

Public Document Pack



Meeting: Richmond (Yorks) Area Constituency Planning Committee

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

Date: Thursday, 11th April, 2024

Time: 10.00 am

Venue: Swale Meeting Room, Mercury House, Station Road, Richmond, DL10 4JX

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.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Stephen Loach, Principal Democratic Services Officer by midday on Monday 8th April 2024.

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 [Live meetings | North Yorkshire Council](#). Please contact the named democratic services officer supporting this committee if you would like to find out more.

Agenda

1. **Apologies for Absence**
2. **Update List 1** (Pages 5 - 12)
3. **Update List 2** (Pages 13 - 18)
4. **Minutes for the Meeting held on 14th March 2024** (Pages 19 - 24)

To confirm the minutes of the meeting held on 14th March 2024 as an accurate record.
5. **Declarations of Interests**

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.
6. **ZB23/01932/FUL - Application for change of use from existing public house to dwelling at: Horseshoe Inn, West Rounton, DL6 2LL** (Pages 25 - 38)

Report of the Assistant Director Planning – Community Development Services
7. **ZB23/01933/LBC - Application for listed building consent for ground floor alterations at Horseshoe Inn, West Rounton, DL6 2LL** (Pages 39 - 46)

Report of the Assistant Director Planning– Community Development Services
8. **ZB23/01649/FUL - Application for construction of four detached bungalows at land to West of Smithy Green, Hornby Road, Appleton Wiske** (Pages 47 - 70)

Report of the Assistant Director Planning – Community Development Services
9. **ZD23/00683/FULL - Full Planning Permission for Ground floor side extension to provide a larger dining / kitchen, plus the amendment of the vehicular parking to the front of the property at 13 Moorside Road, Richmond DL10 5DJ** (Pages 71 - 76)
10. **21/00797/FULL - Full Planning Permission for the Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure at land North of Caxton Close, Brompton On Swale** (Pages 77 - 102)
11. **Any other urgent items**

Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
12. **Date of Next Meeting**

10.00am, Thursday, 9th May 2024, Civic Centre, Stone Cross, Rotary Way,

Northallerton DL6 2UU or Mercury House, Richmond, DL10 4JX

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:

Stephen Loach, Principal Democratic Services Officer

Tel: 01609 532216

Email: stephen.loach@northyorks.gov.uk

Wednesday, 3 April 2024

This page is intentionally left blank

Richmond (Yorks) Constituency Area Planning Committee
Supplementary to Committee Reports

11th April 2024

Agenda Item	Application number and Division	Respondent	
Page 5	1 & 2 ZB23/01932/FUL & ZB23/01933/LBC Marc Pearson West Rounton	<u>Additional Representations</u> <u>Rountons Community Interest Group supplementary planning objection received 29.3.2024</u> Officer Commentary	<u>Rountons Community Interest Group supplementary planning objection received 29.3.2024 comprises four elements.</u> 1. Our supplementary planning objection summary document. This document sets out the key actin points of the Group. It notes that pledges total £55,000, details of the Asset of Community Value process and work towards purchasing the pub as community hub. 2. Appendix 1 – A Heritage Statement This document concludes the building is considered to be of community interest and its loss result in harm to the heritage asset. 3. Appendix 2 – An updated analysis of the community survey results. This document provides data on survey results 4. Appendix 3 – Our Vision and Mission statement This document sets out a vision for an alternative use stating priorities in years 1-2 and years 3-5. Matters relating to this additional information provides a useful update on the progress of the Rountons Community Interest Group with regard to the work towards purchasing the pub and possible alternative uses.

OFFICIAL - SENSITIVE

OFFICIAL - SENSITIVE

Agenda Item 2

			With regard to the heritage statement these matters are already dealt within the respective planning and listed building committee reports.
		Applicant Statement	The applicant has submitted a statement which provides a summary of the speech prepared for the committee meeting. The statement provides a brief history of the applicants involvement with the public house, commentary on the community group and the Asset of Community Value, commentary on the planning application process relating to the initial officer advice in support of the application and the current recommendation following the granting of the Asset of Community Value and a suggestion to defer the determination on the application for 6 months.
3. Page 6	ZB23/01649/FUL Ian Nesbit Appleton Wiske	Additional Application Plans and/or Information	Revised Drainage Strategy Plan (23129-DR-C-0100 Rev.P2) At the request of Officers, this version of the Drainage Strategy Plan includes spot levels for the proposed access road as well as finished floor levels for all four bungalows. The plan has been uploaded to Public Access.

<p>Additional Representations (in respect to the ongoing reconsultation exercise)</p>	<p><u>Local resident(s):</u> A single additional representation from a local resident (objecting to the as amended proposals) has been submitted since the publication of the Planning Agenda. This has been uploaded to Public Access, but is summarised below:</p> <ul style="list-style-type: none"> • Original objections to the proposals ‘still stand’ despite the proposed amendments to the scheme. • The proposed site access would be directly opposite their property and their holiday cottage business....the associated construction work would deter business, potentially affect their minimum letting status and adversely affect the experience of holiday-makers. • It is noted that a recommended condition would require that on-site (construction) vehicle parking would need to be agreed. Will this be enforced? <p><u>Technical consultee(s):</u> The following representation has been submitted on behalf of Teesside International Airport following reconsultation: <i>“...The airport safeguarding team has assessed the proposal in accordance with the UK Reg (EU) No 139/2014 (the UK Aerodrome Regulation) and it does not conflict with the safeguarding criteria for the airport. Accordingly, we have no aerodrome safeguarding objection to the proposal based on the information provided...”</i></p> <p>The Northallerton Ramblers have asked by they have been consulted on the application (with representations require by 28th April) if the application is to be considered by the Planning Committee on Thursday 11th April. Officer explanation provided.</p>
<p>Recommended Additional Planning Condition</p>	<p>The following additional planning conditions are recommended:</p> <p><u>Condition 18</u> <i>“A) No demolition/development shall take place/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:</i></p>

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: This condition is imposed in accordance with the NPPF as the site is of archaeological interest and the Local Plan policies S1, S7 and E5.”

Condition 19
“Prior to the first occupation of any of the dwellings hereby approved, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations included within the submitted Flood Risk Assessment (23129-FRA-001 Rev.A) The FWEP shall:
a. state how occupants will be made aware that they can sign up to the Environment Agency Flood Warning services;
b. state how occupants will be made aware the plan itself;
c. provide details of how occupants should respond in the event that they receive a flood warning, or become aware of a flood;

			<p><i>d. state the measures that will be implemented to provide appropriate refuge, as well as safe and efficient evacuation for occupiers, in a flood event; and</i></p> <p><i>e. provide details of any flood mitigation and resilience measures designed into the scheme post-permission additional to those secured at planning application approval stage.</i></p> <p><i>The approved Flood Warning and Evacuation Plan shall be implemented on first occupation of the premises hereby approved and carried out in accordance with the approved details for the lifetime of the development.</i></p> <p><i>Reason: To ensure that a strategy is in place that will reduce the risk to occupiers in the event of a flood, given that part of the site is within Flood Zone 2, in accordance with the NPPF and Policies RM2 of the Local Plan.”</i></p>
Page 9		Flood Risk – Further Officer Clarification	<p>The Officer Report (paras. 10.40 - 10.42) includes a section on ‘Flood Risk and Surface Water Drainage Management’. To supplement this section of the report, the following details and conclusions are provided (which should be read/considered in conjunction with the Officer Report):</p> <ul style="list-style-type: none"> • A Flood Risk Assessment (23129-FRA-001 Rev.A) has been submitted with the application. This clarifies that the majority of the site (including the footprints and curtilage areas of the four bungalows) would be within Flood Zone 1 (low flood risk) of the Environment Agency’s Fluvial Flood Maps. The EA Flood Maps show that a small element of the north-western part of the application site would be within Flood Zone 2 (medium flood risk) Overall, the FRA concludes that: <i>“the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.”</i> • As residential (‘More Vulnerable’) development within Flood Zones 1 and 2, the Exception Test does not need to be applied. The proposals would locate the footprints and residential curtilages of all four properties within Flood Zone 1, outside of the sequentially-less-preferable area of the application site within

			<p>Flood Zone 2 within which a section of the access track would be sited. The applicant has not submitted any information to show that potential alternative application sites fully within Flood Zone 1 have been considered in accordance with the NPPF and Policy RM2 of the Local Plan requirements relating to the application of the sequential test. However, Officers consider that the nature, extent and impacts of the flood risk would be very low for the development with all habitable and residential curtilage areas within FZ1 and only a small part of the proposed access track being within FZ2 with the FRA showing that a suitable Flood Warning and Evacuation Plan being achievable for the proposed development. This is considered by Officers to be an important material consideration and notwithstanding the lack of the application of the sequential test, one which would ensure that the proposed development would be subject to a relatively low risk of fluvial flooding with any impacts to property and persons acceptably mitigated through the scheme layout and flood emergency and evacuation measures.</p> <ul style="list-style-type: none">• The FRA concludes that the raising of floor levels (in order for the development to resist floor risk) is not required as the dwelling would be located within FZ1.• The FRA includes recommended site evacuation procedures and routes, although it states that the levels of any flood waters is unlikely to prevent egress and ingress from/to the site (should planning permission be granted, it is recommended that a Flood Warning and Evacuation Plan is submitted and approved by condition).• The current EA Surface Water Flood Maps show no material surface water flood risk on the application site (although there are areas of low, medium and high Surface Water Flood Risk on the land to the west)• Subject to the provision of a detailed Flood Warning and Evacuation Plan, the risks to property and persons posed by both fluvial and surface water flooding are considered to be low and their impacts insignificant.
--	--	--	---

			<ul style="list-style-type: none"> Further to the Officer Report, a response from the LLFA remains outstanding on the amended and additional surface water drainage information submitted by the agent.
		Public Right of Way - Officer Clarification	Further to the Officer Report, it is clarified that the public footpath (10.8/2/1) runs in a north-south direction through the application site. The revised site layout would ensure that the current route of the PROW would be unaffected by the proposed development, and there is no requirement for the PROW to be diverted. If planning permission is granted, it is recommended that an informative is imposed that informs the application of the need to ensure that the PROW remains temporarily and permanently unobstructed.
Page 11		Officer Report Corrections	<p>Para. 10.20 (in the 'Heritage' Section): "Section 46 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses..."</p> <p>Para. 10.27 (in the 'Heritage Section'): "Therefore, overall, and notwithstanding the conclusions of the submitted Heritage Statement, it is not considered that the proposed development would have a neutral (not harmful) impact on the setting of the church of St. Mary's and thus the proposed development would comply with Policies S7 and E5 of the Local Plan and the NPPF."</p> <p>Section 12.0 ("Recommendation"), Para. 12.1: "That the Committee be minded to GRANTED subject to receiving a positive recommendation from the Lead Local Flood Authority and subject to no additional issues being raised by technical and non technical consultees following the expiry of the reconsultation exercise."</p>

--	--	--	--

RICHMOND (Yorks) CONSTITUENCY AREA PLANNING COMMITTEE
SUPPLEMENTARY TO COMMITTEE REPORTS

11th April 2024

Agenda Item	Application number and Division	Respondent	
7 Page 13	21/00797/FULL – Catterick Village and Brompton on Swale	Local Reps	<p><u>Local Representation and Response</u></p> <p>An email from a resident adjacent to the south-east corner of the site wrote to the ward member on 08.04.2024 raising concerns with the drainage proposals. The Richmond Office Development Management Team Leader also spoke to the resident on site the same day. The concerns have previously been raised, however, it is considered expedient to provide a fuller explanation of this matter.</p> <p>The resident’s property is adjacent to a waterway/ wide ditch which we understand they own. This ditch connects northwards and southwards and currently received surface water from the application site due to land levels. Their concern is that the water will increase post development and this will cause: flooding of his property; further erosion of the banks; become urban water way; attract vermin; become polluted; and become overgrown with invasive plant species. Our understanding he has concerns about the ditch being maintained by the applicant to the south which he advised in the past they have not done. The resident wishes for the ditch the be culverted (covered over and enclosed) or moved away from his property.</p> <p>In respect of flooding and culverting the LLFA provided the below advise:</p> <p><i>“The Lead Local Flood Authority position is that the development (21/00797/FULL) proposals are, in principle, satisfactory and do not increase flood risk off or onsite in accordance with the requirements of the National Planning Policy Framework (Section 159). It is noted that there are some outstanding issues, however these issues are not material to ensuring there is no increase in ‘on’ and ‘off site’ risk. It also worth noting that the developer as landowner has the right of connection to the watercourse within their land ownership, with a drainage system</i></p>

restricted to the existing greenfield runoff rate, therefore it is anticipated that there is no increase in flood risk for up to the design flood event, plus allowances for climate change and urban creep.

In relation to the concerns of Mr Weatherby's and Ms Halls response. We would agree that the property owner has the right to protect themselves from flooding. However, in common law riparian rights do not allow the blocking up or altering of the watercourse unless appropriate consent is sought from ourselves. At this location we would not allow for any alterations to the watercourse as it is within a high risk area for flooding. We would also strongly advise against making any alterations to the watercourse and if any changes were to be made to block/alter the flow of the watercourse then it is likely that this will increase the flood risk to residents. Any alterations or works on the watercourse by any residents would ultimately be counterproductive.

I hope this is useful and clarifies any doubts as to riparian rights and the relationship between the new development and risk to neighbouring properties."

It is therefore considered that moving the water course or requiring it to be culverted would not be reasonable or necessary under this standalone application. Please also note, this would require land outside the redline. The larger application for 200 dwellings reference 22/00657/VAR needs to be considered separately.

A scheme of this size will have a management regime for both the drainage systems (proposed condition 5) and landscaping (POS Delivery and Maintenance) and this will include if approved periodic checking and cleaning out of the ditch within the redline. To make it very clear to future persons we recommend updating condition 5 to specifically refer to ditch maintenance.

Case Officer

Public Open Space

There is 15m between the edge of the Play Area and the nearest existing front residential façade (back garden to the rear).

There is 16m between the edge of the Kickabout Area and the nearest existing residential units rear façade.

This area of North Yorkshire Council has no specific standards for distances between play areas and dwellings. Whilst distances may not be as large as specified by some councils it is considered these are acceptable as: (a) the play area faces neighbours front not rear gardens and will be well overlooked reducing late night nuisance type noises; and (b) the kickabout area is unlikely to be used frequently for long period of time having regard to other similar arrangements on newer developments. However, it is recommended to replace the level condition with a more detailed condition and requiring boundary treatment to be agreed to ensure appropriate screening between the kickabout area and existing neighbours back gardens.

S106 Heads of Terms Update

The report refers to a price cap for the discount market sale units. However, this cap has not yet been agreed and may need to change depending on the market and retail price index at the time the units are ready to be sold. We therefore recommending taking this price cap out of the heads of terms and will instead be agreed at the time of marketing and/or sale.

Site Location Plan

The submitted Site Location Plan excludes a small strip of land between the application site and the adopted highway at Caxton Close. The applicant has advised that Persimmon own this land and this has been a drafting error. They shall be submitting a new Site Location Plan today (10.04.2024) and a new 21 day consultation will be issued. Due to this, the recommendation needs to be updated.

Updated Conditions

Condition 2 Approved Plans – Replace (b)

With: “Location Plan, BOS-PH2-000 dated 07.04.22”

Condition 5 Drainage Management & Maintenance – Replace Text with:

No development shall take place until a drainage management and maintenance

scheme has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:

- a watercourse/ ditch management and maintenance plan for its entire length within the application site.
- 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.

The approved drainage management and maintenance scheme shall be adhered to in perpetuity.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

Condition 7 Finished Floor Levels – Replace with: Levels and south-eastern boundary treatment

Prior to commencement of any development whatsoever existing and proposed site levels, external and finished floor levels and a south boundary treatment scheme for the site boundary to the south of the Kickabout Area as detailed on approved plan Planning Layout – ref. BOS-PH2-001, rev. P shall be submitted to and approved in writing to the Local Planning Authority. These shall include a single north-south section through the eastern half of the site through the Kickabout Area as detailed on approved plan Planning Layout – ref. BOS-PH2-001, rev. P.

There afterwards, the development will take place in complete accordance with approved levels. The approved boundary treatment shall be installed prior to commencement of plots 57 to 61 or the pumping station and thereafter retained in perpetuity.

Reason: To ensure that neighbours do not experience and unacceptable sense of enclosure or overlooking together with reducing the visual and landscape impact of the

development.

Condition 11 Open Spaces – word substitution:

Replace “solid path” with “crushed stone path”.

Condition 13 Contamination - Replace Text with:

Prior to commencement of development a contamination remediation and verification strategy shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures. Prior to first occupation a verification report shall be submitted to and approved in writing with the Local Planning Authority unless another time is first agreed in writing with the Local Planning Authority within the remediate strategy.

The contamination remediation and verification strategy shall include a scheme to deal with:

1. During the ground investigations work, Boreholes TP12 and TP 16 encountered made ground. Pit TP12 revealed a previously used animal pit which must be suitably treated ahead of starting work on site.
2. Within 400m south of the proposed development perimeter are three areas of decommissioned landfill sites, capped and closed by 2005, with some gas control measures currently in place. As gases can migrate over time appropriate precautionary measures are required to minimise the risk to future occupants of the development with Amber 1 protection.

Reason: To deal with contamination on site for the future health of residents and the environment.

Updated Recommendation

Minded to Grant subject to the consultation period for the amended location plan having expired with no new material representations having been raised, and subject to S106 agreement and conditions as listed in the Committee Report and updated in the Update List, delegated to the Head of Development Management.

NOT PROTECTIVELY MARKED

NOT PROTECTIVELY MARKED

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 14th March, 2024 commencing at 10.00 am at Civic Centre, Stone Cross, Rotary Way, Northallerton.

Councillor David Webster in the Chair, plus Councillors Bryn Griffiths (as substitute for Councillor Stuart Parsons), David Hugill, Yvonne Peacock (as substitute for Councillor Heather Moorhouse) and Karin Sedgwick.

Officers present: Bart Milburn, Planning Manager, Ann Rawlinson, Development Manager (West & Enforcement), Ian Nesbit, Senior Planning Officer, Frances Maxwell, Solicitor (Business and Environmental Services), Stephen Loach, Principal Democratic Services Officer and Sarah Holbird, Democratic Services Officer.

Apologies: Councillors Heather Moorhouse, Stuart Parsons, Angus Thompson and Steve Watson.

Copies of all documents considered are in the Minute Book

92 Apologies for Absence

Apologies noted (see above).

93 Minutes for the Meeting held on 8 February 2024

The minutes of the meeting held on Thursday, 8 February 2024 were confirmed and signed as an accurate record.

94 Declarations of Interests

There were no declarations of interest.

Planning Applications

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

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

In considering the report of the Assistant Director Planning – Community Development

Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

95 Application for Outline Planning Permission with some matters reserved (to consider access) for proposed construction of Class E foodstore and Class E/Sui Generis Cafe/Drive-Thru together with access, car parking, servicing, landscaping and associated works. at Land South West of Cowling Garth 91, Bedale Road, Aiskew

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline planning permission with some matters reserved (to consider access) for proposed construction of Class E foodstore and Class E/Sui Generis Cafe/Drive-Thru together with access, car parking, servicing, landscaping and associated works. at Land South West of Cowling Garth 91, Bedale Road, Aiskew for Mr Keith Nutter.

Christ Utley spoke objecting to the application.

Michael Chaloner M.SC spoke on behalf of Aiskew & Leeming Bar Parish Council objecting to the application.

The applicant, Keith Nutter, spoke in support of the application.

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

- The visibility splay from the access and what mitigation measures are being put in place to increase the visibility.
- The carbon saving proposals for the site, including the number of electrical vehicle charging points being provided.
- The ongoing maintenance of the proposed acoustic fencing.

The Decision :-

- (a) That the Planning Committee is **MINDED TO APPROVE** outline planning permission, with the conditions, as amended, set out in paragraph 12 of the report, the additional conditions set out below and any conditions subsequently recommended by the Lead Local Flood Authority, Network Rail/and or the Wensleydale Railway with delegated authority given to the Assistant Director of Planning Services to issue conditional outline planning permission, subject to:
- (i) Receiving written representations from the Lead Local Flood Authority (LLFA), Network Rail and the Wensleydale Railway confirming that they have no objections to the proposals (as amended) and,
 - (ii) Receiving written confirmation from Environmental Health that they are satisfied with the clarification provided by the agent in support of the assumptions and conclusions made within the submitted air quality documentation.
 - (iii) The provision of a Section 106 Agreement to secure:
 - a financial contribution of £35,000 for the Local Highway Authority to provide a pedestrian 'zebra' crossing over Bedale Road

- a financial contribution of £5,000 to be used by the Local Highway Authority for the monitoring of the Travel Plan.
- secure arrangements for the management and monitoring of BNG, including securing a financial contribution to be used by the Council to review and monitor BNG over a 30-year period. The financial contribution shall be calculated using the North Yorkshire Council BNG Monitoring Calculator (Rev. 1.1) or any later revision.

(b) That the reserved matters application be considered by the Richmond (Yorks) Area Constituency Committee.

Voting Record

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

Amended Conditions

Condition 4 – The opening hours of both the foodstore and café/coffee shop drive thru unit shall be restricted to:

Mon – Sat: 07:00 to 22:00

Sun: any 6 hours period between 09:00 to 18:00

Reason: In order to protect the amenities of local residents, in accordance with Policy E2 of the Local Plan.

Condition 6 – The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Constructing a new access for the development at Bedale Road prior to the first operation of development including installation of a bus stop.

For each scheme of off-site highway mitigation, 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.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of 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.

Condition 17 – The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate how practical and viable measures to provide carbon savings and make prudent and efficient use of natural resources will be implemented.

Reason: To secure a more sustainable form of development and to meet the expectations

of Policy S1 of Local Plan.

Additional Conditions

Condition 25 – No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

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

Condition 26 – No development shall take place until details of the proposed means of disposal of foul water drainage for the whole site, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. The details shall also include the details and locations of fat and grease trap(s) to be installed within the design of the foul drainage system prior to the discharge of any foul water to the public sewer network. Furthermore, unless otherwise approved in writing by the Local Planning Authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

Condition 27 – The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

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

Condition 28 – Prior to the first operation of the development and based on the relevant recommendations within the submitted Noise Impact Assessment (dated March 2023), the details and specifications of the acoustic fencing, including height(s) and location(s), shall be submitted to and agreed in writing by the Local Planning Authority. The acoustic fencing shall be fully installed in accordance with the approved details and specifications prior to the first operation of the development. Once completed, the acoustic fencing shall be retained and maintained in situ and as otherwise approved for the lifetime of the development.

Reason: To ensure that a high level of amenity is maintained for the occupants of adjacent and nearby residential properties in accordance with Policy E2 of the Local Plan.

96 Application for a steel portal framed agricultural grain store at Bromakin Grange (Raine), Exelby, Bedale, North Yorkshire, DL8 2EX

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for a steel portal framed agricultural grain store at Bromakin Grange (Raine), Exelby, Bedale, North Yorkshire, DL8 2EX for Mr Jonathan Weighell.

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

- The impact of the proposed building on the surrounding listed buildings.

The Decision :-

That the Planning Committee is **MINDED TO GRANT** planning permission, with delegated authority given to the Assistant Director of Planning Services to issue planning permission subject to the conditions, as amended below, set out in section 12 of the report and subject to no objections being received after the expiration of the 10 day reconsultation period.

Voting Record

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

Amended Condition

Condition 2 – The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) Site Plan licence no 100059532 received 11/03/2024, Proposed elevations 4267-01, 4267-02, 4267-03, 4267-04 received 15/01/2024.

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.

97 Any other items

There were no urgent items of business.

98 Date of Next Meeting

10.00 am, Thursday, 11 April 2024 (venue to be confirmed, either County Hall, Northallerton or Mercury House, Station Road, Richmond)

The meeting concluded at 11.15 am.

This page is intentionally left blank

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee
11th April 2024

ZB23/01932/FUL - Change of use from existing public house to dwelling

At: Horseshoe Inn, West Rounton, DL6 2LL

On behalf of: Mr. S. Taylor

Report of the Assistant Director Planning– Community Development services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for planning permission for a change of use from existing public house to dwelling.
- 1.2 This application is brought to the Planning Committee due to the level of local interest in the application. A concurrent listed building consent for the associated works to the listed building has been submitted and is also on the committee agenda (ref no. ZB23/01933/LBC).
- 1.3 It is recommended that planning permission be refused.

2.0 SUMMARY

RECOMMENDATION: That permission is **REFUSED**.

- 2.1 The application seeks planning permission for the change of use of the existing public house to a single dwelling. The only external alteration proposed to the building is to remove the modern advertisement signage above the entrance door on the principal elevation. In-curtilage parking and a garden area is proposed to the front of the property.
- 2.2 The Horseshoe Inn is registered as an Asset of Community Value (ACV) and there is a significant amount of activity by the community at present, pursuant to the purchase of the pub by the community.
- 2.3 It is considered that the ACV, when combined with the significant levels of activity to purchase the pub, should be given significant weight in the planning balance. The property has been on the market for the last year, but there had been little interest until the time of the submission of this application.
- 2.4 Policy IC4 of the Hambleton Local Plan seeks to protect existing uses which are in community use and states: 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.

2.5 It is considered the policy position, combined with weight from the Asset of Community Value results in a recommendation for refusal.

ZB23/01932/FUL & ZB23/01933/LBC

02/04/2024



**NORTH YORKSHIRE COUNCIL**
Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU
© Crown copyright [and database rights] 2024 OS AC0000825864



3.0 PRELIMINARY MATTERS

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

[Documents for ZB23/01932/FUL](#)

3.2 The following applications related to the application site are detailed below:

80/1557/LBC - Application for Listed Building Consent For The Re-Rendering And Colouring Of Front Elevation Of Existing Public House. Approved. 24.07.1980

82/0676/FUL - Extension to Existing Public House to provide Increased Living Accommodation. Approved. 26.08.1982

2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house. Approved. 05.05.1989

2/92/169/0024F - Extension to existing public house and living accommodation. Approved. 27.08.1992

2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation. Approved. 27.08.1992

10/00748/LBC and 10/00747/FUL. Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010. Approved. 11.06.2010

11/02305/FUL - Demolition of existing outbuilding and construction of a dwelling. Refused. 02.03.2012

11/02716/LBC - Application for listed building consent for demolition of existing outbuilding and construction of a dwelling. Refused. 02.03.2012

13/00717/FUL - Alterations to existing outbuildings to form ancillary manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013. Approved. 25.09.2013

13/00718/LBC - Application for listed building consent for alterations to existing outbuildings to form manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013. Approved. 25.09.2013

14/00680/FUL - Construction of ancillary manager's accommodation as amended by plan received by Hambleton District Council on 14 May 2014. Approved. 30.05.2014

21/02474/MRC - Removal of condition of previously approved planning application reference Number: 14/00680/FUL - Construction of ancillary manager's accommodation - remove occupancy condition. Approved. 13.01.2022

21/02479/LBC - Retrospective listed building consent sought for internal alterations to return the first floor function room to its original use as manager/staff accommodation. Approved. 13.01.2022

ZB23/01933/LBC – Associated works for the conversion of the listed building. Concurrent application pending consideration. Not decided.

4.0 SITE AND SURROUNDINGS

- 4.1 The Horseshoe Public house is a Grade II listed building located on the east side of the main highway through the village of West Rounton. The building forms part of a short two storey terrace of three properties with the two properties to the north in residential use. The properties have rendered facades with pitched pantile roofs and are set back from the highway by c.10m. The frontage to the Horseshoe Public House is open and comprises a tarmac area used for parking and informal outdoor seating whilst to the north the residential properties have garden defined by fencing and hedges. To the rear are two small single storey stone outbuildings used as storage, together with an oil tank.
- 4.2 Immediately to the south-west is a single storey former managers accommodation that sits immediately adjacent to the highway. This is constructed in a variety of brickwork and stone, under pitched pantile roofs. This building received planning permission to remove the occupancy condition to allow for use an open market dwelling as separate planning unit (ref no. 21/02474/MRC). The remainder of the context is defined by a variety of historic and modern residential properties situated in the village.
- 4.3 The submitted statements suggest the building was previously two separate dwellings with the dividing wall removed at ground floor level to provide a larger space at an unknown date. The public house is understood to have been operational since the c.19th century. As noted above in the planning history the building has been the subject of numerous applications in the latter half of the twentieth and into the early twenty-first centuries. Given the numerous modern interventions at ground floor level to provide bar, counters, kitchen area, storage and W/C facilities associated with the current use, the heritage internal interest is limited to the staircase, two fireplaces and the existing entrance door. On this basis the heritage value of the site relates to its historical use and limited architectural interest as a small village public house.
- Business use
- 4.4 The submitted statements note that the applicant purchased the public house in 2009 and began trading in 2010 with an occasional food offer. From 2016 tenants operated the business and offered a greater food offering. Unfortunately, this ended in the 2020 Covid lockdown when the tenants surrendered their lease. The business was operated for a short period after the end of the lockdown restrictions in 2021 but by the end of 2022 it was decided to close the public house due to limited trade. During this period the function room at first floor level was amended back to managers accommodation and the separate managers accommodation had its occupancy condition removed to allow for use as an open market dwelling as noted in the planning history in section 3 above. The public house now opens on an informal ad hoc basis via a messaging group and this approach continues to the present day.
- 4.5 Since January 2023 the property has been marketed through Sidney Phillips and Company and numerous property websites. The property was marketed at £375,000 and subsequently reduced to £300,000. A marketing report illustrates a significant number of hits on the web advert but no viewing appointments or any offers.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application seeks permission for the change of use of the public house to residential use. Given the property is Grade II listed a concurrent listed building consent application for ground floor alterations is also pending consideration.
- 5.2 During the course of the application the proposals to remove the existing outbuildings was omitted from the proposal and are now to be retained. Furthermore, an updated site layout has been provided to illustrate off-street parking and a small garden area to the front of the property.

- 5.3 In addition, the local community has successfully listed the Public House as an Asset of Community Value (ACV) in March 2024.

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, February 2022, and
North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)

7.0 CONSULTATION RESPONSES

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

- 7.2 West Rounton Parish Council: Object as summarised below:

- The loss of the Pub will be a great loss to the community.
- There is a local community interest group actively looking at ways the pub could be made more economically viable and improve its integration into the local fabric of the community.
- The local community interest group organized a meeting in the village hall and was well attended with between 35 to 40 people present.
- The Parish Council has submitted an application for the pub to be registered as an Asset of Community Value.
- Finally it should be noted that the Parish councillors have individually put forward their objections.

- 7.3 The Council for British Archaeology: No response received (expired 27.10.2023).

- 7.4 Historic England: In this case we are not offering advice suggest that you seek the views of your specialist conservation and archaeological advisers.

- 7.5 Natural England: No response received (expired 27.10.2023).

- 7.6 Yorkshire Wildlife Trust: No response received (expired 27.10.2023).

- 7.7 Yorkshire Water: No response received (expired 27.10.2023).

7.8 Highways: No objection.

Local Representations

7.9 A signed petition of 36 people and total of 17 individual local representations have been received in total on this listed building consent application. A summary of the comments is provided below, however, please see Public Access for full comments:

Petition

- Notes it is a place of historic value, it was built in circa 1860 and has served as the village pub since that time
- It is a Grade II listed building
- It is an asset of community value as it serves not only as a village pub but a place to meet for social gatherings and social well-being
- It's a great place for families to meet up and the children in the community to interact.
- And it could be so much more.

Third party objections

- Concern regarding the loss of the only pub/community asset in the village.
- The recent loss of other local public houses such as the Station Inn at Picton and Shorthorn in Appleton Wiske would be a real loss to the wider community to lose another local public house especially one with such history.
- Unclear from the documents submitted as to the façade would be treated in any conversion.
- The value of the pub to the community extends way beyond its historic interest.
- Need to allow time for further investigation by the village community to consider whether it could be purchased by the community (with grants) or whether more intensive advertising could be employed to find a suitable buyer or tenant.
- Request that any decision is put on hold until the community have had time to explore various means of keeping the pub open.
- Since refurbishing and reopening the Horseshoe Inn, circa 2010, the current owners and their family succeeded in establishing a family friendly environment for people to meet up. Subsequent tenants were able to build on this success.
- The pub regularly received writeups in the local press and awards for good food and as a friendly village pub. We need to continue to build on this success and keep this as a Community Hub.

Rowntons Community Interest Group

- Planning Applications B23/01933/LBC and ZB23/01932/FUL should be refused as there remains a need.
- The community wishes to purchase the pub and extend its use as a Community Hub working with other ACVs.
- The significance of the building as a statutorily listed heritage asset is directly linked to its use as a pub.

A. Planning objection submission - key actions include;

- The Horseshoe Inn is a Grade II listed pub and was listed by Historic England on the 30th of March 1970 due to its special architectural and historical interest.
- A Public Meeting was held on 15th November 2023 following advertisement of a planning notice of intended change of use by the Council. The Community had no prior knowledge the owner intended to change the use of the pub. There was overwhelming support to lodge a community petition to object to the

change of use and explore ways to buy the grade II listed pub and extend its use to a community hub. Approximately 50 people attended.

- A petition letter was sent to NYC planning department on 17th Nov 2023 with 36 signatures and a further 20 objections were made online.
- At the first public meeting we invited the community to register and to be kept updated with progress. We set up an email address RountonsCIG@outlook.com to establish regular communications with the Rountons communities in addition to corresponding by hand with those not on email.
- A full objection document was submitted on 19th January 2024 to NYC planning providing a challenge to incorrect assertions made by the owner. We were asked by planning to provide an additional two-page summary of our objections which we did on the 25th of January 2023.
- We undertook a community survey with all the Rountons communities to assess the need for the pub and a wider concept of a community hub.
- A second Public Meeting was held on 24th January 2024 to update the community on progress and included feedback from the survey and the launch of our community pledges/share offer to buy the pub. Over 50 people attended, with apologies from a further 12 who are in support of our campaign.
- The community support has significantly grown through the commitment of community pledges which now total over £55,000. We have a dedicated officer dealing with all pledges and shares.
- The public meeting information was sent to the planning department on 23rd January 2024 which also included results of a wider community survey evidencing support to save the pub and to form a wider community hub.
- We have updated the overall analysis of the community survey responses we have received, which confirms the overwhelming support and need for the pub and the development of a wider community hub. (attached at Appendix 2). We also have support from all the surrounding villages and further afield.
- We have kept our Local Ward Councillor aware of developments throughout our campaign.
- We had previously been informed the planning committee hearing would be held on 8th February 2024 and then on 14th March 2024 however no officer recommendation had been made ahead of these dates which were subsequently postponed.
- A planning site visit of the pub took place on the 5th of February 2024 as a fact-finding exercise and there was no recommendation by the officer who attended for the committee at the point of visit.
- We have made fact finding visits to other pubs to gain trading information since none had been provided by the owner until only very recently. The Planning department received trading information from the owner on 7th February but did not make it public on the portal until after 23rd February following the RCIG's insistence to make this available for us to read and comment upon.
- Upon looking at this new trading information it is clear these are only partial trading figures 2023 and do not cover the full extent of the trading period. Previously the applicant's Estate Agents Sydney Phillips had informed us no trading information was available.
- We dispute this recent publication of trading information by the owner since these figures only relate to a very short period in 2023 when the pub was open on an ad hoc basis twice a month and in our opinion carries no weight to a planning decision.
- We have produced and already submitted an accurate timeline of trading activity of the pub from July 2020 –2024 in our submission on the 19th of January 2024.

- In our full objection document submitted on the 19th of January 2024 we included reference to the research we have carried out via the CAMRA website showing the current success of community pubs overall.
- We have requested to meet with the applicant on 4 separate occasions to try and buy the pub. He has declined our offer to meet, and he has not changed his position as evidenced previously on the planning portal.
- We have also tried to arrange to have an independent evaluation and survey undertaken of the pub to enable us to submit an offer to buy the pub which has also been declined.
- The marketing information which has been provided by the applicant also adds little weight. Other comparable information from Estate Agents regarding pubs for sale clearly shows the pub is currently overvalued which planning must be fully aware of.
- North Yorkshire Council had registered the Horseshoe Inn as an Asset of Community Value on the 8th of January 2024 following an application by the Parish Council. The owner's appeal was refused on the 1st of March 2024.
- The Parish Council was notified by North Yorkshire Council of the results of the ACV appeal on 14th of March 2024 and informed on the 19th of March 2024 that the owner has expressed an interest to sell the pub.
- On the 29th of March 2024 we have written separately to the Communities Team in North Yorkshire Council informing them of our intention to be treated as a potential bidder to buy the pub.
- We will attend the Planning Committee meeting on the 11th of April and make our representation to the Committee.

B. Research and Progress in Purchasing the Pub as a Community Hub – Key actions include;

- The Rountons Community Interest Group was formed in October 23 and meets weekly.
- Visits have been made to successfully run Community Pubs in George and Dragon in Hudswell and The Travellers Rest in Skeeby to gain knowledge of their experiences. They are also providing group buddy/peer support on key areas of development.
- We have applied to become registered as a Community Benefit Society, our incorporated name will be Rountons Community Hub Limited and regulated by the Financial Conduct Authority
- We have received formal confirmation by the government we meet the criteria to apply for the governments Community Ownership Fund for match funding and preparing for full funding.
- We are members of The Plunkett Foundation, and they are supporting us with our Community Ownership full funding application (COF).
- We have raised over £55,000 in community pledges to use as match funding when applying for the COF and have offers from the community to extend pledge offers to meet the match funding required which is 20%.
- We have the support of local businesses and landowners.
- Our Business Plan is under development, and we have already in place a vision and priorities for the pub and extended community hub for the next 5 years. This was produced with the community following their feedback. (attached at Appendix 3)
- As detailed in our vision document we are reaching out to other organisations to create partnerships and extent our outreach community offer. This has already been supported by East Rounton Village Hall committee.
- We have undertaken demographic population research of the Rountons villages and the wider catchment areas to understand households and a potential

customer base. This research was previously provided in our detailed submission on the 19th of January 2024.

- We have in place a range of communication channels to update the community including email, leaflet drops and hand delivery letters and recently developed a website.
- Our campaign to save the pub has been covered by both Northern Echo/D&S Times throughout our campaign.
- The Rt Hon Prime Minister has sent us a letter wishing us well in our campaign.

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 planning application are:
- Principle
 - Loss of a community facility
 - Asset of community value
 - Amenity
 - Highways
 - Heritage

10.0 ASSESSMENT

Principle

- 10.1 The Hambleton Local Plan (referred to as 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.
- 10.2 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages', 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns.
- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. These housing targets are not intended to be a ceiling to additional development, and the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing 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' within the settlement hierarchy contained in Policy S3.
- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. 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.

- 10.5 West Rounton is designated within the settlement hierarchy of Policy S3 as a Secondary Village. Criterion c. of Policy S3 supports growth in Service Villages that is commensurate with the settlement's size, character and concentration of services/facilities.
- 10.6 Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Secondary 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.
- 10.7 With regard to the provision of a dwelling, given the location within the built form of the secondary village this accords with the spatial distribution requirements of Local Plan policy S3 and definition of the built form contained within Local Plan Policy S5. On this basis windfall housing within the built form of defined settlements can 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. On this basis and subject to compliance with other relevant Local Plan policies the proposal for residential use in this location in the village is considered to be acceptable in principle. However, it should be noted that the proposals are not wholly compliant with Policy S3 owing to the loss of the community use. Matters relating to the loss of community use is referenced in the paragraphs below.
- Loss of a community facility
- 10.8 Local Plan policy IC4 seeks the protection of existing community facilities and will not support proposals for their loss unless it can be demonstrated that either; a satisfactory replacement facility will be provided; the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use; the continued use of the site for community purposes would conflict with other planning policies; or the loss of the community facility is integral to a strategic proposal to improve community services within the locality.
- 10.9 The issue at hand relates to the viability of the public house. The recent history of the public house described in section 4 notes that the applicant and previous tenants who ran the business prior to the COVID lockdowns in 2020 and 2021 operated successfully but no accounts are available and as such the turnover and profit from this time, is not clear. Only little weight can be given to this evidence. Since the end of lockdown restrictions and due to the impact on the hospitality trade together with the increase in energy costs, the applicant considers the business unviable with limited trade and ultimately the premises effectively closed at the end of 2022, although the premises currently operates on an informal ad-hoc basis to the present day. Whilst full accounts are not available limited financial details of the last years trading figures (excluding rent or employee payments) have been submitted. The property has been marketed since January 2023 and no interest has been received through the agent. Given the location, the very modest size of the public house and its associated outdoor space it is evident that the property is not attractive to the current market. It is noted that the local community group has submitted information to counter the applicant's claim regarding the viability of the business and recent financial information.
- 10.10 In the view of officers, the applicant has provided only limited evidence relating to the recent trading history of the premises and has provided evidence of the recent marketing of the property. It is noted that the premises has recently been designated as an Asset of Community Value and the activity of the community pursuant to the purchase of the public house is a significant factor. (see paragraph 10.11 below). On this basis there is a prospect of securing a continued use as a public house. Given the circumstances it is

considered the proposal has not demonstrated compliance with Local Plan policy IC4 or the community element of policy S3.

Asset of Community Value

- 10.11 Following the submission of the application, the local community group sought to list the public house as an asset of community value. This application has been successful although it is understood the applicant appealed unsuccessfully against the designation. In addition, the community group has applied to the Government's Community Ownership Fund available to rural communities in a bid to purchase the pub.
- 10.12 In February 2024 the community group had achieved 50% of its initial £50,000 target through pledges
- 10.13 Officers consider that the application of the Asset of Community Value, combined with the level of activity by the Community, toward the purchase and running of the pub, should be given significant weight in the planning balance.

Amenity

- 10.14 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. In order to achieve this 'high standard of amenity', E2 states that proposals will be required to ensure:
- an adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.);
 - physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.);
 - no significant adverse impacts in terms of noise...(criterion c.);
 - that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);
 - the provision of adequate and convenient storage and collection of waste/recycling (criterion e.);
 - the provision of adequate and convenient private external amenity space (criterion g.)
- 10.15 Given the surrounding residential context it is considered that a proposal for residential use would not adversely impact upon the surrounding uses. Indeed, the change from a commercial use with parking area is considered to be a marginal improvement due to reduction in noise and disturbance associated with a commercial use. The change to residential use would not raise any overlooking concerns and the proposed garden to the front together with the existing yard area would provide sufficient amenity space for the size of the property. On this basis the proposal would satisfy the requirements of Local Plan policy E2.

Highways

- 10.16 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.);
- 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.)
- adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
- appropriate provision for parking is incorporated...(criterion g.)

10.17 The highways team raise no concerns given the existing use of the area to the front of the property for parking. Officers consider the change to provide part of the frontage as garden area would not impact on parking provision (two parking spaces) and therefore the proposal raises no highways concern and would therefore accord with Local Plan policy IC2.

10.18 The Highways team has been re-consulted on the amended site layout to show parking to the front and raise no concerns. The proposal is therefore considered to comply with Local Plan policy IC2.

Heritage

10.19 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.

10.20 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. Any harm identified must be given great weight in the determination of the application.

10.21 Physical changes to the fabric are largely dealt with through the concurrent application for listed building consent. With regard to the loss of the historic use as a public house, this would inevitably result in an impact upon the identified heritage significance. In accordance with paragraph 208 of the National Planning Policy Framework the impact is considered to cause less than substantial harm and therefore the public benefits of the proposal need to outweigh the harm for planning permission to be granted.

10.22 The site was historically in residential use. However, the pub has been a cultural focus within the village for a significant proportion of its life. The loss of the use and its impact on the cultural significance of the building must be assessed. It is considered that the proposed conversion back to a residential use could secure the continued use of the building to provide sufficient public benefit to outweigh the identified harm. However, given the extent of community activity, there is a realistic prospect that the public house function could be retained which would result in no harm to the significance. On this basis, the proposal is not considered to provide sufficient public benefit to outweigh the identified harm.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. The National Planning Policy Framework requires the local planning authority to carry out a direct balance between harm to heritage assets and public benefit. The proposal would involve change of the use of the site. It has been established that the harm to the significance of the listed building is considered to amount to less than substantial harm. It is clear that any harm must be given great weight and importance in the planning balance

when considering whether or not the public benefits of the scheme reasonably offset that harm.

- 11.2 Given that there is an opportunity to bring the pub into community ownership, the proposed change of use is not considered to weigh in favour of the proposals, in the planning balance. It is considered that the less than substantial harm that would be caused to the significance of the heritage asset would not be outweighed by public benefit and as such the proposed development is not considered to meet the requirements of the National Planning Policy Framework or policy E5 of the Local Plan.
- 11.3 The designation as an Asset of Community Value, combined with the activities of the community, pursuant to the purchase of the pub, is considered to weigh significantly against the proposed change of use. It is considered that there is an opportunity for the pub to be purchased and run by the community. The loss of the public house is also considered to represent a breach of policy S3 and policy IC4 of the Local Plan.
- 11.4 In conclusion, it is considered that the change of use of the pub has not been sufficiently justified at this time and as such the application is recommended for refusal.

12.0 RECOMMENDATION:

That planning permission is **REFUSED** for the reasons set out below:

1. The proposal would result in the loss of a community facility and would therefore fail the requirements of Local Plan policy IC4 and Policy S3.
2. The proposal would result in less than substantial harm to the Grade II listed building through the proposed loss of the public house. No public benefit can be identified and as such the proposed development would fail the requirements of Local Plan Policy E5 and section 16 of the NPPF.

Target Determination Date: 12.02.2024

Case Officer: Marc Pearson marc.pearson@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee
14th April 2024

ZB23/01933/LBC - Ground floor alterations.

At: Horseshoe Inn, West Rounton, DL6 2LL

On behalf of: Mr. S. Taylor

Report of the Assistant Director Planning– Community Development services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for listed building consent for ground floor alterations.
- 1.2 This application is brought to the Planning Committee due to the level of local objection. A concurrent planning application for the change of use from existing public house to dwelling has been submitted and is also a committee agenda item (ref no. ZB23/01932/FUL).
- 1.3 It is recommended that listed building be granted subject to a condition relating to a schedule of works for the limited internal alterations to be submitted prior to the commencement of development.

2.0 SUMMARY

RECOMMENDATION: That listed building consent is **GRANTED**.

- 2.1 The application seeks listed building consent ground floor internal alterations to facilitate the conversion to a single dwelling. The only external alteration proposed is to remove the modern advertisement signage above the entrance door on the principal elevation.
- 2.2 The issues of the heritage impact of the use are dealt with in the Full application. This application deals only with the physical alterations to the listed building.

ZB23/01932/FUL & ZB23/01933/LBC

02/04/2024



3.0 PRELIMINARY MATTERS

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

[Documents for ZB23/01933/LBC](#)

3.2 The following applications related to the application site are detailed below:

80/1557/LBC - Application for Listed Building Consent For The Re-Rendering And Colouring Of Front Elevation Of Existing Public House. Approved. 24.07.1980

82/0676/FUL - Extension to Existing Public House to provide Increased Living Accommodation. Approved. 26.08.1982

2/89/169/0024C - Application for Listed Building Consent for alterations to existing public house. Approved. 05.05.1989

2/92/169/0024F - Extension to existing public house and living accommodation. Approved. 27.08.1992

2/92/169/0024G - Application for Listed Building Consent for an extension to existing public house and living accommodation. Approved. 27.08.1992

10/00748/LBC and 10/00747/FUL. Single storey extension to existing pub, installation of 3 roof lights and 2 replacement windows, alterations to outbuildings, alterations to form a self contained flat and formation of a car park as amended by email and plan received on 10 June 2010. Approved. 11.06.2010

11/02305/FUL - Demolition of existing outbuilding and construction of a dwelling. Refused. 02.03.2012

11/02716/LBC - Application for listed building consent for demolition of existing outbuilding and construction of a dwelling. Refused. 02.03.2012

13/00717/FUL - Alterations to existing outbuildings to form ancillary manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013. Approved. 25.09.2013

13/00718/LBC - Application for listed building consent for alterations to existing outbuildings to form manager's accommodation for existing public house as amended by plan received by Hambleton District Council on 25 June 2013. Approved. 25.09.2013

14/00680/FUL - Construction of ancillary manager's accommodation as amended by plan received by Hambleton District Council on 14 May 2014. Approved. 30.05.2014

21/02474/MRC - Removal of condition of previously approved planning application reference Number: 14/00680/FUL - Construction of ancillary manager's accommodation - remove occupancy condition. Approved. 13.01.2022

21/02479/LBC - Retrospective listed building consent sought for internal alterations to return the first floor function room to its original use as manager/staff accommodation. Approved. 13.01.2022

ZB23/01932/FUL - Change of use from existing public house to dwelling. Concurrent application pending consideration.

4.0 SITE AND SURROUNDINGS

- 4.1 The Horseshoe Public house is a Grade II listed building located on the east side of the main highway through the village of West Rounton. The building forms part of a short two storey terrace of three properties with the two properties to the north in residential use. The properties have rendered facades with pitched pantile roofs and are set back from the highway by c.10m. The frontage to the Horseshoe Public House is open and comprises a tarmac area used for parking and informal outdoor seating whilst to the north the residential properties have gardens defined by fencing and hedges. To the rear are two small single storey stone outbuildings used as storage together with an oil tank.
- 4.2 The submitted statements suggest the building was previously two separate dwellings with the dividing wall removed at ground floor level to provide a larger space at an unknown date. The public house is understood to have been operational since the c.19th century. As noted above in the planning history the building has been the subject of numerous applications in the latter half of the twentieth and into the early twenty-first centuries. Given the numerous modern interventions at ground floor level to provide bar counters, kitchen area, storage and W/C facilities associated with the current use, the heritage internal interest is limited to the staircase, two fireplaces and the existing entrance door. On this basis the heritage value of the site relates mainly to its historical use and limited architectural interest as a small village public house. The first-floor level is used as managers accommodation and the application excludes this area as no works are proposed.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 This application seeks permission for ground floor alterations which would facilitate the conversion to residential use. This application must consider the impact that the physical alterations would have on the significance of the listed building. The issues around the impact otherwise resulting from the change of use is dealt with in the concurrent Full application.
- 5.2 The proposed alterations would be minimal given the existing layout and functions that can be re-used. The kitchen area will remain and one of the W/C's will remain as a bathroom, whilst the remaining areas will be used for storage. The modern bar will be removed, and it is proposed to sub-divide the remaining space to form separate dining and living room areas. This approach would replicate the previous alignment of the dividing wall in similar a manner to when the building was understood to be in use as two dwellings. The only external alteration proposed is to remove the modern advertisement above the entrance door on the principal elevation.
- 5.3 During the course of the application the proposals to remove the existing outbuildings to the rear were omitted and the outbuildings are now proposed to be retained. Furthermore, an updated site layout has been provided to illustrate off-street parking and a small garden area to the front of the property.

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, February 2022, and
North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)

7.0 CONSULTATION RESPONSES

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

7.2 West Rounton Parish Council: Object as summarised below:

- The loss of the Pub will be a great loss to the community.
- There is a local community interest group actively looking at ways the pub could be made more economically viable and improve its integration into the local fabric of the community.
- The local community interest group organized a meeting in the village hall and was well attended with between 35 to 40 people present.
- The Parish Council has submitted an application for the pub to be registered as an Asset of Community Value.
- Finally, it should be noted that the Parish councillors have individually put forward their objections.

7.3 The Council for British Archaeology: No response received (expired 27.10.2023).

7.4 Conservation officer: No objections subject to a condition requiring a schedule of works to be submitted in writing to the local planning authority. The schedule should include the order works shall be undertaken and how they are going to be removed and details of replacement elements.

7.5 Historic England: In this case we are not offering advice suggest that you seek the views of your specialist conservation and archaeological advisers.

Local Representations

7.6 A signed petition of 36 people and total of 5 individual local representations have been received in total on this listed building consent application. It should be noted that some of the observations are general comments relating to the loss of a community facility rather than specific heritage matters. A summary of the comments is provided below, however, please see Public Access for full comments:

Petition

- Notes it is a place of historic value, it was built in circa 1860 and has served as the village pub since that time
- It is a Grade II listed building
- It is an asset of community value as it serves not only as a village pub but a place to meet for social gatherings and social well-being
- It's a great place for families to meet up and the children in the community to interact.
- And it could be so much more.

Third party objections

- Concern regarding the loss of the only pub/community asset in the village.
- The recent loss of other local public houses such as the Station Inn at Picton and Shorthorn in Appleton Wiske would be a real loss to the wider community to lose another local public house especially one with such history.
- Unclear from the documents submitted as to the façade would be treated in any conversion.
- The value of the pub to the community extends way beyond its historic interest.
- Need to allow time for further investigation by the village community to consider whether it could be purchased by the community (with grants) or whether more intensive advertising could be employed to find a suitable buyer or tenant.

8.0 ENVIRONMENT IMPACT ASSESSMENT

- 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 listed building application are:
- Heritage matters and the impact of the proposed physical alterations on the significance of the listed building.

10.0 ASSESSMENT

Heritage

- 10.1 The main planning issue raised by this application is whether the proposed development would cause harm to the significance of the listed building.
- 10.2 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.
- 10.3 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. Any harm identified must be given great weight in the determination of the application.

- 10.4 The heritage value of the subject building relates to its historical use as a small village public house and its architectural interest.
- 10.5 As noted in section 4 above, the building has been substantially altered and the limited proposed changes listed in section 5 to provide for the ground floor sub-division which would result in a minimal loss of historic fabric that would not impact upon the identified architectural significance of the heritage asset. No external alterations are proposed to the exterior with exception of the removal of the modern signage above the entrance door and this raises no concern. On this basis and subject to a schedule of works condition the proposal raises no heritage concerns in regard to the architectural significance of the building.
- 10.6 It is considered that that proposed physical alterations to the building result in no harm to the significance of the heritage asset.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The National Planning Policy Framework requires the local planning authority to carry out a direct balance between harm to heritage assets and public benefit where harm to the significance is identified. Whilst the change of use is considered to result in harm, through the cultural impact of the loss of the public house, this application is only concerned with the physical alterations resulting from the proposals.
- 11.2. It is clear that where any harm is identified that harm must be given great weight and importance in the planning balance when determining an application concerning a designated heritage asset.
- 11.3. In this case, the physical alterations are considered to result in no harm and as such the proposed development is considered to meet the requirements of the National Planning Policy Framework. It is considered that the proposed development complies with the relevant Local Plan policy E5 in terms of heritage and is otherwise in accordance with local and national policy requirements

12.0 RECOMMENDATION:

- 12.1 That listed building consent is **GRANTED** subject to conditions listed below:

RECOMMENDED CONDITIONS:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Drawings Proposed Site plan and Proposed Floor plan.
3. Prior to the commencement of development a schedule of internal and external works shall be submitted in writing to the Local Planning Authority for approval. The works shall be carried out in accordance with the approved details.

Reason

1. To ensure compliance with Section 18A of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. In order that the development is undertaken in a form that is appropriate to the heritage asset in accordance with the Local Plan Policies S7 and E5.

Target Determination Date: 12.02.2024

Case Officer: Marc Pearson marc.pearson@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

11 April 2024

ZB23/01649/FUL - Construction of four detached bungalows

At: Land to West of Smithy Green, Hornby Road, Appleton Wiske

On behalf of: Clarion Homes Ltd

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for four bungalows on land to the west of Smithy Green in Appleton Wiske.
- 1.2 This application is brought to the Planning Committee at the request of the Divisional Member.
- 1.3 It is recommended that planning permission be granted.

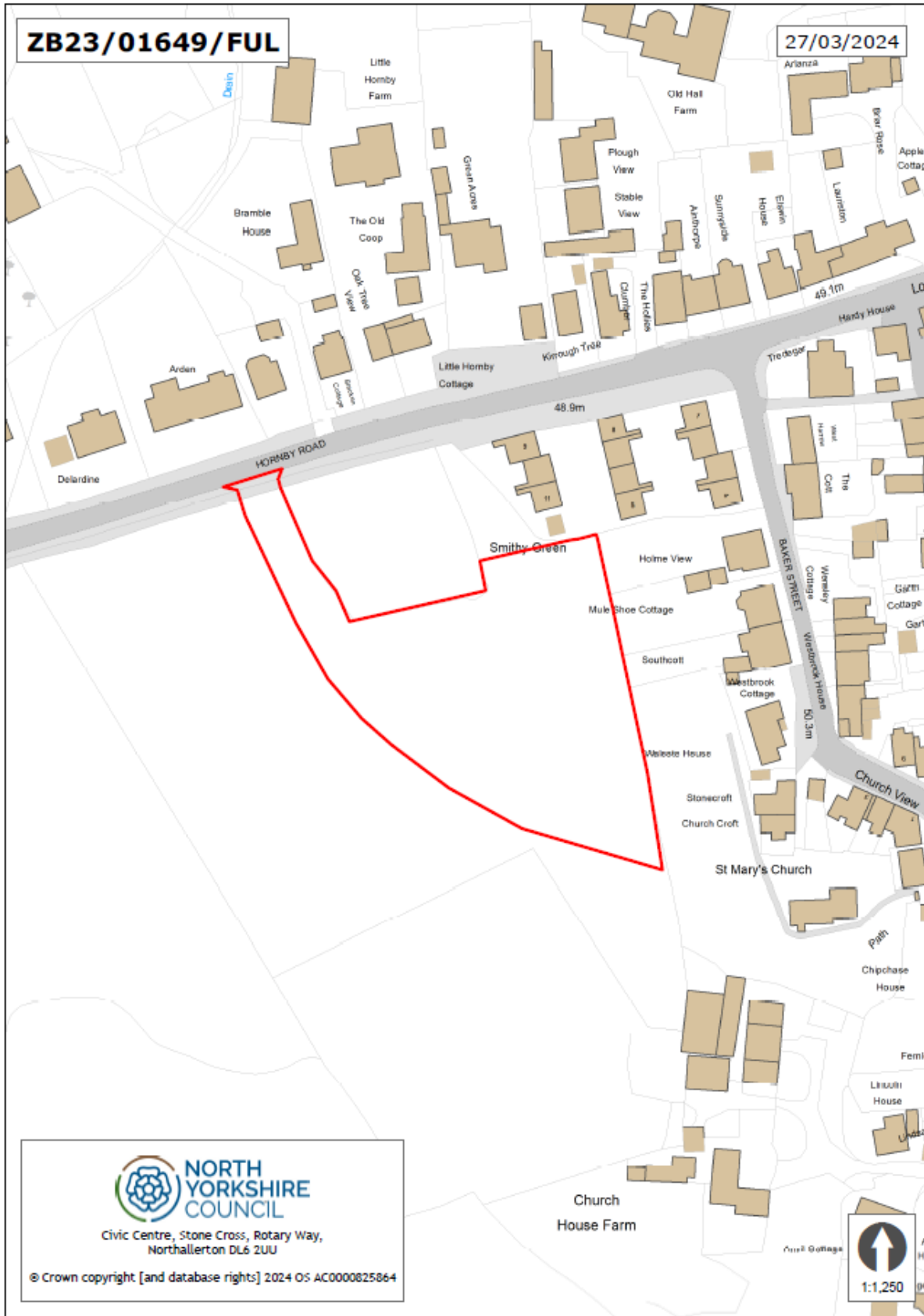
2.0 SUMMARY

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

- 2.1. The application (as amended) is seeking full planning permission for the construction of 4 bungalows on the western edge of the village of Appleton Wiske, adjacent to the built form of the settlement. The proposed bungalows would consist of: two 2 bedroom units and two 3 bedroom units.
- 2.2. The proposed development would be located outside but adjacent to the main built form of the village with the site adjacent to the existing residential curtilages of properties to the north and east of the site. A carefully considered landscaping scheme (as amended) and the provision of single storey properties would ensure that the proposed development would not result in a harmful impact on the existing character of the western edge of the village or the rural character of the countryside to the west and south.
- 2.3. The site is located adjacent to, and to the west of, the churchyard of the Grade II Listed St. Mary's Church. An existing line of mature trees along part of the western boundary of the churchyard provides an effective screen between the church (and its churchyard) and the land to the west, while the church/churchyard is already surrounded on three sides by buildings. The proposed development is considered to have a neutral (not harmful) impact on the setting of the listed church.
- 2.4. The proposed development would not raise any significant or unacceptable issues with regards to ecology, highway safety, amenity, drainage and land contamination

and would result in an acceptable and policy-compliant design and net gain in biodiversity. The provision of four single storey properties, half of which would be two bed units, would help meet the identified need within the Plan Area for smaller, single storey properties, which has been given moderate weight in the planning balance.

- 2.5 Overall, the proposed development is considered to meet the requirements and expectations of the relevant policies of the Local Plan and the NPPF.



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Documents for ZB23/01649/FUL](#)
- 3.2. There is no recent/relevant planning history related to the application site. However, the following planning history is related to the recently erected two dwellings to the north of the site:
- 19/00834/OUT: Outline application with details of access (all other matter reserved) for the construction of two dwellings, APPROVED, 28.06.2019.
 - 19/00834/DCN: Application to discharge conditions 10, 11 and 12 of permission 19/00834/OUT, DISCHARGED, 19.05.2020.
 - 20/02642/FUL: Application for construction of a stone built four bedroom detached dwelling with a double garage (plot1), APPROVED, 01.07.2021.
 - 20/02643/FUL: Application for the construction of a stone built four bedroom dwelling with a double garage. (plot2), APPROVED, 01.07.2021.
 - 22/00564/DCN: Application to discharge conditions of permission 20/02642/FUL, UNDETERMINED.
- 3.3 During the course of the application, and following correspondence received from the owner of an adjacent property to the north of the site (who was concerned that part of the residential curtilage was included within the application site), a slight amendment has been made to the 'land-edged-red' in order to ensure that the application site relates to land wholly within the applicant's ownership, as intended. In addition, several revised and additional application documents and plans have been submitted by the agent, including: a photomontage of the development including its landscaping (as viewed from the west, looking eastwards); a percolation report; revised hydraulic calculations; a Surface Water Drainage Maintenance and Management Schedule; and a revised Drainage Strategy Plan (Rev. P2) These documents have been uploaded to Public Access. A reconsultation exercise is currently in progress in relation to these documents.

4.0 SITE AND SURROUNDINGS

- 4.1. The application site measures approx. 0.51ha and is located to the north west end of Appleton Wiske on the southern side of Hornby Road. Immediately to the north of the site is a road fronting development of two dwellings which first gained approval in 2019. These are substantially complete and at the time of writing were advertised as for sale online. The approved site plan for these dwellings shows a boundary fence is to be constructed on the southern boundary of the plots. This would make up the northern boundary of the application site. To the north east of the application site is a mature Oak tree which is the subject of Tree Preservation Order 15/00002/TPO_2. To the east is the graveyard relating to St Mary's Church, a Grade II listed building. Two public rights of way run through the site, one directly from Hornby Road to the north and one from the west. Both of these rights of way lead to St Mary's Church and are shown on the 1850s Ordnance Survey mapping. To the west and south is the remainder of the field which is in the ownership of the applicant. The northern portion of the site which links to Hornby Road and is designated as the access point lies within Flood Zone 2.
- 4.2. Appleton Wiske is categorised as a secondary village in Policy S3 of the Hambleton Local Plan. This is reflective of the level of services available in the area. As is the case in many villages the historical linear pattern has given way over time to small pockets of in-depth development, for example at Hunters Ride and Prospect View. The village hosts a variety of house types both traditional and modern with the majority finished in either red brick or render.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks full planning permission for the construction of 4 detached bungalows. The four dwellings will be made up of two 2 bedroom and two 3 bedroom bungalows. Access is to be taken from Hornby Road to the west of the road fronting development. A turning head is to be provided on the eastern end of the development. A pedestrian footpath is to be provided within the site. It should be noted that there is no public footpath on Hornby Road at the site entrance. The footpath starts at the north side of Hornby Road 80m to the east at the dwelling known as Kirrough Tree. The use of the public right of way, would reduce this distance to 36m. Pedestrian access to Baker Street/Front Street can also be gained via the Public Right of Way which runs through St Mary's Church grounds.
- 5.2. The 2 bedroom dwellings will be L-shaped and at the widest points will measure 8.11m by 12.93m with an overall height of 5.38m and floor area of 87.5sqm. The 3 bedroom dwellings will be T-shaped and at the widest points will measure 11.24m by 14.23m with an overall height of 5.43m and floor area of 119.5sqm. The dwellings will be finished in brick with pantile.

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, February 2022, and
 - North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered of no weight due to the current early stage of plan preparation.
- The North Yorkshire Local Plan

Guidance - Material Considerations

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

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. Parish Council: The Parish Council wishes to see the application refused on the following grounds:
- Local housing need as identified through the Neighbourhood Plan process has been met 3 times over by approvals under the Interim Policy Guidance.
 - The site is of historical and archaeological importance due to the presence of a Holloway and archaeological finds such as a Roman coin.

- An Archaeological Assessment is required.
 - Site is prone to flooding
- 7.3. Divisional Member(s): No representations submitted.
- 7.4. Lead Local Flood Authority: Requested further information from the applicant. LLFA have been reconsulted on the application.
- 7.5. NYC Principal Archaeologist: Have not commented formally on the application.
- 7.6. Footpaths: There is a public right of way within the application site. If the development will physically affect the public right of way then a Public Path Order or Diversion Order will be required.
- 7.7. Local Highway Authority: No objection subject to conditions.
- 7.8. Internal Drainage Board (Sware and Ure): Consent from the Board is require in order to discharge surface water to the watercourse. The discharge rate will need to be restricted to 1.4ls/ha or the existing greenfield scenario.
- 7.9. Teesside International Airport: No aerodrome safeguarding objection.
- 7.10. Yorkshire Water: There is a 300mm diameter public foul sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over. Nor new trees planted within 5 metres of the public sewer. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centreline and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer. In this instance, it would appear that the public sewer is unlikely to be affected by building-over proposals. Yorkshire Water have no objection to the proposals and recommend a condition to secure the details.

Local Representations

- 7.11. 10 local representations have been received of which 6 are objecting and 4 are neutral. A summary of the comments is provided below. However, please see website for full comments.
- 7.12. Objections:
- The address is misleading and should be west of Baker Street
 - Impact on properties on Baker Street
 - Drawings are not dimensioned
 - Site is prone to flooding and development will add to issues on Hornby Road
 - The site has historical value as part of an earlier settlement
 - 30 planning applications have been granted in recent years
 - The village has no bus service
 - Too much development for the village
 - Impact on view of listed church from public right of way
 - Further disruption during another construction (over 3 years)
 - No footpath on Hornby Road
 - Highways safety
 - Height of the bungalows should be lower than those approved on the road fronting dwellings which are too high

7.13. Neutral:

- Hedgerow is important for wildlife and field is a hunting ground for birds
- Trees on site should be preserved
- The Public Right of Way should be preserved as is
- The developer has included land which was sold as part of the road fronting development

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:

- Location and Principle of development
- Affordable Housing and Housing Mix
- Design and Impacts on the Landscape/Countryside and the Settlement's Setting/Character
- Heritage
- Ecology and BNG
- Highways Impact
- Surface Water Drainage Management
- Impact on Trees and Green Infrastructure

10.0 ASSESSMENT

Location and Principle of Development

10.1 The Hambleton Local Plan (hereby referred to as 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 Priorities and Requirements) 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.

10.2 Policy S2 also 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. Policy HG1 (Housing Delivery) sets out the specific housing site allocations, although to clarify, the application site is not part of any Local Plan site allocation.

10.3 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Plan Area, with the main focus of housing growth within the Plan Area's defined Market Towns and 'limited development' accommodated within the defined 'Service Villages' and 'Secondary Villages' (as identified within the 'settlement hierarchy' of the policy) 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 of Policy S3.

- 10.4 Although (as mentioned above) the overall housing target within the plan period is expected to be achieved through a mixture of already completed schemes, existing commitments and site allocations, 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' 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 Of relevance to this application, 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 outside, but adjacent to the built form of a defined settlement (Secondary Village), therefore scenario (2) of Policy HG5 is considered to be relevant. Where scenario (2) applies, Policy HG5 states the proposal needs to demonstrate or be in compliance with five specific requirements (criteria a.-e.)
- 10.7 Criterion a. (of HG5) requires the proposals to show that a sequential approach to site selection has been taken which demonstrates that there are no suitable and viable previously developed land available within the built form of the village. The Planning Support Statement submitted with the application outlines a detailed assessment of the settlement and identifies the Shorthorn Inn as the only remaining previously developed site not to have been built out. The assessment queries the viability of the site given issues such as land contamination and affordable housing requirements. A permission, however, has since been granted on the site for 4 dwellings. It is considered therefore that the site is no longer available and criterion a is satisfied. Overall, the 'site search' undertaken is considered to be reasonable and as such, the proposals have demonstrated that compliance with criterion a. of Policy HG5.
- 10.8 Criterion c. (of HG5) states that the proposal (both individually and cumulatively) shall represent the incremental growth of the village commensurate to its size, scale, role and function. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.
- 10.9 The proposals would result in the provision of four additional dwellings, representing a modest/incremental increase in the number of existing households (there are approximately 190 houses and farms within the Appleton Wiske Parish. Therefore, although Appleton Wiske has seen a number of residential planning approvals in recent years, some of which were on previously developed land, such as at The Shorthorn Inn. Overall, it is considered that the proposed development individually and cumulatively will not have a detrimental impact on the character of the settlement, local infrastructure or facilities, and the proposals would be in accordance with the requirements of criterion c. of HG5.

NB: criteria b., d. and e. relate to housing mix and the impact on the countryside and

character and appearance of the village (and its setting) respectively, therefore will be considered/addressed in the sections below.

Affordable Housing and Housing Mix

- 10.10 Policy HG3 (Affordable Housing Requirements) states that the Council will seek the provision of 30% affordable housing on all developments for new market housing in designated rural areas (which includes Appleton Wiske Parish) where more than 4 units are proposed. Policy HG3 also states that planning permission will be refused for proposals where it appears that a larger site has been sub-divided into smaller parcels in order to avoid developer contributions for affordable housing.
- 10.11 The application proposes the construction of four dwellings, so would not, as a 'stand-alone' proposal, trigger the requirement for affordable housing required by Policy HG3. However, given the proximity of this site to the recently-constructed, road-fronting residential development of two properties, the ownership details have been investigated to establish whether affordable housing requirement would be triggered in this case as a result of an intentional subdivision of land in order to avoid the Local Plan affordable housing requirement. The applicant has indicated that the land which formed the site of the two residential properties to the north of the existing site was sold some years ago in the absence of planning permission. Two separate applications for self-build units were then subsequently submitted and built out. It is considered that in this case there is sufficient separation in terms of ownership, subdivision of the land and the circumstances of the various applications to conclude that the land has not been artificially sub-divided in order to avoid the provision of affordable housing. On this basis there is no requirement for affordable housing in this case.
- 10.12 Criterion f. of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA)...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. Criterion b. of Policy HG5 states that so-called 'windfall housing development' will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area, including a housing mix table (table 3.1) providing percentage mix ranges for 1, 2, 3 and 4+ bed market and affordable properties:

	Proposed Housing Mix: Total of 4 Market Units	
<u>House Size</u>	<u>Expected Market Housing Range (%)</u>	<u>Proposed Market Housing Range (4 Units)</u>
1 bed	5-10%	0% (0)
2 bed	40-45%	50% (2)
3 bed	40-45%	50% (2)
4+ bed	0-10%	0% (0)

- 10.13 The proposed housing mix does not sit fully within the above housing mix range of table 3.1 of the Housing SPD with no single bed or 4+ bed units being proposed, although as stated within the Housing SPD, the above ranges are meant to be targets, rather than strict requirements, with flexibility allowed for individual schemes.

Such flexibility can be crucial for smaller sites/development where the quantum of units can make it difficult to meet the above house size ranges of table 3.1 of the Housing SPD. The proposal would result in the over-provision of much needed two bed units which would result in a housing mix that would better meet local need overall and as such is considered to be in accordance with the requirements of Policy HG2 and criterion b. of Policy HG5 of the Local Plan as well as the Council's Housing SPD. Indeed, it is recommended that the relatively high proportion of smaller-sized, single storey properties within the housing mix should be given moderate weight within the planning balance.

Design and Impacts on the Landscape/Countryside and the Settlement's Setting/Character

- 10.14 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.)
- 10.15 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations): the degree of openness and special characteristics of the landscape has been considered (criterion a.); where they conserve, and where possible, enhances any natural and historic landscape features that contribute to the character of the local area (criterion b.); and protect the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
- 10.16 Criterion d. and e. of Policy HG5 states that all proposals will (individually or cumulatively) not: result in the loss of open space that is important to the historic form and layout of the village (d.); and have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village (e.).
- 10.17 The application site is located to the west and south of the existing built form of Appleton Wiske. Although the proposal would utilise a greenfield site which is part of the wider agricultural land that forms the rural setting to the southern and western parts of the village, the visual impact of the proposed development on the countryside or the setting of the village would be negated/limited due to the position of the plots which are positioned behind (to the south) of the two new properties (Pasture House and Ryegrass House) that front Hornby Road on its southern side and located close to the existing built form of the western part of the village consisting of St.Mary's Church and the residential properties of Smithy Green and Baker Street. It is also worth noting that the building form along the northern side of Hornby Road extends westwards beyond the application site. The proposed development would be seen as a relatively well-related and natural extension to the built form of the village, largely setback from Hornby Road. The visual impact of the proposed development on the character of the countryside and the setting of the village would be further reduced due to the single storey scale of the proposed dwellings and the relatively low density of the development which has generous plot sizes as well as areas set aside for amenity space and SuDS. In-plot and public tree planting is shown within the

proposed layout which would further help to reduce the visual impact of the proposed development. Furthermore, the individual design of the properties is good and broadly reflects the character of Appleton Wiske, including the use of brick external walls and pantile-covered roofs which are reflective of building materials used elsewhere within the village.

- 10.18 Although the proposed access and curved access road into the site would potentially be a prominent feature in relation to the approach to the village along Hornby Road (travelling eastwards), the agent has worked with Officers to produce a revised landscaping scheme for planting along the western edge of the curved access road which is aimed at providing a natural, edge-of-settlement landscaping scheme involving small, sporadic tree clusters as well as hedging. This is primarily intended to naturally screen and reduce the visual impact of the curved access road on the countryside and on the setting of the village as approached from the west, although it would also help reduce the visual impacts of the proposed dwellings and associated infrastructure. During the course of the application, the agent has provided photomontages (the latest of which includes the sporadic tree groupings to the western boundary) which indicates that the proposed scale, form and proposed landscaping scheme (particularly the proposed planting along the western edge of the access road) would ensure that there would be no significant or unacceptable visual impacts on the surrounding countryside or the setting of the village, particularly as approached from the west.
- 10.19 The proposed development is considered to have a limited impact on the rural setting of the village and the character of the countryside more generally. In addition, and notwithstanding the relatively close proximity of St. Mary's Church to the application site, the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The matter of the impact of the proposed development on the setting of St. Mary's Church is explored further in the 'Heritage' section below.

Heritage

- 10.20 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.21 The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 10.22 The application site is not located within or adjacent to a Conservation Area, Registered Park and Garden or Scheduled Monument, although the site is located within the setting of the Grade 2 Listed Church of St. Mary's, positioned to the east/south-east of the application site. It should be noted that the area immediately around the Church (including the churchyard) is designated as Local Green Space (by virtue of Policy IC3 of the Local Plan), which relates to the immediate setting of the Church.

- 10.23 A Heritage Statement (HS) has been submitted with the application which has assessed the significance of the Church of St Marys and the application site in terms of its significance to the setting of the Listed Building. The HS has assessed that the significance of the church arises from its archaeological, historic and architectural interest as expressed through the good preservation of its built fabric and the way its planform and architectural features reflect its purpose as a place of worship and a centre for the local community over time. The archaeological and historic value of the church are particularly high given its potential to contain buried archaeological remains.
- 10.24 While the HS states there would be an aspect of co-visibility between the proposed dwellings (within the setting of the church) and the church/churchyard, proposed development site is located in a peripheral area to the formally contained church yard, with outward views to the west from the church path remaining undisturbed and pastoral in character. The HS concludes that the presence of high-quality dwellings, in an appropriate material and palette relative to the built surrounding, need not intrude negatively into the experience of the church from its setting and is not considered to constitute a scale of change within the setting of the church sufficient to detract from its significance. The HS concludes that the proposed development would result in less than substantial harm to the Grade II listed building.
- 10.25 As summarised above, the HS concludes that there would be no impact of the proposed development on the significance of the Listed Building (as a result of any impact on its setting) While Officers would concur with this assessment, the additional conclusion that the proposed development would result in less than substantial harm to the listed building is disputed given the lack of any material impact to the significance of the listed building and the fact that the setting of the church and churchyard is already set within, and characterized by residential surroundings. While Officers would agree that there would be a degree of co-visibility between the proposed dwellings (within the setting of the church) and the church/churchyard, this is limited due to the built-form of the village and intervening features, including the mature boundary tree-line. The proposals would also result in the provision of a low density development with single story properties and on-site landscaping /planting which would help mitigate any impacts on the setting of the Listed Building.
- 10.26 In terms of archaeological remains, the application site is identified as having ridge and furrow features, and the Council's Principal Archaeologist has confirmed informally that there is the potential for there to be a minor impact on such features as a result of the proposed development, although as the site lies outside of the village core it is likely to have a relatively low archaeological potential. Having considered the possibility of burials laying outside of the churchyard, as the churchyard was extended to the north-west in the late 19th century the Principal Archaeologist considered that such burials are unlikely as the adjacent part of the churchyard is relatively new. It is recommended that an archaeological watching brief is imposed by condition should planning permission be granted. It should be noted that this feature is not a designated heritage asset and as such any harm should be considered in the planning balance and need not be given great weight as is the case for designated assets.
- 10.27 Therefore, overall, and notwithstanding the conclusions of the submitted Heritage Statement, it is not considered that the proposed development would have a neutral (not harmful) impact on the setting of the church of St. Mary's and thus the proposed development would comply with Policies S7 and E5 of the Local Plan and the NPPF.

10.28 While there is the potential for less than substantial harm to archaeological features (ridge and furrow) within the site, this impact would result in less than substantial harm which would be outweighed by the public benefits of providing smaller two bed single storey properties that would meet an identified need for this type of housing within the plan area. As such, the proposed development would meet the requirements of Policy S7, E5 and the NPPF.

Ecology and Biodiversity Net Gain

- 10.29 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances 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 where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.30 An Ecological Impact Assessment (hereafter referred to as 'the Ec.I.A.')
- 10.31 The Ec.I.A. states that the application site comprises of a grazed paddock with small sections of hedgerow along the north and eastern boundaries, with a mature oak within the north-eastern part of the site and a ditch running parallel to the most northern point of the site. Overall, the Ec.I.A. concludes that the on-site habitats are of local value only. However, the mature oak tree is considered to include features suitable to support roosting bats and the grassland, hedgerows and ditch provide potential foraging and connectivity features for bat species, although overall, the proposed development is considered to be of low value for bat species.
- 10.32 The grassland and hedgerows on site have the potential to provide nesting and/or foraging birds species, although the site is also considered to be of low value to bird species overall. There is potential for the priority species hedgehog, common toad and brown hare to be present on site on occasion however due to the small size of the site and limited suitable vegetation the development site is considered to be of low suitability to these species. No further survey work is recommended providing the mature oak tree on site is maintained (as shown within the application)
- 10.33 Although the Ec.I.A. confirms that site lies within an identified Site of Special Scientific Interest (SSSI) Impact Risk Zone relating to designated sites in the wider area, however the Ec.I.A. concludes that the development of the nature proposed does not meet the identified impact risk triggers.
- 10.34 The Ec.I.A. makes a number of mitigation and compensation recommendations in Section 6 ('Mitigation and Compensation'), including:
- the provision of a low level, 'ecology-friendly' external lighting scheme.
 - Measures to protect the on-site and adjacent trees and hedgerows during construction.
 - Works to avoid the bird nesting season (or the site checked by an ecologist for nests)
 - Working measures to protect hedgehogs and other small mammals during construction
 - the provision of an amphibian method statement.
 - Pollution prevention measures during construction.
 - The incorporation of species-rich grassland areas within the landscape design in order to compensate for the loss of other neutral grassland within the site.

- The proposed landscaping shall also include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- The provision of integrated swift boxes will be provided within 50% of residential properties.

- 10.35 Overall, the Ec.I.A. does not identify any significant impacts upon protected species or important habitat, subject to undertaking of the recommended ecological mitigation, avoidance and compensatory measures. The proposed development is unlikely to have a significant impact on bats or any other protected, priority and notable species or to have a material impact on any designated site and would comply with Policy E3 of the Local Plan in these regards.
- 10.36 In accordance with the Environment Act (2021) and the NPPF, Policy E3 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.
- 10.37 A Biodiversity Net Gain Assessment has been submitted with the application (hereby referred to as 'the B.N.G.A'). Based on the results of a completed Biodiversity Metric (Version 4.0) Section 4 of the B.N.G.A. states that the proposals would result in a total net gain in Habitat Units of 0.64 (12.20%) and a net gain in Hedgerow Units of 2.80 (3377.98%). The B.N.G.A confirms that the biodiversity net gains would be achieved through enhancements both on site and off-site. Both on-site and off-site land is within the ownership of the applicant. As the B.N.G.A. shows that the proposals have the capability of providing a meaningful net gains in excess of 10% in relation to both Habitat and Hedgerow units, the proposals are considered to meet the expectations of Policy E3 of the Local Plan in terms of BNG, although if planning permission is granted it is recommended that a condition is imposed requiring BNG implementation plan and a BNG management and maintenance plan to be submitted to and agreed by the LPA prior to the commencement of the development.

Amenity

- 10.38 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.
- 10.39 Although the proposed site access would result in vehicles passing the rear of properties on Smithy Green and Baker Steet, the mature hedgerow along the eastern boundary of the site would provide an effective screen, negating any significant or unacceptable noise, lighting and disturbance issues emanating from passing traffic. The properties would be sited to the south of the two new dwellings to the north (Pasture House and Ryegrass House) Plots 1 and 2 would be sited adjacent to the southern boundaries of these two properties, although given the boundary definition, the single storey scale of the proposed dwellings and the separation distances of over 29m between the proposed properties and the rear elevation of the properties to the north, would ensure that there would be no significant or unacceptable amenity issues in respect of these properties. Overall, the proposed development will maintain acceptable levels of amenity, in accordance with Policy E2 of the Local Plan.

- 10.40 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations):
- avoiding development in flood risk areas...(criterion a.);
 - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and
 - reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.41 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):
- surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and
 - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)
- 10.42 The application was submitted with a Drainage Strategy Plan. The DSP showed that surface water from the scheme would be discharged to the watercourse (ditch) along the frontage (northern boundary) of the site at a restricted rate via a pumping solution and a SUDS attenuation basin. A new headwall would be created into the watercourse. Foul drainage would be connected to the existing Yorkshire Water sewer directly to the west of the site. Having considered the proposed drainage scheme, the LLFA have requested further information, clarification and amended details on specific matters. To this end, the agent has submitted a percolation report; revised hydraulic calculations; a Surface Water Drainage Maintenance and Management Schedule; and a revised Drainage Strategy Plan (Rev. P2) The revised DSP has altered the design of the SuDS to accommodate a 1-IN-100 year (plus 45 per cent allowance for climate change, and a restricted flow rate of 1.4l/s. The LLFA have been reconsulted on the additional information, and a recommendation is currently awaited from them. Members will be updated within the 'updates' document or during the Committee Meeting.

Highway Impacts

- 10.43 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.);
 - 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.)
 - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
 - appropriate provision for parking is incorporated...(criterion g.)
- 10.44 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)

10.45 A new access onto Hornby Road is proposed to serve the proposed development. This will result in the removal of a section of hedgerow to provide the access and the requisite visibility splays. The provision of the access would require the building over and culverting of the watercourse along the northern boundary of the proposed development. As the watercourse is within the public highway, the works required to achieve the access can be agreed through a section 278 agreement. All four proposed plots are generous and an appropriate level of on-site parking would be achieved for the proposed development. The LHA has been consulted on the application and have raised no objections to the proposals, subject to conditions. Overall, the proposed development is considered to meet the relevant requirements of Policy IC2 and E1.

Impact on Trees and Green Infrastructure

- 10.46 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. Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development. 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. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor.
- 10.47 An Arboricultural Method Statement and Tree Constraints Plan has been submitted with the application. The documents confirm that the mature oak tree within the site (subject to a TPO) would be retained and can be adequately protected during the construction of the proposed development. Such planning permission be granted the proposed tree protection measures detailed within the AMS shall be required to be undertaken by condition.
- 10.48 The proposed landscaping scheme and planting would enhance the quality of the landscaping within the site and thus enhance the qualities of the green infrastructure corridor. Overall, the proposals would meet the requirements of Policy E4 and E7 of the Local Plan.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 It is considered that the principle of this, small scale, bungalow development is supported by policy S5 and HG5 as the development is adjacent to the existing built form of the settlement and is not harmful to the character of the settlement nor the character of the countryside surrounding the settlement.
- 11.2 The proposed development will provide 4 bungalows, on the edge of the settlement, of a size and form for which there is a demonstratable need. This is given moderate weight within the planning balance.
- 11.3 Although the proposed development would result in less than substantial harm to a non designated heritage asset (i.e. ridge and furrow features within the site) this harm would be outweighed by the public benefits of providing smaller single storey properties as explained above.
- 11.4 The proposed development is considered acceptable in terms of highway safety, Biodiversity Net Gain, ecology, tree protection, PROW, amenity and landscape/village

setting impacts, meeting the relevant Local Plan policy is considered that the proposed development is otherwise in accordance with relevant Local Plan policies and as such the proposed development is recommended for approval.

- 11.5 Overall, the proposed development is considered to comply with the relevant requirements and expectations of the Local Plan, the PPG and the NPPF, subject to receiving a positive recommendation from the Lead Local Flood Authority.

12.0 **RECOMMENDATION**

- 12.1 That the Committee be minded to **GRANTED** subject to receiving a positive recommendation from the Lead Local Flood Authority and subject to no additional issues being raised by technical and non technical consultees following the expiry of the reconsultation exercise.

- 12.2 As well as any conditions recommended by the Lead Local Flood Authority, it is recommended that the following conditions are imposed if planning permission is granted:

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

Reason

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by the Local Planning Authority on 04.08.2023; 06.10.2023 and 23.01.2024, unless otherwise approved in writing by the Local Planning Authority:

- a. Site Location Plan (SK07 Rev.B)
- b. Amended Technical Plan (SK02 Rev.J)
- c. 2 Bedroom Elevations Plan (SK202)
- d. 3 Bedroom Elevations Plan (SK302)
- e. Proposed Elevations Plan (SK06)
- f. Drainage Strategy Plan (23129-DR-C-0100 Rev.P3)

Reason

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

3. 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 90 metres measured along both nearside channel lines of Hornby 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 and to comply, with Policy IC2.

4. There must be no access or egress by any vehicles between the highway and the application site until:

- a. Full technical details relating to the bridging or culverting of the watercourse which lies between the application site and the adjacent highway have been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- b. Any amendments to the ditch have been undertaken in accordance with the details approved in writing by the Local Planning Authority.

Reason:

To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

- 5. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number SK02 Rev.J. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

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

- 6. The development shall not be brought into 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 verge and/or footway shall be constructed in accordance with the approved details and the following requirements:

- i. that part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 30.
- ii. Details of any measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works shall 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

- 7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - a. 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;
 - b. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
 - c. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway;
 - d. Contact details for the responsible person (site manager / site office) who can be contacted in the event of any issue.
 - e. A photographic and / or video record of the condition of that part of Hornby Road which lies adjacent to the site plus a distance of 100 metres on each approach. The

survey should include the carriageway, footways and grassed verges and 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.

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

Reason:

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

9. 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.

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, in accordance with Policy RM5 of the Local Plan.

11. Prior to the provision of any water supply to the development, written confirmation shall be provided to the Local Planning Authority that all new dwellings shall comply with the Building Regulation for water efficiency (as set out in Approved Document G

Reason:

To ensure that the proposed development is water efficient, in accordance with the requirements of Policy RM5 of the Local Plan.

12. The development shall not be commenced until a plan (based on the recommendations within the submitted Arboricultural Method Statement and Tree Constraints Plan) has been submitted to and approved in writing by the Local Planning Authority to show all existing trees and/or hedgerows to be retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses. Submission of these details is required before commencement in order to ensure adequate protection of trees and hedgerows at all stages of the development process, including site clearance.

Reason:

To ensure that the retained trees (including any trees outside but adjacent to the site) and hedgerows that are of value are protected in accordance with Local Plan Policy E7.

13. Prior to the commencement of development and the formation of the access, full details of site and finished floor levels of all buildings shall be submitted to and approved by the Local Planning Authority. These levels shall be taken from a known, fixed, off-site datum point and shall include relevant levels of neighbouring properties. The development shall be implemented in accordance with the approved levels.

Reason:

In order to ensure that the site and finished floor levels are appropriate in terms of the character of the area and the amenity of neighbouring occupiers to accord with the requirements of Policy E2 of the Local Plan.

14. Prior to commencement of the development hereby approved a Biodiversity Net Gain implementation and maintenance plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity based on the results of the small sites biodiversity metric 4.0 or the latest version of the metric if superceded. The development shall thereafter be carried out in accordance with the approved details.

15. Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:

To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings, in accordance with Policies E1 and E2 of the Local Plan.

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

Reason:

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

17. Prior to the occupation of the development hereby approved, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless demonstrated not to be feasible, the Plan shall as a minimum incorporate and provide details of the recommended ecological mitigation, compensation and avoidance measures and enhancement recommendations within Section 6 the submitted Ecological Impact Assessment

(Version 2; July 2023) and a timetable for their undertaking. The development shall be undertaken in accordance with the details and timetable of the approved Biodiversity Enhancement and Management Plan.

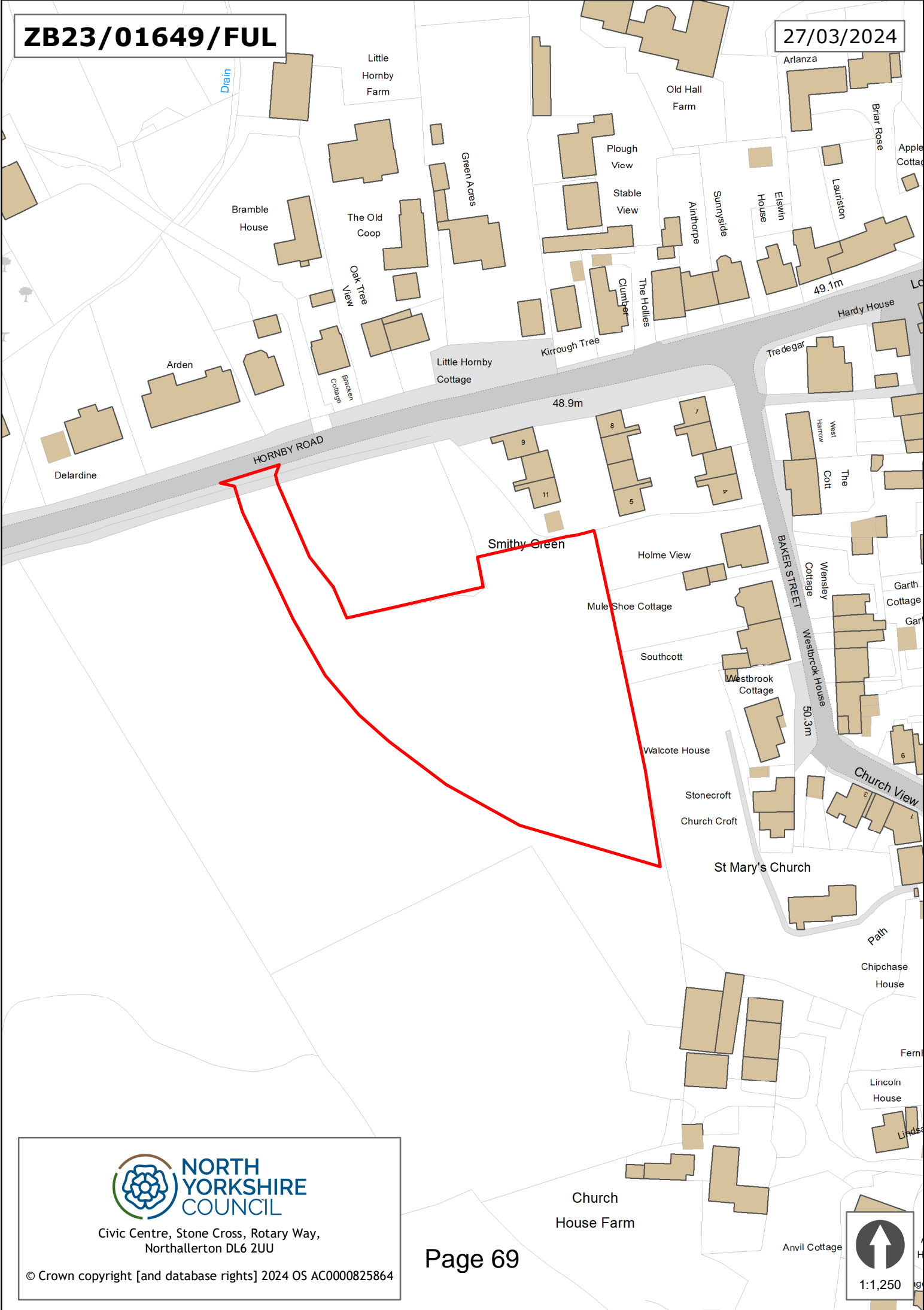
Reason:

To ensure that a suitable Biodiversity Enhancement and Management Plan is approved and appropriate ecological mitigation and enhancements are implemented on site in accordance with policies S1 and E3 of the Local Plan.

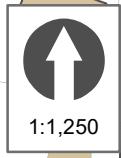
Target Determination Date: 29.12.2024

Case Officer: Aisling O'Driscoll, Aisling.ODriscoll@northyorks.gov.uk

This page is intentionally left blank



NORTH YORKSHIRE COUNCIL
 Civic Centre, Stone Cross, Rotary Way,
 Northallerton DL6 2JU



This page is intentionally left blank

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

11 April 2024

ZD23/00683/FULL - Full Planning Permission for Ground floor side extension to provide a larger dining / kitchen, plus the amendment of the vehicular parking to the front of the property

At: 13 Moorside Road, Richmond, North Yorkshire, DL10 5DJ

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 Ground floor side extension to provide a larger dining / kitchen, plus the amendment of the vehicular parking to the front of the property.
- 1.2 The applicant is a senior officer (Corporate Director/Assistant Director/Head of Service or equivalent) of the Council and has a pecuniary interest in the outcome of a planning application and as specified under Section 9, para 9.3 (vi) of the Constitution, this application is therefore brought to planning committee.

2.0 SUMMARY

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

- 2.1 The proposal complies with CP13 with regards high quality design. There are no material issues with regard to the amenities of local residents or highway safety and the proposal complies with CP3 and CP4 in these regards. The development meets the requirements and expectations of the relevant policies of the Richmondshire Core Strategy and the National Planning Policy Framework and should be approved accordingly.
- 2.2 Technical matters have been suitably addressed with no statutory consultee objections.



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here: [Documents for ZD23/00683/FULL](#)
- 3.2. There have been no amendments to the proposal since submission and no re-consultations.
- 3.3. There is no recent or relevant planning history to the application site.

4.0 SITE AND SURROUNDINGS

- 4.1 The property is modern brick built semidetached dormer bungalow with grey anthracite windows and doors and garden and drive to front with garden to rear.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This application seeks full planning permission for a ground floor single storey side extension to provide larger dining / kitchen on the west elevation of the property to be positioned slightly forward of the garage. Vehicle parking to the front of the property is to be amended to compensate for the loss of access to the garage/ driveway for car parking.

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

Guidance - Material Considerations

- 6.3. 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. A further consultation is underway currently ending 8th April. This is due to a corrected application form being received and an update will be provided if new comments are received.
- 7.2. Parish Council - No objection.
- 7.3. Highway Authority – No objection subject to conditions.
- 7.4. Local representations – No responses.

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:

- Highways and Access
- Residential Amenity
- Design and Appearance
- The Public Sector Equality Duty

10.0 ASSESSMENT

Principle of Development

10.1. The site is within the Development Limits of Richmond, a preferred location for development as set out by Policies Sp1 and CP4 and Vision for 2028. A modest extension to an existing dwelling is considered acceptable in principle and fully accords with the local plan.

Highways and Access

10.2. There is adequate parking provision. NYC Highways have raised no objection subject to conditions as listed below in the Recommended Conditions section. There are no material parking, highway safety or access issues. The proposal would meet the requirements of adopted Local Plan policy CP3 and CP4.

Amenity

10.3. The extension would be set away from the low brick wall forming the common boundary between the extension and the neighbouring property to the west and would not impact adversely on the amenity of the neighbour as it is a low impact small single storey extension and there is ample separation distance due to the respective driveways. The proposal would meet the requirements of adopted Local Plan policy CP4.

10.4. There is a playing field located to the north of the dwelling. No additional overlooking to the field will occur from the proposed extension if built.

Design and Appearance

10.5. This is a small flat roof single storey side extension (1.8 m width x 4.2 m length) which would sit comfortably to the side (west elevation) of the property. The front of the extension would be flush with the front of the main dwelling but due to it being small scale and single storey, it would still be subservient to the main dwelling. The roof would be flat GRP in anthracite grey, different to the main dwelling but this is acceptable for this type of small scale extension and flat roof garages often situated adjacent to the dwellings are common in this area. External materials (walls and windows and doors) would match and tie in well to the main dwelling. The development is in keeping with the character and design of the main dwelling and neighbouring properties.

10.6. Two new parking spaces are to be added in front of the property as the extension would prevent use of the existing garage to the rear of the property / drive. The space is currently

garden but loss of garden would not impact adversely on the street scene as front of house parking is another common feature within the vicinity.

The Public Sector Equality Duty

- 10.7. 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 AND CONCLUSION

- 11.1 The development would not impact adversely on the amenity of neighbours as it is a low impact small single storey extension with ample separation distance between neighbouring properties due to the respective driveways. The development is in keeping with the character and design of the main dwelling and neighbouring properties. There are no material parking, highway safety or access issues.

12.0 RECOMMENDATION

- 12.1 That outline consent be **GRANTED** subject to the conditions listed below. The proposal is considered acceptable. The proposal complies with CP13 with regards high quality design. There are no material issues with regard to the amenities of local residents or highway safety and the proposal complies with CP3 and CP4 in these regards. The development meets the requirements and expectations of the relevant policies of the Richmondshire Core Strategy and the National Planning Policy Framework and should be approved accordingly.

Recommended conditions:

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

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

Reason for Condition: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a) application form and certificate
 - b) location plan produced 20.12.23
 - c) proposed plans drawing no 2

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

3. All new and replacement external brickwork used in carrying out the development hereby permitted shall match as closely as possible the brickwork of the existing building in terms of the type of brick, mortar mix and method of bonding.

Reason for Condition: In the interests of the appearance of the proposed development.

4. The development must not be brought into use until the access to the site has been set out and reconstructed 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 must be widened and reconstructed in accordance with the approved details as shown on Drawing Number 2 and Standard Detail Number E50 Revision A and the following requirements:

The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the public highway.

Details of any measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should 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 for Condition : To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

5. No part of the development must be brought into use until the access and parking area have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number 2 and Standard Detail Number E50 Revision A.

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

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

Target Determination Date: 14.02.24

Case Officer: Jennine Nunns

Jennine.nunns@northyorks.gov.uk

North Yorkshire Council

Community Development Services

Richmond (Yorks) Constituency Planning Committee

11 April 2024

21/00797/FULL - Full Planning Permission for the Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure at Land North of Caxton Close, Brompton On Swale

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 Construction of 92no Residential Dwellings with Associated Access, Landscaping and Associated Infrastructure at Land North of Caxton Close, Brompton On Swale.
- 1.2 This application has been referred to planning committee by Officers due to raising significant material planning considerations in relation to scale and location of development.

2.0 EXECUTIVE SUMMARY

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

- 2.1. The application seeks planning permission for 92 houses of which 40% are proposed to be affordable, together with public open space and associated infrastructure.
- 2.2. The site is adjacent to Brompton on Swale a Primary Service Village, immediately to the north of a housing estate. The site and land to the east have extant planning permission for 200 dwellings and this is considered a strong material planning consideration. For these and further reasons set out in the report, the principle of development is considered acceptable.
- 2.3. All other matters are considered to be acceptable, and permission is recommended to be granted subject to S106 and conditions.

Figure 1 – Location Plan



3.0 PRELIMINARY MATTERS

- 3.1. Access to the case file on Public Access can be found here:- [Documents for 21/00797/FULL](#)
- 3.2. The following relevant planning history has been identified for the application site:
- 3.3. This site was part of a larger application submitted in 2002 for 200 dwellings (ref. 1/12/328-/FULL- Full Planning Permission for Erection of 200 Dwellings with Associated Roads, Drainage, Open Space and Landscaping) approved October 2006. The LPA confirmed in writing on 26th January 2012 that a valid commencement had been made (therefore the permission is extant) but the development did not progress and has not been completed. No houses have been built or occupied.
- 3.4. Application ref. 1/12/328D/OUT - Outline Application for Residential Development of up to 250 Dwellings Including Roads, Open Spaces and Site for New Primary School. Finally Disposed of in May 2022.
- 3.5. Other relevant planning history relate to a pending S.73 application, which relates to the aforementioned 2002 approved scheme, ref. 22/00657/VAR.

4.0 SITE AND SURROUNDINGS

- 4.1. The application site comprises approximately 3.9ha of farmland, located immediately north of an existing residential development, off Gatherley Road, Brompton On Swale. The site itself is fairly flat, although the access to the site slopes gradually from south to north from the estate roundabout. Access to the existing housing estate (and in turn, the application site) is directly off Gatherley Road, located to the west.
- 4.2. The site is bounded by trees and hedgerows. To the west of the site is Robin Hood Farm and a recently approved residential development of 32 no. dwellings. Existing properties on Shakespeare Close, Nightingale Close and Cook Close are located to the immediate south and back onto application site.
- 4.3. A watercourse runs from north to south along the eastern side of the application site.

5.0 DESCRIPTION OF PROPOSAL

- 5.1. This The proposal (as amended) seeks full planning permission for the construction of a 92 no. unit residential development with associated access, landscaping and infrastructure. The dwellings proposed would be predominantly two storey (4 no. single storey properties would be provided) made up of the following:
 - 15 x 2 bedroom dwellings
 - 40 x 3 bedroom dwellings
 - 37 x 4 bedroom dwellings
- 5.2. The application proposes to provide 40% onsite affordable housing, which equates to 37 units (10% First Homes and the remaining 30% split between affordable rent and discount market units- 14 affordable rent, 14 discount market sale and 9 First Homes)
- 5.3. Access would be provided from an existing road serving Caxton Close, which is located within an existing housing development to the east of Gatherley Road.
- 5.4. Amended plans (ref. BOS-PH2-001, ref. P) now illustrate open space provision along the southern boundary of the application site, linking around via footpath to a "kickabout area" in the south eastern corner of the site. Boundary planting would be retained where possible

and a submitted Arboricultural Report sets out that due to design requirements, 6 no. Category B trees of 'moderate value' and 8 no. Category C trees of 'low value' would be removed and a further 2 no. trees that require removal regardless of the proposed development. The application is accompanied by a Landscape Proposals Plan (ref. 144930/8003 rev. B), illustrating the location and types of planting that would be implemented as part of the proposed development and includes further hedge, tree and shrub planting within the site.

- 5.5. Since the submission of the application, an updated Preliminary Ecological Appraisal and Ecological Impact Assessment, as well as a Biodiversity Net Gain Assessment have been submitted. The former now provides recent survey results for the proposed site area, relating to habitats and ecological value within the site and recommendations for avoiding impacts but where it is not possible to avoid, mitigation (in this case mitigation in relation to impacts of the development on bats through sensitive lighting design and the provision of native planting, bird and bat boxes). In terms of Biodiversity Net Gain, the submitted spreadsheet and report confirm that with the onsite and off site measures proposed, the development is capable of achieving 0.82% net gain for area based habitats and 67.36% net gain for hedgerows.

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

Guidance - Material Considerations

- 6.3 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 Brompton On Swale Parish Council: No objections in principle, but initially objected in terms of lack of open and green spaces within the proposal and the density in contrast with the current Augustus Gardens development. Concern over lack of car parking spaces and loss of habitat for wildlife. Matters such as lack of maintenance within the existing estate were also raised, potentially adding to flood risk (especially to properties close to the sports field). The Parish Council understands that there are no plans to culvert, but to leave an unguarded ditch running through a housing estate and that flooding attenuation will be hydro break control systems to hold water for a period which will run into the same waterway that is currently undermaintained.

No further comments or objections to add in response to later consultations.

- 7.2 Division Member: No objections and the changes made to the application are pleasing to see, reflecting the neighbouring site layout, reducing the number of dwellings and the inclusion of bungalows.
- 7.3 Archaeology: No objections and no additional information requested, as past investigations have already carried out (and recorded) on the land.
- 7.4 Ecology: Initially raised concerns around regarding the date of the submitted PEA, as well as the fact that Biodiversity Net Gains (BNG) had not been addressed. Since the agent submitted a revised PEA with updated surveys and BNG report/calculations, NYC Ecology commented as follows:
- Birds – it is considered that retention of boundary features as noted above for bats, along with the provision of nest boxes as set out in the Jan 2022 report will provide suitable mitigation for birds utilising the site. In addition, standard avoidance measures such as the timing of vegetation removal (to avoid the bird nesting season) should be written into any CEMP documents.
- Water vole, Otter and WCC – as no evidence of these species was found and the habitat was considered sub optimal for these species, no specific mitigation is required.
- With regards to BNG, the spreadsheet and report confirm that with the on site and off site measures proposed, the development is capable of achieving 0.82% net gain for area based habitats and 67.36% net gain for hedgerows. Whilst it is disappointing that a higher percentage of net gain cannot be achieved, at the current time, the proposal is policy compliant. There will be a need to secure the offsite BNG and submission of a detailed Habitat Management and Monitoring Plan (HMMP) or Biodiversity Enhancement and Management Plan (BEMP) will be required either through a legal agreement or condition.
- 7.5 Education: A sum of £305,121 (based on uplifted 2021 rates) is sought towards education facilities
- 7.6 Environmental Health: Considered the acoustic report and are satisfied that it meets the requirements, providing that the proposed layout design and noise amelioration measures suggested are followed. With regards to contamination, a 'Watching Brief' shall be implemented to legislate for unexpected or previously-unidentified contamination encountered during site works. Occupancy or use of the development shall not be permitted until such time as written confirmation of the presence or absence of contamination during site works. Restrictions for working hours during construction are also recommended.
- 7.7 Local Highway Authority: No objections, subject to a S106 to secure a sum of £2,500 towards the monitoring of the Travel Plan and conditions relating to the detailed layout of road/footways; private access and/or verge crossings; Travel Plan delivery; submission of a Construction Management Plan and informatives relating to other LHA permissions that may be required and landscaping works.
- 7.8 Lead Local Flood Authority: Further to the submission of revised plans and Drainage Strategy, the LLFA consider that the submitted documents now demonstrate a reasonable approach to the management of surface water on site, subject to conditions relating to runoff rate, storage requirements and maintenance. The LLFA also note the matters raised by nearby residents and comment that it is for the applicant to open communications regarding the private issue.
- 7.9 Natural England: No objection.
- 7.10 NHS: No response received.

- 7.11 Police (Designing Out Crime Officer): The removal of a pedestrian link on the northern boundary of the site near to Plot 13 and the one on the eastern boundary near to Plots 35 and 36 have been removed which enhances the security of the scheme by reducing the number of potential access/escape routes for an offender. It is good to see service footpaths included for access, however, these should be gated as close to their entrance as possible with gates that are a minimum of 1.8m in height with a key-operated lock. It is pleasing to note that the lack of visitor parking has been addressed and that each property without a garage would be provided with a lockable shed that includes a cycle anchorage point. However, certain properties still lack demarcation between frontages.
- 7.12 Public Rights of Way: There is a Public Right of Way adjoining/adjacent to the application site boundary. If the proposed development will physically affect this either permanently or temporarily, a diversion will need to be made under S.257 of the Town and Country Planning Act 1990.
- 7.13 Yorkshire Water: No objections subject to conditions relating to waste water, so as to ensure separate systems for foul and surface water drainage on and off site are provided, as well as details on outfall and means of disposal of foul drainage for the whole site (including details of any balancing works, off site works and phasing that may be necessary).

Local Representations

- 7.14 22 no. local representations have been received of which 2 no. are in support and 20 no. are objecting. Matters raised as summarised below:

Objections

- Lack of services in the area to support more development (schools, medical services, shops, etc.)
- Additional traffic
- Impact on wildlife
- Surface water drainage
- Poor, linear design and not in keeping with the character of the existing estate
- Distance to public transport
- Brownfield land should be prioritised over greenfield
- Excessive number of playgrounds
- Proximity of playgrounds to existing properties
- Social housing should be better interspersed within the development
- Location of pumping station in proximity to residential dwelling
- Further planting requested for privacy along boundary
- Poor state of repair of existing play parks elsewhere
- No protection of amenity and security for properties to the east of the development
- Safety around the existing primary school would worsen, with an increase in numbers as a result of this development
- Condition of the drainage ditch that would be used for surface water drainage associated with the development

Support

- Good to see development proposed that would benefit people in the local area.
- More houses in a growing world is a good thing.

- 7.15 Comments have also been received from local interest groups and charities (The British Horse Society and Local Access Forum). A summary of the comments is provided below, however, please see website for full comments.

- 7.16 British Horse Society: Latest comments from the BHS are that it is noted there is some separation from the gardens of the houses to the northern boundary hedge line which should help to alleviate the intrusion of the houses on the public bridleway. It is also noted that the developers show a path of unknown status to the west side of the development which leads in a northerly direction onto the public bridleway. Consideration needs to be given for adequate sight lines and mitigation measures to prevent cyclists and others on some form of propelled transport from entering at speed onto the public bridleway so that a collision is avoided and so that horses being ridden on the bridleway are not startled with the potential for an accident.
- 7.17 Ramblers Association: No response received.
- 7.18 Local Access Forum: One play area seems inadequate for the number of new dwellings and suggest that further informal green spaces should be made within the development. The Forum supports the BHS in their concern over the boundary treatment to the north, where a bridleway runs outside the length of the development and where 'future access' and we ask that additional soft landscaping is provided to reduce the noise impact on the enjoyment of the public when using the right of way, as at the moment it is an undisturbed route without urban distraction.
- 7.19 Yorkshire Wildlife Trust: Comments from 2021-
1. Recreational impacts on Scorton Quarry SINC, which lies 470 m to the east (not 680 m as incorrectly stated at 3.1.2.1.) should be fully explored and addressed.
 2. Further survey work for protected species is clearly required as detailed within the report. These surveys should be carried out in full and should be provided prior to determination of the planning application.
 3. The report contains no detailed impact assessment for the submitted scheme, and contains a number of recommendations rather than firm commitments by the applicant to demonstrate that the mitigation hierarchy has been implemented. This is because the report is Preliminary Ecological Assessment, rather than a detailed Ecological Impact Assessment, which is required for planning purposes.
 4. In line with the NPFF, the development should deliver 'measurable' biodiversity net gain. The emerging Environment Bill is expected to put a requirement for all proposals to achieve a 10% net gain in biodiversity; whilst not yet formally released, this level is already being implemented as good practice across the country. We would therefore wish to see the usage of a biodiversity metric to demonstrate how net gains for biodiversity can be achieved on site. We would welcome the implementation of Defra v3.0 metric as industry standard, with sufficient justification for habitat classifications and conditions, pre and post development made clear. For ease of interpretation for use of the Defra metric which utilises UK Habitat Classification (2018), further survey in this format may prove beneficial.

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) as the overall site area is less than 5ha and number of dwellings is not more than 150 no. No Environment Statement is therefore required.

9.0 MAIN ISSUES

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

- Principle of Development
- Housing Mix
- Affordable Housing
- Land Quality and Classifications
- Flood Risk and Surface Water Drainage
- Foul Drainage
- Access, Parking and Highway Safety
- Accessibility
- Education Provision
- Open Space/Recreation Provision
- Landscape Impact
- Relationship to Surrounding Land Uses and Neighbouring Properties
- Design, Layout and Appearance
- Heritage and Archaeology
- Ecology
- Trees
- Ground Conditions/Land Quality
- Crime and Disorder
- Lighting
- Carbon Savings and Sustainable Construction
- The Public Sector Equality Duty

10.0 ASSESSMENT

Principle of Development

10.1 This application site forms part of a wider extant approval for 200 dwellings that was granted in 2006 (as set out in paragraph 3.2 above) and at that time, Gatherley Road was considered to be a sustainable location for new housing in the local context under the former Richmondshire Local Plan. Since then, the Richmondshire Local Plan Core Strategy (2012-2028) has been adopted and identifies the site as being within the Plan's Central Richmondshire sub area where most of the Plan Area's housing and employment related development will take place over the plan period. Brompton On Swale is defined as one of three Primary Service Villages (PSV) in the Central Richmondshire sub area (along with Scorton and Catterick Village) and the Local Plan anticipates that at least 240 houses will be developed across these three Primary Service Villages over the plan period. Development in these service villages is supported by the Central Richmondshire Spatial Strategy where (inter alia) proposals:

- maintain and enhance the roles of these three village;
- facilitate the continued development of the Gatherley Road residential area and its integration with Brompton on Swale;
- protect and enhance the provision of local facilities;
- are of an appropriate scale, location and design; and,
- are on vacant and previously developed sites in the built-up area as far as reasonably practical.

10.2 A recent appeal decision (APP/V2723/W/23/3317682), allowed the development of 32 dwellings on a field site outside but adjacent to the village of Scorton. The Inspector noted that the ADP sets out that the projected housing numbers are targets and not ceilings (as also determined by an Inspector dealing with a similar appeal case in Barton, which is also a PSV (APP/V2723/W/21/3287312) and exceeding housing figures for development within PSVs would not be a reason in itself to dismiss the appeal. Taking this into account, along with under delivery to date on Catterick Garrison as the primary location for housing

development, this site would deliver a significant part of the overall housing development that is needed across the plan period. The site is also within the central area where most housing development should be directed and in close proximity to the towns of Richmond and Catterick Garrison where there is a wide range of services and facilities.

- 10.3 To date, a total number of 417 dwellings have been approved in the Central Richmondshire PSVs, with 244 of those in Brompton On Swale. Whilst the target for these villages have been met and will likely be exceeded (in terms of houses built not just permitted) shortly after the Local Plan Period ends, there is a significant material planning consideration which is the extant planning permission for the application site and land to the east and south-east (1/12/328-/FULL). It is considered very likely if this application was refused and dismissed at appeal that the landowner and/or applicant would simply pursue the development under the extant permission. This is given significant weight as a planning consideration for this application.
- 10.4 On the basis of the preceding paragraph and detailed realistic fall back position it is not considered necessary to undertake a detailed assessment of whether the number of dwellings is sustainable including being proportionate to the village and that the infrastructure can accommodate, or can be made to, the development.
- 10.5 Concerns were raised during the consultation process regarding a possible lack of existing services in the local area available to support the proposed development, however, this scheme would provide 92 no. of the 200 already approved and therefore this aspect has already been considered as part of the Local Plan making process that was carried out during the adoption process associated with the Richmondshire Local Plan Core Strategy. Whilst the current scheme presents physical differences in aspects such as application site area, layout, house-types and open space provision (as well as additional technical matters that must now be addressed as part of additional requirements of the Local Plan and NPPF); the applicant sets out in supporting information that this part of the wider scheme would still be implementable.
- 10.6 For the foregoing reasons, the principle of development is considered acceptable and accords with Policies SP1, SP2, SP4, CP3 and CP4 of the Adopted Development Plan.

Housing Mix

- 10.7 Policy CP5 expects new housing proposals to take account of local housing requirements across all sectors of the community in terms of size, type, tenure, accessibility and adaptability. The submitted documents indicate that this would be achieved, which is welcomed, and a mix of housing would be provided, comprising 15 no. 4 bedroomed dwellings; 40 no. 4 bedroom dwellings and 37 no. 4 bedroomed dwellings. In addition 4 bungalows are proposed.

Affordable Housing

- 10.8 The scheme proposes to deliver 40% affordable housing onsite, which meets the Policy target of CP6 of the Local Plan. The scheme would consist of 37 affordable dwellings as follows: 10% First Homes (9 units), 15% affordable rent (14 units) and 15% discount market units (14). These would comprise 13 no. two-bedroom dwelling, 21 no. three bedroom dwellings and 3 no. four-bedroom. First Homes is the governments preferred discount market housing tenure requiring a discount of at least 30% and is passed onto future owners. The affordable housing provision is acceptable, Policy compliant and First Homes Guidance compliant subject to S106 agreement.

Land Quality and Classifications

- 10.9 The site is identified by the applicant as including some land that is “Best and Most Versatile” agricultural land, as such the NPPF requires that consideration is given to sites of a lesser quality as preferential. As BMV land is graded 1-3a, the land is potentially “good to moderate quality”. In terms of density, the applicant has reduced the number of dwellings down from 127 no. to 92 no. which would lessen the landscape impact and maintain a higher quality layout for residents. The loss of grade 3(a) land is nevertheless a factor that weighs against development, but notwithstanding this, it is considered that the housing benefits of the scheme identified above would outweigh the consequent loss of agricultural land. Furthermore, as discussed above the site has a realistic fall back position created by an extant planning permission.

Flood Risk and Surface Water Drainage

- 10.10 The application site is situated predominantly within Flood Zone 1 (low probability) and as such, there is not requirement for mitigating measures relating to flooding from Rivers and the Sea, Surface Water, Reservoirs or groundwater. The submitted (revised) Flood Risk Assessment (FRA) sets out that the area of surface water flooding along the edge of the existing watercourse would remain as undeveloped landscape area with ground levels unaltered and therefore would not pose a risk to proposed residential development.
- 10.11 There are public surface and foul water sewers within the estate roads serving the residential development to the south and an existing adopted 150mm diameter foul water sewer within Stephenson Road located to the south of the site. However, the existing sewer system does not have capacity to accept any surface water and therefore the application proposes to discharge to the open watercourse on the eastern boundary of the site. Due to the underlying strata, infiltration would not be a feasible means of surface water drainage and so as was the case for the extant permission, drainage to watercourse is the most appropriate method of drainage for this site. The LLFA have been consulted on this aspect of the proposed Drainage Strategy and have responded to confirm that having considered the capacity of the existing watercourse and expected flow rates, they are satisfied on the methods proposed, subject to conditions to require a scheme restricting the rate of development flow runoff (runoff rate, storage requirements and maintenance), restricted to a flowrate of 18l per second to be submitted prior to the commencement of development.
- 10.12 Strong objections were received during the course of the application, relating to existing surface water drainage issues and the proposed means of drainage into the existing watercourse. These concerns were considered and redirected to the Flood Risk Engineer who in response reiterated that the proposals are, in principle, considered to be satisfactory and very unlikely to increase flood risk off or onsite in accordance with the requirements of the National Planning Policy Framework. Any outstanding issues are not considered to be material to ensuring the new dwellings are not of risk of flooding or that there is an increased off site risk and that the developer as landowner has the right of connection to the watercourse within their land ownership, with a drainage system restricted to the existing greenfield runoff rate.

Foul Drainage

- 10.13 Yorkshire Water have considered the foul drainage details submitted within the Flood Risk Assessment (FRA) and do not raise any objections, subject to a planning conditions to require the site to be developed with separate systems of drainage for foul and surface water on and off site; works to provide a satisfactory outfall for surface water and the submission of details of the proposed means of foul water drainage for the whole site (prior to commencement).

Access, Parking and Highway Safety

- 10.14 Objections have been raised by local residents with regards to the increase in traffic that the proposed development would create, which is feared could in turn lead to a risk to highway safety. Highways have considered the application and local safety concerns. In response, the Highway Engineer raised a number of matters that required further information to be submitted, including (but not limited to) the need for an emergency access to be provided on account of the number of dwellings proposed that would be served by one point of access as well as querying the internal road layout as proposed, should further units come forward. Engineering drawings were requested, as well as a vehicle swept-path analysis; confirmation that the internal road layout can comply with the current residential design guide; the use of tactile paving at crossing points; compliance with current requirements for visibility splays; an internal speed limit restriction of 20mph. As well as amendments to the internal parking and road layout, the LHA requested further information in relation to cycle infrastructure and storage and drainage details for surface water were requested.
- 10.15 Additional information was later submitted by the applicant, which included detailed plans and a Technical Note by way of updating the submitted Transport Assessment. The LHA have considered all of these details and have responded to confirm that they are satisfied that the proposed scheme would be acceptable in highway safety terms, subject to conditions and the payment of £2,500 to go towards the monitoring of the Travel Plan. The scheme is therefore deemed to be in compliance with the expectations of CP3 and CP4 of the Local Plan in this regard.

Accessibility

- 10.16 The existing hedgerow along the northern site boundary would be retained as part of the landscaping plans for the proposed development and the British Horse Society and Local Access Forum concur that there would be adequate distance between the rear gardens of properties provided along the northern boundary of the site and the existing bridleway that runs in an east-west direction. This would ensure that disturbance to those using the PRoW are not disturbed and the current amenity of this as a definitive route remains largely unaltered other than a limited construction period. Further development may take place in due course beyond this boundary and so an indication is provided of potential links for vehicles, cycles and pedestrians, however, no works are proposed beyond the site boundary as part of this development. A link would be provided from the existing development to the south of the proposed site, which is welcomed in terms of connectivity and would allow for integration between new dwellings and existing. These aspects of the scheme are considered to be in line with the expectations of CP4 of the Local Plan.

Education Provision

- 10.17 The extant approval for the wider scheme included land for the provision of school development. This is no longer included (or deemed required by NYC Education), however, the applicants have confirmed their agreement to a financial contribution being made from this development towards the provision of school places at Brompton On Swale Primary School. A sum of £305,121 would therefore be provided for in accordance with the expectations of the Education Authority. Arrangements for the payment of that contribution would be incorporated into a Planning Obligation in the event of planning permission being granted.

Open Space/Recreation Provision

- 10.18 A number of concerns were raised during the consultation process with regards to the open space provision and that there is already play provision elsewhere, albeit poorly maintained. Notwithstanding this, 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. The total revised policy requirement for a development of the scale proposed (92 dwellings) is a combined open space of 12,893.5 sqm, which would equate to just under one third of the total site area.
- 10.19 Although the applicant maintains that there would be an overprovision of open space when taking into account the wider estate for the additional 108 dwellings, it is important to be satisfied that if only this part of the development comes forward, there would be adequate provision for those 92 no. dwellings.
- 10.20 The LPA accept that there is LEAP style play provision within the walking distances specified by the Fields in Trust Guidance from the site access point. However, within the new development these will exceed the maximum distances and therefore it is considered appropriate to require on site play. The application proposes to provide: an on-site Play Area with footpath links through to the 'kick-about' area to the east of the site; update existing equipment elsewhere (which is under the ownership of the applicant); resurface the existing LAP on Wellington Way and clean/upgrade where necessary play equipment on Stephenson Road. Whilst the on-site provision of the open/recreational space would fall short of the FIT requirements which are proportionately very large, on-site provision in an appropriate location within the site would be made (with additional 'kick-about' area), along with a commitment to improve existing play and recreational facilities already in the locale, within walking distance.
- 10.21 To ensure the kick about area is a welcoming space which attracts residents the S106 should specify the need for paths (suitable for wet weather), street furniture (including benches) and a piece of artwork. This is considered necessary as it is in the corner of the development and behind a pumping station, and irrespective reflects good place making.

Landscape Impact

- 10.22 The site is within an 'edge-of-settlement' location, and as such it is important that the density of the scheme is appropriate whilst comprising an efficient use of land. The surroundings of the site is made up of existing dwellings to the west but a rural landscape to the north and east. In ensuring that the proposed development does not present an inappropriately dense scheme that might be more suited to a purely urban context, it is considered paramount that landscaping around the northern and eastern boundaries is retained and remains substantial to softens views of the development from surrounding public vantage points. This can be secured by condition.

Relationship to Surrounding Land Uses and Neighbouring Properties

- 10.23 The application site is located to the north of the existing housing development off Gatherley Road and properties along the northern ends of Caxton Close, Shakespeare Close, Nightingale Close and Cook Close in particular. The application site is also to the north east of a smaller site, that has the benefit of Planning Permission (but not yet in situ) for 32 no. dwellings. The relationship between properties that back or face towards the application site is considered to be acceptable, in that the distance between properties and the landscaping to be retained would prevent any unacceptable overlooking or physical impacts on existing dwellings. Similarly, whilst concerns have been raised in connection with greater use of the existing footpath/cycle path that would then link the existing development to the south to the proposed site, the distances between this link and existing boundary

demarcation/landscaping is considered to be sufficient to protect against unacceptable impacts on existing levels of amenity.

- 10.24 Internally, the site layout is less dense than when it was first submitted for consideration and separation distances between main elevations and between gardens are considered to be acceptable and in line within similar residential housing development of this nature elsewhere. The application has been submitted with a Boundary Plan, illustrating a proposed use of a mixture of boundary treatments, from 1.8 timber fencing, estate fencing and masonry walling with fence panels between. This would provide a varied physical appearance whilst ensuring appropriate demarcation of private domains.
- 10.25 Subject to a condition to require a Construction Management Plan, covering issues such as noise and dust and a limit placed on the hours of work to protect the amenity of nearby residents, overall, the scheme would deliver a development that would provide an acceptable level of amenity, with regards to noise impact to both existing and future residents, in line with CP3 and CP4 of the Local Plan.

Design, Layout and Appearance

- 10.26 The proposed development would take the form of a loose “grid” pattern, in the way in which the estate roads would lead through and link up internally. The reduction in the number of dwellings now proposed has allowed for better orientation of some frontages and streetscenes throughout the development as a whole. Whilst not centrally located, the play area, kick-about area and SUDs have “prominence” as, with good levels of natural surveillance from nearby dwellings to detract from anti-social behaviour. Overall, there are no overt Local Plan or national policy reasons for such a layout to be unacceptable.
- 10.27 In terms of materials, a mixture of facing brick would be used for the outer walls of dwellings with some properties with rendered façades and red and grey tiles for roofing. Boundaries to dwellings would comprise of 1.2 metres and 1.8 metres high fencing, masonry walling and ‘estate’ railings. The proposed materials would assist in ‘breaking up’ the dwellings within the estate, creating a positive sense of place and overall, the appearance and design of the house types proposed would be good quality and compatible with existing dwellings elsewhere within the existing housing estate (often referred to as “Phase 1”).

Archaeology

- 10.28 The line of ‘Dere Street’ Roman Road passes west of the application site, but the County Archaeologist does not consider that this development raises any issues of archaeological interest following consideration of archaeology information.

Ecology

- 10.29 At the time the application was submitted, a Preliminary Ecological Appraisal (dated 2020) was provided. Potential loss of wildlife is a concern that has been raised by local residents as part of the consultation process and in terms of technical information submitted, inadequacies were identified, initially by the Yorkshire Wildlife trust and later the NYC Principal Ecologist. They concurred that there was a lack of detailed surveys provided and no calculations relating to how the applicant intended to deliver Biodiversity Net Gains (BNG).
- 10.30 Updated surveys dated 2022 were subsequently provided (including a BNG Assessment and accompanying metric) and the NYC Ecologist has now been able to provide a formal response and recommendation to the LPA. The 2021 surveys concluded that there is a single tree bat roost (Tree T3) within the site and the activity surveys demonstrate that the treelines on the eastern and southern boundaries, and the northern boundary hedgerow

provide important foraging features for bats, with the southern boundary receiving the highest numbers of commuting and foraging passes than any other area. It is considered that sufficient mitigation must be put in place to protect these features for bats, through the retention of habitat, management of existing habitats and protection of these habitats from lighting. Whilst there was no evidence of Water Vole, Otter and White-Clawed Crayfish, retention of boundary features and the provision of nest boxes would provide suitable mitigation for birds utilising the site.

- 10.31 The Ecologist did, however, note that low percentage of BNG (both on and off-site) is deemed achievable (0.82%) but as the application was submitted prior to 12th February 2024, the proposal is still deemed policy compliant. Gains that can be achieved would need to be secured through the submission of a detailed Habitat and Monitoring Plan (HMMP) or Biodiversity Enhancement and Management Plan (BEMP) and agreed through a condition and/or legal agreement.

Trees

- 10.32 To facilitate the development the removal of the following is required: 6 no. Category B trees of 'moderate value' and 8 no. Category C trees of 'low value' and a further 2 no. trees that require removal regardless of the proposed development. The layout includes buildings, roads and gardens close to trees to be retained and this may result in future pressure to prune or remove these features. It will also require more expensive construction methods to protect the trees to be retained, however, this has been proposed and can be controlled via condition. It is considered the tree and hedge loss is acceptable subject to a condition to secure landscaping which will include replacement planting.

Ground Conditions/Land Quality

- 10.33 Environmental Health have considered the desk-top site assessment (Geoenvironmental Appraisal by Lithos Ltd, dated July 2021) which accompanied the application and shows that the site is within an area where between 10 and 30% of homes are estimated to be above the radon action level. This would mean that full radon protection would be required. Whilst recommendations were made with regards to ground stability for certain plots, no significant contamination was encountered, except for an 'animal burial pit' that would require chasing out. Subject to a condition requiring the developer to submit a Watching Brief and advising of the specific formal process for notifying the LPA in the event that contamination is found during the development process, Environmental Health do not object to the application and the proposals would meet the requirements of paragraph 180 of the NPPF.

Crime and Disorder

- 10.34 The Police Designing out Crime Officer initially made a number of recommendations on the scheme as originally submitted and raised matters such as (but not limited to), permeability; boundary treatments, demarcation and defensive planting; lighting of parking courts/security lighting; provision of secure cycle storage and trees as climbing aids. Many of these issues were considered to have been addressed as part of the revised scheme that was submitted (which was later amended further), except for a number of properties that still lack appropriate demarcation between frontages due to changes in parking provision. The Officer recommends that if planning permission is granted, a condition be attached to require the applicant to demonstrate how any remaining matters can be addressed, prior to the commencement of development. Subject to this condition, the scheme is considered to be in compliance with CP3 and CP13 of the Local Plan.

Lighting

- 10.35 If planning permission is granted, it is recommended that a planning condition is imposed requiring details of a scheme for all proposed external lighting to be agreed to ensure that the amount and type of lighting would not contribute in any significant way to light pollution levels on this site, which would be located on the edge of existing development. The lighting scheme would also need to be designed to have regard to ecological mitigation requirements as referred to in paragraph 8.27 above.

Carbon Savings and Sustainable Construction

- 10.36 Richmondshire Local Plan Core Strategy Policy CP2 sets out Richmondshire's approach to energy consumption in new development and expects that all new residential development of ten dwellings or more will be expected to submit an energy statement that shows consideration of opportunities to deliver carbon savings in excess of Building Regulation requirements and to demonstrate that carbon savings have been maximised by incorporating these opportunities into design. The applicant sets out in the supporting Design and Access Statement that they consider the requirements of CP2 to be out of date, based on a Ministerial Statement in 2015 advising against LPAs insisting on local technical standards and instead, the proposed development would intend to comply with the requirements of the 2013 Building Regulations. However, the applicant would be in agreement to a condition to require the submission of an Energy Statement.
- 10.37 Although the application itself did not make explicit provision for sustainable design or renewable energy other than the use of sustainable construction methods and energy efficiency incorporated in to the design, it is still considered that this development provides an opportunity to contribute in these important areas. The planning permission granted in 2006 was not subject to any such requirements, but that pre-dated the current policy expectations. There are various ways in which any such requirement could be met, but the probability is that either solar panels located on south or west facing roofs and/or ground source/air source heat pumps would be most realistic and viable. It is therefore recommended that a condition be attached to any planning permission granted to require the applicant to demonstrate how maximum carbon savings that are feasible and viable would be made through the submission of an Energy Statement, to be submitted prior to the commencement of the development in order to comply with the requirements of CP2 of the Local Plan.

The Public Sector Equality Duty

- 10.38 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. The proposed public open space would have good visibility, with level access which would meet the requirements of the Equality Act 2010.

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

Table 1		
Category/Type	Contribution	Amount & Trigger
Affordable Housing	<p>Submission and approval of a scheme to deliver 40% affordable dwellings (as defined by the National Planning Policy Framework) as part of the development.</p> <p>Split: 14 affordable rent, 14 discount market dale and 9 First Homes (as per First Homes Policy)</p> <p>Mix: 13 two-bedroom dwellings and 21 three bedroom dwellings and 3 four-bedroom.</p>	<p>Pre-commencement of a scheme to deliver 40% affordable dwellings (as defined by the National Planning Policy Framework) as part of the development. Of the 92 no. dwellings, a total of 37 affordable houses are to be provided on site consisting of 13 two-bedroom dwellings and 21 three bedroom dwellings and 3 four-bedroom (14 of which to be made available for 'affordable rent'; 14 for 'discount for market sale' and 9 'First Homes' in terms of 'affordable' tenure type). The Discount being at a minimum of 20% below full market value and at a price of no more than £150,000 for a two-bedroom dwelling and £185,000 for a three-bedroom dwelling on first sale.</p> <p>Affordable dwellings to be constructed in phases (to be agreed) alongside market dwellings and to be occupied by those defined as being in need of accommodation. Provisions for affordable dwellings to remain in perpetuity.</p>
Education	Towards school places at Brompton On Swale Church of England Primary School	Payment of a contribution of £305,121 to the Education Authority. Payment to be made in three phases - £101,707 at 23rd dwelling, £101,707 at 46th dwelling and £101,707 at 69th dwelling.
POS Delivery and Maintenance	<p>Delivery of public open space as detailed on the Site Layout Plan.</p> <p>Provision of an on-site Play Area in line with submitted Open Space Strategy, dated 7th September 2023</p>	Submission of a Public Open Space Scheme including phasing of delivery; Play Area proposals; and management and maintenance strategy.
Off-Site Play Area Improvements	Works to play spaces within existing development, known as 'Phase 1', under the ownership of Persimmon Homes.	<ul style="list-style-type: none"> - Resurfacing of the LPA neighbouring Wellington Way - Cleaning (and/or upgrading if necessary) of any play equipment of the LAP on Stephenson Road – Mid - Updating of equipment of the LEAP on Stephenson Road – End.

		Full schedule of works to be carried out to be submitted prior to commencement and works to be completed prior to first occupation of dwellings hereby approved.
Travel Plan	Monitoring of Travel Plan	The applicant to provide for the necessary contribution payment of £2,500 for monitoring towards the Travel Plan.
Monitoring	S106 Monitoring	£500 index linked, prior to commencement of development.

10.40 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.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 The development would provide 92 no. new homes within Brompton On Swale, which is one of the three settlements and a Primary Service Villages (PSV) within the Central Richmondshire sub area (along with Scorton and Catterick Village). The Local Plan anticipates that at least 240 houses will be developed across these three Primary Service Villages over the plan period, a number of which either have already been provided or planning permission approved for. However, an extant Planning Permission was granted in 2006 for the application site and is afforded great weight when considering the principle of development on this site.

11.2 The proposed development would allow for a policy compliant housing mix; 40% of which would be affordable dwellings. Adequate open space (provision of a children's play space), and upgrading of existing play areas within the existing development to the south; footpath/cycle linkages; a net gain in biodiversity and a financial contribution towards additional places at Brompton On Swale School would also be provided. All technical aspects including highways & access, protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.

11.3 It is considered that the scheme achieves 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. 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.

11.4 Overall, it is therefore considered that the proposed development would constitute a suitable sustainable and deliverable housing site and as such, approval of the application is recommended.

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 Time Limit

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

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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 certificate
- b) Location Plan ref. BOS-PH2-000
- c) Planning Layout – ref. BOS-PH2-001, rev. P
- d) Materials Layout- ref. BOS-PH2-002, rev. D
- e) Boundary Layout, ref. BOS-PH2-003, rev. M
- f) Footpath Cycleway, ref. BOS-PH2-004, rev. C
- g) 144930-PL-8003-B-A1LV
- h) Open Space Strategy, dated 7th September 2023
- i) Flood Risk Assessment & Drainage Strategy (1), ref. 20-046, revision P3
- j) Stream Survey Report, dated July 2023
- k) Noise Assessment, ref. LAE1241.1, dated 5th July 2023
- l) Biodiversity Net Gain Assessment, dated September 2023
- m) Preliminary Ecological Appraisal, dated November 2020 and Updated January 2022
- n) Transport Assessment, v.2
- o) Swept Path (large car), ref. 20-046 1001-P1
- p) Swept Path (refuse vehicle), ref. 20-046 1000-P1
- q) Swept Path (fire tender), ref. 20-046 1002-P1
- r) House Type - Barnwood Village
- s) House Type – Brampton Village
- t) House Type – Burnham Village
- u) House Type – Charnwood Village
- v) House Type – Danbury Village
- w) House Type – Galloway Village
- x) House Type – Greenwood Village
- y) House Type – Hyde Village - rev J
- z) House Type – Kingley Village
- aa) House Type – Marston Village
- bb) House Type – Saunton Village
- cc) House Type – Sherwood Village
- dd) House Type – Wentwood Village
- ee) Ga1_1_Single Garage_R21_Rev00
- ff) Ga2_2_Double Garage_Twin_R21_Rev00
- gg) Substation Drawing, ref. C969407, rev. A
- hh) Arboricultural Impact Assessment, dated November 2020
- ii) Landscape Proposals ref. 144930/8001, rev. A
- jj) Technical Note (and Route Check, rev. H) dated 6th September 2023

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

Pre-Commencement

Condition 3 Construction Management Plan

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

undertaken in accordance with the approved Construction Management Plan for that phase. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- a) details of any temporary construction access to the site including measures for removal following completion of construction works;
- b) restriction on the use of access for construction purposes shall be assessed and approved by the Local highway Authority;
- c) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- d) the parking of contractors' site operatives and visitor's vehicles;
- e) areas for storage of plant and materials used in constructing the development clear of the highway;
- f) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- g) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- h) protection of carriageway and footway users at all times during demolition and construction;
- i) protection of contractors working adjacent to the highway;
- j) details of site working hours;
- k) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- l) 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;
- m) measures to control and monitor construction noise;
- n) an undertaking that there must be no burning of materials on site at any time during construction;
- o) removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- p) details of the measures to be taken for the protection of trees;
- q) details of external lighting equipment;
- r) details of ditches to be piped during the construction phases;
- s) a detailed method statement and programme for the building works; and
- t) 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 4 Drainage Design Discharge

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 18 litres per second for up to the 1 in 100 year event (for the western phase of development). A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

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

Condition 5 Drainage Management & Maintenance

No development shall take place until a drainage scheme management and maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: 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.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

Condition 6 Carbon Savings

The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

Prior to the commencement of any part of the development an energy statement confirming how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. 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 which is more energy efficient.

Reason: To secure a more sustainable form of development and to meet the expectations of Policy CP2 Responding to Climate Change of the adopted Local Plan Core Strategy.

Condition 7 Finished Floor Levels

Prior to commencement of any development whatsoever, proposed external and finished floor levels shall be submitted to and approved in writing to the Local Planning Authority. There afterwards, the development will take place in complete accordance with approved levels.

Reason: To ensure that neighbours do not experience and unacceptable sense of enclosure or overlooking together with reducing the visual and landscape impact of the development.

Condition 8 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 November 2020 and updated January 2022) and the Biodiversity Net Gain Assessment (dated September 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 for Condition: To ensure the full and proper implementation of the approved development in the interests of ecology any protected species.

Early Stage/Construction Period

Condition 9 Roads

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 10 Materials

No materials shall be used in the construction of the external walls and roofs of the development hereby permitted until sample materials have been submitted to and approved in writing by the Local Planning Authority. Only such approved material shall be used in the development.

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.

Condition 11 Open Spaces

A detailed layout of the open space area including specifications of any equipment, seating, surfacing, associated fencing and tree and shrub planting to be provided shall be submitted to and approved in writing by the Local Planning Authority prior to any development above the laying of foundations.

The kick about areas shall include a solid path, two seating features and at least one piece of public art or fitness equipment/ structures suitable for older children and adults.

Reason: To delivery of good open space and play facility for children having regard to National Design Guide 2021. Furthermore to ensure satisfactory arrangements are made for the future maintenance of the area in the interests of both the residential amenities of the dwellings and the visual amenities of the site in general. The specification for the kickabout area is to increase the attractiveness of this relatively tucked away area and thus increase its use by residents, enhancing community cohesion and public health.

Pre-Occupation

Condition 12 Access

The development shall not be brought into use until the access to the site at Caxton Close 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 verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail and the following requirements.

- Any gates or barriers must be erected a minimum distance of 3 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 10m metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved detail and maintained thereafter to prevent such discharges.

- The final surfacing of any private access within 3 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

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 13 Contamination

A 'Watching Brief' shall be implemented to examine and look for unexpected or previously-identified contamination encountered during site works. Occupancy or use of the development shall not be permitted until such time as written confirmation of the presence or absence of contamination during site works.

If contamination is not present, a 'Confirmation Report' providing suitable photographic (or other) evidence, shall be submitted to and agreed in writing with the Local Planning Authority.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written satisfaction of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007):

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by a Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal
- Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the LPA. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously-identified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as

necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

E: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A to E shall adhere to the following guidance: CLR11 (Environment Agency/DEFRA, 2004); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

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 14 External lighting

Before the first dwelling hereby approved is occupied, details of external lighting in both private and shared parts of the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for low level, low intensity lighting without street lighting. The scheme shall thereafter be fully installed and operated in accordance with the approved details before the final dwelling on the site is occupied. No other external lighting shall be installed or erected.

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

Condition 15 Path Delivery

Prior to occupation of the 58th dwelling, or in accordance with a phasing timetable to be first agreed in writing by the Local Planning Authority, the cycle path providing a foot and cycle link to the existing housing development to the south, as shown on the approved Proposed Site Plan, rev. P, shall be delivered in full to the site boundary and shall be open for public use. There afterwards, the path shall be retained and maintained for public use.

Reason: To ensure, as far of this individual development is able, to provide a pedestrian and cycle link between the two housing developments to encourage healthy and sustainable methods of travel, walking and cycling as a form exercise.

Condition 16 Travel Plan

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

Condition 17 Trees

No construction works including site clearance, land levelling or bringing materials on site shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved documents and plans have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plans. Thereafter wards, the development construction works shall only be carried out in

full accordance with the recommendations and remedial measures specified in the approved Tree Survey document, including all tree and root protection measures.

The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

Reason : To ensure the full and proper implementation of the approved development in the interests of the trees to be retained in association with the proposed development.

Condition 18 Ecology Enhancements

The development shall be carried out in accordance with the recommendation for ecological mitigation and enhancement as set out in the Preliminary Ecological Appraisal, dated November 2020 and Updated January 2022, with particular reference to paragraphs 4.2.2.2-4.2.2.3 of Section 4.2 of that report.

Reason: To ensure that ecology and biodiversity present on and around the application site are given adequate protection and mitigation measures forming part of the approved scheme are implemented in full as part of the development.

Condition 19 Construction Hours

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- 0800 to 1800 hours Monday to Friday, 0830 to 1330 hours Saturdays and at no time on Sundays or Bank Holidays.

Reason: In the interests of protecting the amenities of local residents during the construction phases of the development.

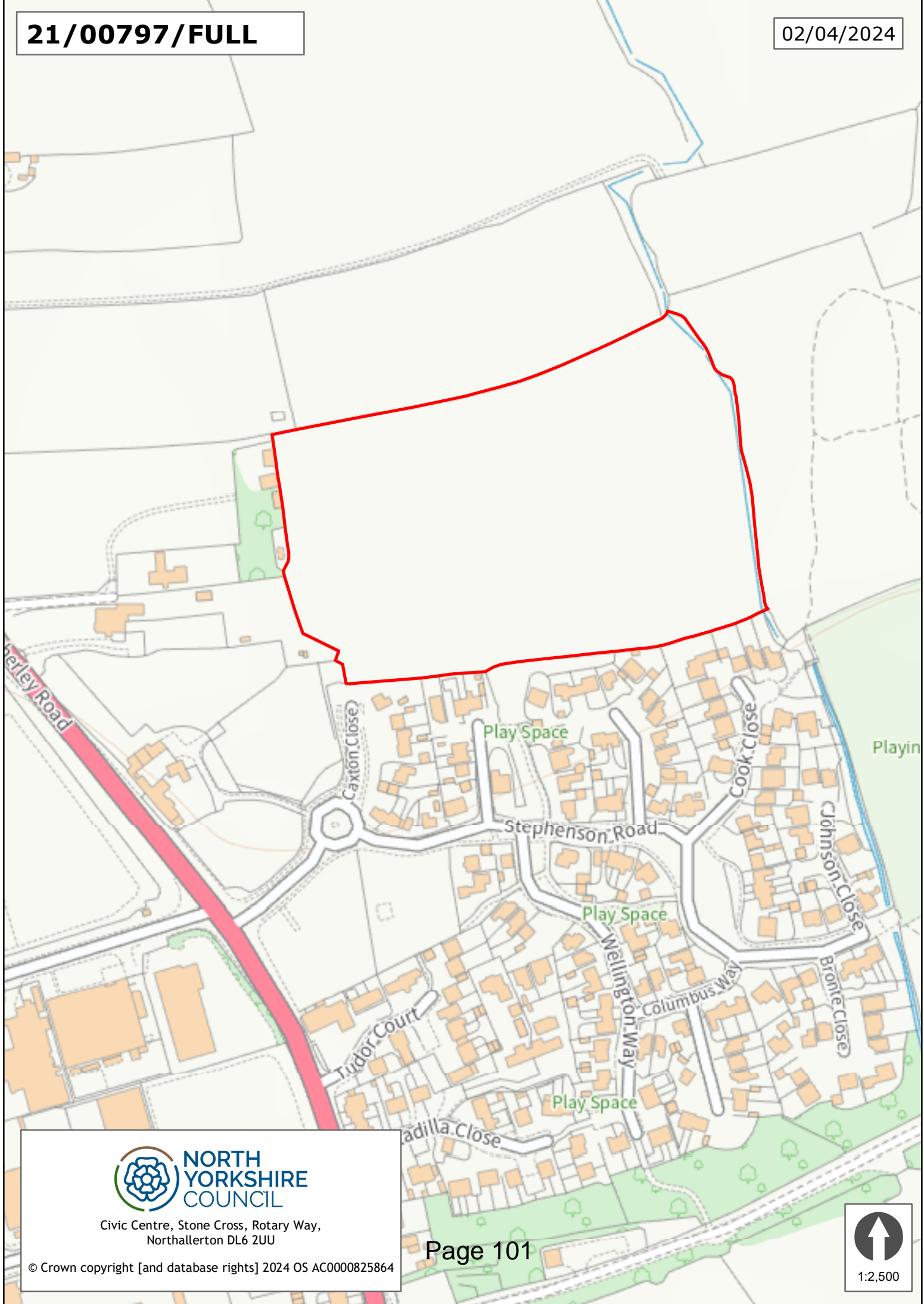
Condition 20 Noise

The development shall be carried out in complete accordance with the submitted Noise Impact Assessment, dated July 2023.

Reason : In the interests of the amenity of existing and future residents.

Target Determination Date: 03.03.2022

Case Officer: Caroline Walton, caroline.walton@northyorks.gov.uk



NORTH YORKSHIRE COUNCIL
Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU



This page is intentionally left blank