stuart Tweddle**

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

### 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.
- 1.3 The application was considered by Planning Committee on the 14 August 2023 and was deferred to allow further consideration of the road safety risks including modelling of the use of Warlaby Village crossroads along with the provision of specific details of proposed passing places on the adopted highway.
- 1.4 This information has been submitted by the applicant and the views of the Highway Authority have been sought. The following report has been amended in the light of the updated information.

### 2.0 SUMMARY

**RECOMMENDATION:** That Planning Permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

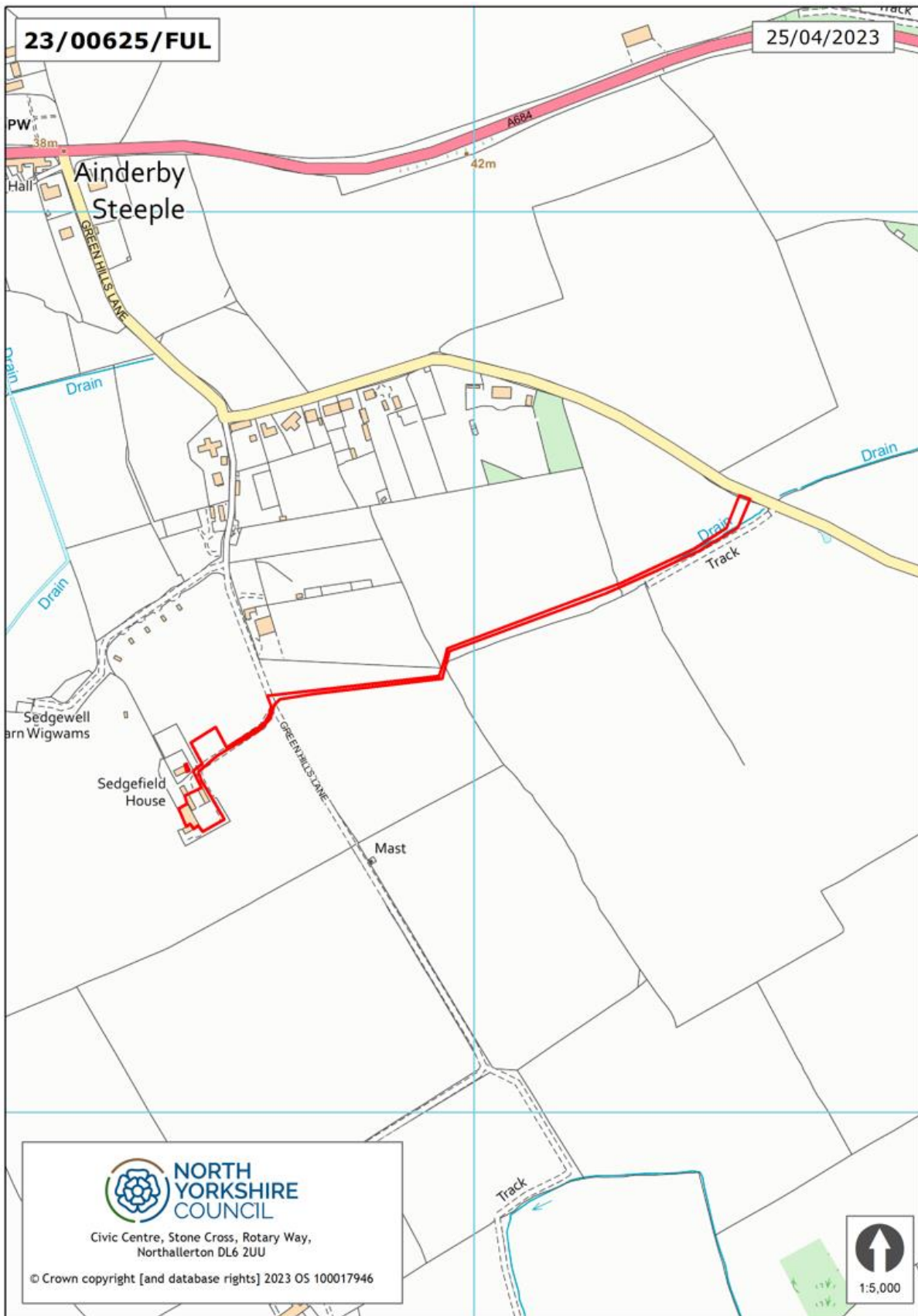
- 2.1 The application is for the change of use of existing buildings on the site to form a wedding and events venue along with the formation of a new access from the highway network to the east of the application site. The application also proposes the formation of passing places on Ashcroft / Warlaby Lane and on Greenhills Lane within the extent of the highway. The applicant proposes 15 weddings through the

year along with 4 marketing events. This limit is subject of a condition set out in section 12 of the report.

- 2.2 The applicant commenced use last year in the absence of planning permission, which resulted in a number of local amenity related 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 at that time.
- 2.3 An application was made and then withdrawn owing to issues around the use of the existing access. The current application proposes a new access to be formed across the field to the east of the application site.
- 2.4 The main issues to consider are the benefits of a new business and employment activity, the potential impact on the highway network and road safety, residential amenity, the character and appearance of the area and ecology.
- 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, the proposed site management plan and installed mitigation in the building by way of insulation and a noise limiting device.
- 2.7 As set out in the following report the road access to the site is narrow and utilises the junction at Warlabby village. The applicant proposes mitigation in the form of passing places to be formed in 8 locations along the road, with the agreement of the Local Highway Authority. Details of the proposed locations and design of passing places have been submitted to the Council for consideration. All of these locations are understood to be within the extent of the highway.
- 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 Many observations have highlighted concerns over the use of the local highway network. These concerns have been somewhat exacerbated by the unauthorised commencement of the use, last year, in the absence of planning permission, when the use caused significant disturbance to local residents.
- 2.10 Since Planning Committee in May the applicant has submitted additional supporting information in the form of an updated transport assessment including the number, position and design of passing places on Ashcroft, Warlabby Lane and Greenhills Lane. Traffic modelling of Warlabby Village cross-roads has also been undertaken.
- 2.11 The unauthorised use of the site has continued and officers have kept under regular review, the necessity or otherwise, for formal enforcement action to be undertaken. At the time of writing the use of the site has not, in the view of officers, resulted in a level of harm, sufficient to necessitate formal action in the public interest. It should

be noted that the tests of enforcement are not necessarily the same as those to be undertaken through the assessment of this application. The enforcement position is not considered to be prejudicial to the consideration or assessment of this application.

- 2.12 The applicant has undertaken works to the building by way of noise insulation and installed a noise limiting device which has been verified by the Environmental Health Officer.
- 2.13 The on-going use has generated regular complaints about noise and the increased use of the local public and private road networks along with alleged impediments to private rights of access on the private elements of the road network.
- 2.14 The view of the Highway Authority has been sought. The Highway Authority has provided a comprehensive response on the matter, given the complexity of the issues raised and on the basis of the requirements of the National Planning Policy Framework, raises no objections to the proposed development, subject to conditions with regard to the access and provision of passing places.
- 2.15 Representations have raised the question of the use of part of the existing dwelling for weddings, which has not been covered in the application. Whilst the applicant's intention is for the accommodation to be available to a wedding party, this part of the site is subject to a separate application for planning permission for use, either as part of the existing dwelling or as holiday accommodation, under reference ZB23/01360/FUL.





### **3.0 Preliminary Matters**

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

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.

3.3 Planning History

- 10/02248/APN - Application for Prior notification for the construction of a steel portal agricultural storage building – Granted October 2010.
- 12/00382/FUL - Proposed extension to existing dwelling – Granted April 2012.
- 17/00597/FUL - Change of use of agricultural land to site of 3no. camping pods with associated car parking – Granted May 2017.
- 17/01379/FUL - Change of use of agricultural land for the siting of 6no camping pods with associated access and car parking – Granted September 2017.
- 19/00775/FUL - Change of use of domestic outbuilding to farm office and amenity building and associated works in conjunction with existing camping site – Granted June 2019.
- 20/01831/FUL - Proposed change of use of domestic outbuilding to amenity building and siting of 5 camping pods in conjunction with existing camping site with new sewage package treatment plant – Granted October 2020.
- 21/02219/FUL - Single storey extension to the west elevation and two storey extension to the east elevation of the dwellinghouse – Granted November 2021.
- 21/02352/FUL - Construction of an agricultural building for the storage of hay and straw, animal feed, fertiliser, machinery and the handling of stock – December 2021.
- ZB23/01360/FUL –Change of Use of domestic extension to mixed use for domestic use and holiday let at Sedgefield House. Currently under consideration.
- 22/00690/FUL - Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities - amended information received 3 November 2022 – Withdrawn.

### **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 (also known as Ashcroft) or Greenhills Lane and then via an unmade private road to the farm.

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. The private access is also a public right of way which leads from Greenhills Lane to a number of routes to the south including access to Warlaby Village.

- 4.2 Recent permissions have granted the siting of a total of 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 original 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 The applicant has amended their proposals and now asks for permission for 15 events plus 4 additional wedding fayre type events to be held through the year.
- 5.4 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 Warlaby Lane / Ashcroft, which leads through to Warlaby Village and subsequently to Warlaby Cross Roads on the A684. This will create a new access link across the fields to the application site.

- 5.5 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, within the extent of the Highway.

## 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 Warlaby Lane and Warlaby who expressed concern about the disturbance of noise and traffic flow and unsociable hours.

Following submission of Passing place details:

Ainderby Steeple Parish Meeting has nothing further to add to our comments made on 5th April 2023. Whilst the proposal for passing places was discussed it was felt that it is for Highways to determine if the application meets their requirements.

- 7.3 Warlaby Parish Council - **Warlaby Crossroads**
- An independent survey of wedding volumes during 3 weekends in May/June show that actual volumes are as high as double those in the report.
  - The highest peak hour traffic recorded on 13<sup>th</sup> June is 49 vehicles.

- Likely that this traffic will move in “platoons” with the potential to overload passing places.
- A traffic survey by MHC Traffic shows during daytime vehicles travelling South on C10 at up to 45mph at the top of the dip into the crossroads. 70% are travelling at over 30mph and 33% at over 35mph. These vehicles are 51 metres from the junction before it is in sight so there is a very high risk of collision.
- Currently very few vehicles turn right from C10 into Warlaby Lane but during events this could be up to 60 plus vehicles in the space of an hour
- Considerable increase in use and extremely dangerous
- Vehicles turning right will be stationary, at the bottom of a severe dip and subject to collision by speeding/unsighted vehicles coming behind.
- Visibility splays at the junction well below the stipulated 120 metres. Highways have accepted because there have been zero reported accidents.
- There have been 5 accidents that we know of in recent years involving vehicles going out of control through the junction and colliding with garden walls, fences and a telegraph pole.
- Currently relatively few serious accidents because traffic entering C10 from Warlaby lane is very low (about 10 vehicles per week) and is mainly local residents.
- The Highways judgement fails to recognise that the crossroads has unique topography.
- Junction does not conform to even the lowest design standards in the HS2 Rural Design Criteria report.
- It is surrounded on all sides by large mature trees and is therefore relatively dark and experiences standing water/flooding.
- There are narrow, steep and high verges on all 4 arms.
- Highways previously condemned this same crossroads as dangerous in 1994 when refusing a planning application, a judgement supported on appeal by the planning inspectorate.
- Highways consider the route to/from the wedding venue via Ainderby Steeple to be more appropriate.
- They also state an opinion that the proposed route cannot be fully secured.
- The applicant has ignored this and will instruct drivers to use the post code DL7 9JS when setting their sat nav destination, taking them via the C10 access. Using this setting, sat nav will begin to instruct drivers to turn left into the village cul-de-sac, shortly after they turn onto the C10 from the A684.
- There is a high risk that drivers will follow the sat nav instruction and turn into Warlaby village where the lane is only 3metres wide.

### **Non Motorised Users**

- Warlaby Lane is currently a very quiet lane popular with walkers, runners, cyclists and horse riders.
- There are no footpaths and they have to use the main carriageway. Government policy now is to design for inclusivity and these “non motorised users” have to be given equal consideration.
- Directing a significant volume of traffic along the lane will be detrimental to their safety and comfort.

### **Passing Places**

- The construction of passing places will encourage motorists to use Warlaby Lane as a short cut (rat run) between Newby Wiske and Ainderby Steeple to avoid A684 crossroads.
- Our advice is that none of the proposed passing places meet required standards for width and/or intervisibility and two of them require removal of hedges on private land.
- Passing would not be possible with agricultural traffic which is at peak during July to September.
- The report uses January figures to falsely claim low volume of agricultural vehicles.
- We are concerned that the judgement on passing places will be made by Highways after approval of the application.

### **Drainage**

- The new passing places add an additional impermeable area but no drainage assessment has been presented, contrary to Environment agency requirements.

7.4 Environment Agency – No objections.

7.5 MoD – No safeguarding objections to the proposed development.

7.5 Swale and Ure Drainage Board – No objections.

7.7 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.

Following submission of construction details National Grid have lifted their objection.

7.8 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.

Updated submission following submission of objectors acoustic report.

Following submission of an acoustic report from an objector EHO reviewed their response and made the following comments.

Having undertaken a complete review, I feel the consultation response remains accurate and the recommended conditions robust given the complex nature of the site. I would like to recommend a slight amendment to two of the recommended conditions which will clear some ambiguity and address operational times for amplified music.

1. Prior to commencement of use, the Celebration Barn is to be **insulated and all noise attenuating measures installed/implemented** 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 **Celebration Barn. No live music, amplified music or live entertainment is permitted at any location on the site beyond 2300h.**
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.

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.

Updated EHO Report following on-site compliance testing

I have assessed the Compliance Noise Monitoring report by NJD Environmental Associates, which has been submitted in support of the proposed change of use of agricultural and amenity buildings to a wedding venue at Sedgwell Barn.

The compliance monitoring was undertaken by NJD Environmental Associates on the 21 Jun 23. Given the history of the site and the issues relating to noise which

resulted in the serving of an Abatement Notice in 2022, attendance by Environmental Health Officers at the compliance testing was deemed essential to ensure thorough testing took place and that the results could be verified. As a result, Environmental Health officers from North Yorkshire Council's Residential Services Team (Hambleton Locality) were present throughout the compliance monitoring process.

I can confirm that the findings of the report are accurate in respect to the activities undertaken and the results obtained and that the monitoring was undertaken in line with the draft planning conditions as listed below:

- Prior to commencement of use, the Celebration Barn shall be sound insulated in accordance with the agreed scheme approved by the local planning authority.
- 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.

No breakout noise of any significance was witnessed at any noise sensitive receptor, an assessment of noise breakout with doors both open and closed was undertaken and the failsafe on the noise limiter was also tested. Amplified noise (heavy rock music) was played at the maximum intensity throughout; this level being agreed prior to the assessment.

It should be noted that vehicle and patron noise were not assessed during this assessment, as the purpose of the confirmatory testing (as per the draft condition) was to assess the effectiveness of the sound insulation and remedial works proposed in the draft scheme, and identify any additional works needed to prevent excessive music breakout from the barn.

It is also noted that additional improvements to the building are proposed should planning permission be granted. These works have the potential to change the noise footprint of the venue, as a result I would recommend the following

conditions to ensure additional works on the structure do not negate the controls in place or introduce any additional noise sources that could impact noise sensitive locations:

- In the event that any additional approved works are undertaken that would result in the addition of any new noise source or impact on the sound insulation measures already in place (the instillation of ventilation/air conditioning for example) a full review of the noise footprint of the facility must be undertaken. The resultant assessment must be submitted and approved by the Local Planning Authority.
- Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) or mitigate additional noise sources. The resultant assessment must be submitted and approved by the Local Planning Authority.

Additional Comments following on-site monitoring are awaited and will be provided to Committee through the update papers.

7.9 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.

#### 7.10 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.

Additional Highways response following submission of modelling and details of proposed passing places:

#### 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. 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.

Eight locations have been identified where passing places could be provided within the extents of the public highway. It is preferred that passing places have a minimum width of 5.5 metres but due to the constraints of the highway this can not be provided at all the proposed locations. Half of the proposed passing places meet this width requirement whilst the remainder provide sufficient width for a car and a lorry to pass in accordance with the guidance in "Manual for Streets". Such improvements to the public highway should be secured by a planning condition and implemented via a Section 278 Agreement.

The Local Highway Authority has concern about the use of the junction of Ashcroft and the C10 at Warlaby however 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 applicant has conducted a traffic speed survey at the location and submitted the recorded speed data. Based on this, the visibility available at the junction in a southerly direction falls below the guidance contained in "Manual for Streets". 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 (as set out in Section 12 of this report).

Local Representations

7.11 The application has generated significant interest with 43 objections and 27 letters of support at the time of writing. It should be noted that in the main letters of support have come from other local businesses with objections from local residents. Since the application was considered by Planning Committee there have been a number of further representations, referring both to the impact of the unlawful use of the site as well as the detail of the application itself.

These representations are summarised below:

#### 7.12 Objections.

- Note that objections include submission of professional reports against the proposed development in terms of the Transport and Noise Assessments. These are available in full on Public Access and seek to question the methodologies and findings in the applicant's submission and the response of Environmental Health and Highways to the issues raised.
- Each event that has taken place over the summer has generated noise and disturbance which has resulted in a significant loss of amenity
- Inappropriate standards (and / or a lack of compliance with recognised standards) have been applied for the passing places, intervisibility and carriageway width.
- The proposed passing places will lead to worse flooding in the vicinity.
- The % increase in vehicles using Warlaby Road is hugely underestimated and can not be considered to be insignificant.
- The on-going use continues to cause noise and disturbance.
- The use of the private access impinges on businesses in the locality and has caused delays to harvest in the nearby fields, due to the traffic control measures on the road.
- Proposed passing places are not wide enough to take agricultural vehicles and the proposed traffic.
- Ecology including the proximity of development to a nearby pond.
- A farm implement could be 3m in width and a car 1.95m. As such a road width of 4.7m is not sufficient.
- Don't agree with the findings or methodology of the applicant's Transport Statement.
- Surfacing of the proposed new access is inadequate and it should be quiet tarmac and not stone.
- The applicant's transport consultant's report suggests that vehicles which use the road to and from Ainderby Steeple can use residential access driveways for passing purposes. This would result in a significant loss of amenity.
- 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 a 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.
- Concern about the content of the officer report. Consider this to be misleading.

An objector has sought opinion from an acoustician whose report concludes:

- It is not evident to me that the noise impact this operation will bring is acceptable. Indeed, some elements of the applicant's noise assessment are demonstrably incorrect, and essential information is also missing. The resulting uncertainty in their predictions is significant, and the magnitude of adverse impact upon residents is underestimated.
- The primary element missing is real-world data measured at the venue. The assessment relies on computer models that are not verified, and the March 2023 NJD Environmental Associates Ltd report version unfortunately falls into the category described by Ed Clarke MIOA in the March/April 2023 edition of the IOA bulletin.
- In the pursuit of informed decision-making outcomes, the output of an acoustic model should not be assumed to be correct without consideration of what has been done in the calculation, how the model is constructed, and the qualifications of its author.

27 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 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 to 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 policy 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 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. The proposals also include the formation of a new access track across the field to the east of the site to join to the highway network on Ashcroft / Warlaby Lane.
- 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 Concern has been raised in representations that the conversion is not appropriate in character and form in this location. 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 considered 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 and 2023 without planning consent and complaints received by the planning enforcement team and the environmental health service. It should be noted that the operation was running in the absence of controls that could otherwise be used, through planning conditions, attached to a grant of consent. It should be noted that over the summer of 2023 the site has been operating with a management plan, noise limiter and sound insulation and yet noise complaints have continued. Noise and disturbance was noted originally 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 Environmental Health has undertaken noise monitoring in local residences during events. The complainant was asked to record noise levels and to keep a diary. For practical purposes, and also in line with previous reports from the occupier about times they were disturbed, the equipment was installed in the dwelling and not outside the property, so levels recorded will not accurately reflect any disturbance in the garden. The complainant reported hearing people outside the venue, occasional breakout of music and bass and also traffic noise.
- 10.18 The Environmental Health officer has listened to the recordings made and one could hear on several occasions voices of several people chatting and laughing outside, although these were quiet. The main noise was tyre noise on gravel when vehicles passed, which was sometimes louder depending on the speed of the vehicle. No music or bass was audible on the recording. Other dominant noise sources were bird song and distant traffic hum.
- 10.19 None of the recordings indicated a breach of the statutory notice, as levels and frequency were not enough to indicate that this had happened. However, it was considered that there is the potential for loss of amenity. This particularly relates to the gathering of people outside throughout the day and evening and also the passing of vehicles later at night. The noise levels were not in breach of recognised standards for indoors, but the background levels were very low, which heightened the impact, especially at night and from vehicles passing.
- 10.20 Officers consider that these findings should be considered in the overall assessment of the application and further consider that whilst this evidence suggests that there is potential for the development to result in a small loss of amenity to residential occupiers but that this is limited and not of sufficient impact to warrant a recommendation of refusal. It should be noted that vehicles passing close to properties on the existing unmade track would no longer be of any significance owing to the provision of a new access.
- 10.21 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 is considered that this matter can be dealt with through appropriate on-site management, who would, in the view of officers, be equally aware of any noise from the pods as any local resident. It is noted that the Glamping rules only allow occupiers to congregate at the pod furthest away from residential properties.
- 10.22 The Environmental Health team 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.

10.23 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 in terms of site generated noise.

10.24 At the time of the earlier application and associated with events over the last two years, 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 close 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.

10.25 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 Warlaby Lane / Ashcroft, which is the lane that connects Greenhills Lane to Warlaby village and subsequently to the A684 at Warlaby crossroads.

10.26 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. It should be noted that a left turn out of the access would again bring vehicles in close proximity to neighbouring properties, albeit on the adopted highway.

10.27 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.

- 10.28 There remains a residual question about the use Warlabby Lane / Ashcroft and Green Hills Lane, into Ainderby Steeple. With regard to vehicles heading out to Warlabby cross-roads, via Warlabby 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 an increase in use for a short period, would not be sufficient to result in a harmful impact on amenity.
- 10.29 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, on each event day, there is the possibility of harmful impact on residential amenity through vehicles accessing or exiting via Ainderby Steeple. This could result, as identified in representations, in vehicles using residential driveways for the purposes of passing other vehicles and concern is raised that this would lead to a loss of amenity.
- 10.30 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 Warlabby. 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.

Impact on the character, appearance and amenity of the area

- 10.31 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
- 10.32 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 and the formation of the proposed access and passing places.
- 10.33 The alterations to the buildings result in a degree of change to the appearance of the buildings through the insertion of glazing but overall are relatively minimal and are considered to preserve the overall agricultural character of the site. It is considered that the building alterations result in no significant harmful impacts in this respect. Concern is raised in representations that the changes have gone too far and are out of character with the area.

- 10.34 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 potential to change the character of the area.
- 10.35 Following the introduction of a number of passing places along the route of Warlabby Lane / Ashcroft to Warlabby 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 result in a significant harmful change to the character or appearance of the area.
- 10.36 There will be areas of cut back of the road verges and the resultant battering back of bank sides to facilitate the formation of the proposed passing places. Some locations are close to the adjacent hedges. However, this degree of disturbance is considered to have a limited impact on the long term viability of the hedges in these locations.
- 10.37 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.
- 10.38 The additional use of the road network also has potential to result in a change to the character of the area. Warlabby Lane / 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. One recent observation stated;

*Neighbourhood observations of the present use of Warlabby Lane during Saturday September 2nd and Sunday 3rd.*

*Walkers and runners 30 and 33*

*Cyclists 8 and 38*

*Horses and riders 8 and 0*

*Cars and vans 3 and 13*

*It can be seen that vehicle movements only account for 6.1% on Saturday and 5.4% on Sunday. The main current users of Warlabby Lane use it for leisure and any further increase in traffic will hamper their enjoyment and will increase the risk of accidents. It is one of the few local routes that we can all enjoy without much disturbance. The inclusion of the proposed passing places will only increase volume and speed of traffic as it will become a shortcut from Ainderby Steeple to Newby Wiske reducing the Amenity Value for all*

- 10.39 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.

10.40 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

10.41 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

10.42 Since this matter was considered by Planning Committee a further Highway Statement has been submitted by the applicant and has been subject to consideration by the Highway Authority who is generally in support of its findings. It is noted that objectors have submitted a professional report raising concerns with the findings of the applicant's report. This resulted in some changes to the applicant's consultant's report which again has been subject to further scrutiny by the Highway Authority, who have not changed their view.

10.43 The application now proposes seven passing places are installed on Warlaby Lane / Ashcroft and one further passing place on Green Hills Lane, to the north of its junction with Warlaby Lane. Three out of the seven passing places increase the road width to 5.5m over a length of 6m with a 30degree taper at each end. The remainder of the spaces all increase the width to a minimum of 4.7m. The applicant argues that at 4.7m width, taking into account the average width of a car (1.95m) there remains sufficient space for two average vehicles to pass. The Highway Authority are satisfied with this provision but note that it does not meet the generally accepted width of 5.5m.

10.44 Objectors have raised the issue that the width remains insufficient for two vehicles to pass cleanly, in particular if two larger vehicles were to meet. Agricultural implements can be up to 3m in width and as such a road width of 4.7m would be insufficient for a car and a tractor with implement to pass. On balance officers are satisfied that the proposals are acceptable.

- 10.45 The next issue raised in representations is the geometry of the cross-roads in Warlabby Village. 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 are satisfied that the road markings and advisories in the vicinity are sufficient to protect highway safety in this case.
- 10.46 The applicant's updated Transport Statement includes a traffic count at the Warlabby Village cross road and a capacity assessment based on future projections of use. The report concludes that the junction will continue to work within capacity during peak hours with the wedding venue in place. The Highway Authority sought clarifications regarding the applicant's report following submission of a third party observation. Following clarification from the applicant's consultant the Highway Authority has confirmed acceptance of their position.
- 10.47 The Highway Authority raised questions about a left turn out of the proposed access and the likelihood of all users turning right rather than left toward Ainderby Steeple. Whilst there is a possibility of this eventuality, it is considered that with the proposed site and event management in place this eventuality would be relatively unlikely but that should it happen in a limited fashion, this would not raise concerns from a road safety perspective. This issue is dealt with previously, in terms of residential amenity.
- 10.48 Following the submission of the additional information, the Highway Authority raises no objections to the proposed development.
- 10.49 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

- 10.50 The issue of agents of change has been raised in correspondence and in particular the potential for impact on a nearby cattery business and the operation of the farm to the south of the application site. The operator of the cattery 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.
- 10.51 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.
- 10.52 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 on the public highway, although only to a limited degree owing to the proposed mitigation as discussed elsewhere in this report.

- 10.53 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 and the resultant likelihood of taking custom elsewhere officers consider that there is always a risk from new development resulting in fear of the impact of the change which results in a change of habit from customers. It is understood that the cattery has built its business on locality and tranquillity and as such the operator is concerned that the introduction of the proposed use will result in a loss of tranquillity with noise and disturbance from activities on site and resulting from traffic in the near locality. Whilst it is accepted that the cattery may be aware of activity resulting from the proposed development, officers consider that the development is unlikely to result in any significant harmful impact on the business.
- 10.54 The operators of the farm to the south of the application site have raised concerns about the impact of increased activity in the area resulting in a harmful impact on their operations both in terms of interference from visitors and impact resulting from increased vehicle movements limiting their ability to freely operate.
- 10.55 Clearly, there is potential for conflict to result between visiting guests to the area and farm operations. However, officers do not consider the propose use to be onerous in these terms and that the development is unlikely to have any significant impact on the operation of the farm.

#### Ecology and biodiversity net gain

- 10.56 The impact on wildlife was raised through the consultation. 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.
- 10.57 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. Two setts were found, one which appeared abandoned and a second further considered sufficiently far from the development, not to be impacted by the development. It is noted that there is recent activity at the previously abandoned sett which is closer to the proposed new access. Investigation of this suggests that the activity may be rabbits owing to the limited scale of excavation and widespread presence of rabbit droppings. There remains significant activity at the main sett. The abandoned sett is already heavily impacted by farming activities owing to its location in a cultivated

field. The formation of the proposed access could cause some limited disturbance to any occupiers of the abandoned sett but this would be limited and transient. The use of the access is considered to result in very limited impact in terms of disturbance by vehicles transiting the new access track. The applicant's consultant's report sets out the following mitigation:

- The proposed track has been directed to avoid a 20m buffer from the sett; this should provide sufficient distance to avoid disturbance to the sett (Figure 2). A buffer has also been included from the entrance which is likely disused and occupied by rabbits as a precautionary measure.
- Works should be limited to daylight working only.
- No fire or chemicals should be stored/lit within 20m of the sett.
- No tracked/heavy machinery should be used or manoeuvred within the 20m buffer during construction.
- Any deep trenches should be covered overnight or left with a plank or similar to allow any badgers to escape.
- No lighting should be installed along the strip of road near the sett post-development.
- It is recommended signs are installed along the proposed track to warn of badgers crossing the road.
- Fencing erected should provide sufficient gaps for badger to pass under; if not, badger gates should be installed to ensure badgers can still access the site.
- Habitats within a 5m buffer zone should retain the current on-site conditions. This will continue to provide protective screening of the sett post-development and reduce any potential impacts from increased use of the site. To provide additional protective cover, native mixed scrub could be planted around the sett. This would provide protective cover for badger using the sett and will visually screen the sett from the development.

10.58 It is concluded that the proposed development would have no adverse impacts on the habitat.

10.59 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 in the most part be satisfactorily mitigated through conditions and in particular sound insulation and the site management plan. There is a residual risk to amenity through noise associated with wedding visitors within the camping pods, but this risk is considered to be low. Overall it is considered that amenity issues have 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, including a local cattery and farming businesses. On balance it is considered that there is no significant harmful impact in terms of agents of change and again this is a neutral factor in the planning balance.
- 11.4 The development will clearly result in an increase in traffic using the highway network in the vicinity of the application site, which at certain times could be significant and given the narrowness of the road could result in traffic congestion. Through consultation with the Highway Authority and following the submission of additional information on traffic movements and the position and form of the proposed passing places, 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 the passing places, considered to be acceptable. Highways matters are considered to have a neutral impact on the Planning Balance.
- 11.5 The proposals will result in some limited change to the character of the area both through the introduction of a new form of activity and through the proposed changes to the road. These changes are considered to be negative, but very limited. Officers consider that there is a small negative impact to weigh in the planning balance in these terms.
- 11.6 Matters pertaining to ecology and biodiversity net gain are generally considered to weigh positively in the planning balance.
- 11.7 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:

Condition 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.

Condition 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.

Condition 3: The noise insulation and all noise attenuating measures installed / implemented in accordance with the agreed scheme approved by the local planning authority shall be maintained at all times.

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

Condition 4: No live, amplified music or live entertainment shall take place outside of the celebration barn identified in the approved drawings and there shall be no live music, amplified music or live entertainment is permitted at any location on the site beyond 2300h.

For the avoidance of doubt, there shall be no amplified music within the “Rustic Barn” unless otherwise in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

Condition 5: 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.

Condition 6: 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.

Condition 7: 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.

Condition 8: 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.

Condition 9: 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: 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.

Condition 10: 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 8 no. passing places on Ashcroft and Green Hills Lane in accordance with the information contained within the document "Highway Statement Proposed Wedding Venue Green Hills Lane, Ainderby Steeple".

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: 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.

Condition 11: 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: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 12: The number of events to be limited to no more than 15 events per year along with 4 additional open days for advertising purposes. Open days shall allow access to the site for the public between 10am and 8pm only.

Reason: In order to protect local amenity and comply with policy E2.

Condition 13: No external lighting, temporary or permanent, is to be installed except in accordance with a lighting plan which has first been submitted to and approved by the Local Planning Authority.

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

Condition 14: There shall be no amplified music within the "Rustic Barn" unless otherwise in accordance with details submitted to and approved in writing by the Local Planning Authority.

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

Condition 15: Outdoor fireworks shall not be used at any event, at any time.

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

Condition 16: In the event that any additional approved works are undertaken that would result in the addition of any new noise source or impact on the sound insulation measures already in place (the instillation of ventilation/air conditioning for example) a full review of the noise footprint of the facility must be undertaken. The resultant assessment must be submitted and approved by the Local Planning Authority.

Where problems are identified, additional remedial work is to be undertaken to prevent excessive breakout (noise) or mitigate additional noise sources. The resultant assessment must be submitted and approved by the Local Planning Authority.

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

Condition 17: The development shall be implemented and maintained in accordance with the MAB Environment and Ecology report dated March 2023.

Reason: In order to protect related badger sett and to comply with policy E3.

**Target Determination Date:** 13<sup>th</sup> October 2023

**Case Officer:** Mr Peter Jones [peter.jones@northyorks.gov.uk](mailto:peter.jones@northyorks.gov.uk)

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## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 2023

**ZB23/01360/FUL – Change of use of domestic extension to mixed use for domestic use and occasional holiday let at Sedgefield House, Ainderby Steeple, Northallerton, North Yorkshire, DL7 9JY for Mr and Mrs Stuart Tweddle**

#### 1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to determine an application for planning permission for the change of use of a recently completed house extension to allow it to be used either as private residential accommodation in association with the host dwelling or as holiday accommodation. This would also allow the unit to be booked in association with the proposed wedding accommodation, should planning permission be granted for 23/00625/FUL.
- 1.2 This is a Committee decision following call in by the Divisional Member and owing to the relationship with an application for planning permission for a wedding venue on the wider holding under reference 23/00625/FUL.

#### 2.0 SUMMARY

**RECOMMENDATION:** That planning permission be **GRANTED** subject to the conditions set out in Section 12 of this report.

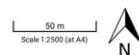
- 2.1 An application for an extension to the side of the existing dwelling was granted planning permission in 2021 under reference 21/02219/FUL and has recently been completed. The current application seeks planning permission for the partial change of use of the extension, to allow it to be occupied either as part of the dwelling, or to be rented out independently, as holiday accommodation.
- 2.2 The proposed accommodation would comprise one double bedroom, with changing / makeup room, bathroom and guest kitchen.
- 2.3 Any grant of planning permission on this basis would require a planning condition to ensure that the unit of accommodation was only used for incidental residential purposes or holiday letting purposes only and not to be used as an independent dwelling.
- 2.4 Concern is expressed in observations, that this development would cumulatively result in a harmful impact in the locality, through an increase in traffic, in particular when combined with the wedding venue on the wider site.

- 2.5 Officers consider that the proposed holiday accommodation, whether or not considered cumulatively with the proposed wedding business is of a small scale, generating limited additional activity in the area or traffic movements and would not result in a harmful impact on amenity or road safety in the vicinity of the application site and would not result in any significant loss of amenity.

Location Plan Holiday Let  
1:2500



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### 3.0 **PRELIMINARY MATTERS**

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

#### [Online Related Documents](#)

3.2 Planning History

- 10/02248/APN - Application for Prior notification for the construction of a steel portal agricultural storage building – Granted October 2010.
- 12/00382/FUL - Proposed extension to existing dwelling – Granted April 2012.
- 17/00597/FUL - Change of use of agricultural land to site of 3no. camping pods with associated car parking – Granted May 2017.
- 17/01379/FUL - Change of use of agricultural land for the siting of 6no camping pods with associated access and car parking – Granted September 2017.
- 19/00775/FUL - Change of use of domestic outbuilding to farm office and amenity building and associated works in conjunction with existing camping site – Granted June 2019.



- 20/01831/FUL - Proposed change of use of domestic outbuilding to amenity building and siting of 5 camping pods in conjunction with existing camping site with new sewage package treatment plant – Granted October 2020.
- 21/02219/FUL - Single storey extension to the west elevation and two storey extension to the east elevation of the dwellinghouse – Granted November 2021.
- 21/02352/FUL - Construction of an agricultural building for the storage of hay and straw, animal feed, fertiliser, machinery and the handling of stock – December 2021.
- 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 – Currently under consideration.

#### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is located to the south of Ainderby Steeple within farmland within the curtilage of the farmhouse. The site is currently accessed via Warlaby lane and then via an unmade road to the farm, and outside the main confines of the village, the access is in part a public right of way. 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 of 14 camping pods on land to the north of the site. These are set within the surrounding farmland to the north of the current application. 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 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 without planning permission 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 matter is being considered under reference 23/00625/FUL.

#### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 The application seeks planning permission for the partial change of use of the recently completed extension to allow it to be used either as residential accommodation associated with the host dwelling or as holiday accommodation. The intention is that the accommodation could be booked separately or as part of a package for a wedding, should permission be granted for the wedding venue or used separately as holiday accommodation.
- 5.2 The proposals include the provision of two dedicated car parking spaces along with an area of garden.

## **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 and
- North Yorkshire Joint Waste and Minerals Plan

### Emerging Development Plan - Material Consideration

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

### Guidance - Material Consideration

6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

## **7.0 CONSULTATION RESPONSES**

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

### Consultees

7.2 Parish Council - No comments to make.

7.3 Highways – No objections.

7.4 Environmental Health – No Comments.

### Local Representations

7.5 19 letters of objection have been received citing the objections summarised below. It should be noted that a number of comments received on this application also refer to the change of use of the wider site for use as a wedding venue.

- Impact on use of the access
- The unit has already been brought into use, without planning permission
- Customer complaints to local businesses owing to increase in local traffic
- Impact on the right of others to use the track to access and maintain land
- Harmful impact on residential amenity

- Impact on the character and amenity of the area through increase in the intensity of the use
- Road safety implications owing to the cumulative number of vehicles
- The change of use will threaten the peace and tranquillity necessary for successful farming in the vicinity
- Additional traffic will limit traffic movements from the farm
- Concern that the applicant will not abide by planning restrictions
- Harmful impact on pedestrians using the public right of way
- Impact of dust from use of the unmade access track
- This was approved as a house extension and should not now be incorporated into the business
- Concern about the nature of the proposed use and the extent and duration of the use

## **8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)**

8.1 The proposed development does not fall within Schedule 1 or 2 of the Environmental Impact Regulations and as such an Environmental Statement is not required.

## **9.0 MAIN ISSUES**

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

- Principle of development
- Impact on character and appearance of the area
- Impact on residential amenity
- Impact on road safety

## **10.0 ASSESSMENT**

### Principle of Development

10.1 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, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource.

10.2 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.

10.3 Policy EG7 Businesses in rural areas states that employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:

- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or

- b. the re-use 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 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.

10.4 Policy EG8, The visitor economy states that a proposal for new tourist accommodation will only be supported where it is demonstrated that:

- d. the scale, form, layout and design is appropriate to its location and would not unacceptably harm the character, appearance or amenity of the surrounding area or wider countryside;
- e. it would not cause unacceptable harm to the living conditions of neighbours or prejudice existing land uses;
- f. occupation can be limited to holiday purposes only;
- g. a proposal for a new, or an extension to an existing, caravan, camping or holiday chalet site is accessible to local services and public utilities; and
- h. where a countryside location is proposed, the development cannot be located within or adjacent to the built form of an identified settlement in the settlement hierarchy and it will be accessible by sustainable travel options.

In particular support will be given to proposals that meet the above criteria and form part of a comprehensive farm diversification scheme, see policy 'EG7: Businesses in Rural Areas', or are directly linked to the long term conservation and enjoyment of publicly accessible natural and cultural heritage assets. In all cases the approach roads and access to the site have the capacity to cater for the type and levels of traffic likely to be generated by the development.

10.5 Matters pertaining to road safety, rural character and amenity are dealt with under the relevant sections of this report. In this case the structure concerned is an extension to an existing dwelling. Notwithstanding the current application for the proposed wedding venue for the larger site, there exists on site both a smaller wedding venue and camping pods, with planning permission. As such the proposed development represents a small extension to the existing business use on the site and is a use that is reasonably considered to require a countryside location. It is considered that the principle of a small unit of holiday accommodation in this location is in compliance with policy contained within the Local Plan.

Impact on character and appearance of the area

- 10.6 The physical impact of the development was considered at the time of the approval of the extension itself and is not considered further here. The matter of concern relates to the impact of the use on the character of the area, taking into account the proximity of the public right of way approximately 100m to the east of the site.
- 10.7 The limited scale and form of the unit, with parking space for 2 vehicles and a small area of designated garden is considered to result in no harm to the character of the area. Concern has been expressed about the additional vehicle generation from the

site and the potential for this to result in a harmful impact on the amenity of those using the public right of way along with the wider road network.

- 10.8 Officers consider that limited nature of the use accommodating a limited number of holiday makers and resulting in only a minor increase in traffic, results in no significant adverse impact on the character or appearance of the area.

#### Impact on residential amenity

- 10.9 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.
- 10.10 In this case the likely sources of conflict with residential amenity arise from vehicular traffic using the private access road along with activity on site from residents using the accommodation.
- 10.11 Officers consider that the small unit will generate a limited number of daily traffic movements and whilst these need to be considered cumulatively with the use of the camping pods, it is considered that the change in vehicle movements resulting from this development is insignificant and will not result in any significant additional impact on residential amenity from noise or disturbance either from the use of the site itself, or from vehicle movements.
- 10.12 It is considered that the proposed development will not raise significant residential amenity issues and that the proposed development is capable of compliance with Local Plan Policy E2.

#### Impact on road safety

- 10.13 Policy IC2, Transport and Accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all.
- 10.14 Concern has been expressed in observations about the use of the local highway network and the private access into the site, which is jointly used by a number of local land owners and the operators of the farm, beyond the application site. This concern includes delays caused to farm traffic, congestion in the vicinity and a loss of road safety resulting from additional traffic using the narrow access.
- 10.15 Given the scale of the proposed use the additional traffic generated is considered to be minimal and will not result in any significant change to traffic movements in the vicinity of the application site. Officers are satisfied that the road network and the private access are capable of absorbing this development without any significant impact on road users or their safety. The proposed development is considered to accord with Policy IC2.

## **11.0 PLANNING BALANCE AND CONCLUSIONS**

- 11.1 The principle of the proposed development in this location is accepted. The development is small and discreet in character and has no significant impact on either the character, appearance or amenity of the area.

11.2 The use will generate a small number of additional car movements. Given the nature of the access and the existing use of the access, the additional traffic movements are considered to be inconsequential and will result in no significant harmful impacts in terms of road safety or residential amenity.

## 12.0 RECOMMENDATION

12.1 That Planning Permission be **GRANTED**, subject to the following conditions:

Condition 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.

Condition 2: The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Location plan and Layout Guest Suite received by the Local Planning Authority on 28 June 2023 unless otherwise approved in writing by the Local Planning Authority.

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

Condition 3: The use of the part of the extension as highlighted in red in plan 'upstairs Holiday let and downstairs holiday let' shall be limited to residential use associated with Sedgefield House or as holiday accommodation in accordance with the following requirements:

The development must comply with the following requirements that:

- (i) the accommodation shall be occupied for holiday purposes only;
- (ii) the accommodation shall not be occupied as a person's sole, or main place of residence other than as part of Sedgefield House.
- (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of individual of the accommodation on the site, and of their main home addresses. The owner/operator shall advise the Local Planning Authority of the name and address of the holder of the records and shall make the information on the register available at all reasonable times to the Local Planning Authority.

Reason: In order to ensure that the accommodation is used for purposes appropriate to the site and the requirements of Planning Policy.

**Target Determination Date:** 13 October 2023

**Case Officer:** Mr Peter Jones, [peter.jones@northyorks.gov.uk](mailto:peter.jones@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Planning Committee

12<sup>th</sup> October 2023

**20/02047/OUT – Application for outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from the avenue at Prices Paving and Tiles Limited, The Manor House, Snape, Bedale, North Yorkshire, DL8 2SZ for Prices Paving & Tile Ltd**

#### 1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for outline planning permission in respect of a residential development on land at The Manor House, Snape.
- 1.2 This application was deferred at Planning Committee in September 2022 for further consideration of matters pertaining to drainage.
- 1.3 This report has been updated from the September Planning Committee following deferral of the matter as set out in the summary below.

#### 2.0 SUMMARY

**RECOMMENDATION:** That outline planning permission be **GRANTED**, subject to the conditions set out in Section 12 of this report and satisfactory completion of a S106 agreement to control affordable housing and management of SUDS and Public Open Space.

- 2.1 The application was deferred at Planning Committee to allow for more consideration of matters pertaining to surface water management and the arrangement of the access onto the public highway.
- 2.2 In terms of surface water management the applicant has clarified that the surface water drainage directly associated with the road within the site will form part of the Highways adoption and as such would be built to adoptable standard. The remainder of the surface water attenuation and management system would be built to Yorkshire Water specifications and would subsequently be adopted by Yorkshire Water.
- 2.3 In terms of potential failure of the pumping solution, the applicant has clarified that 2 pumps will be included in the design in order to deal with potential failure. It is further understood that telemetry designed into the system would alert Yorkshire Water to any issues on the site to allow initiation of an emergency response including pumping to tanker should that prove necessary.

- 2.4 Concern has been expressed about any potential additional run off resulting in flooding in the village. Whilst the applicant's submission demonstrates that the development will not result in additional run off, over and above the existing situation, officers have investigated matters pertaining to the Mariner Bridge. It is understood that maintenance has been undertaken to jet the pipes on either side of the bridge and to clear silt and debris from under the bridge, to allow as free a flow as possible.
- 2.5 There are no proposals for lifting of the deck of the bridge, at this time. This is not considered to be an impediment to the proposed development.
- 2.6 Members requested that further investigation of the alternatives for the access onto the public highway be investigated. It is understood that the applicant has approached the owner of the property to the west of the site with a view to a reduction in the height of the boundary to allow the formation of an access with suitable visibility splays, but without the need to effectively build out into the highway to create the visibility splay.
- 2.7 The applicant has further advised that the ownership of the pillar is unclear and that Land Registry information advises that the land in questions may not be owned by the immediate neighbour as it does not appear to be on registered land. As such the delivery of this potential solution is complex and potentially unachievable.
- 2.8 The applicant states that they have an existing access that has served this brownfield site, in its current form for many years. While the business has been running down for a number of years it remains a site with an authorised commercial use that would otherwise generate a significant amount of traffic from a range of vehicles; large and small. What is being offered through the solution arrived at here is white lining that will improve on the existing arrangement. The applicant has recently and previously submitted a speed survey that shows the 85 percentile speed is below the speed limit in this area. The works proposed will further slow traffic and deliver improved visibility at the site entrance.
- 2.9 Officers have reviewed the matter of access with the Highway Authority looking at the various options:
- 1) Leave the access as it is with white line, in line with the pavement. This would not meet the Highways requirements for the visibility splay and is not the preferred option as a result. However, the access is existing and could be utilised by a variety of traffic depending upon the business utilising the site. On review of the matter, it is considered that whilst there is a question of road safety resulting from the status quo, it would be difficult to sustain a reason for refusal on this basis.
  - 2) The proposed white line solution. This remains the preferred option for the Highway Authority. Given the road alignment and character, the white lining taken into the carriageway is low key but provides for some additional visibility and raises the awareness of the access for approaching road users. It should be noted that the white lining to the east of the entrance would not be subject to a Road Traffic Order and as such parking over the hatched area could not be



enforced against. Cars frequently park within visibility splays and this site is no different from that perspective.

- 3) Improvement to the visibility splay. Clearly, the best option is to improve visibility to the west of the site. This would require the agreement of the neighbouring owner along with a Unilateral Undertaking to ensure that the visibility splay was protected in perpetuity. It appears that this option can not be delivered.

- 2.10 The preferred, deliverable option and that set out in the recommendation is option 2 which requires white lining on the highway with a resultant restriction of carriageway width.
- 2.11 The application seeks planning permission in outline for up to 32 dwellings on a site on the southern edge of Snape, occupied by Prices Paving and Tiles limited. Much of the site has been used for stone and paving storage and distribution.
- 2.12 Part of the site was allocated for housing in the former Local Development Framework and all of the site is otherwise considered to be previously developed land.
- 2.13 Significant work has been undertaken by the applicant with regard to drainage and in particular with reference to the Environment Agency Flood Zones. Through a topographical study of the site, it has been confirmed by the Environment Agency that the site is not within Flood Zone 2 or 3 and as such the Sequential and Exception tests no longer apply.
- 2.14 Part of the site was subject to an allocation for housing in the Hambleton Local Development Framework, whilst this allocation still carried weight on the submission of the application this is not the case, since the adoption of the new Local Plan. In this case, assessment of the principle of development comes down to the requirements of policies S5 and HG5 of the new Hambleton Local Plan, taking into account the previously developed nature of the site.
- 2.15 Owing to credits for existing buildings on the site, the requirements for affordable housing on the site are reduced.
- 2.16 Throughout the determination of this application, matters pertaining to the drainage of the site and the potential for impact on occupiers of the development along with downstream impact on neighbours, from flooding, has been central to the consideration of the proposals.
- 2.17 Officers consider that given the previously developed nature of the site and the relationship of the existing development to the village along with the resolution of matters pertaining to flooding, the principle of development can be supported.



### 3.0 PRELIMINARY MATTERS

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

#### Planning History

- 3.2 04/02265/FUL – Construction of an industrial unit. Granted 31.01.2005
- 3.3 13/02318/FUL – Change is use from manufacture, storage and distribution to storage and distribution. Granted 15.01.2014

### **4.0 SITE AND SURROUNDINGS**

- 4.1 The site is previously developed land adjacent to the village on the southern side of the main village street with countryside beyond. The site is owned and operated as a commercial premise by Prices Paving and Tile Ltd.
- 4.2 The 1.36 hectare sites extends to the south, forming a roughly rectangular shape, with the only access from the north off The Avenue. The building to the west of the access currently comprises a residential unit fronting The Avenue with the rear section of the building used as an office associated with the existing use of the site. The building to the east of the access is the Wesleyan Methodist Church.
- 4.3 The majority of the site is hard surfaced and is used for a mix of customer parking, servicing, storage and display of new and reclaimed items for sale. The southwest of the site is occupied by large modern metal clad storage unit.
- 4.4 The northern most part of the site lies within the Snape Conservation Area; there are no listed buildings within the immediate vicinity.

### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 This planning application is in outline for access only for the demolition of existing buildings and construction of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue, between the existing buildings.
- 5.2 Given the nature of the application being outline for access with all other matters reserved for future consideration, the submission included limited plans consisting of a location plan, site access layout and illustrative site layout plan. Accompanying these plans and in support of the proposal the following documents have also been received:

- Design, access and landscape statement
- Planning and heritage statement
- Statement of community involvement (SCI)
- Transport Statement (TS)
- Preliminary ecological appraisal (PEA)
- Archaeological assessment
- Preliminary assessment of land contamination (PALC)
- Phase I land contamination assessment (Phase I)
- Flood risk assessment (FRA)
- Surface water management report
- Vacant Building Credit Statement (VBCS)

Detailed additional information pertaining to drainage has also been received through the course of the application.

- 5.3 The site is liable for 30% affordable housing on the part of the site within extent of the previous allocation and 100% affordable outside of this. The applicant has agreed to provide a total of 6 affordable units out of the 32 units proposed amounting to 20% affordable. A further explanation and justification of the affordable contribution is set out elsewhere in this report.

## **6.0 PLANNING POLICY AND GUIDANCE**

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

### Adopted Development Plan

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

### Emerging Development Plan - Material Consideration

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

### Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- SPD Affordable Housing

## **7.0 CONSULTATION RESPONSES**

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

### Consultees

- 7.2 Parish Council

Snape and Thorpe Parish Council –

#### 1. Background

This application has been submitted at a time when, due to Coronavirus, it has not been possible for the Parish Council to hold an open meeting to consult the residents of the Parish on this matter.

The recent consultation process by Price's Paving has fallen short in not contacting the whole village community. The Parish Council has attempted to rectify this by the circulation of a newsletter drawing attention to the planning application and then

by sending to all households the intended Parish Council comments to be made on this application.

185 households were sent the Parish Council's proposed comments and 76 (41%) responses were received representing 37% of the parish electorate. Approximately 50% of households in the village responded. All but one of the responses supported the Parish Council's comments. This response rate indicates the strength of feeling in the community which needs to be recognised by HDC. Should HDC wish to have sight of the summarised responses please contact Sarah Lowe, Clerk.

## 2. Particular areas of concern to the Parish Council

### Number of houses

A development of 32 houses is inappropriate for the size of our community and would impact adversely on the character of the village. There is no justification given for this number of properties. A maximum of 20 would be more realistic and would be in line with the HDC's own document - 2016 Hambleton Local Plan Preferred Options Consultation report. This plan was drawn up by HDC involving much effort and resources so it is unclear why this would not now be followed. The Parish Council would only support a development of up to a maximum of 20 properties on the site.

### Flood Management

Without the full confirmation of what drains are on site it is unclear how firm conclusions can be made about the flood management on site. We are concerned about the proposal for a drain 450mm in diameter giving rise to considerable drainage from the site onto the road and stream which is already very prone to flooding during wet weather. The flooding on the proposed development site may be managed but there is no indication of how flooding elsewhere in the village will be controlled given that significant housing to the east is at a much lower level than this proposed development and is already at risk. The Parish Council is currently discussing, with NYCC, the flood risk at Marina bridge in the centre of the village where flooding of this area and onto Meadow Lane has occurred from the beck in the recent past.

We are concerned that building on a zone 3a area is proposed given all the risks this will involve for such housing.

The measures for housing to have no carpeted or habitable rooms on the ground floor does not seem possible for the bungalows proposed on the site. The measures proposed involve significant regular maintenance. It is very unclear how this will be achieved and policed to ensure protection of the site and housing and limited impact on the rest of the community post development and for the expected 80 year duration of the housing.

### Sewerage system

Inclusion of grey water in the flow into the sewage is not acceptable and should not be allowed to happen. The current sewage system cannot cope now during periods of wet weather. Raw sewage already rises in gardens on Ings Lane. HDC is already aware of these inadequacies as it is an issue raised by the Parish Council each time a new property is proposed in the village. Yorkshire Water is already

aware but nothing is done. This can only be improved by either a much bigger combined drain or a new top water drain. The proposed developments should not be permitted without a demonstrable plan prepared to address current and future problems.

#### Contamination of the site from its prior use

The site has been a commercial site for some time. It is considered that contaminants associated with a wood tanning plant and asbestos dump may be present alongside the already noted asbestos in the buildings. There may be a disused vehicle fuel tank close to Manor House as well as the vehicle fuel close to the main building at the south of the site.

The safe removal of these contaminants must ensure the safety of local residents especially those in very close proximity.

#### Roads and Traffic

There is not sufficient width in the proposed egress from the site for two cars to cross safely alongside a footpath wide enough for a wheelchair/pushchair.

There is not sufficient space for two cars to pass outside The Old Vicarage / Pennybeck to the west of the egress from the site; this is already causing damage to the road verge/village green.

The transport infrastructure is not as claimed in the supporting documentation. There is a limited bus service on 3 days per week and the rural road system is not conducive to cycling or walking as a means of accessing schools/amenities etc outside the village. Cars will be used by the residents of this development on a system that cannot cope presently with cars passing each other safely in the village.

The assessment of less than one car every 3 minutes during peak times moving off/on the site is questionable especially as this assessment is based on traffic in urban areas.

There is no footpath to the immediate west of the egress so safety for pedestrians is an issue.

### 3. Errors

There are numerous errors in the submissions made in support of the application which need to be rectified before the Planning Committee consider this application fully. For instance, the Transport Statement states there are two public houses in the village. There is only one. There is reference to two bus stops in the village - there is only one official stop.

### 4. Assumptions

A number of assumptions are made; for instance in the Flood Risk Assessment it states "It is believed that there are existing drainage networks within the site serving the office building and warehouse, but a drainage survey to confirm this are yet to take place. It is also believed that there are existing public sewers and water mains within The Avenue to the north of the development site, due to the close proximity of residential dwellings". This surely undermines the flood risk plans put forward in this document as they are made on assumptions only.

## 5. Conclusions

The lack of an opportunity for full and meaningful consultation due to the virus has meant that the Parish Council has had to make a concerted effort in a short timescale to consult local residents on an application which will have a significant impact on the community. The response received and described above is evidence of the strength of feeling from parishioners.

The Council makes the following observations:

The Snape with Thorp Parish Council refuses this application in its present format.

The Council would give consideration to a smaller development of a maximum of 20 properties with affordable housing and a mixture of house sizes.

The Council would want the erroneous information on which conclusions have been reached to be corrected and conclusions accordingly revised before HDC gives consideration to this or any further application.

The Council would want to see the opportunity for any revised application to be available for full and meaningful consultation with the whole community.

The Council could not accept a development of housing on this site without a demonstrable plan being developed involving HDC, NYCC and Yorkshire Water which ensures that the flood risks are controllable and will not impact elsewhere on the rest of the community and that the sewage system is capable of dealing with the new demand on it from such a development.

Parish Council additional comments.

This Parish Council has worked hard to keep its parishioners up to date on the planning application so this response is made by the Council and on behalf of residents with which it has consulted fully.

The Parish Council considers it has not been able to access all information it has wanted to be better able to understand the application. For instance, the Highways agreed plan for the exit/entrance to the site was held up for 9 months before being posted to the Planning Portal.

The Parish Council wishes to make it known that it does not reject the idea of additional housing per se on this site. The objection to this application is for the following issues, each of which will be explored more fully in a separate statement below, flooding risk to the wider community, the highway proposal, the sewage system and affordable housing.

### 1. Flooding risk to the Community

The Community has experienced severe flooding and threatened flooding over recent years. The pinch point has been the Marina Bridge where the highway crosses the Beck at the centre of the village. Houses have been flooded or threatened with flooding had it not been for the action of local people and the emergency services. This continues to be a real threat given that the Marina Bridge

has only 10 inches clearance from the bed of the Beck. This has been raised with Highways and just recently the underneath area of the bridge has been jetted. Significant additional flow into the Beck from the proposed site will only exacerbate the problem. This remains a significant concern to the Parish Council and community. The Parish Council will reject this planning application unless there is absolute assurance that additional water will not flood off the site and that some form of action is taken to improve the Marina Bridge.

The Parish Council has seen the LLFA's response posted on the Planning Portal on 8 November but remains concerned on a number of points, for instance this response refers to the proposal having drainage off to the SW. This was pointed out to the Planning Committee at their site visit as being completely inappropriate. The gully to the SW of the site is uphill from the level of the site and could not be used for flood water in this way.

The Parish Council notes that the LLFA has indicated that run off from the site cannot go into the Highways gullies and hence the Beck.

But this means the systems on site MUST function correctly. The Council has not yet been assured of how maintenance for on-site measures will be funded and managed. If the water cannot enter the Beck where will it go to as it will have to come off the site at some time and place. We expect, given the LLFA's comments, that further design options will need to be submitted. The Parish Council would want to ensure that no final planning decision is made until these designs have been fully approved by the LLFA, who are the experts on this aspect of the application.

2. Highways agreed proposal for the exit/entrance to the site The Parish Council and residents are wholly disappointed with the agreed option for this. The Parish Council has raised certain matters with Mr Barrie Mason, Assistant Director, Highways and Transportation, NYCC and are assured of a response in a few days but given the forthcoming expected date of the Planning Committee the Parish Council is placed in the position of submitting this statement without the benefit of this additional information.

The Parish Council's objections are currently the following:

- The unsafe nature of the approach from the development into the carriageway. This effectively reduces the carriageway to single file due to the proposed reduction in width to 4.1m immediately opposite the exit/entrance.
- The fact that the gap between the Methodist Church and Manor House will reduce to single file and with only a single footpath serving the occupants of the proposed 32 houses.
- The introduction of hatching outside the Methodist Church which functions as a Community space. The Parish Council understands that no vehicles should park on this hatching and in fact this hatching is to deter parking as otherwise the visibility splay is compromised. Many people visiting the Church have mobility problems or have accompanying small children and, therefore, they need to park close to the Church entrance. Having the hatching is a detriment not only to the Church but the wider community.



- The Planning Officer's report to the Planning Committee in September stated that having this development was a distinct advantage to the village. The above points show this is not the case and in fact the development will work to the detriment of the community.

### 3. Sewage system

The Parish Council has raised the issue of the inadequate sewage system at each of the last planning applications. As these have all been approved this has meant there has been added pressure on the system by this organic growth of the housing stock in Snape.

Adding a further 32 houses will put the sewage system under much greater strain. Raw sewage has already, at times, seeped onto gardens and into the Beck and onward into larger waterways. This is not acceptable.

Nor is the impact on internal toilets as mentioned at the Planning Committee meeting. 32 extra houses will only exacerbate the problem which is caused by an already inadequate system.

The Parish Council, therefore, asks the Planning Committee to seek assurances from Yorkshire Water, before planning permission is approved, that they will upgrade the existing sewage disposal system in the village.

The Parish Council will also be raising this major concern with the Chairman of Yorkshire Water directly.

### 4. Affordable housing

The Parish Council finds the reduction of the affordable housing on this development, due to the application of the Vacant Building Credit Statement, hugely disappointing. The Parish Council has tried on a number of occasions to seek sites for affordable housing in Snape and has with the support of the Rural Housing Adviser undertaken 2 housing surveys both of which have identified a definite need for affordable housing. The last survey undertaken in March 2022 indicated 6 houses as a minimum but the real need being in excess of this.

If planning approval is given the Parish Council would want there to be a provision placed on the developer for an assured minimum of 6 affordable houses.

## 7.3 NYC Highways - No objections subject to conditions.

Following Planning Committee the Highway Authority has provided the following clarification:

The proposed build out enables an increased visibility. Whilst I do not believe that the LHA would have grounds to substantiate a refusal recommendation should this proposal no longer be put forward given the existing use, by removing this feature and bringing the junction markings back in line with the existing edge of the carriageway, visibility would be sub-standard and the LHA would have concerns over this. Noting at present that the vehicle types frequenting this site are usually HGVs and other delivery type vehicles which are naturally sat higher and closer to the junction.

At present, there has been no request or requirement from or for the developer to undertake a TRO and therefore no enforceable action could be taken against vehicles parking on any hatched lining put down. However, this would not take away from drivers' responsibility to ensure that any vehicles are parked in an appropriate and safe manner.

- 7.4 NYC Lead Local Flood Authority (LLFA)- No objection subject to conditions. This comes following the change to the Flood Risk mapping.
- 7.5 Environment Agency (EA) - 16/8/2021 The modelling, hydrology and report submitted have now all been signed off and agreed. We are now able to remove our objection as the entire site is now shown to lie within flood zone 1.
- 7.6 Yorkshire Water - No objection subject to conditions regarding the separation of foul and surface water, details of surface water outlet. It is noted that Yorkshire Water state that surface water can not be discharged to the public sewer in any circumstances.
- 7.7 Environmental Health (Contaminated Land) - No objection subject to conditions.
- 7.8 NY Police - No objection. Advice and recommendations provided through design out crime report.

#### Local Representations

- 7.9 Public comments - a total of 24 representations have been received, mainly objecting to the proposed development, with only 2 representations in support. A number of the objections support a smaller scale of housing on the site but are concerned about the large scale of the proposals.

#### Objections

- Concern over flooding
- Not convinced by the EA change of position
- It is not clear how surface water will be managed
- This site does flood
- The site is approximately 1m above neighbouring levels and as such has the capability of flooding neighbours
- Harmful impact from increased traffic in the area
- Electricity supply will not cope with additional load
- A smaller development should be considered a 23% increase in the village is too much
- The layout of the road in the vicinity is not suitable for the formation of the access into the site
- Access between two buildings is not wide enough
- There has been little consideration of the Conservation status of the village
- Sewage system does not cope, at present and this will only make it worse
- Concern about inaccuracies in the applicant's submission
- Snape is a linear village and this proposal is harmful to the character of the settlement
- Concern about the future management of SUD features
- Not clear about the impact on Prices Paving as a business

- Inadequate footpaths to and from the development for access to the school
- Site contamination could impact on residents and neighbours
- Not a sustainable location owing to a lack of public transport
- Additional disturbance in the village will harm the tourism industry on which a number of residents rely
- The proposals are not cycle friendly

#### Support

- The village needs new housing
- Affordable housing is essential for the village
- The development site is ideal, being in the middle of the village and not green space
- This development will bring some life into the village

## 8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

8.1 The proposed development does not fall within Schedule 1 or 2 of the Environmental Impact Regulations and as such an Environmental Statement is not considered to be necessary in this case.

## 9.0 MAIN ISSUES

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

- Principle of development;
- Affordable housing provision, housing mix and quantum of development;
- Impact on heritage and the character, appearance and visual amenity of the area;
- Highway safety and access;
- Flooding and drainage;
- Impact on neighbour amenity;
- Ecology;
- Land contamination; and
- Open space, sport and recreation.

## 10.0 ASSESSMENT

### Principle of Development

10.1 At the time the application was submitted the northerly portion of the site was allocated for residential development under Allocation BH8 of the former Local Development Framework. Subsequently a new Local Plan was adopted in February 2022. At the point of the adoption of the new Local Plan the previous LDF allocations cease to be and carry no weight in decision making. Given the adoption of the new Plan, the site's former status as an allocated site can no longer be given weight in the determination process although it must be noted that the application was submitted when the allocation was up-to-date planning policy. The Local Authority has an obligation to determine the planning application based on the current adopted Local Plan and the following assessment is based only on adopted policy as a result.

- 10.2 The application site forms previously developed land within the settlement of Snape. Policy S3 defines Snape as a Service Village meaning it is a suitable place for development in terms of the sustainability of location.
- 10.3 Policy HG5 Windfall Housing Development makes provision for residential housing development within and adjacent to the built form of the settlement. Policy S5 defines the built form of the settlement as the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them, as well as setting out exceptions to this (criteria a-e). The site is located relatively centrally within the village and historically has been used and operated as a commercial premises, the former allocation BH8 covered a large portion of the front part of the site. As such considering the definition set out in policy S5 the site is considered to be partly within the built form of the settlement and otherwise adjacent to it. Accordingly, within the built form of a settlement Policy HG5 supports residential development 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 site is not protected or allocated/safeguarded for another type of development, albeit the front portion falls within the Conservation Area (discussed in more detail in the report below), and as such the proposal takes support from Policies S3, S5, and HG5.
- 10.4 It is considered that the proposal accords with the provisions of policies S1, S2, S3, S5 and HG5 of the Local Plan and as such the principle of development in this location is considered acceptable.

Affordable housing provision, housing mix and quantum of development

- 10.5 Local Plan policy HG3 requires that for residential development of 9 units or more 30% affordable housing should be provided unless a viability appraisal evidences that this is not deliverable. The applicant has submitted a Vacant Building Credit Statement (VBCS) which sets out background and site-specific calculations to seek to demonstrate the amount of affordable housing the site must deliver. The Council's adopted Housing SPD also sets out the criteria and methodology for applying VBC to proposals.
- 10.6 The VBCS calculates that the existing Gross Internal Area (GIA) (as defined by RICS Code of Measuring Practice) is 2,585.77m<sup>2</sup> with a proposed GIA of 3159.55m<sup>2</sup>. At 30% affordable housing the site would normally be required to provide 9.6 affordable units. Inputting this requirement into the VBC calculation, the required provision is reduced to 1.8 units. However, the applicant has agreed to a provision of 6 units across the site which would be in excess of the required provision by 4.2 units. The over provision of affordable housing on the site weighs in favour of the proposed scheme.
- 10.7 With respect to Affordable Housing the Council's new Housing Supplementary Planning Document (Table 3.1, page 10) seeks an affordable housing mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes with a tenure split of 33% social rent, 33% affordable rent and 33% affordable home ownership (intermediate housing) in accordance Policy HG3 of the Local Plan.

- 10.8 An appropriate mix of housing and compliance with the Council's Housing SPD should be a condition of any approval and is a requirement set out in the recommended conditions.
- 10.9 If the outline application is granted it is recommended that appropriate affordable housing provision is secured by a S106 planning obligation.
- 10.10 With regard to the quantum of development, whilst the former allocation was for 20 units on the front portion of the site, as mentioned above this allocation is no longer current policy. The whole site is put forward by the applicant for development and as such must be considered by the Council as a whole against the relevant policies of the Local Plan. It is considered that the redevelopment of only a portion of the site and the retention of a smaller business on the site, would not be feasible or viable. The Parish has expressed concern with the level of development proposed. Under the former allocation BH8, the allocated land was for up to 20 units which equated to an approximate 30 dwellings per hectare (dph). The application site here is 1.36 hectares. Removing the required open space provision from the calculation and considering a development of up to 32 units would equate to an approximate 26.6 dph. As such it is considered that a development of up to 32 units would be an efficient use of land as encouraged by both national and local policy and a density which is in fact slightly lower than that set out in the former BH8 allocation.
- 10.11 For the reasons set out above it is considered that the site can accommodate a development of up to 32 units.

Impact on heritage, character, appearance and visual amenity

- 10.12 The site is essentially a vacant commercial premises, generally in a poor state of repair. There are no buildings within the site, of architectural merit and which would be worthy of retention as part of the scheme.
- 10.13 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in carrying out an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 10.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 10.15 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.
- 10.16 Any harm identified must be given great weight in the determination of the application.

- 10.17 The Conservation Area is characterised by mainly residential properties set out in a linear form around the green, which is intersected by the river which runs through the village. Dwellings are mainly stone built. There are a number of listed buildings through the village, with most notably a number of listed buildings to the west of the village associated with Snape Castle.
- 10.18 The site currently contains large industrial scale buildings. The site is considered to currently have a harmful impact upon the setting and character of the Conservation Area. Therefore, it is considered the removal of these large unsympathetic buildings would be a positive outcome of the scheme and constitute a public benefit. Whilst the design, scale and siting of the proposed residential dwellings is not known at this stage, there is scope within the limitations of the site to accommodate a layout and design which would enhance and preserve the character and setting of the CA.
- 10.19 There is some concern about the scale of development in the context of Snape. As noted in representations, 32 units in this location is a significant expansion of the village and notwithstanding the removal of the existing structures the scale of development is considered to result in a harmful impact on the character of the settlement form and as such the significance of the Conservation Area. This harm is considered to be at the lower end of the scale of Less than Substantial Harm, but, in accordance with the requirements of the National Planning Policy Framework, must be given great weight in the determination of the application.
- 10.20 However, on balance, given the public benefits of the removal of the existing structures and the provision of housing including affordable units, at this outline stage it is considered that based on the information provided the site would be capable of accommodating a development of 32 residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, the harm to the Conservation Area and its setting is considered to be outweighed by the public benefits of the proposals.

#### Highways Safety, Access and Car parking

- 10.21 The access into the site is narrow, formed between a residential cottage and the Methodist Church. There were issues with the visibility splay at the access, which have now been addressed, although this is not accepted by the Parish Council.
- 10.22 North Yorkshire County Council's Highways Officers were consulted on the application and have had protracted discussion with the applicant's highway consultant regarding the provision of adequate visibility splays at the entrance of the site. NYCC Highways are now satisfied with the information and justification provided by the applicant and consider that adequate visibility splays can be provided at the entrance of the site so as not to result in highways safety or operation concerns.
- 10.23 The proposals now include an area of white-lining at the entrance to the site, to effectively move the carriageway edge allowing for better visibility. This will restrict the carriage width. These measures are further bolstered by white lining to the east of the entrance, to restrict parking and improve visibility. Concern has been raised by the Parish that this will result in difficulties for those with mobility problems being dropped off at the Church.

- 10.24 The Parish consultation response raises concerns about the width of the access and the provision of footpaths. Given the scale and form of the development and its relationship to the village, the proposals are considered to be acceptable in this case. It is noted that the site is currently used by HGV traffic, uncontrolled in terms of number and weight. The proposals, whilst resulting in an increase in traffic movements, will result in far fewer HGV movements.
- 10.25 The Highways Officer has concluded that the proposals are satisfactory and recommends a number of conditions and informatives including relating to matters regarding the provision of detailed road and footway layouts; construction of adoptable roads and footways; visibility splays; details of turning, manoeuvring and parking areas and the provision of a construction management plan.
- 10.26 Given the above and considering the application is in outline considering access only, the level of information provided demonstrates that the site can be developed safely and without impacts upon the operation of the highway network for up to 32 units.
- 10.27 The proposal accords with policy IC2 of the Local Plan.

#### Flooding and drainage

- 10.28 The site was originally shown on the Environment Agency (EA) Flood Maps as within Flood Zones 2 and 3. The applicant and their flood risk consultant has undertaken significant amounts of work under the guidance of the EA, carrying out and submitting hydrological modelling and calculations. The model has been reviewed by a specialist team within the EA and they have approved the model which has resulted in the re-grading of the site as within Flood Zone 1, the area of lowest risk from flooding.
- 10.29 The applicant's agent has provided the following explanation regarding the change from Flood Zone 3 to Flood Zone 1:

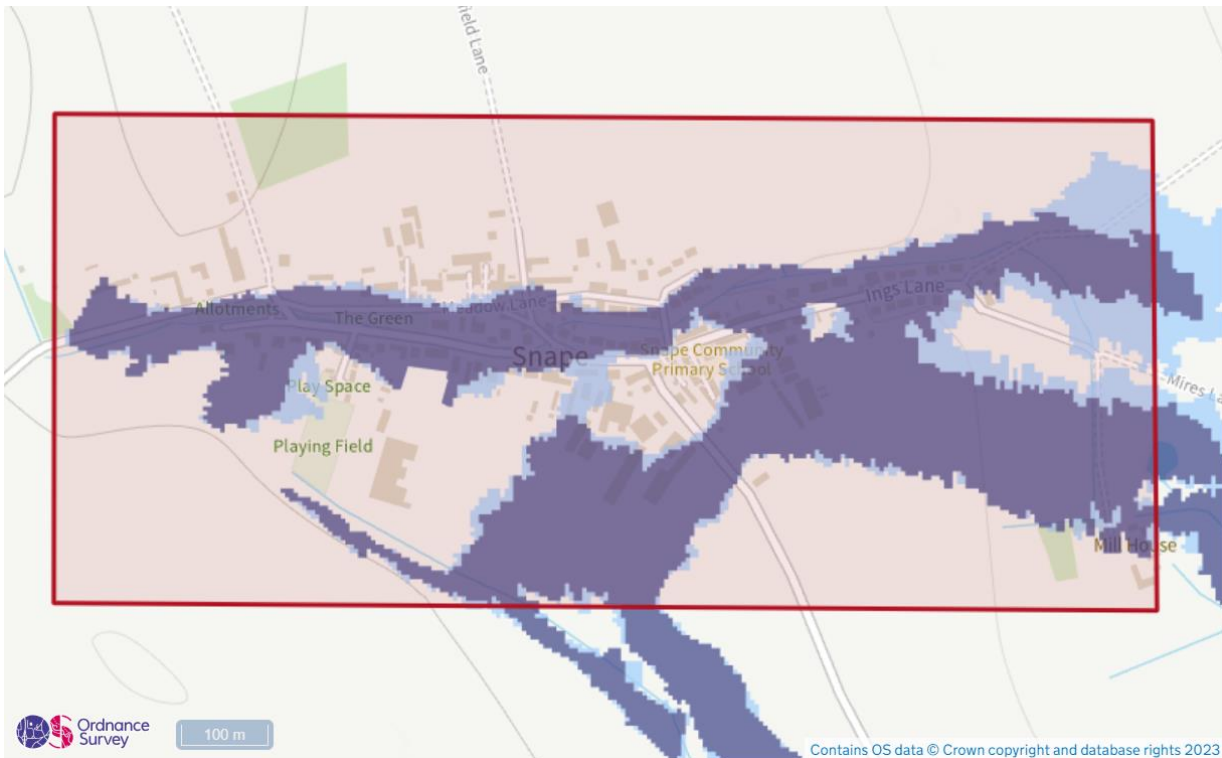
"The maps for Flood Zones 1, 2 and 3 are predominantly produced by the Environment Agency and can be seen on their Flood Map for Planning website. When preparing a planning application these maps are used by developers to confirm what proportion of their site is developable, which part should be allowed to flood, and what types of flood mitigation measures should be used. However, in many cases these maps can prove to be inaccurate for detailed planning applications and are in need of refinement.

Specialist consultants use detailed hydraulic modelling techniques to get a more accurate understanding of flood risk on a site. This is plotted onto a plan and provides a more detailed representation of the flood risk on a site. The applicant has undertaken this work for Prices Paving in Snape and this has resulted in an amended flood zone and confirmed to be accurate by the Environment Agencies response."

- 10.30 As the site is within Flood Zone 1 the risk of the site flooding is low. The FRA demonstrates the site can be safely developed without risk from flooding and that suitable flood risk and drainage measures can be designed to accommodate the proposed development.

- 10.31 The LLFA have reviewed the updated information and are satisfied with the detail provided at this stage recommending a number of conditions to ensure an adequate drainage strategy is secured at the detailed design stage. Given that the application is in outline with all matters reserved except for access, for a site which is largely previously developed land in flood zone 1 and as stated above the submitted FRA demonstrates that the site can be safely developed without risk from flooding, it is considered that this information can be secured through appropriately worded planning conditions which request submission of this information at a later stage (pre-commencement of development) once the detailed design is fixed.
- 10.32 Concerns have been raised with regard to the capacity of the sewage network in the area. Yorkshire Water have commented on the application raising no objection to the proposed foul sewer connection stating there is capacity within the network for this development's foul water. Additionally, it is noted that sewage network capacity issues are an operational matter to be dealt with separately from planning legislation.
- 10.33 The surface water management report submitted sets out that surface water drainage via a combination of infiltration and an existing surface water pipe which crosses the site which is capable of being utilised for the application site's surface water and outfalls into the adjacent watercourse to the north of the site. Discharge into a watercourse is the sequentially most preferable method where infiltration and soakaways have been discounted therefore this method of dealing with surface water is considered acceptable. The Lead Local Flood Authority has agreed this position on the basis of the brown field run off rate. As such the design of any scheme for Reserved Matters would need to demonstrate how these requirements are to be met.
- 10.34 The applicant has submitted details of attenuation and disposal to the surface water network (the stream to the north of the site) at a rate that has been agreed as acceptable by the LLFA. This system will control the run-off rate of surface water, taking out significant spikes in the run off rate by appropriate levels of on-site attenuation in tanks.
- 10.35 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.
- 10.36 There remains a residual risk in terms of flooding owing to the only point of access being within Flood Zone 3. There is no alternative point of egress in case of flooding. The mapping below shows that the majority of the roads in the vicinity are in flood zone 3, with the preferred route being a right turn out of the site and then south out of the village. This results in a short length of road in Flood Zone 3. The applicant's agent has advised that the potential depth of flooding is limited to approximately 300mm. Whilst not ideal, it is considered that the short distance and limited potential depth of flooding is an acceptable level of risk.





#### Impact on neighbouring amenity

- 10.37 The application is in outline for access only and as such the layout of the proposed development is not yet fixed.
- 10.38 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate up to 32 dwellings and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site could be developed maintaining suitable privacy distances and as such without having a detrimental impact upon neighbouring amenity.
- 10.39 The development of this site for housing is considered to be acceptable in terms of the residential amenity of existing and proposed housing.
- 10.40 Any development will likely result in some disruption and localised amenity impact during the construction process. These impacts would be localised, only last for a short period of time and could be suitably mitigated through the developer adhering to a construction management plan and restriction of working hours during construction. It is considered conditions can secure full details of site operation, wheel cleaning and working hours at the site.
- 10.41 The proposal accords with Policy E2 of the Local Plan.

#### Ecology

- 10.42 A Preliminary Ecological Assessment (PEA) has been submitted in support of the application which identifies that the site has no particular significance to flora and fauna. The PEA concludes that there is negligible value for roosting bats overall with none of the existing buildings proposed for demolition suitable for roosting bats due to their construction. The site does however provide suitable foraging and

commuting habitat for bats particularly to the southern end of the site. The site is also of moderate value to nesting birds to the site boundary particularly within the hedges and trees. The value for nesting birds is not restricted solely to the site but abundant in the surrounding countryside to the south east and west.

- 10.43 The PEA recommends retention of all hedgerows and trees on the site, implementation of a sensitive lighting scheme to avoid indirect disturbance of foraging bats, birds and small mammals. The PEA also recommends landscape planting should comprise native species or species of known wildlife value in order to enhance the ecological value of the site. Removal and replacement of the ornamental cherry laurel hedge to the north of the site and replacement with a native hedge to enhance habitat connectivity within the site. The incorporation of bird and bat boxes/bricks within new properties or on suitable mature trees to be retained within the site in order to enhance habitat availability post development.
- 10.44 It is considered conditions can secure these details being submitted and approved at the appropriate stage. Subject to the implementation of the above measures the site would benefit from a biodiversity net gain post development in accordance with Policy E3 of the Local Plan.

#### Land contamination

- 10.45 A Preliminary assessment of land contamination (PALC) and Phase I Site investigation report (Phase I) has been submitted in support of the application. The councils Environmental Health officers dealing with land contamination have assessed the information submitted and commented that there is potential for contamination from previous uses at the site and concurs with the conclusion that a Phase II site investigation and Risk Assessment should be undertaken.
- 10.46 No issues of land contamination have been identified that would preclude the development of this site subject to conditions regarding any remediation requirements. The Environmental Health Officer has raised no concerns about the proposed development in these terms. A suite of conditions are proposed to ensure further investigation and appropriate remediation takes place.

#### Open space, sport and recreation

- 10.47 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.
- 10.48 As the application is in outline with all matters reserved, at this stage the layout of the site and as such layout of the open space is not known. However, it is calculated that under the SPD a provision of 1046.59 sq. m of public amenity space would be required for this scheme including an equipped children's play area.
- 10.49 On the indicative plan an area of open space is shown to the southern end of the site, which is considered adequate at this stage to demonstrate the site can accommodate this quantum of development as well as provide the required open space provision. Full details of the provision and management of the open space can be secured through a section 106 agreement attached to any grant of permission.

10.50 Taking all the above into consideration, the proposal therefore is considered able to meet the requirements of Policy IC3 and the Public Open Space SPD.

#### Other Matters

10.51 Hambleton District Council published a Statement of Community Involvement (SCI) document titled 'Getting Involved in Planning Applications'. This encourages developers to undertake pre-application discussions with both the local authority and relevant stakeholders. Page 3 states that the Council will encourage applicants of major development to carry out an appropriate level of consultation with the community reflecting the nature and scale of the proposed development.

10.52 The applicant carried out community engagement through the form of a leaflet campaign carried out August to September 2020. The method of this engagement and findings are set out in the applicants Statement of Community involvement which was submitted with the application.

10.53 Whilst it is noted that the Parish Council have raised concern with the extent and level of engagement it is considered that the applicant has fulfilled their requirement with regard to the Localism Act, NPPF and Hambleton Statement of Community Involvement guidance. The level of engagement although to some extent limited was appropriate to the scale of the development. The applicant has stated they have considered the responses received through this engagement exercise within their submission.

### **11.0 PLANNING BALANCE AND CONCLUSION**

11.1 It is considered that the principle of development on this site is acceptable, given the site's location within a service village and the site being occupied by a range of commercial buildings immediately adjacent the built form of the settlement. The harmful impact of the development on the setting of heritage assets, even having given this harm, great weight, is considered sufficiently off-set by public benefit comprising the provision of both affordable and market housing along with the removal of the existing development from the site. The scale of housing proposed and access to the site is considered appropriate.

11.2 The proposed quotient of affordable housing meets the requirements of HG3 when taking into consideration the vacant building credit set out in national policy and the Council's Housing SPD and as such is considered to be acceptable.

11.3 The Highway Authority has confirmed that the existing road network can accommodate the development and there are no highway safety or operation concerns with the access proposed.

11.4 Matters pertaining to site drainage are considered addressed either through the submission or by conditions set out in the recommendation. The proposed development is considered to result in no additional risk in terms of flooding. There is a small residual risk in terms of the access route from the site which goes through Flood Zone 3. This risk is considered to be small and insufficient to warrant refusal of the application.

11.5 On balance the proposed development of this site for housing is considered acceptable and as such recommended for approval.

## 12.0 RECOMMENDATION

12.1 That:

1. Planning Permission be **GRANTED** subject to the conditions set out below and;
2. A Section 106 agreement be completed to ensure provision of affordable housing along with management of the Sustainable Drainage and Public Open Space as necessary.

Condition 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 all of the development hereby approved shall be begun before the expiry of which ever is the later of the following: 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 ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 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) The layout of the site
- (b) The siting, scale, design and external appearance of each building, including a schedule of external materials to be used;
- (c) the landscaping of the site.

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.

Condition 3: The permission hereby granted shall not be undertaken other than in complete accordance with the location plan as received by Hambleton District Council on 15 September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.

Condition 4: The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

Condition 5: There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

Condition 6: Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The development shall then be implemented in accordance with the approved details.

Reason: In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.

Condition 7: No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.

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

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

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

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

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

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

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

Condition 11: No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.

Condition 12: The development hereby approved shall be for no more than 32 dwelling units and shall comply with the mix, size and type requirements of the Council's Housing SPD.

Reason: In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.

Condition 13: Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

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

Condition 14: No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

Condition 15: There must be no access or egress by any vehicles between the highway and the application site until splays detailed in drawing number P21047-0114 are provided giving clear visibility of 36m to the West and 38m to the East measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Condition 16: There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: vehicular, cycle, and pedestrian accesses; vehicular and cycle parking; vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and; loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Condition 17: No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;

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

Reason: In the interest of public safety and amenity.

Condition 18: Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs. The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

Reason: To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

Condition 19: Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary ecological appraisal prepared by Naturally Wild ref SHA-20-03 R1 August 2020.

Reason: To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.



## Notes

- 1 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](mailto: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.
- 2 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](http://www.northyorks.gov.uk) or by telephoning 0300 131 2 131.
- 3 It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
- 4 The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments.
- 5 The applicant's attention is drawn to the Design out Crime report ref: 417-1-2020 MR, provided by North Yorkshire Police, in particular the applicant is encouraged to incorporate the advice and recommendations into the detailed design of any future reserved matters application.

**Target Determination Date:** 15 December 2020

**Case Officer:** Mr Peter Jones  
[peter.jones@northyorks.gov.uk](mailto:peter.jones@northyorks.gov.uk)

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