

Meeting: Thirsk and Malton Area Constituency Planning Committee

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

Date: Thursday, 23 May, 2024

Time: 10.00 am

Venue: Council Chamber, Ryedale House, Malton, YO17 7HH

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

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

Agenda

- 1. Apologies for absence**
- 2. Minutes of the meeting held on 18 April 2024** (Pages 3 - 8)
- 3. Declarations of interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.

4. **ZB24/00145/FUL - Change of use of land for the siting of 5no. holiday lodges, improvements to existing access and associated infrastructure works at Newlyn, Oulston Road, Easingwold, North Yorkshire** (Pages 9 - 24)
5. **ZE23/01660/MFUL - Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception/shop with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) at Land off Daskett Hill, Sheriff Hutton** (Pages 25 - 48)
6. **22/01290/MFUL - Erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping on land at OS field 0042, East Street, Swinton, Malton** (Pages 49 - 84)
7. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of next meeting**
Thursday, 20 June 2024 at 10.00am.

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

Agenda Contact Officer:

Nicki Lishman, Senior Democratic Services Officer

Tel: 01653 638476 or mobile 07748 220146

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Wednesday, 15 May 2024.

North Yorkshire Council

Thirsk and Malton Area Constituency Planning Committee

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

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

Officers Present: Alpha Love-Koh, Ann Rawlinson, Nicki Lishman and Alan Goforth.

Copies of all documents considered are in the Minute Book

84 Apologies for absence

There were no apologies for absence.

85 Minutes for the meeting held on 21 March 2024

The minutes of the meeting held on 21 March 2024 were confirmed and signed as a correct record.

Voting record

Confirmed by general affirmation.

86 Declarations of interests

Councillor Goodrick declared a personal, non-prejudicial but non-pecuniary interest in Item 5 as she knew the Chair of the Parish Council, who was registered to speak and in Item 6 as she knew the objector registered to speak and was a member of the Howardian Hills AONB Joint Advisory Committee.

Councillor Andrews declared a personal, non-prejudicial but non-pecuniary interest in Item 5 as she knew the Chair of the Parish Council, who was registered to speak.

Planning Applications

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

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

In considering the report of the Assistant Director Planning – Community Development Services regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred

consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

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

87 APPLICATION WITHDRAWN - ZB23/01870/FUL - Construction of multi-use games area (MUGA) finished with a porous macadam surface. Including perimeter fence, directional LED sports lighting system, equipment store, landscaped bunds and access pathways at Thirsk Community Primary School , Hambleton Place, Thirsk, North Yorkshire, YO7 1SL on behalf of Andrea Mansfield

The Planning Officer explained that the applicant had withdrawn the application and confirmed that they did not wish to progress the proposal.

88 23/00348/MFUL Update report - application for the erection of 13no. dwellings comprising 7no. three bedroom dwellings, 2no. two bedroom dwellings and 4no. four bedroom dwellings with associated infrastructure, garaging, parking and landscaping on land off Aspen Way, Slingsby, Malton on behalf of W & W Estates

The Assistant Director Planning – Community Development sought determination for the erection of 13no dwellings comprising 7 three bedroom dwellings, 2no two bedroom dwellings and 4no four bedroom dwellings with associated infrastructure, garaging, parking and landscaping on land off Aspen Way, Slingsby, Malton.

The application was brought to committee as an allocated site within the development plan, contributing towards housing supply and it was considered that significant planning issues had been raised.

The application was deferred at the last meeting of the committee as Members requested that consideration be given to;

- Whether the temporary construction traffic access to and from the B1257 could be an alternative option for residential traffic accessing the application site.
- Whether the applicant for the adjacent residential development site (Castle Howard Estates Ltd) would be agreeable to an additional clause within the Section 106 agreement associated with ZE23/05729/MFUL to secure the provision of an unfettered/un-ransomed road connection to the 23/00348/MFUL site boundary prior to the occupation of any dwellings on their development site.

Presenting the report, the Planning Officer drew Members' attention to the fact that;

- the Local Highway Authority did not consider access from the B1257 to be in the interests of site and third-party safety and would create an unsatisfactory access arrangement.
- Castle Howard Estates Limited confirmed that they were declined the request to accept an additional clause within their section 106 agreement.

Tim Waring spoke to object to the application.

Fiona Farnell spoke on behalf of the Parish Council.

Paul Butler, agent, spoke in support of the application.

During consideration of the item, the Committee considered the following matters:

- The consequences of refusing the application
- The fact that permission has previously been granted for the west portion of the site

DECISION

That planning permission be GRANTED subject to the conditions listed in the report and completion of a Section 106 legal agreement with regards to affordable housing, commuted sum and public open space.

Voting record

6 For

1 Against

89 ZE23/06955/73 Update report - application for the variation of condition 02 of planning approval 23/00077/73 dated 18.04.2023 to remove the restriction on the number of evening events per month and to allow an increase in the total number of evening events from 10 to 50 occasions per calendar year on land at Dogh, Main Street, Welburn, Malton on behalf of Mrs Georgia Dowkes-White (Dogh Limited)

The Assistant Director Planning – Community Development sought determination of a planning application for the variation of Condition 02 of planning approval 23/00077/73 dated 18.04.2023 to remove the restriction on the number of evening events per month and to allow an increase in the total number of evening events from 10 to 50 occasions per calendar year on land at Dogh, Main Street, Welburn, Malton.

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

The application had been reported to the Area Planning Committee meeting held on 21 March 2024, when the item was deferred at the request of Members to allow further consideration of Condition 10 regarding deliveries to the premises and further investigation into the proposed Traffic Regulation Order relating to Main Street, Welburn.

Presenting the report the Planning Officer drew Members' attention to;

- The applicant's agreement to amend the existing delivery time condition as stated in 4.7 of the report.
- The introduction of double yellow lines at Main Street, Welburn and the informal parking arrangements agreed between the premises and the neighbouring public house.
- The further comment from the Local Highway Authority that visitor parking allied to the increase in evening events at the site would not give rise to a significant impact on local highway capacity and safety.

Rob Stansfield spoke to object to the application.

Ryan Cuthbert spoke in support of the application.

The Planning Officer then gave the following statement in response to a submission received and circulated in the late pages.

Members have read a written objection from the registered speaker, which was submitted to the LPA earlier this week. The representation expresses the view that the report for this application is misdirecting and refers to the possibility of a judicial review. Planning officers and legal officers of the Council have considered the points raised and do not consider that they give rise to any grounds for challenge and for clarity, they will be addressed as part of this statement.

The objection refers to the extant permission for the application site being from 2009. That is a permission reference 0900241/FUL whereas in fact it is the permission, the most recent permission which has the reference 23/00077/73, which was granted in 2023. Members will be aware that a successful Section 73 application results in the grant of a new planning permission, in which the conditions attached to the previous permission are either carried over varied or removed. Therefore, the relevant conditions for varying and carrying over are those attached to the permission granted last year.

The current permission for this site includes Condition 2, which covers the operating hours and permitted exceptions for evening events. Condition 5 limits evening events to be held within a licenced area, as shown on the slide, which relates to an approved floor plan drawing.

Condition 7, which provides for the development to be carried out in accordance with an approved drawing that delineates respective floor space for the retail and cafe uses. These conditions would ensure that the café and retail uses are both operational during daytime hours and that they take place in the allocated areas on the ground floor but for the evening events, both areas can be used for the cafe use.

This is considered compatible with the reason for imposing Condition 7, which is listed on the decision notice to ensure that the preparation area and tea room do not encroach on the retail area. Obviously, the risk of encroachment is not engaged during evening events.

For the avoidance of doubt, all these conditions are currently in effect and are not a new proposal.

The objection suggests the floor area allocated for evening events is a change of use amounting to development, whereas it is a permitted use under the existing mixed-use permission and the floor area used for evening events is in accordance with Condition 5 of the planning permission.

The objection also suggests that there is a breach of condition occurring within the retail area delineated by Condition 7. The Council's enforcement officers do not have any live cases open for this site but will duly investigate any reported potential breaches of planning control. However, there are none at present, and even if there were, they would not preclude the determination of the current application before Members, which is for an amendment to the number of evening events permitted by Condition 2.

During consideration of the item, the Committee discussed the following:

- The legal position with regard to the objection received
- Clarification of areas contained within the red line on the premises plan
- The change in condition 10 regarding delivery times

- Parking and highway matters

DECISION

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

Voting record

6 For

1 Abstention

90 Any other items

There was no other business.

91 Date of next meeting

23 May 2024 at 10am at a venue to be confirmed.

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North Yorkshire Council
Community Development Services
Thirsk and Malton Area Constituency Planning Committee
23 May 2024

**ZB24/00145/FUL - Change of use of land for the siting of 5no. holiday lodges,
improvements to existing access and associated infrastructure works
at Newlyn, Oulston Road, Easingwold, North Yorkshire
on behalf of Mr and Mrs M Hateley**

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the Change of use of land for the siting of 5 no. holiday lodges and associated works at Newlyn, Oulston Road, Easingwold.
- 1.2 This application is appropriate to be determined by the Area Planning Committee following a referral by Cllr Knapton due to the site having a history of dismissal at appeal and a number of material factors.

2.0 SUMMARY

RECOMMENDATION:

- 2.1 That planning permission be **GRANTED** subject to the conditions set out in Section 12 of this report.
- 2.2 The proposed development comprises five holiday lodges and associated development located in a paddock (approximate size, 0.25ha) set to the north of Newlyn, a dwelling at the northern edge of Easingwold. The application site is bound to the west by Oulston Road and, beyond this, residential land associated with the wider Claypenny Estate. To the immediate north and west is agricultural land, with Newlyn set to the south. There is a fall in land levels between the agricultural land to the west and the site and, in turn, a further fall between the site and Oulston Road. The site is within the same ownership as that of Newlyn.
- 2.3 Each proposed lodge measures approximately 4.25m to the ridge and would have a floorspace of 68.8m² (85.8m² with the veranda included). Following discussions with the Environmental Health team, the number of proposed units has been lowered from six to five.
- 2.4 Compliance with Policy EG8 in terms of this site's suitability for the siting of visitor accommodation is one of the main considerations, paying heed in particular to the impact on the character and appearance of the surrounding area and the site's position adjacent to a settlement and its facilities. Technical matters such as highway safety and drainage are also important material planning considerations.

ZB24/00145/FUL

02/05/2024



Civic Centre, Stone Cross, Rotary Way,
Northallerton DL6 2UU
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3.0 PRELIMINARY MATTERS

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

[Documents for reference ZB24/00145/FUL: Public Access](#)

Planning history

3.2 Application site:

19/01878/CAMP - Consultation for the operation of a certified exempted caravan site – Closed (no objections or concerns noted at time of application).

16/00667/OUT - Outline application for the development of 4 self-build housing plots – Refused.

16/00044/REFUSE (Appeal No.: APP/G2713/W/16/3162960) – Appeal dismissed.

4.0 SITE AND SURROUNDINGS

4.1 The application site consists of 0.25ha of paddock associated with Newlyn, a dwelling to the east of Oulston Road. The site abuts agricultural land on its northern and eastern boundary, whilst Oulston Road (a classified road and part of National Cycling Route 65) sits to the west. Beyond Oulston Road lies the Copperclay Estate and Mallison Hill Woods. The western boundary of the site is lined by well-established planting (mainly Ash), with some planting also present to the northern boundary.

4.2 There is a significant land level difference between the site and the agricultural land to the east and also between the site and the road to the west, with the topography lowering from east to west. The application site will be accessed using the existing access associated with Newlyn.

5.0 DESCRIPTION OF PROPOSAL

5.1 The application relates to the siting of five lodges within the above-described paddock. Each lodge would measure approximately 4.25m to the ridge and have a floorspace of 68.8m² (85.8m² with the veranda included). The lodges are to be timber clad. Each lodge would have a veranda area and two allocated parking spaces.

5.2 The access associated with the site is proposed to be widened considerably as part of the scheme. Landscaping within the site itself and to the northern, southern and eastern site boundaries is also proposed.

5.3 The application is submitted with a Design, Access and Planning Statement; Preliminary Ecological Appraisal; Drainage Assessment; Tree Survey; Biodiversity Net Gain Metric and report.

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

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

Guidance - Material Consideration

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

7.0 CONSULTATION RESPONSES

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

Initial Consultation

Consultees

- 7.2 Town Council – Objects:

The proposal will have a detrimental impact on the countryside and local residents, community and causes road safety concerns.

- 7.3 Highway Authority – No objection:

Conditions provided relating to amended access, a construction management plan and surface water drainage.

- 7.4 Environmental Health – Neither supports nor objects:

“In respect to the potential impact on amenity and the likelihood of the development to cause nuisance there is no detail within the planning application to explain how the site will be managed to prevent nuisance or who will be managing the site on a day-to-day basis. Therefore, at this stage The Environmental Health Service can only determine that the site has the potential to have a negative impact on local amenity.

The submission of a satisfactory site management plan would ensure a more accurate decision. I would therefore recommend the following condition to ensure no serious negative impact on local amenity.”

Conditions relating to the management and lighting of the site were provided as well as an informative relating to the licencing of the site.

- 7.5 Yorkshire Water – No objection:

Conditions provided. Request for reconsultation should surface water drainage arrangements change.

Reconsultation took place on the 2 April 2024 following submission of drainage scheme. No response has been received.

7.6 MOD RAF - No safeguarding objections.

Revised Consultation

7.7 Parish Council – No response received.

7.8 Highways Authority - No response received.

7.9 Environmental Health – Neither supports nor objects:

“In respect to the potential impact on amenity and the likelihood of the development to cause nuisance there is still no detail within the planning application additional documents to explain how the site will be managed to prevent nuisance or who will be managing the site on a day-to-day basis. Therefore, at this stage The Environmental Health Service can only determine that the site has the potential to have a negative impact on local amenity.

The submission of a satisfactory site management plan would ensure a more accurate decision. I would therefore recommend the following condition to ensure no serious negative impact on local amenity.”

A condition has been supplied relating to site management.

7.10 Yorkshire Water Services – No response.

7.11 MOD RAF - No response.

Local Representations

Initial Consultation:

7.12 Neighbours and Site Notice – 22 Objections; 9 in Support (summarised below):-

Objections:

- The site is not allocated.
- Noise from guests/site construction.
- Increased light pollution.
- Impact on nearby wildlife, including at Mallison Hill.
- Holiday lodges do not generally exist in residential areas.
- Permission was refused in 2016 for housing on the site, an appeal was later dismissed by the inspector.
- The matters relevant to the 2016 have not changed, especially intrusion into countryside and rural character.
- The proposal does not accord with Local Plan Policies S5 and EG8.
- Holiday homes negatively impact the sense of community and the local economy.
- Tourist destinations have seen increase in use, impacting local services.
- Infrastructure and local facilities are struggling to keep pace with rapid growth.
- No demand for holiday accommodation in the area; many holiday lodges have been for sale unsuccessfully for some time.
- The number of inhabitants will be disproportionate to the scale of the site.
- Concern over use of site for permanent accommodation.

- No footpath on eastern side of Oulston Road.
- Concerns over highway safety, particularly with regard to vulnerable road users (i.e. runners, cyclists, etc.).
- Insufficient access for cars and pedestrians.
- Concerns over management of run-off onto Oulston Road and surface water management.
- Site is in very prominent area, on a hill.
- Negative visual impact when viewed from Public Right of Way to the east.
- Development will be the first thing people see when approaching Easingwold from the north.
- Discrepancy in Design and Access Statement when referring to relationship between the site and 2 Lime Tree Avenue.

In support:

- There are not currently enough places to stay in Easingwold.
- Site appears to be private [in appearance].
- Within walking distance to shops, restaurants and public houses.
- Will bring revenue into the town.

Revised Consultation:

7.13 Neighbours and Site Notice – 14 Objections (summarised below):

- The site remains wholly inappropriate as a site for a holiday park.
- The reduction in scale from 6 to 5 lodges does not alter previous points of objection.
- There are a large number of public objections to the proposal.
- The amended access would look unsightly.
- Using existing drains would not alleviate drainage issues.
- The site still looks cramped despite revised plans.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

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

9.0 MAIN ISSUES

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

- Principle of development.
- Impact upon the character and appearance of the site and locality.
- Impact upon the amenity of neighbouring properties.
- Impact on the local highways system.
- Drainage.
- Other matters.

10.0 ASSESSMENT

Principle of Development

- 10.1 National and local policies are supportive of developing the tourism sector as part of the diversification of the Former Hambleton District's economy, with Policy S3(g) stating a desire to enhance the visitor economy in towns through the former district.
- 10.2 With regard to location, EG8 demonstrates a preference for the siting of tourist accommodation within the built form of settlements or, where this is not available, on land adjacent to the built form. Policy S5 sets out the Council's approach to determining the built form of settlements, and it is considered that, falling under S5(c), the site is not within but is instead adjacent to Easingwold's built form. The wording of the policy is such that it does not explicitly state that developments centred around existing settlements are preferred, but it can be inferred from EG8(h) that this is the case due to the preference for sites "...adjacent to the built form..." mentioned within the policy.
- 10.3 Paragraph 88 of the NPPF advises that development address the specific locational requirements of different businesses. To this end, it is considered that, within North Yorkshire, the Easingwold sub-area is receptive to tourism-adjacent development, with a number of attractions (both natural and man-made) within reasonable distance of the site. Additionally, EG8 encourages tourist accommodation within areas that benefit from sustainable travel options (such as Easingwold, which benefits from regular bus services). Further, the site is immediately adjacent to the National Cycle Route and National Byways networks, increasing the range of sustainable travel and activities available within the area.
- 10.4 As a result of its position on the edge of Easingwold, the site benefits from easy access to the local amenities on offer within the settlement, with the town centre situated approximately 0.9km from the site, which is walkable in approximately 10 minutes. It is considered that the short distance between the proposed holiday lets and the town centre makes it likely that occupants of the units would make use of local services and so would contribute to the local economy and is in compliance with EG8(g), which asks that new sites be well-connected to local services and facilities.
- 10.5 Policy EG8(f) asks that sites be limited to holiday purposes only. By conditioning any permission to restrict the use of the proposed units to holiday use only it will be possible to guarantee compliance with the policy.
- 10.6 A number of public comments have drawn attention to the refusal of planning permission and subsequent dismissal at appeal of a scheme for the development of the same site in 2016. The appeal was dismissed largely due to the impact of the previous scheme (four dwellings) on the character and appearance of the countryside (with regard given to the position of the site on the approach into Easingwold) which was not outweighed by the social and economic benefits of the scheme. The current proposal differs from that scheme insofar as the previous application was for housing, which carries with it different requirements within the Local Plan and the NPPF. Additionally, since 2016, there has been an expansion of the section of the NPPF relating to the rural economy, with Paragraph 89 explicitly identifying that sites adjacent to existing settlements may need to be developed in order to meet local business needs. Within the same paragraph, there is an identified preference for sites which are "physically well-related to existing settlements", which "should be encouraged where suitable opportunities exist".
- 10.7 As a result, the prior appeal decision is afforded limited weight in the balance; it is fundamentally a different scheme to the 2016 proposal and, whilst the Inspector's findings are informative, they cannot be relied upon to fully inform a decision in this instance. This is

apparent in the weighing of the various roles (economic, social and environmental) within sustainable development discussed in Paragraph 20 of the appeal decision, which are substantially different when looking at housing versus visitor accommodation. Additionally, the various benefits of that 2016 scheme were weighed against the “significant” negative weight given to the impact of the character of the countryside. These benefits and the policy context are now different, with the impact of visitor accommodation on the rural character requiring a separate assessment, together with a rebalancing of those roles identified above which acknowledges the fundamental difference between the impacts of housing in the area and those associated with a holiday let use.

- 10.8 It is not considered that the relatively limited scale of the proposal (five units) will place an undue burden on the local services within Easingwold.

Character and Appearance

- 10.9 Policies S3 and EG8 allow for the siting of visitor accommodation where it is shown that the development will not have a detrimental impact on the character and appearance of an area or on neighbour amenity. Support from the NPPF similarly hinges on the ability of a scheme to respect the character and appearance of the surrounding locality.
- 10.10 The proposal would include the siting of five holiday lodges within the site. Each lodge is to be clad in timber. The site is within the edge of the settlement and so the built context and surrounding character is split between residential land and the open countryside beyond. Whilst not uncommon in a rural context, holiday lodges are not generally found within residential areas and would be at odds with the residential character of Copperclay Estate.
- 10.11 However, there exists a significant degree of visual separation between the site and Copperclay Estate, emphasised by the presence of the public highway and extensive planting on each side of Oulston Road. As a result, the key visual relationship between the site and the surrounding area is largely between the paddock area and the countryside to the north and west.
- 10.12 The sole opportunity to view the lodges within this rural context is from the Public Right of Way (PROW) located approx. 100m-275m to the north-east/east of the site. It is considered that the low-level form of the lodges, in addition to the land level difference between the outlying fields and the site, limits the amount of visual intrusion of the proposal into the surrounding landscape. This would be further mitigated through the use of additional planting to the northern and eastern perimeters and through the use of low-level lighting, details of which could be gained through condition.
- 10.13 The layout has been amended since the original submission, with the proposal now being for five units. This has allowed for the inclusion of more planting and has allowed the layout to become more dispersed within the site, allowing for larger gaps between the units, further limiting visual impact.
- 10.14 It is considered that the scheme would not unacceptably impact the character and appearance of the wider area and that the scale, form and appearance of the site is appropriate to its use and location. The proposal is therefore in accordance with Policies S1, S5, EG8(a), E1 and E7.

Residential Amenity

- 10.15 The Environmental Health Service have been consulted and have stated that a site management plan should be submitted to mitigate the identified potential for negative amenity impact on local amenity. However, in discussions the Environmental Health Officer acknowledged that the distance from the nearest dwellings unconnected to the site (25m)

and the intervening road and planting would mitigate a large degree of impact from noise and light. As a result, it was recommended that a condition requiring a satisfactory site management plan be imposed should planning permission be granted, with the plan providing details of how noise, lighting, site access and emissions would be governed on site, as well as how complaint management would be handled. Further, it was also recommended that a condition restricting the erection of ancillary equipment (such as hot tubs, etc.) without express planning permission be imposed on any planning permission.

- 10.16 It is considered that the conditions set out above, in addition to the mitigation offered by the distance between the site and potential receptors, would limit the potential negative amenity impact from the proposal. Whilst there is the potential for amenity issues to arise from the short-term letting of the lodges, the lack of extensive amenity space mitigates this to some degree. It is considered that, given the expectation that visitors would be largely using the indoor space, the level of disturbance to neighbouring properties is not likely to be beyond that which would be expected from properties within Copperclay Estate. As such, the scheme complies with Policies S1, EG8(b) and E2.

Highway Safety

- 10.17 The proposed use would utilise an amended pre-existing access from Newlyn onto Oulston Road. The Highways Authority have been consulted and have not objected to the scheme, instead providing conditions to imposed should planning permission be granted.
- 10.18 There is an appropriate amount of on-site parking available for the properties, with two spaces allocated for each unit. Access would be shared with Newlyn to the south of the site and it is considered that Oulston Road, as a classified road, currently has the capacity to accommodate the movements associated with the holiday let use.
- 10.19 A number of comments have been received relating to highway safety and the impact of the development on road users and on inhabitants of the holiday lets. There has not been any evidence provided relating to historical events (such as road traffic incidents, accidents, etc.) to demonstrate any hazards associated with this stretch of Oulston Road and it was noted by the Planning Officer on site that the road appeared to be relatively quiet during the visit. The access leads onto a part of the road which is within the 30mph zone and is immediately after signage displaying this and a "slow" sign written onto the road, making it apparent that you are entering the town. As such, it is expected that users of the access should not experience traffic going beyond that speed limit.
- 10.20 Further, the proposal includes an improved visibility splay (to be extended by 8m) and adequate space for cars to exit the site in a forward motion, further limiting the potential for road accidents.
- 10.21 It has also been brought to the Council's attention that there is no footpath on the eastern section of the road. However, there is a footpath which connects to the wider system in Easingwold on the opposite side of the road. In their 2016 assessment the Planning Inspector did not raise any concerns regarding the connectivity of the site, noting that the site benefits from local bus connections and lit footways.
- 10.22 It is considered that the proposal does not raise any highway safety concerns and is therefore compliant with Policy IC2.

Drainage

- 10.23 The site is located within Flood Zone 1 and the Environment Agency's mapping shows that it is not within an area at risk of surface water flooding. However, there have been a number of representation referring to the outfall of water from the site onto Oulston Road and this

was observed during the site visit. It was also noticed that the site itself was extremely wet underfoot, which could be attributed to the local geology and the land level difference between the site and surrounding land.

- 10.24 A draft drainage scheme has been provided which has demonstrated that the site can be adequately drained through the use of an attenuation tank and control of outflow. However, to ensure the workability of such a scheme a condition would be imposed requiring that a detailed drainage scheme be submitted and imposed prior to the development taking place.
- 10.25 Yorkshire Water requested a re consultation should further surface water drainage details be submitted. Subsequently they have been consulted but have not responded. It is considered that they would have the opportunity to respond as part of a discharge of conditions relating to the inclusion of a drainage condition. In addition, the details provided by the applicant suggest that it is not possible to drain the site through sustainable drainage methods and so there is a likelihood of the sewer connection being agreed to by Yorkshire Water.
- 10.26 Properly conditioned to ensure the submission of a high degree of detail relating to the proposed scheme, it is considered that the proposal is therefore compliant with Policy RM1, RM2 and RM3.

Other Matters

- 10.27 There have been concerns raised regarding wildlife both within and close to the site. The site is not itself part of any designated area (such as a SSSI, etc.) or priority habitat, but it is noted that Mallison Hill's inclusion in the list of Local Green Space was partially based on its "richness of wildlife".
- 10.28 The site is separated from Mallison Hill by Oulston Road, however, and is a fundamentally different habitat, consisting of managed grassland as opposed to woodland. It is considered that, whilst the proposed use of the site would not necessarily benefit local wildlife, the paddock appears to be of little value to biodiversity or local ecology – it is relatively common in planning to ascribe limited ecological importance to paddock areas. Additionally, the retention of the hedging and established planting and the proposed additional planting would be of benefit to existing wildlife through enhancement of the green infrastructure at the perimeter of the site.
- 10.29 A condition requiring the submission of a plan demonstrating an uplift in BNG will be imposed on any grant of planning permission in order to meet the requirements of Policy E4.
- 10.30 In terms of density, the Former Hambleton District did not have an SPD which dictated site density, etc. A general consensus appears to have been reached in authorities across England where a site should not exceed 60-75 units per hectare. This is considered to be the case in this instance. Furthermore, Environmental Health have not raised concerns regarding the density of inhabitants versus site area and so it is not considered to be an issue for consideration within the application.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The proposal complies with Local Plan Policies S1, S3, S5, EG8, E2, E3, E4, IC2, RM1, RM2, RM3 and the NPPF. It also partially complies with Policies E1 and E7, where it meets all policy points but does not provide an enhancement to the immediate area.
- 11.2 The Local Plan, particularly in S3 and EG8, encourages the development of the visitor economy within and adjacent to the built form of identified settlements, and towns in

particular. It can be taken from this, then, that a site adjacent to Easingwold would be ideal, allowing for access to the services and facilities available within Easingwold, whilst enhancing the visitor economy in the town.

- 11.3 As discussed above, it is considered that, despite the 2016 appeal decision, the proposal should be assessed on its own merits. Visitor accommodation as a development has a greater connection to the rural character of the site than a housing scheme would, and a conditioned landscaping scheme would further limit the wider impact of the proposed development. Whilst it would not contribute a positive impact to the immediate and wider area, the policy test within EG8(d) is solely ensure that the proposal does not “unacceptably harm” the character of the area. E1 and E7 ask that proposals provide a positive contribution to the local character, which is not the case in this scheme – it merely provides a neutral impact – but it is considered that this is easily outweighed by the economic benefits outlined above.
- 11.4 Sustainable development is achieved through the balancing of Economic, Social and Environmental objectives within a proposal. The economic benefit to Easingwold is clear – the proximity of the site to the town centre means that it is likely that any tourists using the site would use the facilities available there, contributing directly to the local economy. The Social and Environmental benefits of the scheme are less clear, but there are no perceived negatives introduced into the area through the scheme which could not then be managed through the imposition of conditions.
- 11.5 Paragraph 8 of the NPPF asks that “opportunities” to secure net gains in the above objectives should be taken but acknowledges in Paragraph 9 that not every decision may be judged against them. Therefore, the lack of direct Social or Environmental Benefit of the scheme does not register as a negative factor in determining the balancing, but instead should be taken as a neutral factor.
- 11.6 As such, there is a positive impact on the area resulting from the proposal and two neutral impacts. As a result, the development is considered to be sustainable development and is therefore recommended for approval.
- 11.7 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including Local Development Framework Policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

12.0 RECOMMENDATION

12.1 That permission be **GRANTED** subject to the imposition of the below listed conditions:

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 1050 P03, 0001 P00, 1100 P01 and details labelled “Luxury Lodge Range” received by the Council on 24.01.24 and 02.04.24 unless otherwise approved in writing by the Local Planning Authority.

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

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

Reason: In the interests of the visual amenity of the area in accordance with Local Plan Policy E1 and to ensure that the proposal does not contribute to existing drainage issues in accordance with Policy RM3.

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

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

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

Reason: In the interests of Highway Safety in accordance with Policy IC2.

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

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

Reason: In the interest of public safety and amenity in accordance with Policies E2 and IC2.

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

- The crossing of the highway verge must be constructed in accordance with the approved drawing reference 1050 Revision P00 and Standard Detail number E50.
- Provision of a pedestrian crossing point to link the site access to the existing pedestrian dropped kerbs on the footway on the western side of Oulston Road.
- The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users in accordance with Policy IC2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 1050 Revision P00. 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.

9. No development shall take until a site-specific Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The plan must demonstrate the adoption and use of the best practicable means to minimise the effects of noise, site lighting and loss of amenity to neighbouring properties.

The plan shall include, but not be limited to:

1. Measures to mitigate and control noise and odour from the site.
2. Detail and contact details of who will be responsible for the management of the site to ensure any amenity issues on site are dealt with promptly.
3. Procedures for maintaining good public relations including complaint management, public consultation and liaison.
4. Measures to mitigate and control emissions from the site (open fires, log burners, BBQ's, and patio heaters).
5. Details of Hours of Operation, Entry/Movement from the site and how this will be managed.

Reason: To ensure that the amenity impacts arising from the proposed scheme are adequately controlled in accordance with Policy E2.

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 E2.

11. There shall be no external lighting installed until full details of the proposed lighting scheme have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of neighbour amenity and to assess the landscape impact of the proposal in accordance with Policies E2 and E7.

12. Prior to development, measures (including protective fencing, etc.) to protect the existing hedges and trees within the site shall be submitted for approval to the Local Planning Authority. The approved scheme shall then be carried out in the approved manner for the duration of the works.

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

13. All existing hedges and trees shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

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

14. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the structure(s), whichever is the sooner, unless a landscaping scheme received and approved by the Local Planning Authority has been carried out in addition to any required Biodiversity Net Gain planting.

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

15. Prior to the commencement of development, a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

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

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

- 08:00 – 18:00 Monday to Friday
- 08:00 – 13:00 Saturday

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

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

17. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended), no ancillary structures or hot tubs shall be erected or installed within the site.

Reason: To limit the potential for negative impacts on neighbour amenity in accordance with Hambleton Local Plan Policies E1 and E2.

18. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Strategy' 23523-DR-C-0100 (Revision P2) dated 08.03.24 and received by the Council on 02.04.24 prepared by Topping Engineers.

The drainage scheme shall not be implemented until details of the implementation and adoption of the drainage system have been submitted to and approved in writing by the local planning authority.

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

19. The occupation of the accommodation hereby approved shall be as follows: (i) the holiday accommodation is occupied for holiday purposes only; (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence; (iii) the owners/operators shall maintain an up-to-date register of the names of all owners/occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority. For the avoidance of doubt this decision does not permit the use of the properties as a dwellinghouse(s).

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation and can thereby contribute to the rural economy without undue demands on local schools, social and health services etc, and in accordance with the objectives of the Local Plan.

20. Prior to the siting/construction of the approved units, the details of the colour and finish of the timber cladding on the main body of the units shall be submitted to and approved by the local planning authority.

The approved colour and finish shall then be retained for the lifetime of the development.

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.

Target Determination Date: 22 February 2024

Case Officer: Mr Connor Harrison
Connor.harrison@northyorks.gov.uk

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North Yorkshire Council

Community Development Services

Thirsk and Malton Area Constituency Committee

23 MAY 2024

ZE23/01660/MFUL - Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception/shop with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) at Land Off Daskett Hill, Sheriff Hutton on behalf of Mr John Wilson

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception/shop with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021) on land at Daskett Hill, Sheriff Hutton.
- 1.2. The application has been referred to the Committee for determination owing to the range of issues raised.

2.0 SUMMARY

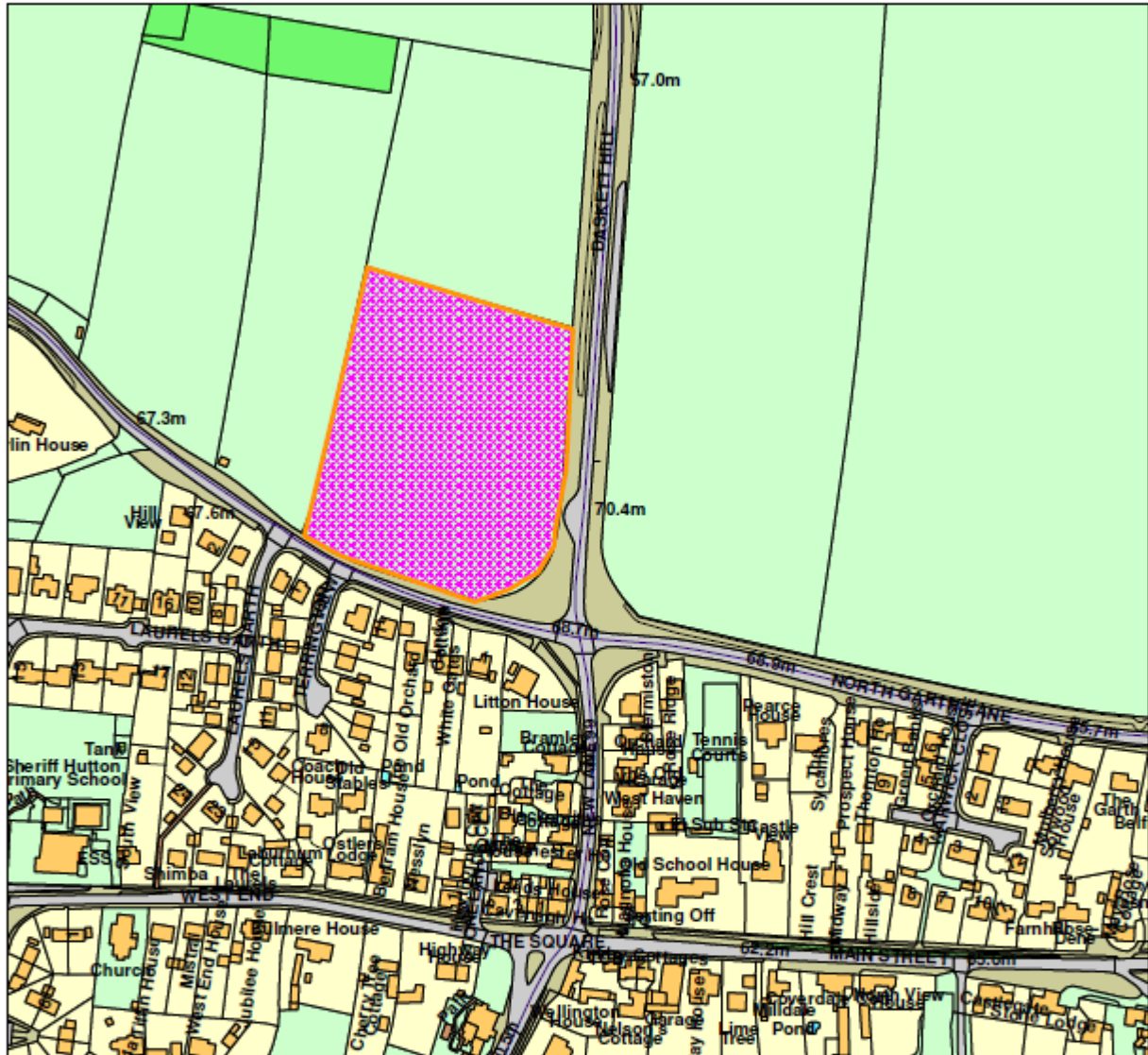
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. This application seeks full planning permission for the Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges in total, 18no. of which incorporate 2 bedrooms and 6 of which incorporate 3 bedrooms. The scheme also seeks permission for 1no. wardens lodge to house an on site management presence who would remain on the site, together with 1no. reception/shop. The scheme also seeks approval for the associated access, parking, infrastructure and landscaping. This is a revised scheme to the lawful approved development 20/00701/MFUL dated 15.11.2021 which granted permission for 16no. lodges and 1no. reception/shop building.
- 2.2. The application site relates to an agricultural field to the north of Sheriff Hutton, occupying a corner position directly to the west of Daskett Hill from where it is accessed by a field entrance and to the north of Cornborough Road. This field is located directly to the north west of the roundabout linking Daskett Hill with New Lane, North Garth Land and Cornborough Road. Whilst this falls outside village development limits, this is in close proximity to neighbouring residential properties to the south.

- 2.3. The scheme for the holiday accommodation is considered acceptable in principle, in accordance with Policies SP8 (Tourism) and SP21 (Occupancy Restrictions) of the Ryedale Plan, Local Plan Strategy. The Warden's accommodation in these site specific circumstances is considered to align with the requirement for new accommodation to support the land based economy as outlined in Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Plan, Local Plan Strategy. The benefits to securing an onsite management presence are considered significant due to the proximity to the nearby residential properties and on balance, this small scale unit, conditioned to be linked to the business is considered acceptable.
- 2.4. The scheme is considered acceptable in terms of character and form and subject to the strict conditions, will be deliverable without harm to the surrounding wider landscape. The scheme is also considered acceptable in terms of residential amenity, access and highway safety and ecology. Further details are awaited in terms of drainage, whilst the statutory consultees have no objection, additional details have been submitted by the Agent to try and secure 'in accordance with' style conditions. Consequently the scheme is recommended for approval however, Officers will seek the final delegation of this decision to the Planning and Development Manager for overall approval, subject to the scheme being considered satisfactory by Yorkshire Water and the Lead Local Flood Authority with the application of any recommended conditions.

ZE23/01660/MFUL

Not Set



Scale: 1:3,000

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	13/05/2024
MSA Number	Not Set

3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:
<https://planningregister.ryedale.gov.uk/caonline-applications/applicationDetails.do?keyVal=RYHWVZNOKDB00&activeTab=summary>

3.2. There is 1 relevant planning applications for this application which is detailed below.

20/00701/MFUL– Change of use of agricultural and equestrian land to allow the siting of 16no. holiday lodges, 1no. wardens lodge with associated access, parking, infrastructure and landscaping– Approved 15.11.2021)

This application was approved by Members of the Ryedale District Council Planning Committee in October 2021.

4.0 Site and Surroundings

4.1. The application site relates to an agricultural field to the north of Sheriff Hutton, occupying a corner position directly to the west of Daskett Hill from where it is accessed by a field entrance and to the north of Cornborough Road. This field is located directly to the north west of the roundabout linking Daskett Hill with New Lane, North Garth Land and Cornborough Road.

4.2. It is a broadly rectangular area of land spanning approximately 144 metres from north to south and 115 metres from east to west, totally approximately 1.66 hectares. The site is adjoined by residential properties to the south, (located to the south of Cornborough Road) and by agricultural land to the west, north and east.

4.3. The site is located outside of the defined settlement limits of Sheriff Hutton, therefore it is considered as being located within the open countryside under the Ryedale Plan, Local Plan Strategy. The site is located within walking distance of the village shop, public house and café. The site is located a significant distance from both the village's Conservation Area boundary approximately 250 metres to the south west at the nearest point) and the Scheduled Ancient Monument Boundary of Sheriff Hutton Castle which is located c225 metres to the south west, both beyond significant amounts of existing development. The site incorporates ridge and furrow formations which NYC Archaeology have identified as a 'non designated heritage asset.'

4.4. The Howardian Hills National Landscape (formally the Area of Outstanding Natural Beauty)is located approximately 3.6 kilometres to the north and the site falls entirely within Flood Zone 1.

4.5. The site is very well landscaped along the eastern and southern boundaries, with a well-established unmaintained hedge and a line of mature trees. To the western boundary, a mature field hedge is present with intermittent trees. To the north there is a line of tree planting, with some gaps.

5.0 Description of Proposal

5.1. This application seeks full planning Permission for the Change of use of agricultural and equestrian land to allow the siting of 24no. holiday lodges, 1no. wardens lodge and 1no. reception/shop with associated access, parking, infrastructure and landscaping (revised detail to planning approval 20/00701/MFUL dated 15.11.2021)

5.2. This was as a result of an amendment to the original scheme which sought permission for 32no. holiday lodges. Other amendments included the removal of reference to a Phase 2

development and children's play area within the adjoining field to the north that does not form part of this planning application. Permission would be needed for such a use.

- 5.3. These holiday lodges would be located to a minimum of 21 metres inset from the domestic curtilages of the properties located to the south of Cornborough Road and as noted, very mature screening is present along the southern boundary of the site. The proposal would also include the provision of a surface water attenuation pond to the south east of the site. A pedestrian link along the south eastern corner would be provided to allow for permeability with the village.
- 5.4. This proposal would include two types of holiday lodges, a two bedroom style and a three bedrooms style. Both styles would be constructed with composite cladding and UPVC windows and doors, together with a metrotile roof. Each would have a commensurately sized outdoor decking area and 2no. dedicated parking spaces.
- 5.5. 18no. two bedroom units for holiday lettings are proposed and each would span c4m x c12.5m in size, with a footprint of c49.41 square metres. This would incorporate a pitched roof design, with an eaves height of c2.9m and a ridge height of c4.1m.
- 5.6. 6no. three bedroom units for holiday lettings are proposed and each would span c4.9m x c12.2m in size, with a footprint of c59.7 square metres. This would incorporate a pitched roof design, with an eaves height of c2.9m and a ridge height of c4.8m.
- 5.7. For reference, the previously approved scheme included 16no. timber clad units which included a monopitch roof form, with maximum roof heights of approximately 4.8m, spanning downward to 3.3m. Previously approved were 6no. 2 bedroom units which incorporated a footprint of c80 square metres, 6no. 3 bedroom units which incorporated a footprint of c99.7 square metres and 4no. 4 bedroom units, which incorporated a footprint of c120 square metres. These therefore related to quite significantly larger units. These also included significantly increased levels of glazing in comparison to the proposed scheme.
- 5.8. The wardens unit is the same design as the described two bedroom unit and would be located to the north eastern corner of the site. It has been confirmed that this would be occupied by the Applicant.
- 5.9. The reception would incorporate a footprint of c12.8m x c3.7m with a maximum height of c3.7m. This would allow for a reception, store, office, and WC, together with a site shop. The Applicant has confirmed this would be "*for essentials, such as newspapers, milk, bread, water, soft drinks and maybe bus/theme park tickets.*" It was also confirmed all goods would be locally sourced. It is also noted that the previously approved reception unit did have provision for a shop facility on a year round basis.
- 5.10. The proposed access road would span westwards from the existing site entrance and would extend to serve the four 'quadrants' of the site. The site will incorporate new internal and boundary landscaping, to supplement the existing retained boundary landscaping. No indicative lighting plan has been submitted at this stage.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is the Ryedale Plan, Local Plan Strategy (2013.)

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework
- National Planning Practice Guidance

7.0 Consultation Responses

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

7.2. **Parish Council:** No response was received from the Parish Council in relation to the amended reduced scheme with 24no. holiday units. However in the original consultation response dated 12th August 2023. This was an objection to the scheme in relation to significant over development of the site, neighbouring amenity, including noise, highway concerns, no need for an on site shop, no mention of holiday restrictions or whether for residential use.

7.3. **Internal Drainage Board:** Recommended condition

7.4. **North Yorkshire Archaeology:** No objection

7.5. **North Yorkshire Ecology:** Recommend conditions

7.6. **North Yorkshire Environmental Health:** No objection

7.7. **North Yorkshire Highways:** Recommend conditions

7.8. **Lead Local Flood Authority:** Have recommended conditions, awaiting updated.

7.9. **Yorkshire Water:** Have recommended conditions, awaiting updated.

Local Representations

7.10. As part of the original consultation on the 32no. lodge scheme, 22 local representations have been received between the 16th August 2023 and the 18th September 2023 all of which were objecting. A summary of the comments is provided below, however, please see website for full comments.

7.11. Objections

- Concern over the impact upon highway safety through the increased number of units and associated traffic increase, the site lies between on a blind bend, in proximity to a busy roundabout, cannot assume that cars are travelling at the 30mph speed limit, the increase in numbers will result in accidents. Concern over safety of cyclists and pedestrians existing and accessing the site.
- The site is outside of the development plan boundary. Gross misuse of farmland.
- Overdevelopment of the site – do not consider this a modest increase. Concern over reference to Phase 2 and play area, separated from the lodges.
- Concern over occupancy of the lodges and more permanent residence may occur.
- Doesn't contribute to a low carbon economy.

- Increase in units will make the site visually less attractive when viewed from the AONB to the north, will be easily visible and detract from the open nature of the surrounding area. Would be a prominently positioned eyesore and damaging to the nature of the village by virtue of its scale and proximity. Discords with Policy SP13.
- Support original 16 units, but not the increase to 32
- Are these static caravans designed to look like lodges. Form and materials bear no resemblance to traditional village buildings. Not acceptable in this location.
- Claim that this will enhance the economy is debatable. There is a good local shop in the village. This does not warrant its own shop.
- The Design Statement states that the application has been revised to address financial viability. Was an appraisal carried out?
- Drainage doesn't appear to have been upgraded since the original proposal of 16 to the 32 now proposed, will this overload the system. Concerns over flooding as the mains drain backs up in heavy rain and there are surface water drainage issues in the area, impacting individual properties, this may exacerbate this. Concern the attenuation pond may result in foul smelling stagnant water.
- Concern that villagers who want to comment may not see the village newsletter (Case Officer Comment: the Parish Council was consulted, a site notice erected and a notice put in the local newspaper, together with the consultation by letter of surrounding residents.)
- The village is already well served by caravan sites, this would be overdevelopment.
- Concern over noise impacts, light pollution, wildlife impact and loss of privacy.
- Potential devaluation of village homes.

7.12. Following reconsultation of the amended plans, 4 further local letters of objection have been received between the 5th and 23rd March 2024. A summary of the comments is provided below, however, please see website for full comments.

- Does not deal with the objections made previously
- Remains the overpopulation of the site
- Highway concerns remain in terms of levels of journeys from 24 lodges and impact upon the character of the site – no walks or safe cycle routes directly from the site.
- Visual and Landscape Concerns remain and this remains contrary to Policy SP13. The original scheme should never have been granted.
- Noise and light pollution
- Drainage issues not dealt with
- Overprovision of holiday accommodation within the village
- Note the presence of overhead pylons, do these pose a risk to occupants.
- If the number of lodges needs to be increase, not a reason to grant permission.
- If approved there should be a maximum time period condition and CIL applied to secure benefits for the community.

8.0 Environment Impact Assessment (EIA)

8.1. The development falls within Schedule 2 Category 12(e) Permanent Camp and Caravan Sites' of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds the relevant threshold due to the site being over 1ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The

Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 Main Issues

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

- Principle of development
- Character, Form and Landscape Impact
- Amenity, including Residential Amenity
- Access and highway safety
- Drainage
- Ecology
- Other Matters, including consultation responses.

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) of the Ryedale Plan, Local Plan Strategy identifies that in the Wider Open Countryside, development will be restricted to that which *"is necessary to support a sustainable, vibrant and healthy rural economy or communities."*
- 10.2. Policy SP8 (Tourism) notes *"This policy supports the provision of a range of tourism accommodation across the District. The Council will support in principal within the Wider Open Countryside "New touring caravan and camping sites and static caravan and chalet self-catering accommodation and extensions to existing facilities that can be accommodated without an unacceptable visual intrusion and impact upon the character of the locality."*
- 10.3. Local Policy SP21(e) relates to time-limited occupation and states *"New un-serviced holiday accommodation (holiday cottages, caravan parks (static and touring), log cabins and holiday chalets) will be subject to the following conditions: o The accommodation is occupied for holiday purposes only; and not as a person's sole, or main place of residence; and o It shall be available for commercial holiday lets for a least 140 days a year and no let must exceed 31 days; and o The owners/operators shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request"*.
- 10.4. Paragraph 88 (C) of the National Planning Policy Framework notes planning policies and decisions should support *"sustainable rural tourism and leisure developments which respect the character of the countryside."*
- 10.5. During the determination of the application, in relation to how the site would operate, the Agent noted that the Applicant *"would like to keep both options open, ie second holiday home and holiday rentals. That's what the rest of the parks are in the area, Mr Wilson advises us, and also that they're all 12 month usage, but with a condition that they have a second address as the main residence, we are happy with such condition(s)."* Officers responded on the 21st February 2024 to note: *"With regards to the query about the proposed model to allow these to potentially operate as new build holiday homes, having discussed this with my manager, given this is a completely new site and has no historic permissions, we would only be supportive of this scheme and seek to approve this if it were in line with the requirements of the Ryedale Plan, Local Plan Strategy and specifically, subject to the LPA's standard holiday conditions contained within Policy SP21, which were those also applied on the earlier scheme. Please advise you are content to proceed on this"*

basis.” Confirmation was received to confirm they were content. This is considered an important aspect of the scheme, as these conditions will ensure the new accommodation is available for short term holiday lets and adheres to the parameters of the Ryedale Plan, Local Plan Strategy 2013 and this is consistent with the original permission granted under 20/00701/MFUL. Some of the holiday parks referenced by the Agent were permitted prior to the adoption of the local plan and in some instances, others are of a scale where a balance of tenure types can be considered more favourably.

- 10.6. It is noted that the incoming responses have highlighted that it is believed there is sufficient holiday provision within the village and that this site lies beyond the village development limits. This is acknowledged, but Policy SP8 of the Ryedale remains supportive in principle of holiday accommodation in the Wider Open Countryside. There is no justification for the LPA to seek confirmation on the precise details of the financial viability of the original scheme as on its own merits, this scheme remains acceptable in principle. However, the impacts of this scheme which incorporates a greater number of units will be carefully considered further in the amenity section below. Furthermore, it is not permissible for the LPA to seek to charge CIL on such a development.
- 10.7. In relation to the wardens accommodation, it is noted that this would technically relate to a new dwelling in the open countryside and as such, the parameters of Policy SP2 (Delivery and Distribution of New Housing) is considered. This policy supports “*New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.*” It is noted that this is a discreetly positioned and modestly scaled unit and a site warden would provide an onsite management presence that would help to ensure neighbouring amenity is protected. In this instance, the holiday accommodation can be considered a land based activity as this would only be feasibly delivered in the Wider Open Countryside, outside of development limits. The provision of Warden’s accommodation is therefore considered important on this edge of village location and it is considered that this ‘need’ tips the planning balance in favour of approval. This would be conditioned so that it would remain tied to the holiday units and could not be separated. Furthermore, the condition would be worded so that could only be occupied by a manager or member of staff working in this site, so would not become an open market dwelling. This would further be conditioned so that this should only be occupied when the wider holiday complex is brought into use.
- 10.8. The point raised about the presence of the onsite shop and that this could remove trade from the village shop it noted. The Applicant has noted that this would be for basic items such as bread and milk and it is acknowledged that a shop facility was previously approved. It is therefore not considered that this would be a material reason that could justify refusal of this element and it is considered most likely that holiday makers would patronise the village amenities.
- 10.9. It is therefore considered that subject to the recommended conditions, this scheme aligns with the requirements of Policies SP8 and SP21 of the Ryedale Plan, Local Plan Strategy and the NPPF.

Character, Form and Landscaping Impact

- 10.10. Policy SP13 Landscapes of the Ryedale Plan, Local Plan Strategy notes “Development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:
- The distribution and form of settlements and buildings in their landscape setting
 - The character of individual settlements, including building styles and materials

- The pattern and presence of distinctive landscape features and natural elements (including field boundaries, woodland, habitat types, landforms, topography and watercourses)
 - Visually sensitive skylines, hill and valley sides
 - The ambience of the area, including nocturnal character, level and type of activity and tranquillity, sense of enclosure/exposure
- 10.11. SP16 Design of the Ryedale Plan, Local Plan Strategy notes: *Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which “Reinforce local distinctiveness and... Protect amenity and promote well-being.”*
- 10.12. Policy SP20: Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:
- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses*
 - *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring*
- 10.13. As noted, this scheme seeks approval for 24no. smaller holiday units, 1.no wardens dwelling and 1no. reception building, compared to 16no. larger holiday units and 1no. reception building, in the same location. The total footprint of new development as part of this revised scheme, whilst a greater number of units extends to c1334.57 square metres. The previous scheme, given the larger nature of the units extended to 1662.38 square metres. Therefore whilst there are a greater number of units, these are smaller in scale and this approach was further secured by the overall reduction in units negotiated. Consequently it is not considered that these relate to overdevelopment. It is also noted that the units appear to incorporate less massing, given the more traditional pitches roofs and lower eaves heights than the previously approved units, which also included monopitch roofs and much more significant areas of glazing. Whilst the previously scheme could be considered to incorporate more high quality materials, the current scheme as proposed does incorporate materials which are commensurate with this type of holiday accommodation. It is considered that these are acceptable in form, design and positioning.
- 10.14. The previously approved scheme was very carefully considered in relation to its impact upon the character and form of the application site and the adjoining land and was subject to detailed negotiation, including the submission of a Landscape and Visual Impact Assessment (LVIA) (Rosetta Landscape Design, December 2020.) Whilst this has not been formally resubmitted, the contents of this remain relevant as the same use is proposed in the same location.
- 10.15. The LVIA in line with the Guidelines for Landscape and Visual Impact Assessment described and considered all the potential effects of the proposed development and identifies whether this would lead to a positive or adverse impact. This includes an assessment on landscape character impacts, including a baseline review of the landscape and visual resource, landscape classification, landscape and visual assessment and visual effects, including sensitivity and magnitude on identified visual receptors, further assessed in light of potential mitigation. The full assessment of the LVIA was carried out in the previous officer’s report for 20-00701-MFUL. It was noted in Section 4.2.7of the LVIA that the site topography the site *“lies on a southward facing slope with its northern edge on a ridge of higher ground that separates the village (to the south) from flat, low-lying, valley bottom land to the north.”*

- 10.16. A study on the visual receptors (17 individually considered residential properties and 2 surrounding roads) concluded that the sensitivity of the neighbouring properties is high, *“since any change to the character of the area surrounding their home is critical to those residents enjoyment of their home”* and that the sensitivity of the road users is medium. The magnitude and visual impact of the construction phase was identified as being small/very small and minor/moderate/minor for all receptors, apart from the 8 closest properties where these effects were listed as medium and moderate respectively. It was acknowledged that all receptors would be affected during the construction phase and in relation to the 8 closest properties it was noted *“although these viewpoints lie immediately adjacent to the sit works, there is a substantial perimeter planting buffer between the two which will remain in place during the construction phase.”*
- 10.17. Section 5.3.12 of the LVIA also noted *“in one respect, the completed development will have an impact on the character of the local landscape – namely when viewed from the north. Here two of the lodges will be visible through gaps in the intermittent line of trees along the northern site boundary until the new proposed planting has had an opportunity to mature.”* The ‘Zone of Visual Influence’ as indicated on the above referenced Visual Impact Assessment Plan illustrates that the nearest possible views from the north taken from the public highway would be approximately 286.6m from the northern boundary of the site, which is considered quite a significant distance.
- 10.18. In order to address this most open view, this application proposes similar planting details for carefully considered supplementary planting to the northern and western boundaries which was previously considered suitable. This included a specific Detailed Landscape Proposal Plan relating to the northern boundary following a request for more mature planting (Drawing no. 3717/5 Rev D). This illustrates the installation of an ‘instant hedge’ along the northern boundary at a height of 2m, which is a mature installation planted with a width of 40cm comprised of native hedgerow species. Furthermore, along the northern boundary additional infill planting to include 18no. heavy standard native species trees with heights of c3.5-4.25m would be installed, together with 4no. large feathered silver birch trees, at heights between 2-2.5m. 14 new trees are proposed for installation along the western boundary, including 13no. heavy standard native species trees with heights of c3.5-4.25m and 3no. large feathered silver birch trees at heights between 2-2.5m. It is considered that this will help to address the distant public views which are currently achievable from this point.
- 10.19. As no single comprehensive landscaping scheme has been submitted, (to include internal landscaping) a condition relating to landscaping will be recommended. If this continues to propose the same treatments to the northern and western boundaries, this will be suitable in appropriately landscaping the site from wider views. A further condition will be recommended in terms of protection of existing trees and hedges within the site during the construction phase. This condition was applied previously and discharged successfully by the previous Applicant, so the Case Officer will discuss with the Agent whether they wish to resubmit this information. Members will be updated as to whether this will be a standard condition or an ‘in accordance with’ style condition.
- 10.20. In terms of lighting, no details have been submitted as yet, but this can be controlled by a full condition. The Agent has confirmed they are happy to align with the principles of lighting suitable for dark skies location following review of the North Yorkshire Moors National Park guidance, noting that they would be content with downlit units. This will secure final details of levels of illumination of this and the wall mounted lighting to be installed on the units and within the site.
- 10.21. As part of the consideration of the previous scheme, the Officer Report noted: *“Furthermore it is not considered that this proposal would result in harm to the special character and appearance of the adjoining Area of Outstanding Natural Beauty located c3.6 kilometres to*

the north. The AONB Officer was informally consulted and they confirmed they were aware of the proposal and had no objection. It was noted that any light from the AONB would be read as part of the lighting from the settlement itself.” The AONB Manager (now National Landscape Manager) has not been reconsulted as part of this revised scheme, but it remains the view of the Local Planning Authority, that the continued use of this site for a holiday site (albeit with 8 additional holiday lodges) would not result in any adverse material impacts upon the special character and appearance of the adjoining Howardian Hills National Landscape.

- 10.22. The continued concerns raised by third parties in relation to this sensitive edge of village location and potential adverse impacts upon the character of the area are noted. It is considered following analysis of the LVIA, full assessment of this revised scheme and subject to recommended conditions that some harm to the character and appearance of landscape would occur as the result of the development of a currently undeveloped field. However Officer's believe this can be mitigated to an acceptable extent, due to the sensitive landscaping and lighting proposals, the landscape impact can be satisfactorily mitigated. These elements would be controlled by condition.
- 10.23. Nor is it considered that this would relate to the visual overdevelopment of the site, as whilst the number of units has increased, the overall proposed floorspace is reduced.
- 10.24. This scheme is considered to remain in accordance with Policies SP13, SP16 and SP20 of the Ryedale Plan, Local Plan Strategy.

Amenity, including Residential Amenity

- 10.25. Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy notes:

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

- 10.26. Accompanying the application was a Noise Impact Assessment (ENS 26th July 2023) which suggested, as was the case with the original approval that a condition to secure the submission of a Noise Management Plan was recommended. The original site plan also shows the installation of acoustic fencing to the southern boundary of the site, which was not provided as part of the originally approved scheme.
- 10.27. In a response dated 1st September 2023, the EHO noted it was *“concluded that the noise management plans were appropriate, although a curfew of 11pm was maybe a little too late*

for children playing/quiet time. The entrance point for arrivals appear to be ok. The noise assessment doesn't advocate an acoustic fence, but would clearly improve the situation at the village side of the site. I can't see any drawings of it."

- 10.28. The Agent confirmed in an email dated 14th May, "further to my previous response and the proposal to reduce the number of units, I can confirm that I am satisfied with the amended proposal and welcome the acoustic fence and commitment to a 10pm curfew, to be secured by condition. I also recommend a condition to seek details of the acoustic fence and secure its erection prior to the site being brought into use."
- 10.29. A plan of the acoustic fence was provided and indicated this was 1.82m in height. The EHO reviewed this and noted further detail on the acoustic massing of this was not provided. As such, a condition has been recommended for full details but the Agent will be asked to provide this information in advance of the meeting.
- 10.30. As noted, this scheme would also now include the provision of a wardens unit, which would afford an onsite management presence, which would be responsive should any issues arise. This is considered important given the relatively close proximity of the nearby residential dwellings.
- 10.31. It is therefore considered that subject to condition, the proposed development would not result in a harmful material impact upon residential amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Drainage

- 10.32. A detailed arrange of drainage documents were provided in support of this proposal including a Flood Risk Assessment (Dart Engineers July 2023) and a complete drainage design. Foul water is proposed to adjoin the mains sewers in the village and as soakaways are not suitable, a surface water attenuation pond will be provided within the site, from which surface water will adjoin the mains surface water sewer at a restricted flow rate.
- 10.33. All the drainage bodies – Yorkshire Water, the Lead Local Flood Authority and the Foss Internal Drainage Board have been consulted on the scheme and have no objections, subject to the imposition of conditons. This is welcomed and beyond these original conditions, the Agent has provided further more bespoke information, to attempt to provide all the necessary information sought by condition pre-decision. The IDB have confirmed they are content now and are recommending a compliance condition, but final details are being considered by the LLFA and YW.
- 10.34. Therefore Members will be fully updated of the final responses received from both the LLFA and the YW if these are available. In light of this, it is considered appropriate for Officers to seek the final decision to be delegated to Officers subject to the satisfaction of these relevant drainage consultees if these are not received prior to the meeting.
- 10.35. Consquently, whilst the incoming responses from third parties are noted, it is considered that drainage has been very carefully considered by the relevant technical consultees in this area and subject to the imposition of the relevant conditions, the scheme is considered to align with the requirements of Policy SP17 of the Ryedale Plan, Local Plan Strategy.

Access and Highway Safety

- 10.36. The application was submitted together with a Highways Access Appraisal (Local Transport Projects October 2020) and plans which illustrate the works to achieve the necessary visibility splay requirements. In an original informal response dated 24th August 2023, the Highways Team noted due to the increase in number of units, they wished to see "a traffic

survey which includes the number and speeds of vehicles at the carriageway on the approach and adjacent to the sites proposed access please? The survey should be conducted over a minimum of 1 week and should include peak and non-peak hours. The information is required to determine the actual speeds of vehicles to the site and to assist in determining the safe stopping distance and necessary visibility splay at the vehicular access. Local Highway Authority would also like to see a transport statement which provides anticipated vehicular trip generation associated with the proposals the statement should as a minimum include anticipated; vehicle type, number, times associated with the proposals.”

- 10.37. A Transport Statement (Local Transport Projects February 2024) was provided. This was reviewed by the Highways Team and in their final response, dated 13th May 2024 they confirmed: *“The design standard for the site is Design Manual for Roads and Bridges and the required visibility splay is 2.4 metres by 90 metres at an object height of 0.6 metres and an eye height of 1.05 metres. The achievable visibility is 2.4 metres by 90 metres to the south of the site access. The available visibility to the north of the access is 2.4 metres x 70 metres which falls below the recommended standard however, subject to re-profiling of verge and foliage removal the required visibility could be achieved. It is recommended that the reprofiling work is undertaken at the earliest opportunity if the application is granted approval and subject to appropriate licences to undertake work within the public highway are obtained. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan; DWG -1060/CEMP*

Consequently the Local Highway Authority recommends that the following Conditions are attached to any permission granted.” These conditions related to securing the new and altered verge crossing and securing the visibility splays before any access by vehicles, the aforementioned construction management plan will also be conditioned.

- 10.38. It is therefore considered that whilst the significant concerns from third parties have been fully considered by the Local Planning Authority and Local Highway Authority, that subject to the imposition of the recommended condition, the proposed development would not result in a harmful material impact upon access or highway safety, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Ecology

- 10.39. This application was submitted in advance of the national Biodiversity Net Gain Regulations coming into law. However, a Preliminary Ecological Appraisal was submitted in support of the scheme (Wold Ecology Ltd July 2023.)
- 10.40. The Council’s Ecologist responded to note: *“The Preliminary Ecological Appraisal (PEA) has been revised to reflect the current application. The field is identified as species-poor agricultural grassland of low ecological value, with few risks to protected /important species. It is unhelpful that the PEA uses vague phraseology such as “if applicable”: by the time a detailed planning application is submitted, it should be known whether hedgerows and trees will be removed or not. I am inferring from the Proposed Site Layout Plan that there will in fact be no hedgerow removal apart from the access on Daskett Hill.*

We would recommend:

- *Submission of a plan showing the location and type of bird and bat boxes to be installed; this could be conditioned*

- *A Condition to implement the following ecological mitigation and enhancement recommendations set out in the PEA: reducing risks to Hedgehogs (paragraphs 8.7.4.1/8.7.4.2); protection of hedgerows during construction (9.2.32); gapping-up of northern boundary hedge (9.2.3.5/9.2.3.6); tree protection during construction (9.3).*

The applicant will need to demonstrate how they would deliver net gains for biodiversity in line with the requirements of the NPPF. This should include a calculation showing the balance of losses and gains using the current Biodiversity Metric.”

- 10.41. An updated Construction Ecological Management Plan and Ecological Enhancement Management Plan (Wold Ecology October 2023) was submitted. In their final response dated 29th November the Council’s Ecology noted: “I have reviewed the documents and we are happy with what has been submitted. The BNG uplift for area-based habitats is below the threshold which will be required from 1st January but is acceptable in terms of current policy. We recommend a Condition to adhere to the *Ecological Management Plan and Construction Ecological Management Plan* prepared by Wold Ecology Ltd, dated October 2023.” Advice was given in relation to a particular species of plant, and the Ecologist’s advice will be highlighted via an informative, with the appropriate condition applied.

Other Matters, including consultation responses.

- 10.42. The North Yorkshire Archaeologist noted in their original response dated 10th August 2023 “*The development area contains the well preserved remains of part of a medieval ridge and furrow field system. The ridge and furrow forms part of the medieval open field system surrounding Sheriff Hutton which is particularly extensive on the north side of the village. The ridge and furrow is a heritage asset in its own right and is certainly of local interest in that it relates directly to the setting of the Conservation Area and Scheduled Monument of Sheriff Hutton Castle. It makes a significant contribution to the medieval character of the settlement. The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. The local authority should take into account the value of the ridge and furrow, which is a non-designated heritage asset, when forming its planning decision (NPPF para. 197).*”
- 10.43. This was an identical response to that provided in relation to the previous scheme. The Agent confirmed the following, which was information consistent with the approach taken on the previous scheme “
- The design team were aware of the presence of the ridge and furrow from the beginning of the project and its presence was taken into account with the design
 - The lodges are designed to sit on top of the ridges rather than be “cut” in to them using low impact foundations
 - The proposed road infrastructure has been designed to run in parallel with the ridges for the majority of the development
 - It is not intended to level the site in any way. The intention is to maintain the vast majority of the ridge and furrow in situ
- 10.44. In an updated response, the North Yorkshire Archaeologist noted: “*Further to my original comments set out in a letter dated 18 August 2023, the developer has provided further information on the impact of the proposal on the ridge and furrow field. The additional information confirms that the proposed lodges will sit on top of the ridges rather than being cut in to them and to otherwise retain as much of the ridge and furrow in situ as possible.*”

Given this written commitment, it is unlikely that there will be substantial harm to the ridge and furrow.”

- 10.45. The site has been considered in terms of impact on the setting of the village, the proximity to the Conservation Area and the Scheduled Ancient Monument of Sheriff Hutton Castle.
- 10.46. Whilst this is currently an undeveloped field on the edge of the village and there is some intervisibility with the Castle from wider landscape views. The proximity to the Conservation Area (approximately 250 metres to the south west at the nearest point) and the Scheduled Ancient Monument of Sheriff Hutton Castle (located c225 metres to the south west) is acknowledged, however the distances, together with the intervening more modern village growth in this direction has meant that this existing development already forms part of the setting of these heritage assets has been notably altered from this point. This aspect is considered to accord with the Policy SP12 of the Ryedale Plan, Local Plan Strategy, the Planning (Listed Building and Conservation Area) Act 1990 and the NPPF.
- 10.47. The potential devaluation of homes is not a material aspect to which weight can be attributed in the determination of a planning application.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The scheme for the holiday accommodation is considered acceptable in principle, in accordance with Policies SP8 (Tourism) and SP21 (Occupancy Restrictions) of the Ryedale Plan, Local Plan Strategy, subject to the recommended conditions. The holiday use at this site has been previously established through the approval of 20/00701/MFUL and it is considered this amended scheme, with a slightly lower footprint of new holiday accommodation remains acceptable. The Warden’s accommodation is considered to accord with the parameters for a new dwelling to support the land based economy in the Wider Open Countryside as outlined in Policy SP2 of the Ryedale Plan, Local Plan Strategy. The benefits to securing an onsite management presence are considered significant due to the proximity to the nearby residential properties and on balance, this small scale unit, conditioned to be linked to the business is considered acceptable.
- 11.2. The application has been carefully considered in relation to character form and landscaping and has been found to be acceptable on balance, subject to the recommended conditions. The Highways Team have also reviewed this site in detail, seeking additional information before coming to their decision to support the scheme subject to the technical conditions.
- 11.3. The scheme is also considered acceptable in terms of ecology, noise, archaeology and in preserving the setting of heritage assets.
- 11.4. Whilst the incoming third party objections are acknowledged and have been carefully considered, the potential benefits that well designed tourism facilities can make to the economic wellbeing of the area are acknowledged and these are supported within Policy SP8 of the Ryedale Plan, Local Plan Strategy. It is considered that these benefits can be achieved without materially harmful impacts being experienced.
- 11.5. Consequently the scheme is recommended for approval however, Officers will seek the final delegation of this decision to the Planning and Development Manager for overall approval, subject to the scheme being considered satisfactory by Yorkshire Water and the Lead Local Flood Authority with the application of any recommended conditions.

12.0 RECOMMENDATION

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

Recommended conditions:**Condition 1 Time Limit**

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

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

Condition 2 Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved documents/plan(s):

Existing Location & Site Plan (Drawing no. (03)01)
 Proposed Site Plan (Drawing no. 1050 Rev P08)
 Proposed Floor Plan Reception (Drawing no. 3100 Rev P00)
 Proposed Elevations Reception (Drawing no. 3300 Rev P00)
 Proposed Floor Plan Ground Floor– 2 Bedroom Unit (Drawing no. 1100 Rev P00)
 Proposed Elevations– 2 Bedroom Unit (Drawing no. 1300 Rev P00)
 Proposed Floor Plan– Ground Floor 3 Bedroom Unit (Drawing no. 2100 Rev P00)
 Proposed Elevations– 3 Bedroom Unit (Drawing no. 2300 Rev P00)

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

Condition 3: Holiday Accommodation 1

The accommodation hereby permitted shall be occupied for holiday purposes only; and not as a person's sole or main place of residence.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 4: Holiday Accommodation 2

The holiday accommodation hereby permitted shall be available for commercial let for at least 140 days a year and no let must exceed a total of 31 days in any one calendar year.

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 5: Holiday Accommodation 3

The owners/operators of the holiday accommodation hereby permitted shall maintain an up-to-date register of lettings/occupation and advertising will be maintained at all times and shall be made available for inspection to an officer of the Local Planning Authority on request. The register shall include full details of the following:

- the main address(es) of all the occupiers of the accommodation hereby permitted
- the start date of every one of the letting/occupations and of all the occupiers of the accommodation hereby permitted
- supporting evidence of the main address(es) of all the occupiers of the accommodation hereby permitted

Reason: It is not considered that the application site is suitable for permanent residential use because it is located in open countryside, in an area where permanent residential development is only permitted in exceptional circumstances and the application has only been considered in relation to holiday use, and to satisfy the requirements of Policies SP20 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 6 Warden's Accommodation

The Warden's Lodge hereby approved shall be occupied only by a member of staff working within the holiday park hereby approved. This unit shall remain under the same ownership of the holiday park and shall not be separated. The first occupation of this unit shall only take place upon the bringing of the wider site into active use for holiday accommodation.

Reason: New residential development in the open countryside is only permitted in exceptional circumstances and the warden's lodge has only been considered in connection to its use to support the holiday park hereby approved, in accordance with the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

Condition 7: Landscaping

Unless otherwise agreed in writing by the Local Planning Authority, prior to any above ground construction of the new development hereby approved, plans showing full details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of new trees/hedging and show any areas to be grass seeded or turfed. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all hedging plants. All planting, seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, and any trees or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Informative: The boundary landscaping contained within the Proposed Site Plan (Drawing no 1050 Rev P08) and the Detailed Landscape Proposal Plan (Drawing no. 3717/5 Rev D) are considered to relate to a high quality scheme. Further details are required in relation to internal landscaping.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to SP13 and SP20 of the Ryedale Plan, Local Plan Strategy.

Condition 8: Ecology

The development shall be carried out in full accordance with the *Ecological Management Plan and Construction Ecological Management Plan* prepared by Wold Ecology Ltd, dated October 2023

Reason: In the interest of ecological protection and mitigation in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy.

Condition 9: Lighting

Prior to its installation, full details of all new lighting within the application site shall be submitted to and agreed in writing by the Local Planning Authority. This shall include full details of types of lighting including levels of illumination.

Reason: To ensure appropriate lighting is secured within this area of wider open countryside and to prevent harm to neighbouring amenity, in accordance with the aims of Policy SP13 Landscapes and Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 10: CMP

All development shall be carried out in full accordance with points 1-16 on the submitted Construction Management Plan scanned by the LPA on the 15th May 2024.

Reason: In the interest of public safety and amenity and in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

Condition 11: New and altered Private Access or Verge Crossing at Daskett Hill, Sheriff Hutton

The crossing of the highway verge must be constructed in accordance with the approved details and/or Standard Detail number E50 Rev A and the following requirements.

- Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing 'Drainage Design' and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 10 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 in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-C New and altered Private Access or Verge Crossing –(MHC-03)

Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site: Road adoption | North Yorkshire Council

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Condition 11: Visibility Splays at Daskett Hill, Sheriff Hutton.

There must be no access or egress by any vehicles **between** the highway and the application site at Daskett Hill, Sheriff Hutton until splays are provided giving clear visibility of 90 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-D Visibility Splays –(MHC-05)

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

Condition 12: NMP

The development hereby approved shall be not become operational/occupied by holidaymakers until a Site Noise Management Plan has been submitted to and approved in writing by the Local Planning Authority.

The approved Noise Management Plan shall be reviewed after a year from the date of this planning permission (or earlier at the request of the Local Planning Authority, following receipt by either the Local Authority or the venue of a verified and justified complaint(s)), to ensure that measures to limit noise and other disturbance are maintained.

Reason: To prevent harm to neighbouring amenity by virtue of noise impacts in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Condition 13: Acoustic Fence Details

Prior to the site being brought into use, full details of the proposed acoustic fence, including technical specification (including massing) shall be submitted to and approved in writing by the Local Planning Authority. The approved fence shall be erected prior to the site being brought into use and shall be retained for the lifetime of the development.

Reason: To prevent harm to neighbouring amenity by virtue of noise impacts in accordance with Policy SP20 Generic Development Management Issues of the Ryedale Plan, Local Plan Strategy.

Informative:

1 - Attention is drawn to the advice of the North Yorkshire Ecologist contained on the public file.

Target Determination Date: 24.05.2024

Case Officer: Niamh Bonner – niamhbonner@northyorks.gov.uk

Appendix A – Appendix Title

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 Work and materials must comply with the current building regulations and any relevant codes of practice, and must be read in conjunction with the building specification and any other consultants or sub-contractors information.

Noise Attenuation Fencing -----
KEY

Type	Number	Sqm
3 Bed unit	6	54.4
2 Bed unit	19	44.6
Total	25	1173.8
Parking Amount		
Type 1	2	
TOTAL	50	

UNIT/PARKING TOTAL	
---------------------------	--

No.	Code	Name	Height	Growth
6	Ac	Acer campestre	3.5-4.25m	>12m
6	Ag	Alnus glutinosa	3.5-4.25m	>12m
6	Bp	Betula pendula	2.0-2.50m	>10m
4	Sar	Sorbus aria	3.5-4.25m	>12m

PROPOSED TREES (NORTH)

No.	Code	Name	Height	Growth
3	Ac	Acer campestre	3.5-4.25m	>12m
5	Ag	Alnus glutinosa	3.5-4.25m	>12m
3	Bp	Betula pendula	2.0-2.50m	>10m
3	Sar	Sorbus aria	3.5-4.25m	>12m

PROPOSED TREES (WEST)

REFER TO THE FOLLOWING DRAWINGS FOR PLANTING/LANDSCAPING SCHEME DETAILS:

- 3717-1-ES-16DEC20-A1-2500
- 3717-2-VIA-16DEC20-A1-2500
- 3717-3-MM-14DEC20-A2-500
- 3717-4-PVP-09DEC20-A4-25000
- 3717-5-DLP-16DEC20-A2-250

revision	date	description	drawn	ck'd
P08	14.05.24	Annotation revised	JE	PR
P07	03.01.23	Revised acoustic fencing	JE	PR
P06	19.12.23	Amenity/blue line land removed	PR	-
P05	12.12.23	Minor revs following client comment	PR	-
P04	11.12.23	Unit numbers reduced by 25%	PR	-
P03	06.10.23	Added notes to eastern boundary	TM	PR
P02	15.06.23	Alterations following comments from planning consultant	JE	PR
P01	09.06.23	Alterations following meeting with planning consultant	JE	PR

Vincent & Partners
 Studio 12, Middlethorpe Business Park
 Sim Balk Lane, Bishopthorpe, York. YO23 2BD
 t: 01904 700941 e: studio@vincentandpartners.com

project:
Dasket Hill
Sheriff Hutton

drawing:
Proposed Site Plan
Planning Issue

date:
18.06.20 status:
Planning

scale:
1:500 @ A1

job number	originator	zone	level	type	role	drawing number	revision
23022	-	-	-	-	-	1050	P08



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North Yorkshire Council

Community Development Services

Thirsk and Malton Constituency Area Planning Committee

23 MAY 2024

22/01290/MFUL - Erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping on land at OS field 0042, East Street, Swinton, Malton on behalf of Karbon Homes

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping on land at OS Field 0042, East Street, Swinton, Malton.
- 1.2 The application is reported to the Area Planning Committee for determination because it is considered that significant planning issues have been raised.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to any further requirements of the Lead Local Flood Authority and the conditions listed in Section 12 of this report and the completion of a Section 106 legal agreement with terms as detailed in Table 1 (contained within Section 10.81 of this report).

- 2.1. The proposed development comprises the erection of 20no. affordable dwellings with a mixture of 1-4 bedroom, single and two storey dwellings arranged as a combination of semi-detached and detached buildings.
- 2.2. The application site amounts to approximately 0.96 hectares and is agricultural grazing land located to the rear (east) of the existing residential properties fronting East Street, Swinton. The site abuts the village development limits which runs along the western boundary of the application site. For planning purposes the site (with the exception of the access) falls with the Wider Open Countryside.
- 2.3. The application proposes 100% affordable housing to be provided as a 'Rural Exception Site' under the provision of the Development Plan (Policy SP3).
- 2.4. The main issues through the course of the application have been housing need, design, residential amenity, access, highway safety and drainage. It is considered that these matters have been adequately addressed.

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonline-applications/>

- 3.2. The application, as initially submitted, proposed 19no. affordable dwellings but the proposals were subsequently amended to include the provision of one additional affordable unit informed by an updated housing needs report. The amendments also include a revised housing mix increasing the number of one bedroom units and a new layout informed by a noise impact assessment. The applicant submitted a full suite of amended and updated plans and application documents which have been subject to a 21 day re-consultation exercise.
- 3.3. The application details explain that the applicant (Karbon Homes) along with their partner Registered Providers and affordable housing providers, are working together with Homes England to deliver affordable new homes across the UK.
- 3.4. With regard to the site history there have been no planning applications relevant to the application site.

4.0 Site and Surroundings

- 4.1. The application site is situated to the north-eastern extent of Swinton approximately 2 miles west of Malton. The site is wholly within the parish of Swinton with neighbouring parishes being Amotherby to the west and Broughton to the east. The main part of the site is located outside but adjacent to the development limits for Swinton. The strip of land forming the access to the site from the west is located within development limits. For planning purposes the site falls with the Wider Open Countryside.
- 4.2. The application site is 0.96 hectares in size and broadly rectangular shaped. The site is relatively flat, open agricultural land using for grazing. The site is bounded to the west by existing residential dwellings which front East Street with agricultural land to the east and south. A pond is located in the remainder of the field immediately to the east of the application site. The land to the north of the site forms part of the playing fields associated with the BSA Sports Hall and there is a scrap metal merchants to the north-west. The site boundaries on the northern and southern sides comprise established tree and hedge planting, the western boundary comprises various domestic boundary treatments enclosing the rear gardens of the adjacent properties. The eastern site boundary is arbitrary and follows no physical references on the ground.
- 4.3. East Street orientates south to north from the B1257 Malton Road which runs east to west between Malton and Hovingham. Access to the application site is via a track between two dwellings on East Street, The Nestlings and Pippins. The access track has a gated entrance to the field at the eastern end.
- 4.4. The nearest residential receptors are those to the west on East Street which comprise 7 no. relatively modern, two storey detached properties with rear gardens abutting the application site boundary.
- 4.5. The nearest public rights of way are two footpaths to the north and south of the site which connect Swinton with the village of Broughton to the east. At its closest point public footpath number 25.93/5/1 passes the site at a distance of 70 metres and public footpath number 25.93/2/1 2 is 235 metres from the application site at its closest point.
- 4.6. The application site is approximately 250 metres north of the boundary of the Howardian Hills National Landscape (formerly AONB) which is on the southern side of the B1257. The site is within Flood Zone 1.

5.0 Description of Proposal

- 5.1. Full planning permission is sought for the erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping.
- 5.2. The application proposes 100% affordable housing to be provided as a 'Rural Exception Site'. The proposed site would contain 20 affordable dwellings of which 16 would be two storey and four would be single storey bungalows. The total mix of dwellings proposed consists of: 2no. 4bed 8person units, 9no. 3bed 5person units, 2no. 2bed 4person units, 4no. 2bed 3person units and 3no. 1 bed 2person units.
- 5.3. The proposed tenure mix would be 9 no. affordable rent, 5no. shared ownership and 6no. rent to buy.
- 5.4. The dwellings would be arranged as a three sided courtyard centrally within the site with a row of dwellings running east-west parallel to the southern boundary. The dwellings would comprise a combination of detached and semi-detached with individual dwelling sizes ranging from 58m² to 130m².
- 5.5. The dwellings are to be constructed from a mix of red and buff brick with a mix of red pantile and grey smooth tile coverings to the pitched roofs. Windows and doubles would be UPVC. There would be solar pv to the roof.
- 5.6. The application is accompanied by detailed drawings of the individual dwelling types together with indicative 3D visuals. The dwellings would have either narrow or wide frontages ranging from 5.2 metres to 10.5 metres in width. The gable depths range from 6.5 metres to 9.4 metres. In terms of height the two storey dwellings would have eaves heights ranging from 5.0m-5.2 metres with the bungalows having eaves heights of 2.7 metres.
- 5.7. A communal battery storage building would be constructed adjacent to the site entrance on the northern side of the access road abutting the western boundary. The building would be single storey with a rectangular footprint of 17m². The narrow building would have a shallow pitched roof standing 3.9 metres to the apex and 2.4 metres to the eaves. Externally the building would be constructed from red brickwork with a grey slate effect roof covering. There would be external doors in the front, southern elevation and a ventilation opening in the rear (north elevation).
- 5.8. The existing access track will be upgraded to provide the primary access point for both pedestrian and vehicles. The access road would be designed with a width of 5.5 metres with a 1.8 metre wide footpath on the southern side of the road. Within the site the roadway would loop around the central courtyard buildings (plots 1-10).
- 5.9. The proposals also incorporate off-site highway widening works to East Street. The existing carriageway the subject of proposed widening is approximately 3.2 metres in width. It is proposed to widen an 18 metre length of carriageway to 4.8 metres in width sufficient for a car to pass a larger vehicle.
- 5.10. Each dwelling would have off-street parking (with EV charging) on a driveway or within a garage or carport. Each dwelling would have private amenity space and bin storage areas, along with access to communal green open space on the northern and north-western sides of the site. The on-site parking provision would also include visitor parking bays.
- 5.11. The site landscaping and green space includes the retention of approximately 2,500m² of grassland and native hedgerows and the provision of 71 metres of new

hedgerow and a total of 58 small and medium size trees. No trees would be removed as part of the proposed development. An 'L-shaped' area of green open space would be provided along the northern boundary and in the north west corner of the site. Within this grassed area a 2 metre high bund would be formed topped by a 2 metre high acoustic fence. There would be native tree planting provided to both sides of the bund/fence and generally across the green open space area. The open space would also include a 180m² informal play space. The northern, western and southern boundaries of the site would comprise a 1.8 metre high timber close boarded fence which would also run between each individual plots. The eastern boundary of the site would comprise a timber post and rail fence and a native hedgerow.

- 5.12. Surface water is proposed to be drained to watercourse to the north at a maximum discharge rate of 3.5 l/s. Foul water disposal shall be via the 150mm public combined sewer to the north of the site.
- 5.13. The application is accompanied by a Planning Statement; Design and Access Statement; Housing Needs Assessment (HNA) (revised); Transport Statement (revised); Flood Risk Assessment and Drainage Strategy (revised); Noise Assessment; Preliminary Ecological Survey Report; Biodiversity Net Gain (BNG) Report and metric; Landscape Impact Appraisal; Arboricultural Survey (revised); Arboricultural Impact Assessment; Arboricultural Method Statement; and Tree Protection Plan; and a Consultation Statement.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy
 Policy SP2 Delivery and Distribution of New Housing
 Policy SP3 Affordable Housing
 Policy SP4 Type and Mix of New Housing
 Policy SP11 Community Facilities and Services
 Policy SP13 Landscapes
 Policy SP14 Biodiversity
 Policy SP16 Design
 Policy SP17 Managing Air Quality, Land and Water Resources
 Policy SP18 Renewable and Low Carbon Energy
 Policy SP19 Presumption in Favour of Sustainable Development
 Policy SP20 Generic Development Management Issues
 Policy SP21 Occupancy Restrictions
 Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - National Design Guide 2021

7.0 Consultation Responses

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

Initial consultation

- 7.2. **Swinton Parish Council** - recommend refusal due to neighbour concerns
- 7.3. **Highways North Yorkshire** request further information on road widening, surfacing, visibility and the inclusion of a Transport Statement.
- 7.4. **Housing Services** This scheme is an opportunity to deliver much needed affordable housing in a popular community and Housing supports the proposal for 100% affordable housing in this location.

The (former Ryedale) Council's recently updated Strategic Housing Market Assessment (SHMA) identifies a need for 71 affordable homes per annum with a tenure split of 70% rented and 30% affordable home ownership. For this rural exception site, the detailed housing need evidence comes from the survey and the two public consultation open events held in the village. The parish survey was done in Nov/Dec 2020 and indicated that there was some local need in the parish with 7 households returning the questionnaire. This was confirmed at the first public consultation event in the village in September 2021 which was held to confirm the local support for the site. The majority of people who came to the event supported the site and another 9 households who hadn't previously responded to the survey registered a housing need on the day. A further consultation event was held in the village in June 2022 so that local residents could see detailed plans of the proposal. At this event 17 households in total registered a housing need, which included all earlier expressions of interest in the proposed homes.

The 17 households in housing need consist of 8 families, 4 couples and 5 single persons. Five households who have large families expressed a need for a 4bed house, either to rent or for affordable sale, with the majority of households wanting a two or three bedroom property. Five single people wanted a one or two bedroom property with only one of these households being elderly and needing a bungalow.

Housing welcomes the addition of bungalows on the site but request that the houses types are more closely linked to the needs of households arising from the consultation process. Housing suggest that the one 1 bed unit block is converted to two 1 bed flats.

With the dwellings all being affordable, a S106 would be required to ensure there was the relevant eligibility criteria for the allocations and for them all to remain affordable in perpetuity. Housing would want to ensure that these are allocated via

North Yorkshire Home Choice which should be written into the Section 106 Agreement.

Housing is supportive of a mix of rent and affordable sale tenures for this exception site scheme. As this is an exception site and Designated Protected Area, then all the affordable housing should remain affordable in perpetuity so that the 80% stair casing limit would apply.

The Rent to Buy product is a scheme which allows working households to rent a home at Intermediate rent providing them the opportunity to save for a deposit over time to purchase their first home. If Karbon decides to sell the Rent to Buy home to the tenant, they would only be able to do it on a restricted rural stair casing lease.

Housing is pleased to see that the developer is keen to meet nationally described space standards (NDSS).

Housing Services expect any Shared Ownership homes will be converted to affordable rent should they not proceed as Shared Ownership.

- 7.5. **Environmental Health** concerns in relation to noise, both from commercial sources and from the design involving vehicles passing under bedrooms i.e. the 'undercroft'. Request a noise risk assessment is undertaken to determine the noise levels from commercial sources close to the proposed development site e.g. nearby Scrap Metal Merchants.

The effect on the nearest noise sensitive receptors within the proposed development site shall be assessed against the noise criteria of 'at or below background levels' using BS4142: and the overall suitability, internally and externally, from steady continuous noise (distant road noise) outlined in BS8233 and WHO guidelines.

Policy requires that good internal standards within the proposed dwellings should be achieved with partially open windows, and external noise levels (from traffic noise only) should be below 50 dBL(A)eq to ensure a good standard of residential amenity for the residents of the proposed dwellings. L_{Amax} levels should be checked to ensure no more than 10-15 occurrences greater than 60dB outside occur at night. Any noise survey conducted shall report L_{Amax}, L_{eq}, L₉₀ and L₁₀ in 5 minute intervals. Any mitigation recommendations shall be predicted with and without mitigation scenario.

In addition a watching brief condition should be applied in relation to contaminated land.

- 7.6. **Flood Risk (LLFA)** notes the proposal for surface water drain to an adjacent pond or watercourse feature but the submitted documents are limited. The LLFA recommends that the applicant provides further information before any planning permission is granted. The following should be submitted and approved by the Local Planning Authority: investigation of the existing drainage features and outfalls; percolation tests on site drainage layout plan exceedance flows plan; and maintenance plan.
- 7.7. **Yorkshire Water Land Use Planning** Recommend conditions to ensure the site is developed with separate system for foul and surface water drainage.
- 7.8. **NYCC Natural Services** The Preliminary Ecological Appraisal (PEA) does not identify any need for further ecological survey and provides sufficient information to understand the ecological impacts. Protected species can be mitigated through standard measures, as set out in Section 5.1 of the PEA report; adherence to these

measures should be conditioned. Clarification requested in relation to any arboricultural works and potential impact on bats. Also, the applicant needs to demonstrate how they would deliver net gains for biodiversity.

7.9. **Archaeology Section** recommend that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the proposal upon their significance. The Council's Archaeologist advises that this evaluation should comprise geophysical survey, to be followed by trial trenching, as appropriate.

7.10. **Tree & Woodland Officer** The tree report demonstrates that minimal impact to trees is anticipated. The remedial pruning proposed prior to development is not considered to be damaging to the trees and is routine tree maintenance. Unclear whether the northern boundary hedge is to be retained. A landscaping condition is recommended.

7.11. **Amotherby Parish Council (neighbouring parish)** object

Firstly - the site is inappropriate for residential development.

Secondly - the need for affordable housing in Swinton/Amotherby is met elsewhere in the (Service) Village.

The site in question was considered for residential development in the Local Plans Sites Selection Study undertaken 2017/18. The concerns identified in 2017 were associated with poor access, adverse impact on neighbours and the landscape. These reasons for deeming the sites as inappropriate for development remain.

Whilst it is understood that the proposed development is for Affordable Housing this should not weigh wholly in favour of development when previously identified reasons against development are still evident.

Policy SP3 requires rural exception site schemes to help to meet but not exceed proven local need.

The application and the support from RDC Housing Services fail to acknowledge the fact that 58 affordable units located within "the (service) village" at Amotherby have recently been passed by the Council.

Surely this development of 58 wholly affordable dwellings more than satisfies the identified local need. With the local need being satisfied elsewhere in "the (service) village" the application fails to meet the requirements of PolicySD3 of your Local Plan and an approval would "exceed proven local need".

7.12. **Humber & North Yorkshire Integrated Care Board (ICB)** The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The proposed development will therefore generate approximately 46 residents and subsequently increase demands upon existing services. The ICB calculate the level of contribution required to create additional floorspace is £22,576.

7.13. **Economic Development** No response received.

Re-consultation (Revised description of proposal and further and revised details)

7.14. **Swinton Parish Council** "unable to make a recommendation with regard to this planning application".

- 7.15. **Highways North Yorkshire** The proposed off-site highway works involve a proposal to incorporate a carriageway widening to achieve a carriageway width of 4.8 metres over 18 metres, sufficient to pass a car and a larger vehicle as shown on figure 7.1 of the governmental publication 'Manual for Streets'. The existing carriageway width at this point is around 3.2 metres.

I have also received a Vehicle Tracking drawing indicating service vehicle swept path overlays for service vehicles turning into and out of the proposed access road from East Street. Whilst the wheel-track overlay appears to be contained within the carriageway alignment, the vehicle over-hang will adversely affect the bus stop located on the opposite side and it is considered that additional width and entry radii should be provided in this vicinity and at the proposed junction, and kerbing provided on both sides to protect potential verge damage. There is an existing road gully which will be affected by the proposed junction, and this will require re-location and an assessment of the existing carriageway profile will be required to ensure no ponding will occur in the local area, and it is likely a localised surface course overlay and carriageway strengthening will also be required to cater for construction / delivery vehicle turning manoeuvres as part of the build program.

I note that some of the consultation letters received refer to instances of pedestrians with infant / child buggies using the carriageway for access along the southern section of East Street, due to the limited width of the raised footway. A similar consequence would be encountered by wheelchair or mobility scooter users. The proposed development will increase traffic along East Street to a certain degree and could give rise to additional conflict between vehicles and vulnerable road users along this section.

To ensure inclusive mobility is recognised as part of the development, and to eliminate the potential conflict the narrow section of raised footway adjacent to the timber fence should be widened from its current 0.75 metre width to achieve an unobstructed 1.0 metre width. In certain parts the grass banking would need to be retained with a low wall or 'flag on edge' kerbing.

All of the above would need to be secured by a Section 278 Agreement of the Highways Act. Given the likely impact arising from the construction phase it is considered necessary to have these works in place prior to substantial building work on site commencing.

With respect to the proposed internal layout, the areas to be put forward for adoption and car parking levels would seem to be adequate. The highway authority will require a cycle locking ring to be provided to an external wall to all properties that cannot provide appropriate space within the proposed garages.

The use of permeable paving for adoptable areas is currently not accepted by the Local Highway Authority, and an alternative design should be submitted for consideration.

Conditions are recommended in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways; creation of pedestrian visibility splays; off-site highways works; construction of parking for dwellings; limitation on conversion of garages; and a detailed Construction Management Plan.

- 7.16. **Housing Services** supports this proposal for affordable housing in this rural location.

The (former Ryedale) Council's recently updated Strategic Housing Market Assessment (SHMA) identifies a need for 71 affordable homes per annum over the period 2021 to 2038 in order to both clear the existing waiting list backlog and meet future arising household need.

A parish housing needs survey for Swinton identified 7 households in need with a further 10 local households registering a housing need at the two public consultation events held in the village.

The applicant has also included with the amended plans a housing needs study by consultants Arc4. This study is based on the parishes of Swinton and Amotherby and also Ryedale west villages. This assessment has concluded that for Ryedale west villages over a 5 year period, a minimum of 68 additional affordable dwellings are needed: 25 social/affordable rent and 43 affordable home ownership. Housing is supportive of this study.

The Housing Options team at Ryedale has also investigated how many people have registered a housing need with NY Home Choice, which is the choice based lettings system used in North Yorkshire. For Ryedale west villages, 76 need a 1bed (38 are 60+), 39 need a 2bed (3 are 60+), 21 need a 3bed (1 is 60+) and 1 needs a 4bed. This clearly shows the level of housing need in the wider area which included the parish of Swinton.

The 1bed units has increased by two and the 4bed houses has been reduced by two. This is to reflect the level of local need for these house types more accurately.

Housing is supportive of a mix of rent and affordable sale tenures for this exception site scheme. As this is an exception site and DPA, then all the affordable housing should remain affordable in perpetuity so that the 80% stair casing limit would apply.

Housing is also supportive of the sizes of the properties which meet NDSS standards.

- 7.17. **Environmental Health** the noise report has been reviewed and the EHO is satisfied that a satisfactory level of amenity can be achieved within these proposed properties, with the mitigation as described in place.

The EHO is also satisfied based on the results of the Phase II site investigations that the contaminated land 'watching brief' condition is not necessary as the comprehensive chemical analysis shows that the samples were below the generic assessment criteria for 'residential with homegrown produce'. Therefore, the site can be determined as suitable for use and classed as very low in terms of risk to human health.

- 7.18. **Flood Risk (LLFA)** noted that the site is unsuitable for soakaways and therefore the option to discharge via infiltration has been appropriately discounted. The proposed run off destination (watercourse) and flow control are acceptable to the LLFA. However, the LLFA have requested further information in the form of a drainage layout plan; updated hydraulic calculations and maintenance plans.

- 7.19. **Yorkshire Water Land Use Planning** No observations- previous comments apply.

- 7.20. **NYC Natural Services** The BNG report and metric calculation project generous gains which are more than compliant with policy. A condition should be imposed to secure a Landscape and Ecology Management Plan, setting out how new/retained

habitats will be established, maintained and monitored for a period of at least 30 years.

- 7.21. **Archaeology Section** No objection as the site has previously been the subject of a geophysical survey (2022) which revealed negative results. The Council's Archaeologist concludes that the site has a low archaeological potential.
- 7.22. **Tree & Woodland Officer** has reviewed the Arboricultural Report undertaken by Elliot Consultancy and concur with the recommendations therein, and conclude that they should be implemented in full.
- 7.23. **Amotherby Parish Council (neighbouring parish)** object-

In the Ryedale Local Plan Local Plans Sites Development Selection Study (SDSS) undertaken in 2017/18 the site was considered unsuitable for development due to poor access (following consultation with the Highway Authority) adverse impact on neighbours (including the access) and the landscape

These constraints have not gone away. Physically the site and its surroundings have not changed. Therefore, it follows that the site is still unsuitable for development. It is surprising the Highway Authority now have no objection to the principle of the development given their stated stance of objection at the 2017/18 SDSS stage.

The revisions also continue to deny that for planning policy terms Swinton and Amotherby are one settlement. The recent approval of 58 affordable dwellings in Amotherby appears to be "swept under the carpet" in an effort to justify the local need for this development. Policy SP3 of The Ryedale Local Plan, which deals with Affordable Housing Rural Exception Sites, of which this development is one, clearly states what Local Need is in these circumstances. It states local need is "..... need in the Parish or adjoining Parish". This element of approved Local Plan Policy appears to be ignored by the applicants.

The approval of 58 units affordable housing at Amotherby more than meets the stated established need in the settlement.

- 7.24. **Humber & North Yorkshire Integrated Care Board (ICB)** No response received
- 7.25. **Economic Development** No response received

Further re-consultation (drainage information)

- 7.26. **Flood Risk (LLFA)** *To follow*

Local Representations

- 7.27. In response to consultation (late 2022) on the initial proposal for 19 dwellings the LPA received a total of 14 representations from local residents of which 12 raise objection to the application and 2 support the proposal. Full copies of all the representations received by the LPA can be accessed via the Council's Online Planning Register. A summary of the comments is provided below.

Objection

- In the Council's 2017/8 Local Plans Sites Selection Study the site was deemed unsuitable due to drainage and access concerns as part of the formulation of the Ryedale Plan – Local Plan Sites Document the Plan.

- The proposal exceeds the identified need and is contrary to Policy SP3.
- The proposed 58 houses for Amotherby being built by Yorkshire Housing would be more than sufficient to fulfil the local needs for the two villages which the council has always referred to as joint villages
- There should be an up to date needs survey undertaken
- Overdevelopment of the site
- The site would lend itself to perhaps five or six executive homes
- There is other land in the village more suitable.
- Wouldn't affordable housing be better off built nearer to where applicants work? There are very few employment opportunities in the village.
- East Street is in poor condition and more traffic will erode the street further.
- Increased volume of car traffic on East Street- it is only wide enough for one vehicle at a time on the upper section and cannot be widened towards the top. The only available passing places are private driveways.
- A 20 mph speed limit and traffic calming measures could alleviate some of the danger.
- Car parking in East Street is an issue at present
- At the moment traffic is often heavy and if it gets worse, which is inevitable, it could easily become unworkable and hazardous.
- The pavement provision on East Street is inadequate especially for vulnerable users and those with pushchairs
- There is limited public transport, transport to schools, childcare, etc due to necessity to have at least one car the location is not affordable for the intended occupants.
- The housing stock proposed does not reflect the style of Swinton and the surrounding homes that these houses will be adjacent too.
- The gable end of the dwelling 'Smethwick' will have an overbearing impact
- Overlooking and loss of privacy and blocking natural light
- Light and noise pollution to existing residents
- The land is too wet
- The drainage system in the village is already overloaded
- Increased risk of surface water flooding to neighbours and the adjacent sports pitches during heavy rainfall
- Electrical infrastructure needs upgrading before any further properties are added.
- It would be better to retain green fields and wildlife

Support

- Affordable housing is a necessity for young families.
- Without this affordable housing development, as a young family in the village, we will not be able to potentially own our own home.
- We love the area we live in and would be disappointed if one day we have to leave due to our housing situation.
- Working families cannot afford a 10% deposit on a home with a private rented home to run.
- Our family either work or go to school in the local area. This is the only step on the housing ladder we have chance of getting.

7.28. Following receipt of a revised application, updated supporting statements and amended plans the LPA completed a further consultation exercise with local residents and members of the public. In response the LPA received 6 representations from local residents which all raise objections to the application. A summary of the comments additional to those stated above is provided below.

- The housing needs survey carried out for the parish of Swinton identified a need for 16 affordable homes, which has since increased to 17, however the scheme

before the Council exceeds the identified need and has been increased from 19 to 20 dwellings since submission.

- This is the wrong location for this development
- There is brownfield land available at the former Malton Foods factory in Amotherby
- The addition of an improved passing place is welcomed we do not consider this goes far enough to address the highway safety implications of the increased number of vehicles using this stretch of road as a result of the development.
- This layby will inevitably be utilised as additional car parking for the public house at busy times.
- The proposed layout fails to reflect the existing settlement pattern and is therefore considered to be harmful.
- The Design and Access Statement fails to include our extension when calculating the separation distance from our property (Smethwick) to unit 20 and states incorrectly a separation distance of 27 metres however when taking into account our extension this is reduced to 23 metres.
- There will be road noise from vehicles that go directly past 'Pippins'
- The battery storage facility will significantly impact the outlook from 'Pippins'
- Gases released from the battery storage facilities will impact health
- Noise from the battery storage facilities will impact on enjoyment of garden.
- The battery storage facility is a fire risk

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of the development;
 - Affordable Housing- mix, type and size;
 - Design, form and scale and impact on the character of the settlement;
 - Residential amenity;
 - Highways;
 - Flood risk and drainage;
 - Biodiversity & ecological impact;
 - Archaeological impact;
 - Other matters;
 - Community Infrastructure Levy (CIL); and
 - Section 106 legal agreement.

10.0 ASSESSMENT

Principle of the Development

- 10.1. Policy SP1 of the Ryedale Plan- Local Plan Strategy (2013) sets out a hierarchy of settlements and seeks to focus new housing within the Principal Towns, Market Towns and Service Villages. Swinton is one of the identified Service Villages (Amotherby and Swinton) where the Development Plan supports limited small scale housing growth.

- 10.2. The application site is outside of but adjacent to the development limits of Swinton. Development Limits for settlements define the boundary within which development in principle will be generally acceptable.
- 10.3. Policy SP2 of the Ryedale Plan- Local Plan Strategy (2013) identifies that sources of new housing in 'Service Villages' such as Swinton includes 100% Rural Exception Sites outside of and on the edge of development limits in line with Policy SP3. The Local Plan Strategy acknowledges that the (former) Ryedale area has an acute need for affordable housing and is one of the least affordable areas in Yorkshire in which to live. The Plan puts in place a range of policy mechanisms to seek to meet full affordable housing needs. It supports a range of 'traditional' responses to the delivery of affordable housing, including new build provision, provided through the release of Rural Exception Sites.
- 10.4. Rural Exception Sites are sites that are released to provide affordable housing in locations which would not normally be used for housing. They provide an important opportunity to address affordable housing need in smaller communities and are a long standing mechanism supported by national policy to support the provision of rural affordable housing.
- 10.5. The NPPF (2023) defines 'Rural exception sites' as *"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding"*.
- 10.6. Within paragraph 82 of the NPPF (2023) policy states that *"Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this"*.
- 10.7. Policy SP3 of the Ryedale Plan- Local Plan Strategy (2013) in relation to 'Rural Exception Sites' states that *'Proposals for affordable housing schemes outside of the Development Limits of all settlements with a population of 3,000 or less will be supported where:*
- A scheme will help to meet but not exceed proven local need ****
The site is contiguous with the Development Limits of the settlement or is physically and visually well connected with the settlement.
The affordable homes provided are available to households in local housing need in perpetuity'.
- ***Local need meaning need in the Parish or adjoining Parish*
- 10.8. National planning practice guidance explains that *"Rural exception sites should seek to address the affordable housing needs of local communities. They can be used to deliver any form of affordable housing, including First Homes, provided this is*

supported by appropriate evidence of local need, such as a local housing needs survey”.

- 10.9. The parish housing needs surveys have identified 17 households in need. Amotherby Parish Council (neighbouring parish) along with a number of the objectors state that the recently approved scheme in Amotherby (reference 21/01530/MFUL) provides 58 affordable units therefore the needs of Swinton (17 affordable units) will be met by this approved scheme. The objectors argue that this single approved scheme goes a long way to meeting the needs of the Ryedale West Villages area.
- 10.10. It is understood that the start date at the Amotherby site has been put back to March 2025. It is also relevant to note that the approved development at Amotherby is not a 'Rural Exception Site' and was not proposed on the basis of address a specific local affordable housing need.
- 10.11. In addition to the parish housing needs surveys the applicant's has completed a Housing Needs Assessment (HNA) based on the parishes of Swinton and Amotherby and also Ryedale West villages. The Assessment identifies a five year housing need for the Ryedale West Villages of a minimum of 68 additional affordable dwellings. The Council's Housing Officer supports the conclusions reached by the HNA.
- 10.12. It is also relevant to note that the (former) Ryedale Council's recently updated Strategic Housing Market Assessment (SHMA) identifies a need for 71 affordable homes per annum over the period 2021 to 2038 in order to both clear the existing waiting list backlog and meet future arising household need.
- 10.13. The Council's Housing Officer has also investigated how many people have registered a housing need with North Yorkshire Home Choice, which is the choice based lettings system used in North Yorkshire. For Ryedale west villages, 76 need a 1bed (38 are 60+), 39 need a 2bed (3 are 60+), 21 need a 3bed (1 is 60+) and 1 needs a 4bed. This clearly shows the level of housing need in the wider area which includes the parish of Swinton.
- 10.14. The Council's Housing Officer is also satisfied with the applicant adopting the suggested revisions to increase the number of 1bed units by two and reduce the 4bed units by two. This is to reflect the level of local need for these house types more accurately.
- 10.15. The proposals would provide an additional 20 affordable homes within the Plan Area. It is considered that the conclusions of the HNA are robust and the North Yorkshire Home Choice data is compelling and there remains a pressing need for affordable housing in locality.
- 10.16. Whilst the concerns from the neighbouring Parish Council that the proposal exceeds proven local need are noted it is considered that the direct need for affordable housing locally, identified through North Yorkshire Home Choice, should be given significant weight in the assessment of this scheme. The arguments made that the application should be refused on the basis that the proposal provides three additional

units more those identified in the Swinton Parish Housing Needs survey (17) cannot be supported.

- 10.17. As such, the principle of proposed development on the application site is in accordance with the local planning policy objectives.

Affordable Housing- mix, type and size

- 10.18. The applicant is proposing to deliver a mix of affordable rent, shared ownership and rent to buy. The proposed mix of affordable housing is set out in the table below:

No of dwellings	Tenure Type	Clarification of tenure type
9	Affordable Rent	Affordable Rent is set at 80% of market rent and eligibility criteria is set by the Local Authority, Ryedale District Council.
6	Rent to Buy	The Rent to Buy product is a scheme which allows working households to rent a home at Intermediate rent providing them the opportunity to save for a deposit over time to purchase their first home. If Karbon decides to sell the Right to Buy home to the tenant, they would only be able to do it on a restricted rural stair casing lease.
5	Shared Ownership	Shared ownership eligible customers have an option to buy a share of the property, minimum 10% initial share with the option to staircase (buying more shares), up to 80%. Ownership is capped at 80% due to the site's allocation as a Designated Protected Area and being a Rural Exception Site, these measures ensure that the affordable housing is secured for future generations.

- 10.19. The dwellings would comprise a combination of detached and semi-detached with individual dwelling sizes ranging from 58m² to 130m². Within the revised scheme the 1 bed units have increased by two and the 4 bed units has been reduced by two.
- 10.20. The Council's Housing Officer states that this scheme is an opportunity to deliver much needed affordable housing in a popular community and Housing supports the proposal for 100% affordable homes in this rural location. The Council's Housing Officer also notes that the proposed mix and types reflect local housing need and that all affordable units will meet nationally described space standards (NDSS) which is supported. The Council's Housing Officer highlights that as this is an exception site and DPA, then all the affordable housing should remain affordable in perpetuity so that the 80% stair casing limit on ownership would apply.
- 10.21. Policy SP21(b) confirms that the occupancy of affordable housing units secured through the use of the Rural Exceptions Policy will be restricted to households in housing need who cannot afford to meet their housing requirements in the open housing market. The policy sets out the cascading eligibility clauses which would be written into the Section 106 agreement.
- 10.22. The affordable housing mix, tenure and minimum floor areas will be secured via the Section 106 agreement. In light of this it can be confirmed that the application complies with the requirements of Policy SP3.

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

- 10.23. Paragraph 135 of the NPPF (2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 10.24. Policy SP16 of the RPLPS states that *“Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: Reinforce local distinctiveness ; Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and Protect amenity and promote well-being”*. The policy goes on to state *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings”*.
- 10.25. Policy SP20 of the RPLPS states that *“New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses”*.
- 10.26. The application site abuts the eastern extent of the village. Immediately to the west of the site the frontage residential development on East Street is predominately single plot depth. The principle of 'at depth' development has occurred at Pearson's Yard which is 50 metres to the south of the application site. The eastern boundary of the application site would align with the eastern extent of the Pearson's Yard development and the central courtyard element of the proposal is generously inset from the eastern boundary. It is considered that the site would not unduly project out from the village or impact on the existing settlement character.
- 10.27. The size and eastern projection of the site does not raise any concerns in respect to possible coalescence between Swinton and Broughton. Furthermore, due to the topography, presence of existing development and the road the development would not harm the setting of the Howardian Hills National Landscape (formerly AONB).
- 10.28. The site is to be developed at a low density which does not depart from the character of the village. The proposed site layout does contrast with the linear, frontage development to the west but does reference the former farm yard layout present at Pearson's Yard to the south. The proposed layout and density does not have an unacceptable relationship to the adjoining built development and benefits from established landscaping on the site boundary which would be retained. It is considered that the proposed layout provides for adequate relationships between dwellings within the site and that the separation distances (back to back, side to rear) between units is acceptable.
- 10.29. The fields to the east of the site are bounded by low hedges and the site is visible when approaching from the east along the public footpath that connects Swinton and Broughton. The applicant has agreed to replace the 1.8 metre high timber close boarded fence proposed the length of the eastern boundary with a timber post and rail fence with native hedgerow. This will provide a softer edge to the development particularly when viewed from the east from the nearby public footpath.
- 10.30. Although the application site is greenfield agricultural land located outside the main built form of Swinton, its adjacency to the built form means that the land is viewed within the context of the settlement. The eastern boundary of the site reflects the extent of development in Pearson's Yard to the south albeit not immediately adjacent to it. The site would not result in an unsympathetic extension into the open countryside.

- 10.31. The scale of buildings is limited to one and two storey heights. The proposed house types (semi-detached and detached, larger 'family size' houses, small 1 beds and bungalows) and variation in building footprint provides for suitable variation and visual interest. The proposed dwellings are predominately two storey houses of a type which reflects the general types of dwellings in the village.
- 10.32. The surrounding existing residential dwellings in the area are mainly constructed from buff and red brick with grey/red/brown roof tiles. The palette of materials proposed is a mix of red and buff brick with a mix of red pantile and grey smooth tile coverings to the pitched roofs. The majority of dwellings would include chimneys providing vertical emphasis and there would be suitable variation in both the eaves detail and roof pitch. Windows would be well proportioned and appropriately spaced with use of arched soldier coursing over openings. There would be an appropriate degree of variation in the door surround styles and detailing and principal elevations of two storey dwellings would include stone banding. Overall, it is considered that there is appropriate variation in house types and styles. The proposed appearance and materials of the dwellings are acceptable and would reflect local vernacular and the edge of village context.
- 10.33. The various garages and car ports across the site are relatively modest and do not dominate individual plots. The provision of in-curtilage parking would minimise the dominance of parked vehicles along the access roadway. The design also incorporates renewables in the form of roof mounted solar panels with communal battery storage along with air source heat pumps and an electric vehicle charging point to each plot which is in line with the sustainability and low carbon aims enshrined in Policy SP18.
- 10.34. As required by Policy SP3 it is considered that the site is contiguous with the Development Limits of the settlement and is physically and visually well connected with the settlement. Overall, the development will reinforce local distinctiveness and provide well-designed streets and spaces in compliance with the NPPF (2023) and Policies SP16 and SP20 of the RPLPS (2013).

Residential amenity

- 10.35. As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.36. The proposed dwellings in the central courtyard area (plots 1-10) are arranged and orientated to be largely inward facing. There would be some limited inter-visibility between habitable rooms but given the separation distances (minimum 23 metres) this would not be unacceptable. The 1.8 metre high timber fencing that is proposed to enclose the rear amenity space of each of those dwellings would provide additional privacy.
- 10.37. The plans show that the site can be developed with sufficient private amenity space for individual plots and that dwellings will be of proportions and orientations that do not result in loss of light, overlooking or loss of privacy to future occupants of the new development in accordance with Policies SP4 and SP20. The proposed site layout also shows that the dwellings would be served by suitable parking provision along

with access to the communal green space on the northern side of the development site.

- 10.38. With regard to other potential impacts on future occupants the Council's EHO requested a noise risk assessment to determine the impact of noise levels from the nearby Scrap Metal Merchants on the proposed development site.
- 10.39. The noise report includes an analysis of commercial noise and does not highlight any concerns from any night time operation. However, the assessment indicates that, without mitigation, noise associated with the commercial operations during the daytime period is considered to result in an adverse impact at the most exposed living room.
- 10.40. The revised layout has increased the stand-off between residential receptors and the scrap yard and allowed for the reorientation of the private gardens. As a result there would no longer be a reliance on acoustic fencing to the individual gardens for each plot.
- 10.41. The revised scheme includes an area of green open space to be created in the north west corner of the site meaning the nearest sensitive receptor, is 45 metres from the site boundary with the scrap yard. In addition the noise report highlights that reductions in noise levels of approximately 4dB at the most exposed facades are predicted due to the introduction of the bund/barrier in the north-west corner of the site. The plans show that within the 'L-shaped' area of green open space a 2 metre high bund would be formed topped by a 2 metre high acoustic fence. The bund would be inset from the boundary and there would be native tree planting provided to both sides of the bund/fence to reduce its visual impact. Due to the separation distances there would be no overbearing impact on existing or proposed dwellings.
- 10.42. The submitted noise report has been reviewed and the Council's EHO is satisfied that a satisfactory level of amenity can be achieved within these proposed properties, with the mitigation as described in place. A condition shall be imposed to ensure the acoustic barrier is installed prior to occupation of any dwelling and thereafter maintained in perpetuity.
- 10.43. The site would be developed with sufficient stand offs from the adjacent residential properties to the west. It is noted that objections have been received from the occupants of 'Smethwick' which is the two storey dwelling closest to plot 20 in the south-west corner of the application site. The separation distance between the side elevation of the two storey dwelling in plot 20 and the rear of 'Smethwick' to the west is 26.5 metres (side to rear). If the measurement is taken from the single storey part of 'Smethwick' which projects off the rear elevation the distance reduces to 23 metres which is not unacceptable.
- 10.44. It is not anticipated that the proposed dwelling in plot 20 would have an unacceptable overbearing effect or result in a material loss of light to the neighboring property ('Smethwick'). In terms of possible overlooking the elevation drawing indicates that the western, side elevation of the dwelling in plot 20 would be blank. A condition shall be imposed to prohibit any additional first floor windows being formed in the side (west) elevation of the dwelling in plot 20.
- 10.45. The proposed access roadway into the site from East Street would utilise the existing track (to be upgraded to adoptable standards) that runs between two existing dwellings on East Street, The Nestlings and Pippins. It is noted that concerns have been raised in relation to potential noise disturbance from vehicle movements.

- 10.46. The relationship between the side elevation of these two properties and the proposed road shown on the layout plan would not be untypical of residential layouts. At its closest point the roadway would be 6.5 metres from the side elevation of these two existing properties. It is understood that the window openings in the side elevations of these two properties do not serve habitable rooms and it is considered that noise levels from passing vehicles would not be unduly harmful.
- 10.47. The proposed battery storage units would be housed in a modest, single storey building located adjacent to the site entrance on the northern side of the access road abutting the western boundary. There have been concerns raised by the occupant of 'Pippins' which is the nearest property to the propose building. The submitted noise impact report considered the noise associated with the battery storage units. The only noise generating element of the battery storage system is the fans that cool the individual battery modules (within the structure). However, the report explains that these are equivalent to the fans that are installed in desktop computers and are exceptionally quiet. Therefore any noise impacts are likely to be negligible. There are no unacceptable health or safety risks associated with the proposed battery storage building.
- 10.48. Hours of construction shall be limited by condition and a condition shall be imposed to secure a Construction Management Plan. Overall, it is considered that the development would not give rise to conditions prejudicial to residential amenity and complies with Policy SP20.

Highways

- 10.49. Policy SP20 (Generic Development Management Issues) advises that *“Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads”*.
- 10.50. Paragraph 115 of the NPPF (2023) advises that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.
- 10.51. East Street is two-way single carriageway with street lighting, a paved footway on the eastern side and a wide soft verge. East Street is approximately 4.8 metres wide in the vicinity of the site access and varies in width along its length towards the B1257. The comments made by Amotherby Parish Council and local residents include concerns in relation to the suitability of East Street to accommodate the additional traffic associated with proposed development.
- 10.52. The applicant's Transport Statement sets out that the development is expected to result in 17 and 13 movements (arrival + departure) in the AM and PM peak hours respectively, one every c. 4 minutes which is assessed as being negligible.
- 10.53. The proposal, which would result in an increase in vehicles using the public highway in the locality, provides for localised widening along East Street. The Transport Statement and accompanying drawings note that there is an existing access located on the western side of East Street approximately 38 metres from the junction with the B1257 which is being used as an informal “passing place”. It is proposed to undertake localised widening to formalise and reconfigured the public highway in this location.

- 10.54. The existing carriageway the subject of proposed widening is approximately 3.2 metres in width. It is proposed to widen an 18 metre length of carriageway to 4.8 metres in width sufficient for a car to pass a larger vehicle.
- 10.55. The LHA have not raised any concerns in relation to the traffic to be generated by the proposed development subject to the proposed carriageway widening works being secured. In addition the LHA have noted local concern in relation to pedestrian access along East Street due to the limited width of the raised footway. In response the LHA have requested that the raised footway adjacent to the timber fence is widened from its current 0.75 metre width to achieve an unobstructed 1.0 metre width to ensure inclusive mobility. The applicant has agreed to completing the required works.
- 10.56. The access road where it enters the site off East Street would be 5.5 metres wide and would have a 1.8 metre wide footpath along its southern edge. The access roadway would extend into the site and loop around the central courtyard (plots 1-10) providing direct access to all dwellings. The access roadway within the site would be constructed to adoptable standards. The LHA have highlighted that the use of permeable paving for adoptable areas is currently not accepted although this can be addressed within the highways engineering drawings required by condition should permission be granted. The swept path analysis for the proposed junction is acceptable subject to relocation of a bus stop and road gully as requested by the LHA.
- 10.57. The site provides for adequate in-curtilage parking arrangements for the occupiers of the proposed dwellings and a swept path analysis has been completed to show that service and refuse vehicles can safely manoeuvre within the site.
- 10.58. In addition to the above mentioned off-site highway improvement works should permission be granted a number of standard conditions will be included in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways prior to the development being brought into use; provision of visibility splays; limitation on conversion of garages; and a detailed Construction Management Plan.
- 10.59. The site benefits from good public transport links with a bus stop just south of the access road and further bus stops on Malton Road providing direct access to surrounding towns and villages. Electric vehicle charging points shall be provided to each dwelling along with secure bicycle parking within each plot.
- 10.60. Subject to the off-site highway improvement works being secured it is considered that the site can be developed for housing without resulting in an adverse impact on highway safety or capacity and complies with the requirements of the NPPF and Policy SP20.

Flood Risk and drainage

- 10.61. The site is within Flood Zone 1, nevertheless the application is accompanied by a Flood Risk Assessment which confirms the low risk of flooding.
- 10.62. The NPPF and Policy SP17 requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.

- 10.63. For surface water drainage it is confirmed that the site is underlaid by clay layers and is unsuitable for soakaways, therefore the option to discharge via infiltration has been appropriately discounted.
- 10.64. It is proposed that surface water drains to a watercourse feature to the north which has been confirmed as acceptable to the LLFA. The proposed peak flow rate is be controlled to 3.5l/s which is also agreeable to the LLFA.
- 10.65. However, the LLFA have requested further information in the form of a drainage layout plan; updated hydraulic calculations and maintenance plans. Members will be updated via the late pages/update list or at the Committee Meeting on any subsequent LLFA re-consultation response.
- 10.66. Foul water disposal shall be via the 150mm public combined sewer to the north of the site. There is local concern in relation to the capacity of the existing drainage system serving the village although no objections have been raised by the LLFA or Yorkshire Water who recommend the standard drainage conditions are imposed.
- 10.67. Subject to the final recommendation/conditions of the LLFA it is considered that, overall, the drainage proposals represent a reasonable approach to the management of surface and foul water arising from the development in accordance with the NPPF and Policy SP17.

Biodiversity and ecological impact

- 10.68. The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA has been reviewed by the Council's Ecologist who notes that the site comprises agriculturally improved grassland of low nature conservation value. The PEA did not identify any need for further ecological surveys and provides sufficient information to understand the ecological impacts of the proposed development.
- 10.69. The Council Ecologist notes that the pond in the field adjoining the application site has tested negative for Great Crested Newt DNA and the PEA concludes that other risks to protected species can be mitigated through standard measures, as set out in Section 5.1 of the PEA report; adherence to these measures should be conditioned.
- 10.70. Policy SP14 of the RPLPS (2013) and the NPPF require a net gain in biodiversity to be provided as part of new development schemes. This is not a scheme which is subject to the mandatory requirement for Biodiversity Net Gain by virtue of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) due to it being made prior to the regulations being enacted. Nevertheless, the application is accompanied by a biodiversity net gain report and Biodiversity Metric calculation.
- 10.71. The BNG report projects an 83% uplift for area-based habitats and 43% for hedgerows. The Council's Ecologist is satisfied with the proposal and the gains are generously compliant with policy.
- 10.72. As requested by the Council's Ecologist a condition shall be imposed to secure a Landscape and Ecology Management Plan, setting out how new/retained habitats will be established, maintained and monitored for a period of at least 30 years.
- 10.73. It is considered that the development would not result in adverse impacts on habitats and protected species and appropriate mitigation and enhancement can be secured in line with the NPPF and Policy SP14.

Archaeological impact

- 10.74. The application site lays to the east of the historic core of the settlement of Swinton. Although it is outside of the medieval core of the village the wider area has evidence for multi-period archaeological remains ranging from the Mesolithic period to Anglo-Saxon.
- 10.75. The application site has previously been the subject of an archaeological geophysical survey. The survey revealed negative results and it is concluded that the site has a low archaeological potential. The Council's Archaeologist has no objections to the application. In light of this the proposed development complies with the NPPF and Policy SP12.

Other issues

- 10.76. Amotherby Parish Council and some local objectors refer to the Ryedale Local Plan Local Plans Sites Development Selection Study (SDSS) undertaken in 2017/18 stating that at that time the site was considered unsuitable for development due to poor access, adverse impact on neighbours and the landscape impact.
- 10.77. It is important to make clear that the site selection process is different to the consideration of a detailed planning application. The site selection process is an exercise in screening sites for allocation for future development. It is a high level assessment of sites to meet housing supply, it is not an exercise to identify 'rural exception sites'. The constraints identified at site selection stage apply to the site as part of the planning application determination process, however, the full application provides robust technical assessment to inform design solutions and the opportunity to embed mitigation which does not form part of the consideration at site selection stage. Therefore the objections based on the previous site selection process are unfounded.
- 10.78. The Humber & North Yorkshire Integrated Care Board (ICB) response states that the existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The ICB predict that the development will generate additional residents and subsequently increase demands upon existing services. The ICB calculate the level of contribution required from the proposed development to create additional floorspace is £22,576.
- 10.79. Officers have considered the request and do not agree with the proposition that the development would generate additional residents. The nature of this 'rural exception site' development is specific to addressing a local need with the affordable housing being allocation using eligibility criteria focused on those who currently live and work locally. It is likely that the occupants of the proposed housing are already registered to a GP in the locality. Furthermore, the ICB's request for a financial contribution is not supported by any specific detail of any infrastructure deficit or a plan or strategy to address the need for increased capacity. In these circumstances the LPA cannot justify requesting the financial contribution from the developer.

Community Infrastructure Levy (CIL)

- 10.80. The proposed development is a 100% affordable dwelling scheme which qualifies for mandatory relief from CIL charging.

Section 106 Legal Agreement

- 10.81. A Section 106 legal agreement will be required in line with Policies SP3, SP11 and SP22 of the Ryedale Plan Local Plan Strategy. The S106 will secure the on-site open space provision; management and maintenance and also secure the affordable dwellings and off-site highway improvements. The applicant has prepared a Draft Heads of Terms for a Section 106 agreement which is currently with the Council's Legal Team.

Category/Type	Contribution	Amount & Trigger
Affordable Housing	On-site units	20no. dwellings
POS Delivery, Management and Maintenance	On-site open space	Delivery to be agreed in Open Space Scheme.
Highway improvements	Off-site highway works	As detailed in LHA response

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The Ryedale Plan Local Plan Strategy (2023) identifies Swinton (along with Amotherby) as a Service Village which is considered to be a sustainable settlement and an appropriate location for small scale housing growth. The application site is adjacent to but beyond the Development Limits of Swinton and thus in a Wider Open Countryside location as defined by Policy SP1 of the Local Plan Strategy.
- 11.2 The proposal constitutes a 'Rural Exception Site' under Policy SP3 providing 100% affordable dwellings at on a site outside of and on the edge of development limits. The development of this small size site would make an important contribution towards the supply of affordable housing in accordance with Policy SP2. On this basis the principle of development in this location is supported.
- 11.3 It is noted that Amotherby Parish Council and some local objectors state that the local need for affordable housing has been addressed by a recent grant of planning permission for affordable housing in Amotherby and therefore the current proposal exceeds proven local need contrary to Policy SP3. However, it is important to acknowledge that the approved Amotherby development is not a 'Rural Exception Site' aimed to address a specific local need.
- 11.4 In addition to the Parish needs surveys and the applicant's HNA Officers have given consideration to the figures indicated in the recent Strategic Housing Market Assessment and also the current demand as illustrated by North Yorkshire Home choice data.
- 11.5 It is considered that the provision of affordable housing along with the provision of bungalows and three 1 bed units are material considerations that should be given considerable weight in the planning balance because the proposed development would help to address affordability issues and demand in the local housing market.
- 11.6 These material considerations, and the substantial weight afforded to them, would further justify approving the application.
- 11.7 It is well established that housing targets (including those for affordable housing) are not intended to be a ceiling to prevent additional units from being built beyond the stated targets, and there are benefits to providing affordable housing provision within

residential schemes, not least to seek to mitigate the current affordability issues and trends within the housing market.

- 11.8 The proposal respects the character of the settlement and would suitably integrate with the development to the south and west. The highways concerns have been the subject of a robust assessment and the proposed mitigation suitably addresses previous highway safety and accessibility concerns. There are also wider public benefits arising from the scheme of off-site highway improvements for vehicular traffic and pedestrians that would be secured as part of the development.
- 11.9 The proposed development is not considered to have an unacceptable impact on landscape character, residential amenity, ecology, archaeology or flood risk. The proposal represents a sustainable affordable housing solution which incorporates renewables and good design quality.
- 11.10 On balance this proposed 'Rural Exception Site' development for 100% affordable housing meets the criteria set out in Policies SP2 and SP3 and it is further considered that there is a reasonable identified need for the proposed development. This application complies with the Development Plan and NPPF (2023), with no other material considerations indicating otherwise, the application is recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to any further requirements of the Lead Local Flood Authority and subject to the below conditions and completion of a Section 106 legal agreement with regard to affordable housing Public Open Space and off site highway improvements as detailed in Table 1.

Recommended conditions:

Commencement time limit

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

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

Approved plans

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

Location Plan ref. 522-001 Rev H, dated 17.01.2024
 Proposed Site Plan ref. 522-004 Rev R, dated 13.12.2023
 Tenure Plan ref. 522 020 Rev B, dated 13.12.2023
 4B8P- Floor Plans ref. 4B8P-C-001, dated 10.2023
 3B5P- Detached Floor Plans ref. 3B5P -D-001 Rev C, dated 11.10.2023
 3B5P- Detached Floor Plans ref. 3B5P-001 Rev a, dated 10.10.2023
 2BB- Floor Plan ref. 522-2BB-001, dated 10.2023
 2B4P- Floor Plans ref. 522-2B4P-001 Rev A, dated 28.07.2022
 1B2P- Floor Plans ref. 522-1B2P -001, dated 09.2023
 Section through site ref. 522 PL-008 Rev B, dated 12.03.2024
 Battery Storage Building ref. 522 PL_008, dated Dec 2022
 Planting Plan ref. 2342.01, dated Dec 2023

Boundary Treatment, External Hard Landscape & Materials ref. 522-006 Rev E,
dated 13.12.2023
S278 Highway Widening Ref. D801 Rev. 1, dated 01.11.2023

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

Detailed Plans of Road and Footway Layout

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

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users in compliance with Policy SP20.

Construction of Adoptable Roads and Footways

- 4 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users in compliance with Policy SP20.

Pedestrian Visibility Splays at Land at East Street, Swinton

- 5 There must be no access or egress by any vehicles between the highway and the application site at Land at OS Field 0042 East Street Swinton until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Delivery of off-site highway works

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

- Provide local carriageway widening along East Street Swinton as generally shown on submitted Highway Widening drawing no. D801 Rev. 1 prior to the commencement of construction works on the site.
- Provide footway widening in accordance with highway authority specification along East Street Swinton covering the raised section with timber fencing to offer a minimum 1.0 metre wide clear distance between any part of the fence as described and any section of grass verge, raised grass verge or low retaining wall as required to be provided along the east side of the footway as described prior to the commencement of construction works on the site.
- Provide local carriageway, kerbing and drainage improvements along East Street for an approximate distance of 20 metres either side of the proposed junction with the new estate road to include re-profiling of the carriageway to ensure drainage to re-positioned road gully, chamber and connection and carriageway strengthening including new nominal 40mm thick surface course overlay and new 6 metre radius kerbed junction bellmouth / over-ride strips at the new estate road prior to the commencement of construction works on the site.

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 in compliance with Policy SP20.

Parking for Dwellings

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

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in compliance with Policy SP20.

Garage Conversion to Habitable Room (Plots 3, 4, 5, 6, 7, 8 & 14)

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

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development and in compliance with the adopted minimum parking standards for residential dwellings as given in the NYCC document Interim Parking Standards 2015 and in compliance with Policy SP20.

Construction Management Plan

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

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

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

20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

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

Sustainable travel

- 10 Secure cycle storage shall be provided in the form of a cycle locking ring to an external wall or within the garage for each dwelling which shall be installed and made available prior to each dwelling being first occupied.

Reason: To encourage the use of modes of transport other than private vehicles in the interests of sustainability in compliance with Policy SP20.

Electric Vehicles Charging Points

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

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

Hours of construction

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

0800 -1800 hours Mondays to Fridays
0800 -1300 hours Saturdays
and at no time on Sundays and Bank (or Public) Holidays.

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

Materials (surfaces)

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

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

Materials (samples)

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

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

Materials (panels)

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

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

Windows and doors

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

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

Restriction on additional windows (plot 20)

- 17 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no first floor windows or door openings shall be formed in the side (west) elevation of the dwelling in plot 20 without the prior written consent of the Local Planning Authority following a specific application in that respect.

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

Lighting

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

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

Boundary treatments

- 19 Prior to the commencement of any aboveground construction work details of the proposed means of enclosure and boundary treatments, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

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

Acoustic bund and fencing

- 20 Prior to the commencement of any aboveground construction work full details of the

acoustic bund and fencing including cross sections shall be submitted to and approved in writing by the Local Planning Authority. The bund and fencing shall be constructed in accordance with the approved details prior to the first occupation of any dwellings hereby approved and shall be retained and maintained in accordance with approved details for the lifetime of the development.

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

Retention of existing planting

- 21 No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority.

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

Tree Protection

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

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

Commencement of landscape planting scheme

- 23 Unless otherwise agreed in writing with the Local Planning Authority all planting, seeding or turfing as detailed in the approved Planting Plan ref. 2342.01, dated Dec 2023 shall be carried out in the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

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

Preliminary Ecological Appraisal

- 24 All works shall be carried out in accordance with the mitigation and enhancement measures set out in Sections 5.1 and 5.2 of the Preliminary Ecological Appraisal, dated 31 August 2022, produced by Naturally Wild Ltd.

Reason: To comply with the requirements of Policy SP14.

Biodiversity Net Gains

- 25 The development hereby approved shall be implemented in accordance with Section 4 of the Biodiversity Net Gain Report dated 19 December 2023, produced by Quants Environmental Ltd.

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

Landscape and Ecology Management Plan

- 26 Within three months of the commencement of development a Landscape and Ecology Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Management Plan should set out how new/retained habitats will be established, maintained and monitored for a period of at least 30 years.

Reason: To comply with the requirements of Policy SP14.

Flood Risk and drainage

- 27 **INSERT LLFA CONDITIONS**

Drainage systems

- 28 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 and in compliance with the NPPF and Policy SP17.

- 29 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 and in compliance with the NPPF and Policy SP17.

Removal of permitted development rights (means of enclosure)

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

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

Removal of permitted development rights

- 31 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-

enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

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

INFORMATIVES

Condition 3- Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

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

Condition 5- Pedestrian Visibility Splays

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

Condition 6- Delivery of off-site highway Works

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

Other Permissions required from the Local Highway Authority

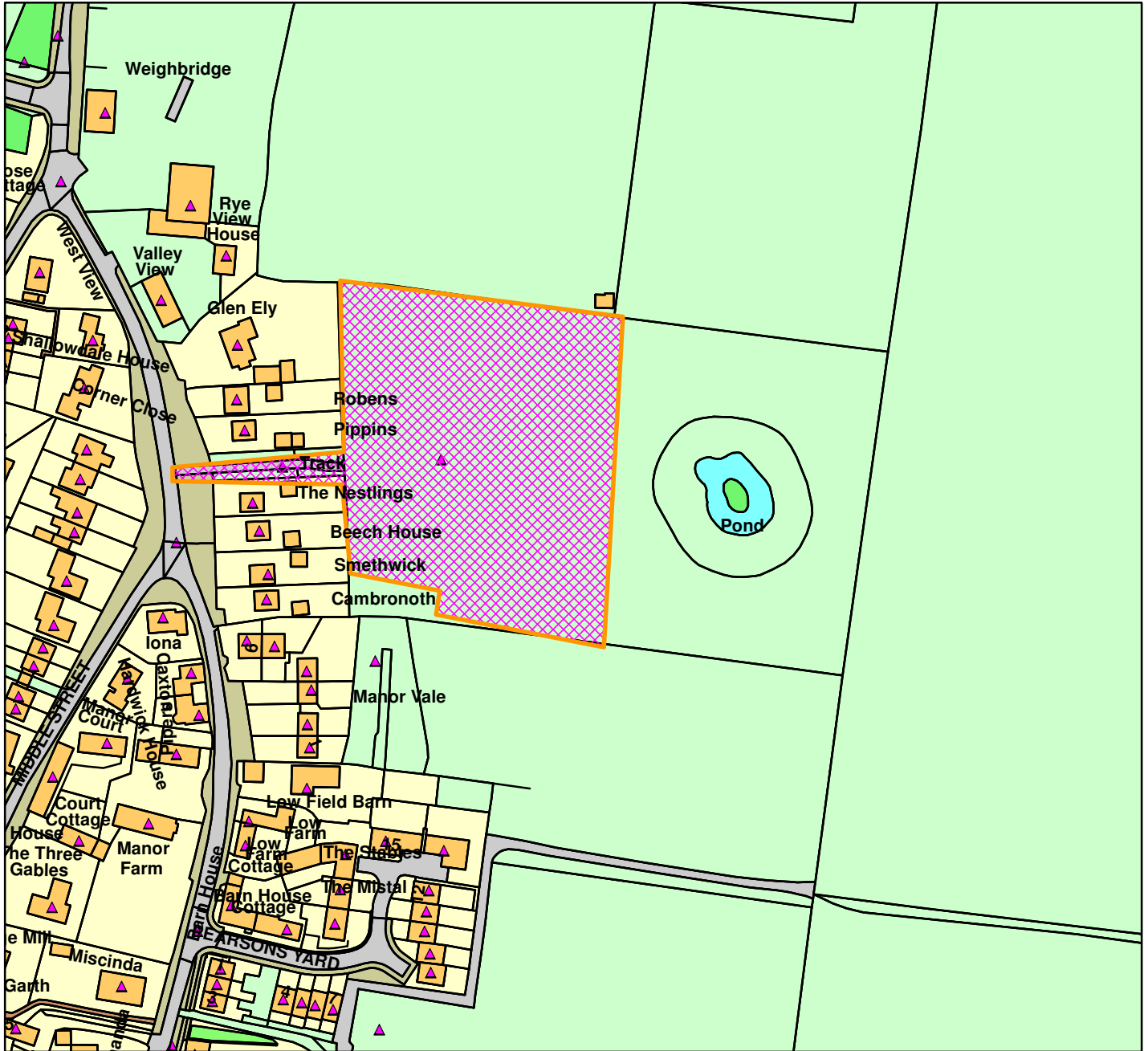
Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980;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

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

Target Determination Date: 20.02.2023

Case Officer: Alan Goforth, alan.goforth@northyorks.gov.uk

Not Set



Scale: 1:2,000

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	14/05/2024
MSA Number	Not Set

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KEY

NOTE:
ALL MATERIALS, LANDSCAPE DETAILS AND BOUNDARY TREATMENTS ARE SUBJECT TO APPROVAL BY THE LOCAL PLANNING AUTHORITY

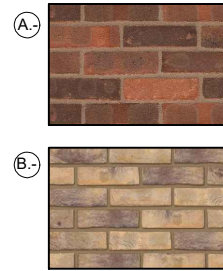
- PROPOSED ADOPTED ROADS CONSTRUCTED TO LPA STANDARDS WITH BLACK TARMACADAM FINISH
- PROPOSED FOOTPATHS CONSTRUCTED TO LPA STANDARDS WITH BLACK TARMACADAM FINISH
- PERMEABLE BLOCK PAVING FOR PRIVATE & SHARED DRIVEWAYS AND ADOPTED HIGHWAY
- PAVING SLAB ACCESS PATHS 900MM WIDE TO 900X1200MM LEVEL THRESHOLD FOR PRINCIPLE ENTRANCE. GRADIENT NOT TO EXCEED 1 IN 12 FOR MAXIMUM 5.00M LENGTH. PATION SIZE TO BE 2.25X1.8M
NOTE: A 100MM GRAVEL MARGIN TO THE PERIMETER OF ALL DWELLING

- 2M HIGH CLOSE BOARDED VERTICAL TIMBER SCREEN ACOUSTIC FENCE.
- 1.8M HIGH CLOSE BOARDED VERTICAL TIMBER SCREEN FENCE, WITH GATE WHERE INDICATED.
- 900MM HIGH RANDOM RUBBLE STONE WALL/PLANTER
- 0.45M BIRDS MOUTH FENCE
- ELECTRIC VEHICLE CHARGING POINT
- APPROX. AIR-SOURCE HEAT PUMP LOCATION

- GRASSED AREAS MAINTAINED BY DWELLING OCCUPIER
- GRASSED AREA TO BE MAINTAINED BY OTHERS
- HARD STANDING AREA FOR BIN STORAGE 1800 X 1800MM
- PROPOSED TREES - INDICATIVE ONLY
- APPROX. PV PANEL NO. & LOCATIONS

MATERIALS KEY

BRICK TYPES -
RED MULTI & CREAM MULTI



TILE TYPE - RUSTIC PANTILE AND GREY SMOOTH



- WINDOWS TO BE AGATE GREY UPVC, SASH EFFECT
- FRONT DOORS TO BE AGATE GREY
- GUTTER AND DOWN PIPES TO BE COLOURED BLACK
- BLACK COLOURED UPVC FACIAS AND SOFFITS

Note:
Do not scale from this drawing.
This drawing is copyright of Ergo Projects Ltd.
All dimensions to be checked prior to any work commencing. Any discrepancies to be reported to Ergo Projects immediately.



TOTAL SITE AREA - GROSS
= 2.39 ACRES - 0.96 HECTARES

- GARAGE
- CARPORT



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E	Further amends to following receipt of tree constraints info from Elliottconsultancy ltd	13.12.23	AR
D	BTHL worked up to match the new proposed layout	12.11.23	SD
C	Electric Battery Storage Building added	19.12.22	AR
B	Entrance access amended to suit topographically survey	18.10.22	ME
A	Minor parking atls following comments from AWH on 13.09.22	22.09.22	AR

ergo
0191 229 0231
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Azure Business Centre, High Street,
Newburn, Newcastle upon Tyne. NE15 8LN
www.ergoprojects.co.uk

PROJECT:
Land off East Street Swinton

TITLE:
Boundary Treatment, External Hard Landscape & Materials

DRAWING PURPOSE:	DATE OF DRAWING:	DRAWN BY:
Planning	July 2022	ME
SCALE:	SHEET SIZE:	REVISION:
1:500	A3	E
PROJECT NO:	DRAWING NO:	
522	006	

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