

**Meeting:** Richmond and Northallerton Area Planning Committee

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

**Date:** Thursday, 10th October, 2024

**Time:** 10.00 am

**Venue:** The Swale Room, Mercury House, Richmond, DL10 4JX

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee if you have any queries. Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda:

A speaker representing the applicant,  
A speaker representing the objectors/supporters,  
A Parish Council representative,  
The local Division councillor.

Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Vicky Davies, Senior Democratic Services Officer by midday on Monday 7 October 2024. If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

This meeting is being held as an in-person meeting but is not being broadcasted live. A recording is being made and will be available to view via the following link [Live meetings | North Yorkshire Council](#) as soon as possible after the meeting Please contact the named democratic services officer supporting this committee if you would like to find out more.

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## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 12 September 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. **21/02719/FUL - Revised details received (March 2023 and April 2024) for reduction in number of proposed dwellings to:- 50 houses, comprising of 15 no. affordable dwellings; 35 no. market houses (including 4 no. self build plots) with open space, highway access and drainage infrastructure and the Provision of Adjacent Land for Community Orchard, Woodland and Wildlife Habitats at Paddocks End, Hutton Rudby - OS Field 2913, OS Field 3700, OS Field 2800 Garbutts Lane, Hutton Rudby, North Yorkshire** (Pages 9 - 56)

Report of the Assistant Director Planning – Community Development Services

5. **20/00007/FULL - Full Planning Permission for proposed demolition, extension and refurbishment of existing Care Home to form 36 bed Care Home with the erection of two storey Care Home with associated access and car parking - Morris Grange Nursing Home, Middleton Tyas** (Pages 57 - 80)

Report of the Assistant Director Planning – Community Development Services

6. **ZD24/00126/AORM - Reserved Matters Application Following Outline Approval of Planning Permission 21/00397/OUT for Elevations, Plans, Materials, Landscaping, Massing -Fairfield, Moor Lane, Newsham** (Pages 81 - 92)

Report of the Assistant Director Planning – Community Development Services

7. **Such other business as, in the opinion of the Chair should be, by reason of special circumstances, considered as a matter of urgency.**

8. **Date of Next Meeting**

10.00am, Thursday 14 November 2024 at a venue to be confirmed.

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

**Agenda Contact Officer:**

Vicky Davies, Senior Democratic Services Officer  
Email: [Vicky.davies@northyorks.gov.uk](mailto:Vicky.davies@northyorks.gov.uk)

Wednesday, 2 October 2024

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## North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday 12<sup>th</sup> September 2024 commencing at 10.00 am at County Hall, Northallerton.

Councillors David Webster (Chair), Bryn Griffiths (as substitute for Kevin Foster), David Hugill, Heather Moorhouse, Karin Sedgewick, Angus Thompson and Steve Watson.

Officers present:-

Peter Jones, Ian Nesbitt, Nyasha Mapanga, Caroline Walton and John Worthington- Planning Services; Kate Lavelle – Legal Services; Stephen Loach - Democratic Services

Members of the public

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

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#### **130 Apologies for Absence**

Apologies for absence were received from Councillor Kevin Foster

#### **131 Minutes for the Meeting held on 8<sup>th</sup> August 2024**

The minutes of the meeting held on Thursday, 8<sup>th</sup> August 2024 were confirmed and signed as an accurate record.

#### **132 Declarations of Interests**

There were no declarations of interest.

#### **Planning Applications**

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

Except where an alternative condition was contained in the reports or an amendment made by the Committee, the conditions as set out in the reports 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 reports of the Assistant Director Planning – Community Development Services, regard had been paid to the policies of the relevant development plans, the National Planning Policy Framework and all other material planning considerations.

Where the Committee granted planning permission in accordance with the recommendations within the report this was because the proposal was 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.

**133 ZB23/02459/REM - Application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with Phase 1 of the Neighbourhood Centre comprising foodstore and retail unit (Class E(a)) (formerly Class A1), restaurant and coffee shop with drive thru lanes (Class E(b)) (formerly Class A3) and associated car parking (additional application documents submitted, including: Noise Impact Assessment on 23.05.2024 and Odour Impact Assessment on 11.06.2024)**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of an application for approval of reserved matters with access, appearance, landscaping, layout and scale to be considered relating to planning application 15/01083/HYB and associated with Phase 1 of the Neighbourhood Centre comprising foodstore and retail unit (Class E(a)) (formerly Class A1), restaurant and coffee shop with drive thru lanes (Class E(b)) (formerly Class A3) and associated car parking (additional application documents submitted, including: Noise Impact Assessment on 23.05.2024 and Odour Impact Assessment on 11.06.2024)

The application was brought to the Planning Committee due to the significant level of local interest (i.e. representations submitted) in relation to the application.

Updates to the report were circulated and published prior to the meeting and related to an amendment to Condition 11 and an additional condition to secure the approved plans and documents.

It was also stated that, as Conditions 3 and 10 replicated each other, Condition 10 should be removed from the list of conditions.

Fiona Millington spoke in opposition to the application.

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

- The land had been designated for development from the start and concerns relating to neighbour impact were being addressed through conditions.
- A large number of residential properties had been built in that area and required local facilities.
- The impact on local properties, including the schools, would be minimal.
- The use of solar panels on some of the proposed development was clarified.
- An impact assessment of the development on Northallerton town centre had indicated that there was an insufficient detrimental impact to warrant a refusal with additional expected nearby development further lowering that impact .
- Assessments had not found a sequentially preferable site.
- Despite initial an initial indication of smaller, independent shop units on the site there had been no developer come forward to undertake this. The application before the Committee was the only proposal submitted.

- It was requested that advertising for the various developments be kept within the curtilage of the application site.

#### **Resolved -**

That planning permission be **GRANTED** subject to the conditions detailed in the report, together with the updated and additional conditions, as detailed in the update list.

#### Voting Record

A vote was taken and the motion was carried unanimously.

#### **134 22/00227/OUT - Hybrid application for Full Planning Permission for a Drive Thru' Coffee Shop, 4 No. commercial units and associated access road, car parking, Drive Thru' lane, service areas, landscaping and associated works and Outline Planning Permission for a Place of Worship and residential development at land between Woodland Avenue and Maple Avenue, Colburn, DL9 4WD**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a hybrid application for Full Planning Permission for a Drive Thru' Coffee Shop, 4 No. commercial units and associated access road, car parking, Drive Thru' lane, service areas, landscaping and associated works and Outline Planning Permission for a Place of Worship and residential development at land between Woodland Avenue and Maple Avenue, Colburn.

The site had been the subject of several Planning applications since the original Outline Permission was granted in 2010, all of which were considered by the previous Planning Committee as part of the former Richmondshire District Council. Whilst a development of this scale now falls within the Scheme of Delegation as set out within the Council's Constitution, the application was brought before Members for reasons of consistency and because it proposed what would be a relatively significant development within this part of the settlement of Colburn.

Councillor Angie Dale, Colburn Parish Council, spoke in opposition to the application.

Divisional Councillor, Councillor Kevin Foster, submitted a statement opposing the application.

David Eeles, owner of the site, spoke in support of the application.

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

- There was a need to address the issue of the operation of the traffic lights at that location, as observed at the site visit, to ensure these became sequential rather than the current arrangement.
- Members raised concerns regarding potential highway impact, however, in response it was stated that the Highways Authority considered the potential impacts to be slight. Members also emphasised that the proposed development was not required to find a solution for any existing highways issues
- Issues relating to the diversion of the bridleway were discussed and it was emphasised that this would be required to be undertaken at the developer's

expense for the development to take place and that the developer would not be entitled to obstruct the bridleway in the meantime..

- The number of properties proposed within the proposals was below the threshold for the provision of a percentage of affordable housing.

**Resolved -**

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

Voting Record

A vote was taken and the motion was carried unanimously.

**135 ZD24/00093/FULL - Full Planning Permission for conversion of existing agricultural building to form 1 No residential dwelling, including change of use of adjacent land to form residential curtilage. Retrospective Permission for siting of Mobile Home on site for the purpose of providing temporary accommodation.**

Considered :-

The Assistant Director Planning – Community Development Services sought determination of Full Planning Permission for the conversion of an existing agricultural building to form 1 No residential dwelling, including change of use of adjacent land to form residential curtilage. Retrospective Permission for siting of Mobile Home on site for the purpose of providing temporary accommodation.

The application fell outside the current Scheme of Delegation, as it had been referred to the Planning Committee by the Divisional Member and this had been accepted.

In an update to the report it was stated that an amendment had been made to Condition 14 that would require the on-site Mobile Home to be removed two years from the granting of Planning Permission for the conversion of the agricultural building.

Keith Farrar, Thornton Steward Parish Council, spoke against the application.

Maria Ferguson, the agent for the applicant, spoke in support of the application.

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

- It was noted that the Mobile Home had already been on site for four years and it was asked whether the condition could be altered further to have this removed sooner. It was suggested that Condition 14 be further amended to require the Mobile Home be removed from the site within one year from the granting of Planning Permission.

**Resolved -**

That planning permission be **GRANTED** subject to the conditions detailed in the report, together with an amended Condition 14 requiring the Mobile Home to be removed from the site within one year from the granting of Planning Permission.

Voting Record

A vote was taken and the motion was carried unanimously.



**136 Any other Urgent business**

There were no urgent items of business.

**137 Date of Next Meeting**

10.00 am, Thursday, 10 October 2024 (venue to be confirmed).

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## North Yorkshire Council

### Community Development Services

Richmond (Yorks) Area Constituency Committee  
10<sup>th</sup> October 2024

**21/02719/FUL- Revised Details Received (March 2023, April 2024, May 2024 and July/August 2024)) For Reduction In Number Of Proposed Dwellings To:- 50 Houses, Comprising Of 15 No. Affordable Dwellings; 35 No. Market Houses (Including 4 No. Self Build/Custom Build Plots) With Open Space, Highway Access And Drainage Infrastructure And The Provision Of Adjacent Land For Community Orchard, Woodland And Wildlife Habitats.**

**At: Land South Of Garbutts Lane, Hutton Rudby (Os Field 2913, Os Field 3700, Os Field 2800)**

**On Behalf Of: Mr Andrew Garrens (Broadacres Housing/Mulberry Homes Yorkshire Ltd.)**

#### Report Of The Assistant Director Planning– Community Development Services

##### 1.0 PURPOSE OF THE REPORT

- 1.1 To determine a revised application for full planning permission for a residential development of 50 dwellings with associated open space, highway access and drainage infrastructure on agricultural land located to the south of Garbutts Lane, Hutton Rudby.
- 1.2 This application is brought to the Planning Committee due to the level of local objection.

##### 2.0 SUMMARY

**RECOMMENDATION:** 'Minded to Grant' planning permission (see paragraph 2.4).

- 2.1 The application (as amended) seeks planning permission for a 50 unit residential development on a greenfield (agricultural) site to the south of Garbutts Lane on the western edge of the Service Village of Hutton Rudby, outside but adjacent to the settlement's built form.
- 2.2 The proposals have been amended to include a 5ha (approx.) area of land to the west of the application site (but included within the land-edged-blue') to be used for a community use, with areas a woodland, pathways and grassland to be used as public open space.
- 2.3 The provision of 50 dwellings would represent a relatively large number of residential dwellings for a single 'windfall' development. However, taking into consideration the village's place within the Settlement Hierarchy, its relatively large size and its good range of existing services and facilities, it is considered that the proposals would be commensurate to the role/function and size/scale of the village and therefore in accordance with criteria c. of Local Plan Policy HG5 and the expectations of Policy S3 (Spatial Distribution)

2.4 The recommendation is '**mind to grant**' subject to:

(1) Receiving confirmation from Natural England that they consider the proposals to be 'nutrient neutral' and that the Council's Habitats Regulations Assessment has demonstrated that they would be no significant impact on the Teesmouth and Cleveland Coast SPA/Ramsar site:

(2) No additional material planning issues having been raised following the expiry of the 10 day reconsultation undertaken in relation to the additional/updated technical reports and information submitted recently submitted on behalf of the applicant.

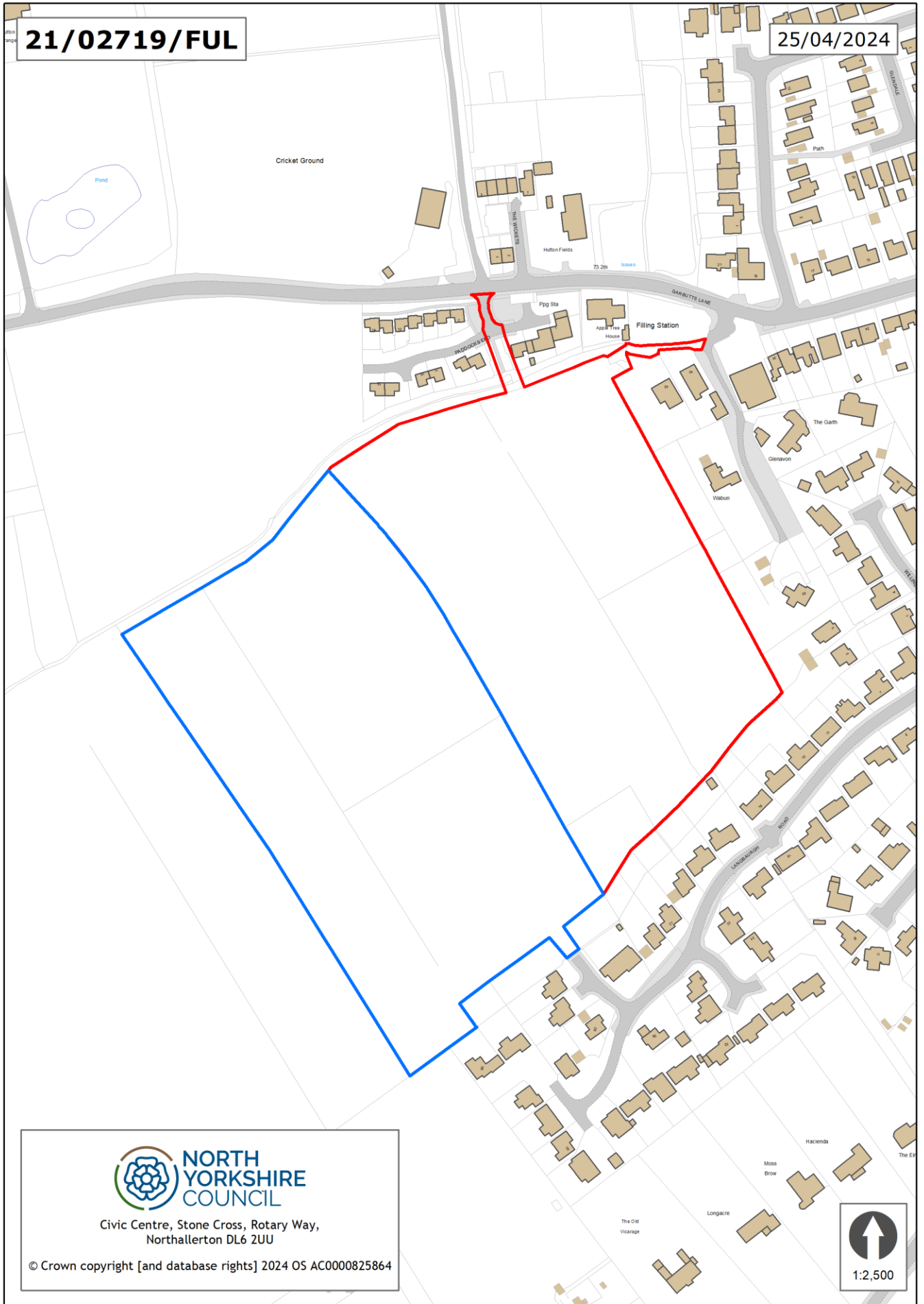
(3) The completion of a Section 106 agreement to secure:

- The on-site affordable (30 per cent) housing provision, including the affordable housing tenure mix;
- The self-build/custom-build plots, including the provision and implementation of a Design Code,
- The implementation of the on-site Biodiversity Net Gain in Habitat and Hedgerow Units, and its monitoring and maintenance.
- A financial contribution towards Travel Plan monitoring and,
- The long term use of the adjacent land for 'community use' and for its future maintenance and management arrangements.


(4) The imposition of the recommended planning conditions at Section 12.0 of this report.:

21/02719/FUL

25/04/2024



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### **3.0 PRELIMINARY MATTERS**

3.1 Access to the application documents (via Public Access) can be found here:-

[Planning Documents](#)

3.2 The application as originally submitted was for a 79 unit scheme, effectively spread across two separate parcels of land: north of Garbutts Lane (described within the application documents as the 'Embleton Farm' site) and south of Garbutts Lane (described as the 'Paddocks End' site). Following discussions with Officers, the application was amended in March 2023 whereby the application site was amended to only include the land south of Garbutts Lane, with the land to the north omitted from the application entirely. A revised description and proposed layout plan (Rev.L) formed part of the amendments, reducing the number of proposed units from 79 to 50. A period of re-consultation was undertaken based on the amendments to the scheme in March, 2023.

3.3 There is no relevant planning history related to the (as amended) application site. However, the following planning permission relates to the 'Paddocks End' residential development situated between the application site and Garbutts Lane to the north, and through which access to the application site would be gained from Garbutts Lane:

- 13/02666/FUL: 16 affordable dwellings with associated infrastructure, permitted, 28.01.2015.

3.4 The following planning applications relate to separate strips of land located to the southern and eastern application site boundaries. It is understood that these land strips were previously part of the same agricultural field as the application site before they were developed in accordance with the following approvals:

- 15/02694/FUL: Change of use of agricultural land to form domestic gardens, permitted, 29.01.2016.
- 17/00208/FUL: Change of use of agricultural land to domestic gardens, permitted, 30.06.2017.

### **4.0 SITE AND SURROUNDINGS**

4.1 The 3.66 ha application site is located on the western edge of the village of Hutton Rudby, on the southern side of Garbutts Lane. The application site is rectangular in shape, adjoining, to the south, the rear curtilage boundaries of residential properties located along the northern side of Langbaugh Road. The eastern boundary of the site similarly adjoins the respective curtilage boundaries of several residential properties, including 2 and 3 Willins Close, Four Winds, Wabun and 42 Garbutts Lane. The small residential scheme of Paddocks End adjoins the site to the north, separating the site from Garbutts Lane, sited further to the north. To the west of the site are fields that form a swathe of agricultural land located between the western edge of Hutton Rudby and the A19 which is located approximately 2.5 miles to the west of the village. There is an unnamed watercourse that runs along the northern site boundary.

## **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 This application (as amended) is seeking full planning permission for a 50 unit residential development. Vehicular and pedestrian access to and from the development from Garbutts Lane, as well as the routing of new associated infrastructure, would be via the Paddocks End residential development located to the north of the site.
- 5.2 The 50 units would consist of 15 affordable homes (30%) and 35 market dwellings, four of which would be self-build, custom-build plots (8%). The proposed dwellings would range in sizes from single bed units to three bed properties with single storey, detached, semi-detached and terrace house types proposed.
- 5.3 The latest proposed site [layout] plan (Rev.L) shows that an on-site SuDS would be created along the northern site boundary which would include a pond, swale and a series of reed beds. As well as seeking to provide a sustainable surface water drainage solution for the development, the SuDS is also intended, in part, to address nutrient neutrality. The latest layout plan also shows areas of open space to be established within the northern aspect of the application site.
- 5.4 In terms of landscaping, the latest layout plan (Rev.L) shows that it is proposed to retain existing hedgerows within the site, including the mature hedgerow that runs north-south through the centre of the site, albeit with access points created within it. A new tree belt would be planted within the northern part of the site, separating the SuDS and north-eastern open space from the wider development.
- 5.5 During the course of the application (April 2024), an amended 'Site Plan-Proposed' (P-98 /A-PL-02. Rev. F) has been submitted which has incorporated (within the 'land-edged-blue') a 4ha (approx.) area of adjacent agricultural land to be landscaped and developed to create a community orchard and woodland (with a pathway through to create a 'Woodland Walk'), a centralised grassed area as well as areas of native scrub and wildflower meadow. The northern-most part of this land would include swale features, reedbed and other mitigation features, which would be incorporated into the proposed network of swales and 'treatment trail' within the northern part of the application site to address, in part, the net positive nutrient load (total nitrogen) generated by the proposed development.

## **6.0 PLANNING POLICY AND GUIDANCE**

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

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:  
  
Hambleton Local Plan, February 2022, and

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023 (NPPF)
  - National Planning Practice Guidance (PPG)
  - National Design Guide 2021 (NDG)
  - Housing Supplementary Planning Document 2022 (SPD)
  - Hutton Rudby Village Design Statement (VDS)

6.5 Environmental Impact Regulations

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

## 7.0 CONSULTATION RESPONSES

- 7.1 In addition to the original consultation (December 2021 and January 2022), there have been several (10 day) reconsultation exercises undertaken during the course of the application in March 2023, April 2024 and June 2024. A 10 day reconsultation has recently been initiated in relation to additional technical information (predominantly surface water drainage-related) submitted on behalf of the applicant.

- 7.2 The following consultation/reconsultation responses have been received and have been summarised below:

**Hutton Rudby Parish Council:** The Parish Council have submitted a comprehensive response as part of the March 2023 reconsultation exercise, summarised below:

- Acknowledge that the Rudby Parish Neighbourhood Plan (NP) has not been submitted for examination so has limited weight in the determination of this application. However, they consider that the evidence gathered during the preparation of the NP is pertinent and informs the Council's position with regards to the current proposals.
- The NP evidence base shows (using data and advice from the Rural Housing Enabler) that a scheme of ca. 25 homes in addition to the build out of the extant approval to the north of Garbutts Lane would be sufficient to meet community needs for affordable housing for the plan period.
- The Parish Council state that they would like to bring forward part of the application site as an allocation in the Rudby Parish Neighbourhood Plan for ca. 25 homes, stating that they have evidence (through the NP process) of community support for



a smaller scheme in this location, although the NP is currently on hold until the determination of this application due to the potential impact on housing supply.

- This proposal seeks to usurp the role of a Neighbourhood Plan (which is supported by Policy S4 of the Local Plan) by seeking to bring forward a quantum of housing which is far in excess of parish level need, and which is not needed to meet district or out of district housing requirements which are being met by the Hambleton Plan allocations. This proposal is contrary to the intent of S4 to support and facilitate Neighbourhood Plans, so it is in conflict with S4.
- Despite submissions made by the applicant during the Local Plan examination arguing for the site to be included as a housing site allocation, the land was not/is not allocated under HG1 of the Local Plan. Hence, the proposal is in conflict with the adopted plan unless the principle of development is supported under some other plan policy.
- The proposal is not in Northallerton or Thirsk, it is not in one of the other market towns, it is not close to an employment centre so does not support sustainable commuting patterns contrary to Policy S3. Hutton Rudby is not a location where “The majority of housing development requirements will be met.”
- Windfall housing proposals (such as this one) cannot use contribution to the required district housing supply as a justification because they are not relied on for this purpose...housing windfall proposals should be expected to be more limited in scale than a typical village allocation under HG1, which this is not.
- The Council’s housing land supply and strong delivery of new homes places the council in the position of not requiring additional ‘windfall’ sites to secure new homes to meet or boost housing delivery. The needs of the existing population and those migrating into the District are being met through the planning policies of the council...as such, there are no exceptional circumstances which would justify the use of the windfall policy for large scale development...with S3 stating that only ‘limited development’ will be located in service villages.
- The proposed quantum of housing proposed significantly exceeds local (parish level) needs and is almost double the size of median allocation in villages; and there are no exceptional circumstances. The proposal is in conflict with S3, so should be refused on those grounds and policies HG4, HG5 and HG6 should not be engaged.
- However, if Policy HG5 (Housing Windfall) is engaged (which the Parish Council consider it shouldn’t be for the reasons above) the Parish Council dispute that the site is adjacent to the ‘built form’ of the village (as required by HG5), stating that the extended residential curtilages to the eastern and southern boundaries of the site (approved under 15/02694/FUL and 17/00208/FUL ) ‘retain their original character and relate more to the surrounding countryside than to the dwellings to the east and south’ and thus should be considered excluded from the definition of ‘built form’ within S5. On the north side, the site is separated from the built form by a PRow, and by Hundale Gill, and by a dense hedgerow (in combination about 10m wide). The Parish Council similarly argue that the application site is close to but not directly connected to the main built form as defined in S5 because the character of these

strips of 'land relates more to the surrounding countryside than to the main part of the settlement'.

- HG5 part e. requires that proposals “have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village“. No detrimental impact is a very strict test and must be applied accordingly. There is no ‘softening’ phrasing such as ‘not cause significant harm’ which would provide more scope for professional judgement to be applied.
- The application site is part of a larger site (S/073/012) which was submitted to the Hambleton Local Plan call for sites. Two smaller sub-divisions of the larger site were also submitted (S/073/005 and S/073/006) and they both overlap with the application site. Criteria 5c (“What is the impact on form and character of a settlement?”) of the Sustainability Appraisal site assessments which were professionally prepared and approved by Hambleton District Council as part of the plan process and tested at examination specifically relates to the HG5 part e test. The sustainability appraisals are an authoritative source of information for testing a proposal against HG5 part e. Site S/073/012 and both of its sub-divisions were scored RED against the criteria (5c What is the impact on form and character of a settlement?) with the following commentary “This site is in a highly sensitive location, where harm caused by development cannot be mitigated”. To reach any other conclusion with regards to this proposal would be perverse because it would require a rejection of a foundational element of the Hambleton Local Plan as adopted by the council after examination. The test under HG5 part e is failed so the principle of development is not supported by HG5.
- The Parish Council’s position is the proposal also fails to satisfy HG5 para c because the development is too large to “represent incremental growth of the village that is commensurate to its size, scale, role and function”. Furthermore, the scale of the proposal in absolute terms goes beyond what seems to be the intended purpose of HG5.
- To align with national policy, the Hambleton Plan policy HG5 aims to provide more flexibility in scale than the IPG but a jump in the scale of development permitted as windfall rising from the small scale permitted under the IPG (normal limit of 5 units) to large scale (50 units or more) seems very unlikely to have been an intended outcome unless it was stated explicitly in policy, which it is not. The definition of “large scale development” in the Glossary of the Hambleton Local Plan is “one where the number of residential units to be constructed is 50 or more”. There is no mention of large scale development being permitted under HG5 either in the policy or in the reasoned justification. The proposal must fall outside the scope of HG5.
- If large scale developments are not excluded from HG5 and the upper limit on scale is to be determined pro-rata to population (which seems to be the emerging practice in officer reports), then approval of a 50 units scheme at Hutton Rudby (population 1570) would set a precedent for large scale schemes in villages with larger populations, e.g. Great Ayton.
- A reasonable upper limit for Hutton Rudby under HG5 would be approximately 17 units based on its population. Any single development significantly exceeding that

threshold should only be brought forward through a plan making process as an allocation in either a local plan or NP.

- Having closely followed the development of the Hambleton Local Plan, it is the Parish Council's understanding that HG5 was never intended to deliver large scale developments, and it is their opinion that HG5 would not be an effective policy if the policy interpretation permits large scale development in villages, because this would be contrary to the overarching requirements of the Sustainable Development Principles set out in S1 and the Spatial Strategy set out in S3....and a precautionary approach on scale would be appropriate.
- The proposal for a large scale development of 50 homes on a single site represents a 7.2% increase on the approximately 696 homes which existed in the village area of Hutton Rudby parish in April 2015.
- If this proposal were to be approved, the cumulative development in this part of Hutton Rudby since April 2015 would be the 16 homes built at Paddocks End, plus 25 homes with extant approval at the Wickets on the opposite side of Garbutts Lane to Paddocks End, plus the 50 in this proposal making a total of 91 homes (13.1%). The Parish Council is very concerned about both the overall scale and pace of the proposed projects....The scale of the development individually and cumulatively would be too large to 'represent incremental growth' so is not in compliance with HG5 paragraph c.
- Hutton Rudby primary school is on a landlocked site and (based on discussions with NYCC during the preparation of the neighbourhood plan) it is the Parish Council's understanding that there is no opportunity to create space on site for any significant increase in school roll. The submission from NYC in the capacity of education authority, shows that on 14 April 2023 Hutton Rudby primary school role was already over its capacity of 210 pupils with a roll of 215. That baseline does not include the impact of the extant approval for 25 homes which under the standard assumptions would give rise to another 6.25 pupils for a total of 221.25. Under the standard assumptions the 50 homes in this proposal would be expected to give rise to a further 12.5 pupils. The cumulative impacts would take the school roll to 233.75 (23.75 above capacity) if the roll was otherwise stable. However, the forecast baseline roll (excluding both developments) is expected to fall to 201 pupils in 2027/28. The combined impact of these proposals if both were completed by 2027/28 (as expected based on the applicant's presentations) would take the school roll in 2027/28 to 219.75 (201 + 6.25 + 12.5). This is significantly over capacity and would take the average class size above the statutory limit of 30 for a single teacher at KS1. The proposal individually and cumulatively with the extant approval would overwhelm the capacity of the village primary school so is not compliant with the requirements of HG5 as set out in the reasoned justification at paragraph 5.70.
- The Parish Council wishes to note that at an extraordinary meeting of the Parish Council attended by around 40 residents to make a decision on the Parish Council's response to this proposal, residents raised other concerns about impacts on other services and infrastructure including: the sewage treatment works, the doctors' surgery and the road network. The Parish is aware that untreated sewage discharges occur regularly from the Hutton Rudby Sewage Treatment

works...indicative that the sewage treatment works which is critical infrastructure is already at or over capacity. This proposal (if approved) and extra loading it would bring would exacerbate the problem of untreated sewage discharges contrary inter alia to S1 part e (“Protecting and enhancing the high quality natural and historic environment ...”).

- The Local Plan's spatial strategy seeks to locate the majority of housing development in the larger towns, and co-locates other housing near employment centres or in transport corridors as far as is reasonably practical. Hutton Rudby is not a town, it is not an employment centre, it is not in a transport corridor, and it has very limited public transport (a level which is reducing and which is insufficient to use for transport to work). The spatial strategy requires that development in locations such as Hutton Rudby should be limited to a level which is sufficient to meet the needs of a sustainable community...Any developments proposed for rural villages (such as Hutton Rudby) which exceed the size needed for a sustainable community would be in direct contravention with S1 part a.
- The applicant proposes a development of 50 homes of which 15 would be affordable in compliance with the 30% required under HG3 in addition to the 10 affordable units which they have yet to build out. The combined delivery of 25 units would significantly exceed the Rudby Parish Neighbourhood Plan's estimate of parish level affordable housing need.
- The Parish Council is aware that on several occasions affordable units in Hutton Rudby have been occupied by people from elsewhere in the district or from outside of Hambleton. This is indicative that much of the interest in the choice-based lettings system may not be arising from local need, but just reflects the wider need for affordable housing in the district and beyond. Servicing wider need is not the role envisaged for villages in the spatial strategy and is accommodated elsewhere. To comply with the spatial strategy, affordable housing needs of people without parish connections should be addressed in more sustainable locations.
- The applicant's case for affordable housing needed at the specific location of Hutton Rudby is overstated. Their failure to deliver the 10 approved units is a major contributor to any unmet demand in the parish.
- The Parish Council has not been able to locate a submission demonstrating compliance with E3 using the “latest DEFRA guidance and relevant tool”. Unless and until such a submission is made the proposal cannot achieve compliance with E3.
- The Parish Council does not have the expertise to comment in detail on the net nutrient analysis or the adequacy of the proposed mitigation measures. Various options which could offset the increased nutrient load arising because of the development are discussed in the reports. It is our understanding that the proposed mitigation measures are set out in section 2.3.2 of the report titled “Shadow Habitat Regulations Assessment (sHRA): Nutrient Neutrality. Some of the measures are inside the redline, and some on adjacent land. This raises the question of whether the redline is appropriately located. Section 2.3.4 of the same report makes a commitment to give a unilateral undertaking or enter into a Section 106 agreement. The Parish Council suggest that any such agreements should clearly allocate the

responsibilities for whatever maintenance arrangements are necessary to maintain system performance.

- It is noted that the self-build plots are specified as having internal floor areas of 2,000 square feet (~ 186 m<sup>2</sup>) on plots with an average size of 912m<sup>2</sup>. This part of the development has a low density of 11dph and that is before allowing for a proportionate share of roads, public open space, and the area reserved for net nutrient mitigation. It cannot reasonably be described as an efficient use of land in accordance with the requirements of S1 part a. The applicant is seeking approval for large self-build houses on large plots similar in scale to those approved at Stokesley Road and Rudby Lea which were marketed at prices in excess of £200k. Smaller plots (which would be expected to have a lower market price) would help make the self build option accessible to people of more limited means, and it would result in a more efficient use of land.
- The proposal is not compliant with E3 because an appropriate assessment has not yet been submitted to demonstrate compliance.

**Division Member (Previously Ward Member):** No representations received,

**NYC Local Highway Authority (LHA):** Responding to the original consultation, the LHA confirmed that they had no objections in principle to the residential development, however noting that:

*“Access to the southern site would be taken from the existing cul de sac Paddocks End which currently forms a simple priority junction onto Garbutts Lane... Visibility splays that would meet the requirements set out in Manual for Streets at 30mph are achievable for [the] access...but it is noted the start of the 30mph speed limit is only some 35m metres to the west of the proposed new access serving the northern site and within the splay. Therefore a speed survey should be undertaken on Garbutts Lane to confirm approach speeds from the West.”*

In addition, the LHA recommended ‘a number of minor layout issues with the internal estate layouts that may require changes to ensure the layout meets current NYCC adoption standards’

- Appropriately sized turning heads should be provided for the mini ‘cul-de sacs’ serving plots 36-41 and plots 25-29 with appropriate tracking demonstrated to confirm that a refuse vehicle can turn within the layout proposed.
- The private forecourt to the rear of plots 43-50 would appear to show a bin collection point, confirmation is sought that a refuse vehicle can turn within this area and that the refuse operator would be willing to use a private forecourt.
- Confirmation that the landscape proposals (as originally submitted) would not meet the NYCC adoption standards. The landscaping proposals should ensure that sufficient verge widths are provided where trees are proposed alongside adoptable road. All trees should be set back the required distance from both footpaths and carriageways and not located close to street lights.

Following the aforementioned comments, the agent provided a number of updated plans to look to address the issues raised, including a revised Layout Plan, a series of Landscaping/Planting and 'Design Development' Plans and a 'Swept Plan Analysis' Plan.

The LHA were reconsulted as part of the 10 day reconsultation exercises in both March 2023 and April 2024 and a formal recommend was received in August, 2024 confirming that there were no (remaining) Local Highway Authority objections to the proposed development (as amended), subject to a contribution of £22,5000 for Travel Plan monitoring (to be included within any Section 106 agreement) and several conditions, including:

- The provision and approval of engineering drawings for all aspects of the roads and sewers and a programme for their delivery.
- The construction of carriageways, footways or/and footpaths to binder course level or block paved (and kerbing and street lighting installed) with connection to the existing highway network prior to the development being brought into use.
- The completion and availability of the parking facilities prior to first occupation.
- The submission and approval of a Travel Plan prior to first occupation.
- The submission and approval of a Construction Management Plan.

**NYC Footpaths Team:** Responding to the March, 2023 reconsultation, the Footpaths Team confirm that there is a Public Right of Way (PRoW) (ref. 10.72/9/1) [within] the application site boundary as shown on an accompanying plan. Recommended that if planning permission is granted, an informative is added to the Decision Notice clarifying the statutory requirement to keep clear from obstruction the existing route of the PRoW and maintaining safety requirements of PRoW users, as well as details of the Footpath Diversion Order and Temporary Closure Order procedures to be followed if the proposed development will physically affect (either temporarily or permanently) the PRoW.

Responding in May, 2024 to the reconsultation and following discussions between PROW and the landowner regarding the precise route of the existing public footpath, the NYC Footpaths Team confirmed that they have no objections to the proposed development (as amended). While PROW Officers are aware that there is a difference between part of the alignment of the public footpath (10.72/9/1) on the Council's Definitive Map and the 'on the ground' (as walked) route, they are nevertheless satisfied that the proposed development does not impact on the legal right of way (as per the Definitive Map)

**Ramblers:** Commenting on the application as originally submitted, the Ramblers confirmed that they had no objection to the proposals. Following reconsultation on the proposals the Ramblers noted that there is a public footpath immediately adjacent and therefore seek assurances that during and following the construction of the development that the PROW remains unobstructed. The issuing of planning permissions should be conditional upon this.

**NYC Housing Services:** In response to the amended scheme (for 50 units), Housing have made the following observations (as summarised): There is a lack of 1 and 4 bed market dwellings within the proposed housing mix, although the proposed affordable housing units

are considered to be 'policy compliant' (in terms of size and space) An (affordable housing) tenure mi is expected in line with the policy requirements of Policy HG2. In terms of need, there is a relatively high demand for 1, 2 and 3 bed properties within the Stokesley rural area.

**NYC Education Services:** Responding to the March, 2023 reconsultation (based on the revised 50 unit scheme), Education have stated that based on the number of dwellings proposed, they would expect developer contributions for education facilities to be provided (i.e. for Primary 'school expansion places') totalling £59, 241, should planning permission be approved.

**NYC Heritage Services:** Having considered the archaeological desk-based assessment submitted with the application, the Council's Principal Archaeologist considers this document to be well-presented, and notes that it draws attention to the higher potential for later prehistoric and Romano-British archaeology, with the assessment recommending further archaeological assessment to properly establish the impact of the proposal on heritage assets of archaeological interest (i.e. a geophysical survey followed by trial trenching of the Geophysical results warrant it) The Principial Archaeologist agrees with this recommendation., but states that this additional work should be undertaken prior to the determination of the application.

**Northumbrian Water Limited:** Responding to the initial consultation on the original (79 unit) proposals, NWL noted that the submitted FRA did not confirm the ultimate connection points to the public sewerage network, and as such, NWL did not consider that the planning application (as originally submitted) provided sufficient detail with regards to the management of foul and surface water from the development for them to be able to assess their capacity to treat the flows from the development. They therefore advise that a surface water solution of the development shall be worked through using the 'Hierarchy of Preference' (i.e. soakaway-watercourse-sewer) contained within Revised Part H of the Building Regulations 2010 and have recommended the following condition should planning permission be approved:

- Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

NWL were reconsulted as part of the 10 day reconsultation exercises in both March 2023 and April 2024 and no further responses were received.

**NYC Lead Local Flood Authority (LLFA):** Have been consulted on the original (79 unit) scheme and having considered the submitted FRA & Drainage Strategy, the LLFA confirmed that both parts of the application site were within Flood Zone 1, although they were aware that some pooling of surface water was identified within the Paddocks End (southern) part of the site. The LLFA considered that the flood/drainage-related information submitted to be

limited, and therefore requested a wide range of additional information and clarification from the applicant.

Having been reconsulted as part of the March 2023 reconsultation exercise, and following the agent's submission of additional/revised plans (including drainage calculations; Flood Routing Plan; Engineering Layouts; Drainage Construction Plans), the LLFA have confirmed that they (still) considered the submitted application documents to be limited and recommended that further information is provided on the following matters prior to planning permission being granted:

- Information/evidence submitted on the condition and capacity of the receiving watercourse (including CCTV survey, a capacity & condition survey and potentially a full hydrological analysis) to ensure that the system can accept the proposed flows to an acceptable downstream point without increasing risk to others.
- Run-off rate clarification (in relation to the proposed attenuation).
- An 'impermeable Area Plan' to be provided.
- Amended drainage calculations, including an allowance for urban creep which is not currently accounted for.
- Details of temporary flood risk measures to be implemented during the construction phase of the development.
- Maintenance details/arrangements for the proposed SuDS.
- Notwithstanding the details of the submitted Flood Routing Plan, confirmation that the (off-site) exceedance flow route mimics the existing (or pre-development) scenario to ensure that flood risk is not increased elsewhere.

The LLFA were reconsulted as part of the April 2024 reconsultation, responding in August 2024 to confirm that suitable and acceptable information (including hydraulic calculations) had now been submitted in relation to peak flow control, volume control. Exceedance design, and climate change & urban creep allowances. However, the LLFA still wish to see the submission of a SuDS maintenance plan. They also wish to see evidence that the culvert (to be used to discharge surface water to) is of a suitable size and condition to hold the additional flows and clarification that there is a positive onwards connection to a suitable watercourse.

The LLFA have been reconsulted on the additional drainage information submitted on behalf of the applicant since they provided their August response, although no further response has been received.

**NY Police (Designing Out Crime Officer):** Responding to the March, 2023 reconsultation, the DOCO considers that the proposals accord with the core principles and design objectives of the NPPF in respect to creating safe and accessible environments where crime and disorder (and the fear of crime) do not undermine quality of life or community cohesion.



**Mowbray House Surgery:** Responding in relation to the original proposals for 79 units, the surgery confirmed that they considered that they had existing capacity to accommodate the additional families within the village that would be generated by the proposed development.

**Natural England (NE):** NE have been reconsulted as part of the April 2024 reconsultation as well as with regards to the Habitats Regulation Assessment (HRA) completed on behalf of the Local Authority with regards to nutrient neutrality and the potential impact on the Teesmouth and Cleveland SPA/Ramsar site based on the applicant's intention to purchase 99.7 nutrient credits. A response from NE is still awaited, but Members will be subsequently updated through the 'Update List' or at the Committee Meeting.

Having been reconsulted as part of the March 2023 reconsultation exercise, NE requested the following: an amendment to the nutrient budget calculator to include the correct 'existing land use type'; a revised mitigation strategy (to take account of any change to the Total Nitrogen Budget) and a detailed design for the mitigation proposals supported by robust evidence and calculations.

NE note that the appropriate assessment concludes that the Council is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. However, having considered the assessment, and the measures proposed to mitigate for any adverse effects, NE's advice is that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question and advise that the assessment does not currently provide enough information and/or certainty to justify the assessment conclusion and that the Council should not grant planning permission at this stage.

Following the submission by the applicant in May 2024 of a shadow Habitat Regulations Assessment (sHRA) and completed nutrient calculator metric, the LPA completed a revised appropriate assessment. NE have been reconsulted on the aforementioned documents, and their response is awaited. Members will be subsequently updated through the 'Update List' or at the Committee Meeting.

**Teesside Internal Airport (TIA):** Having been reconsulted as part of both the April 2024 and March 2023 reconsultation exercises, TIA have confirmed that they have no aerodrome safeguarding objections to the proposals.

**SABIC UK:** Responding to the March 2023 reconsultation, SABIC UK have confirmed that they have no further comments to make on the application.

#### Local Representations

- 7.3 For clarity, the response summaries from local residents have been divided based on the consultation/reconsultation period within which they were received:

10 Day Reconsultation (June 2024) following the submission in May 2024 of the BNG Assessment and shadow HRA (and accompanying metric calculators):

- 7.4 1 local representation received, although any additional responses received following the publication of the agenda will be reported to Members as part of the Update List or at the Committee Meeting:
- The affordable housing provision is insufficient, and doubts expressed about whether it can be secured in perpetuity. More Social Housing is required in the village.

Following the expiry of the reconsultation period, a subsequent additional representation has been submitted to the LPA for a local resident objecting to the proposals and raising queries/concerns regarding the submitted completed BNG metric calculator. These additional queries are directly addressed within the 'Ecology' subsection below.

10 Day Reconsultation (April 2024):

- 7.5 2 local representations have been received in total in response to the reconsultation exercise, both objecting to the proposals. A summary of the relevant comments received are provided below:

Objections:

- There is nothing within the revised application that equates any better to the needs of the village and community that already exists in the village (i.e. still concerns about increase in traffic and on the environment).
- The application proposes more units in the site than envisaged by the Neighbourhood Plan process. A decision on the application should be deferred until the NP is adopted.
- Nutrient Neutrality has not been properly addresses, particularly as existing sewage system is unable to cope with pollution caused to the River Leven.
- There is no information on Biodiversity Net Gain.

10 Day Reconsultation (March 2023)

- 7.6 A total of 48 local representations were received in total in response to the reconsultation exercise, 47 objecting to the proposals and 1 in support. A summary of the relevant comments is provided below:

Objections:

- Despite the amendments to the application, the scheme would be too large.
- The development does not meet local housing needs.
- Traffic impacts.
- Adverse environmental impacts.
- Increase impacts on the existing infrastructure and services of the village.
- Adverse impacts on the character of the village and on the open countryside.

Support:

- Support for the affordable housing to be provided, which is required.

Original Consultation (December 2021 / January 2022)

*NB – Members are reminded that the original consultation was undertaken based on the application plans originally submitted which included land to the north of Garbutts Lane that has subsequently be omitted from later revisions of the plans. Therefore, representations submitted in respect to the original consultation included comments/observations directly related to land no longer included within the proposals. Such comment/observations have not been included within the summary below as they no longer have any relevance to the revised application under consideration, although Members can view all consultation/reconsultation responses in full via the above link to the application on Public Access.*

7.7 A total of 127 individual local representations were received in total in response to the original consultation exercise, 120 objecting to the proposals; 3 in support (including 1 representation from the land owner) and 4 neither supporting nor objecting (neutral). A summary of the relevant comments is provided below:

Objections:

- The scheme would be too large.
- Not in-keeping with the housing needs of the village.
- The proposals are contrary to the draft NP.
- The development is in open countryside.
- Increased pressure of the village's infrastructure and services.
- Highway safety and amenity issues.

Support:

- There is a proven evidence based empirical need for a substantial number of new homes in the village as determined by the 2020 Hutton Rudby Housing Needs Survey....If this development is approved it will meet the needs of the village and therefore there will be no need for development on other greenfield sites on the edge of the village.
- The development comprises of a range of housing proposed from low-cost homes for sale and rent to market housing and a substantial number of bungalows.
- The development will help meet the needs of young people in the village and with connections with the village who need affordable homes and want to live in the village.
- The development will help meet the needs of elderly people in the village and with connections in the village who wish to downsize to 2 and 3 bedroom bungalows, where their care needs can be met in their own homes, as they become infirm, instead of moving elsewhere to residential care.
- The development can help provide a range of benefits for the community, including ecology benefits, through the provision of several thousand trees for the village, and flood relief measures which will have additional wildlife benefits.
- The development will bring many economic benefits to the village and help sustain existing services such as the Spar shop.
- The increased demand for school places will reduce the number of children coming to the school from outwith the village which contribute to the existing parking problems.

- It has been clearly demonstrated that planning consent for this development is needed and is deliverable.
- The draft Neighbourhood Plan shall carry little to no weight.

## **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 outline application (relating are:

- Location and the Principle of Development
- Affordable Housing
- Housing Mix
- Nationally Described Space Standards (NDSS) and Adaptable Homes
- Design
- Landscaping; and Impact on the Landscape and the Settlement's Setting/Character
- Ecology and Biodiversity Net Gain
- Amenity
- Heritage
- Highway Safety and Connectivity
- Flood Risk and Surface Water Drainage/Management
- Water Supply and Foul Drainage
- Contamination and Pollution
- Nutrient Neutrality
- Public Open Space (POS), including 'Community Woodland' Provision
- Impact on Existing Infrastructure and Safeguarding Considerations
- Education

## **10.0 ASSESSMENT**

### Location and the Principle of Development

10.1 The Hambleton Local Plan (hereby referred to as the 'Local Plan') includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036). Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area.

10.2 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the plan area. The policy includes a settlement hierarchy

of designated Market Towns, Service Villages', 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns.

- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. However, the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy of Policy S3.
- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios.
- 10.5 Hutton Rudby (with Rudby) is designated within the settlement hierarchy of Policy S3 as a Service Village. Criterion c. of Policy S3 supports growth in Service Villages that is commensurate with the settlement's size, character and concentration of services/facilities.
- 10.6 Policy HG5 (Housing Windfall Development) supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Service Villages') in two general scenarios:
- (1) on sites within the 'built form' of a defined settlement, and
  - (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.7 It is considered that the application site is outside, but adjacent to the built form of Hutton Rudby, therefore scenario (2) of Policy HG5 is considered to be relevant to the consideration of this application.
- 10.8 Where scenario (2) applies, Policy HG5 states the proposal needs to demonstrate that:
- (a) a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
  - (b) it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.
- 10.9 All proposals will individually or cumulatively;
- (c) represent incremental growth of the village that is commensurate to its size, scale, role and function;

(d) not result in the loss of open space that is important to the historic form and layout of the village; and

(e) have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village."

- 10.10 The agent has sought to address criterion a. through the submission of a Sequential/Exceptions Test (SET) document (dated 27.04.2023) This document confirms that in order to assess whether there is any Previously Developed Land (PDL) within the built form of the village, the Council's Register of Brownfield Land has been utilised, as has historical mapping and site visits.
- 10.11 The SET identified eight 'plausible sites' (including the application site as originally submitted). Of the seven identified sites within the SET (other than the application site), all are considered either to be greenfield sites and/or located outside of the built form of the village. Officers are not aware of any other suitable, available or viable previously developed site within the main built form of the village, and as such would concur with the conclusions within the SET. The proposal therefore meets the requirements of criterion a. of Policy HG5.
- 10.12 Although Policy HG5 does not specify a quantum of residential development that would be acceptable, criteria c. does however require such 'windfall development' (located outside but adjacent to the built form of a defined village) to represent the incremental growth of the village that is commensurate to its size, scale, role and function in order to be supported by the Policy.
- 10.13 Hutton Rudby is designated as a Service Village within the Settlement Hierarchy of Policy S3 (Spatial Distribution) where 'limited development' will be located where there are a good range of services and facilities to support the level of growth proposed. Relative to other Service Villages within the Settlement Hierarchy of the Local Plan, Hutton Rudby as a relatively large population of circa. 2,000 residents and a relatively good range of services, including a primary school; doctor's surgery; village hall; shop and fuel station; cricket, tennis and bowls clubs and small-sized businesses. Therefore, while the provision of 50 dwellings would represent a relatively large number of residential dwellings for a single 'windfall' development, taking into consideration the village's place within the Settlement Hierarchy, its relatively large size and its good range of existing services and facilities, it is considered that the proposals would be commensurate to the role/function and size/scale of the village in accordance with criteria c. of Local Plan Policy HG5 and the expectations of Policy S3, as detailed above.
- 10.14 Please note that criteria b, d and e of Policy HG5 (as described in paragraphs 10.8 and 10.9 above) will be considered in the relevant 'Housing Mix' and 'Landscaping' sections below.

#### Affordable Housing

- 10.15 Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing to make provision for 30 per cent affordable housing (subject to viability) for proposals with 5 or more units within designated rural parishes such as Hutton Rudby.
- 10.16 The proposed development (as amended) is for 50 dwellings, including 4 self-build/custom-build plots, 15 of which are proposed to be affordable homes. This level of on-site affordable homes would meet the 30 per cent affordable provision required by Policy HG3. Policy HG3 expects the tenure mix for the affordable housing to consist of affordable rent (1/3); social rent (1/3) and intermediate/shared ownership (1/3), although an alternative tenure mix may be acceptable if it is shown to meet a local need. The affordable housing tenure mix can be subsequently agreed/secured through a Section 106 agreement should Members resolve to approve planning permission.
- 10.17 Overall (and subject to the completion of a Section 106 agreement), the proposals are considered to accord with the requirements of Policy HG3 with regards to the provision of the appropriate amount of affordable housing.

#### Housing Mix

- 10.18 Part (f) of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA)...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area, including a housing mix table (table 3.1) providing percentage mix ranges for 1, 2, 3 and 4+ bed market and affordable properties:

|                   | <b>Table 3.1 Housing SPD</b> |                   | <b>Proposed Housing Mix – Total of 46 Units (excl. 4 'market' self build/custom build plots; house size as yet undetermined)</b> |                              |
|-------------------|------------------------------|-------------------|--|------------------------------|
| <i>House Size</i> | <i>Market</i>                | <i>Affordable</i> | <i>Market (31) Units</i>   | <i>Affordable (15) Units</i> |
| 1 bed             | 5-10%                        | 20-25%            | 0% (0)   | 26.67% (4)                   |
| 2 bed             | 40-45%                       | 50-60%            | 67.74% (21)  | 60% (9)                      |
| 3 bed             | 40-45%                       | 10-20%            | 32.26% (10)  | 13.33% (2)                   |
| 4+ bed            | 0-10%                        | 0-5%              | 0% (0)   | 0% (0)                       |
| <b>TOTAL</b>      |                              |                   | <b>100% (31)</b>   | <b>100% (15)</b>             |

- 10.19 In terms of the proposed affordable housing mix, the amended scheme is within the recommended percentage ranges as set out in table 3.1 of the Housing SPD, with the exception of a small over-provision of single bed units.

- 10.20 The proposed market housing mix would result in a modest under-delivery of 3 bed units, and an oversupply of 2 bed units (in relation to the percentage ranges set out in table 3.1) When the self-build/custom-build units are factored in the consideration (which, given the proposed plot sizes, are likely to be 4+ bed properties) this results in a lower (60%) proportion of 2 bed market units and 3 bed units (28.57%) with no single bed market properties proposed and a 11.43% provision of larger 4+ bed properties. While the market housing sizes do not sit within the market housing ranges of table 3.1, the overwhelming majority of market properties would be 2 and 3 bed, which when considered jointly, would be within the joint 2/3 bed percentage market range, and while the market housing lacks any single bed properties, considered holistically and in relation to the slight over-provision of single bed affordable units, this is not considered to be a significant issue within the overall planning balance.
- 10.21 To conclude, the overall housing mix is considered to be acceptable and in general accords with the requirements of Policy HG2 and the general expectations of the Housing SPD.

#### Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.22 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.
- 10.23 As confirmed in writing by the agent, the proposed house types would meet (or exceed) the relevant NDSS criteria, and therefore it is considered that the development would comply with the relevant NDSS and house adaptability requirements of Policy HG2 of the Local Plan.

#### The Provision of Self Build/Custom Build Plots

- 10.24 Criterion b. of Policy HG2 (Delivering the Right Types of Homes) states that the Council will work with developers, registered providers, landowners and relevant individuals or groups to address identified local demand for self and custom build homes as identified in the Hambleton Self and Custom Build Register.
- 10.25 The proposals would provide for four self-build/custom build plots, which the revised proposed site [layout] plan (Rev.L) shows located along the southern boundary of the site. While the proposed self-build/custom-build plots are relatively large in size (ranging between 808m<sup>2</sup> – 1149m<sup>2</sup>) this would provide the flexibility (often required of self-build/custom-build plots) for a range of house types and designs to come forward to meet the individual needs of the future residents.



10.26 The provision of four self-build/custom-build plots would help the Council meet its self-build/custom-build targets which should be given weight in the planning balance. If planning permission is granted, it is recommended that the provision of the self-build/custom-build plots is secured through a Section 106 Agreement, including a requirement for a design code to be submitted and approved in relation to the four proposed self-build/custom-build plots.

### Design

10.27 Policy E1 (Design) states that all development should be high quality.... integrating successfully with its surroundings in terms of form and function... reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations):

- Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.);
- Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.)

10.28 In relation to the proposed design and materials of dwellings, the scheme would have a distinct and clear design concept and character. The appearance of dwellings would be undoubtedly modern due to their form and with the inclusion of features such as 'angle-top' windows. Nevertheless, the design of the proposed development is able to successfully respond to the context of the built form of the village by using building materials such as brick, render and slate that are commonly used within the buildings in Hutton Rudby. In particular, the proposals appear to have been strongly influenced by the design approach and appearance of the adjacent affordable housing scheme of Paddocks End which has been built using a mixture of render and brick external walls with dark-colour tile roofs, although the Paddocks End properties lack the modern design features to be adopted within the proposed development. A common design approach with the Paddocks End development is considered to be important with regards to successfully assimilating the proposed development with the existing built form of the village.

10.29 The rectangular-shaped site would facilitate an attractive and legible layout consisting of a hedgerow/tree-lined, central access road (running north-south) providing access off to the east and west to predominantly mini cul-de-sacs (or closes) The proposed layout has been designed to retain (as much as is practicable) the existing hedgerows/tree lines both on the boundary of the site as well as those natural linear features located more centrally within the existing site. This is a positive character of the proposed layout of the development resulting in clear aesthetic and ecological benefits. Along the northern boundary of the site, the proposed layout includes a 'green-and-blue' buffer that includes the attenuation pond, swales, reed beds, small areas of (public) open space and a grassed strip lined with trees. This is also a significant feature within the layout that would

provide a potentially attractive and low density entrance to the development via Paddocks End. The proposed layout would result in an acceptable balance between making effective and efficient use of the site and creating an attractive layout with reasonably-sized plots.

- 10.30 Overall, the proposed development would create a distinctive and high quality residential development that would draw, in part, on its local context, particularly the character and materials of the adjacent Paddocks End development. The proposed development would therefore be in accordance with Policy E1 of the Local Plan.

#### Landscape, Townscape and the Impact on the Settlement's Setting/Character

- 10.31 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it:
- considers the degree of openness and special characteristics of the landscape (criterion a.); and
  - protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
- 10.32 Criteria (d) and (e) of Policy HG5 (Windfall Housing Development). require all proposals for 'windfall development' (located outside but adjacent to the built form of a defined village) to (both individually or cumulatively):
- (d) not result in the loss of open space that is important to the historic form and layout of the village; and
  - (e) have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.
- 10.33 In respect to townscape, Policy E7 also states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.
- 10.34 The application site (and associated community land) consists of a series of pasture, hedge-lined fields which are part of the larger patchwork of field systems and countryside to the west and south-west of the settlement and helps to provide the village with its attractive rural setting. By developing the site as proposed, there would be inevitable harm caused to the character of the countryside, as well as to the setting of the village in terms of the adverse impact on its rural setting.

10.35 Nevertheless, this harm to the character of the countryside and to the rural setting of the village would be, in part, mitigated by the proposed retention of boundary hedgerows and trees (where practicable to do so within the proposed layout) as well as the provision of the community land (including the woodland and community orchard planting proposed) which would provide a considerable physical and visual 'green buffer' between the proposed residential development and the rural landscape to the west. It is also recognised that the application site is surrounded on three sides (north, east and south) by existing development so would avoid an incongruous extension of the built form of the settlement into the countryside that surrounds the village. Subject to the implementation of the landscaping scheme, the retention of existing trees and hedgerows as detailed within the submitted Tree Protection Plan) and the provision of the community land, the proposals are considered to have a modest harmful impact on the existing character of the countryside surrounding the settlement. This harm will be attributed appropriate weight within the Planning Balance section of this report below.

### Green Infrastructure and Trees

10.36 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is not located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor (GIC), but is located immediately adjacent to the GIC to the east and south, while the land opposite the site on the north side of Garbutt's Lane is also designated as part of the GIC.

10.37 In terms of the retention and protection of any 'important' existing trees within the site, an Arboricultural Impact Assessment (AIA) has been submitted. This has assessed the quality and condition of the trees. The AIA shows that the proposals would seek to retain (where practical to do so) the important trees and hedgerows within and on the site boundary. Indeed, the layout of the development has been designed so that the existing tree and hedge lines within the site are largely retained and incorporated as part of the development proposals. This has clear positive aesthetic benefits as well as helping to retain important elements of the existing on-site biodiversity, which along with proposed on-site landscaping and BNG enhancements, would result in marked improvements to the green infrastructure corridor. Overall, the proposals would provide a varied landscaping scheme that would be congruous with the site's 'edge-of-settlement' location and its semi-rural surroundings, while enhancing green infrastructure, in accordance with policies E1, E4 and E7 of the Local Plan.

### Ecology and Biodiversity Net Gain

10.38 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. Policy E3 also states that a

proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)

- 10.39 A Preliminary Ecological Assessment (PEA) has been submitted with the application, as well as separate: Bat Survey Report which provides the details/results of Bat Activity Surveys, and Great Crested Newt Survey (as recommended to be undertaken within the PEA).
- 10.40 The PEA has confirmed that there are no statutory sites within 2km of the application site. Although three local wildlife sites and priority habitat (deciduous and ancient woodland) have been identified within 2km, the PEA concludes that the nature of the proposed development is unlikely to have an impact on these sites/habitats.
- 10.41 The PEA confirms that a field survey was undertaken, which identified that the site predominantly consists of semi-improved grassland, but does include mature hedgerows, trees and a watercourse along the northern site boundary. The general assessment of the land was that it falls within category 3 ('of limited wildlife interest'), although the areas does have some areas of local wildlife interest. Hedging present on site is considered to have a high potential to support a range of breeding birds, while the site has the potential to support foraging hedgehogs in particular along the eastern boundary, although overall, the PEA concludes that the size of the proposed development is unlikely to significantly impact on the local wildlife.
- 10.42 The Bat Activity Surveys and Tree Roost Assessment identified no significant bat commuting activity. The trees identified as having the potential to support roosting bats is recommended to be retained. the GCN Survey identified no ponds within 500m of the site with the potential of supporting amphibian species, while the habitats on site are considered largely unsuitable for use by amphibians, with limited potential of GCN utilising the site.
- 10.43 Overall, the Assessment does not identify any significant impacts upon protected species or important habitat, subject to the undertaking of the recommended ecological compensatory and enhancements measures within the submitted PEA. If Members resolve to approve planning permission, it is recommended that a condition is imposed requiring the relevant recommended measures to be undertaken. In conclusion. the proposed development is unlikely to have a significant or unacceptable impact on-site and off-site ecology (including protected and important species),and would comply with Policy E3 of the Local Plan in this regard.
- 10.44 In accordance with the Environment Act (2021) and the NPPF, Policy E3 is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.

- 10.45 A Biodiversity Net Gain Assessment (BNGA) has subsequently been submitted for the application, accompanied by a completed BNG metric calculator. Based on an assessment of the site and the results of the metric, the BNGA concludes that the baseline habitats on site provide a total of 7.42 Habitat Units and 2.56 Hedgerow Units. The habitats on site, 'post development' would provide a total of 9.56 Habitat Units and 2.71 Hedgerow Units, equating to a post-development net gain of 28.83% (Habitat Units) and 5.87% (Hedgerow Units) respectively. Although the date of the submission of the application means that there is no statutory (mandatory) requirement to provide a 10 per cent gain in biodiversity, the completed BNG metric calculator and BNGA for the development show that on-site gains in Habitat Units would nevertheless substantially exceed this figure, while there would also be a lesser, but meaningful on-site gain in Hedgerow Units.
- 10.46 It is important to note that the BNGA and accompanying BNG metric have been completed in relation to the original application site only, and therefore the land subsequently proposed for community use has not been assessed for its baseline or post-development biodiversity value. This proposed community land is not within the application site ('land-edged-red') and thus the agent has confirmed that its baseline or 'post-development' have not been calculated. However, the submitted PEA and BNGA have not identified any Priority Habitats within the local vicinity while it is also a reasonable assumption that the habitat characteristics of the 'community use' land would be very similar to that of the assessed land immediately to the east. Based on this and taking into consideration the proposed 'community woodland' use (including the indicative proposed layout showing additional woodland, swales and orchard tree planting), it can be reasonably concluded that marked landscape and associated biodiversity enhancements can be achieved for the proposed community use land. The implementation of the community land its future management and maintenance plan can be secured through a Section 106 agreement.
- 10.47 Therefore, while further (unspecified) biodiversity gains would inevitably result from implementing the proposed community land area, the application has nevertheless demonstrated that a 'policy-compliant' gain in biodiversity can be achieved on-site (i.e. within the land-edged-red) Therefore, subject to securing (by condition) the implementation of the submitted BNG scheme and its future management and maintenance for a minimum period of 30 years, the proposed development would be in accordance with the requirements and expectations of Policy E3 of the Local Plan.
- 10.48 A local resident has submitted an additional representation querying elements of the submitted completed BNG metric calculator, as well as whether the latest versions of Natural England's metric calculator should have been used (i.e. version 4/4.1), rather than version 3.1 as used. The applicant's Senior Ecology has responded directly to these queries in an email response dated 25.09.2024 (uploaded to Public Access), where a reasoned response and justification has been provided, including confirmation that the net change in biodiversity units is exactly the same using version 4.0 as version 3.1. Based on this clarification Officers are satisfied that the resident's queries are adequately addressed.

Amenity

- 10.49 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns. In order to achieve this 'high standard of amenity', E2 states (amongst other less relevant matters) that proposals will be required to ensure:
- an adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.);
  - physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.);
  - no significant adverse impacts in terms of noise...(criterion c.);
  - that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);
  - the provision of adequate and convenient storage and collection of waste/recycling (criterion e.);
  - the provision of adequate and convenient private external amenity space (criterion g.)
- 10.50 The northern boundary of the application site adjoins the small residential development of Paddocks End. The aforementioned 'green-and-blue' buffer within the northern part of the site as well as the established vegetation to the southern boundaries of the existing properties in the southern part of Paddocks End would ensure that generous and effective separation and buffer is provided between the proposed dwellings and the nearest properties within Paddocks End.
- 10.51 To the south, the application site adjoins the rear curtilage boundaries of residential properties located along the northern side of Langbaugh Road. The eastern boundary of the site similarly adjoins the respective curtilage boundaries of several residential properties, including 2 and 3 Willins Close, Four Winds, Wabun and 42 Garbutts Lane. The proposed new dwellings would be sited to have separation distances of 35m+ from the aforementioned nearest dwellings to the south and east of the site.
- 10.52 Overall, the proposed layout plan shows that the proposed development would be laid out and designed to ensure a good standard of amenity between dwellings, including the provision of appropriate minimum separation distances between new and existing properties, while the proposed layout plan also demonstrates that the future layout and design of the development can be achieved with good levels of outdoor private amenity space for the proposed dwellings.
- 10.53 Although not shown on the revised layout plans, the submitted (drainage) engineering plans show the provision of a foul pumping station to be sited close to the northern boundary of the site, east of the access road. Pumping stations can generate noise and thus the

proposed installation has the potential to impact on the level of amenity enjoyed by existing residents adjacent to the site and also future residents of the proposed development. However, the pumping station would be sited approximately 20m to the south of the nearest existing residential properties (3 and 5 Paddocks End) and over 25 away from the nearest plot (plot 3) within the proposed development. These distances would exceed the minimum recommended separation distances between pumping stations and habitable buildings.

- 10.54 The submitted Engineering Layout (Overall) drawing confirms that plot levels are to be subject to detailed design, with levels potentially varying +/-0.300m (as shown on the submitted plans) in order to accommodate the detailed design of the drainage scheme. Notwithstanding the FFLs shown on the submitted engineering plans, if planning permission is granted, it is recommended that the final FFLs are submitted and approved by the Local Planning Authority to ensure that the requirements of any approved surface water scheme does not result in relative building heights that result in unacceptable amenity issues for existing and future residents.
- 10.55 Overall, the proposed development would maintain good levels of amenity for both existing and future residents within and adjacent to the proposed development, in accordance with the relevant criteria of Policy E2 of the Local Plan.

#### Heritage

- 10.56 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.57 The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 10.58 A Heritage Impact Assessment (HIA) has been submitted with the application. This has not identified any designated or non-designated heritage assets that would be directly or indirectly (i.e. impact on their respective settings) affected by the proposed development. Overall, it is considered that the proposals would comply with the requirements of Policies S7 and E5 of the Local Plan.

- 10.59 In terms of archaeology (a non-designated heritage asset), the archaeological desk-based assessment submitted with the application emphasises the potential for later prehistoric and Romano-British archaeology, with the assessment recommending further archaeological assessment to properly establish the impact of the proposal on heritage assets of archaeological interest (i.e. a geophysical survey followed by trial trenching of the Geophysical results warrant it) Having considered this assessment, the Principal Archaeologist agrees with this recommendation., but states that this additional work should be undertaken prior to the determination of the application.
- 10.60 The landowner has subsequently confirmed in email correspondence that a Geophysical Survey of the site has been undertaken, and supporting information in this regard has been submitted including magnetic maps to identify any potential subterranean anomalies within the site. The landowner has confirmed that the Geophysical survey work did not identify any potentially significant archaeological anomalies within the sit, and no further investigation (e.g.) was considered to be necessary. Clarification is being sought that the Council's Principal Archaeology is satisfied with the Geophysical survey results and the aforementioned conclusions and his response will be reported to Members for the Committee Meeting. However, based on the information submitted, an receiving written confirmation before the Committee Meeting that the Principal Archaeologist is satisfied with the results and conclusions of the Geophysical works undertaken, and subject to the submission of a Written Scheme of Investigation/Archaeological Watching Brief (required by condition), it is considered that the proposed development is unlikely to have a harmful impact on archaeological remains, and would be in accordance with Local Plan Policies S7 and E5, and the NPPF.

#### Highway Safety and Connectivity

- 10.61 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
  - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
  - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
  - appropriate provision for parking is incorporated...(criterion g.)
- 10.62 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate



provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)

- 10.63 A Transport Statement (TS) has been submitted with the application. This has concluded that there would be no significant or unacceptable impact on the local road network or highway safety. The proposed plans show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards.
- 10.64 Following the submission of amended plans to seek to address the LHA's previously stated issues with the proposed layout, particularly in relation to some of the landscaping scheme and vehicle tracking, the LHA has been reconsulted on the application and they have issued a formal recommendation raising no objections to the application (subject to conditions and the provision of a Travel Plan monitoring fee) for the following reasons:

*"In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has reviewed the proposed site layout, the transport assessment and landscaping details. The proposed site access would be a continuation of the existing cul de sac, Paddocks End, which itself forms a simple priority junction onto Garbutts Lane. This existing junction is within a 30mph speed limit and already has visibility splays provided in accordance with Manual for Streets. Junction capacity modelling has shown it can accommodate the traffic expected to be generated by the development and remain well within capacity in future years. There is no record of injury accidents at this junction and therefore the access arrangements for the site are considered satisfactory. The site is expected to generate in the region of 32 trips during the peak hour, and with the exception of the Garbutt Lane access the impact on the wider road network and other junctions will be below 30 new trips and is not expected to result in significant additional congestion. The proposed internal estate road layout meets the current NYC design standards with appropriate footways and turning heads being provided. Parking provision has also been provided in accordance with current standards. The extent of the estate road offered for adoption should be widened to include the turning head in the south western corner and tree root protection provided where appropriate to ensure an adoptable site layout."*

- 10.65 In terms of accessibility and sustainability, vehicular and pedestrian connectivity to Garbutts Lane, and thus the services and facilities within the village, would be via the Paddocks End development. Hutton Rudby has regular bus services connecting Stokesley and Northallerton (services 80 and 89). In total, there are ten bus stops in Hutton Rudby of which two are in close proximity to the site on Garbutts Lane. The application site is located in very close proximity to the Spar supermarket and post office which serves the whole settlement. The supermarket has a cash machine and filling station and is also close to the local cricket club and the primary school in nearby Doctor's Lane.
- 10.66 Overall, the proposed development is considered to be in accordance with the relevant criteria of Policies E1 and IC2 of the Local Plan in terms of highway safety and accessibility.

Impact on the Public Right of Way (PRoW) Network

- 10.67 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space...in order to support the health and well-being of local communities, stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that (*inter alia*): the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.) Policy IC2 (Transport and Accessibility) states that the Council will...support a sustainable pattern of development that is accessible to all, where it (*inter alia*): seeks to retain, and where relevant, enhance existing rights of way (criterion c.) In addition, Policy E4 (Green Infrastructure) that the Council will seek to protect existing green infrastructure...by requiring development proposals to (*inter alia*): take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)
- 10.68 As confirmed by the Footpaths Team, the Council's definitive map shows that the route of Public Footpath (ref. 10.72/9/1) runs (in an east-west direction) through the application site, adjacent to the northern boundary. Although there was concern that the route of the public footpath may have to be permanently diverted as a result of the proposed development, discussions between the landowner and PROW Officers have clarified that the proposed scheme would not impact on the existing route of the PROW as per the Council's Definitive Map, and that no permanent diversion is therefore required, although a temporary diversion is likely to be required during construction at the point of the Paddocks End access. This, however, would be formally considered through a future application for a Temporary Closure Order to the Local Highway Authority.
- 10.69 Overall, the proposed development would comply with the relevant criteria of Policy IC3, IC2 and E4 of the Local Plan.

#### Flood Risk and Surface Water Drainage/Management

- 10.70 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations):
- avoiding development in flood risk areas...(criterion a.);
  - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and
  - reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.71 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals):
- surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and
  - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage

Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)

- 10.72 In respect to fluvial flood risk, the EA's flood maps show that the application site is located within Flood Zone 1, and thus at a relatively low risk of experiencing fluvial-related flooding. The EA's surface water flood maps show that while the majority of the site is not at risk of surface water flooding, there are small areas at risk of pooling within the northern part of the site, although these areas appear to be located within the SuDS (swales; reedbed) and open space areas and would not affect any dwellings (including their curtilages) The LLFA have stated that there are potentially overland flows crossing the site.
- 10.73 The EA Surface Water flood maps also show that there is an area at high risk of surface water flooding covering the majority of the 'Paddocks End' development to the north, and which also includes the proposed access to the site from Garbutts Lane.
- 10.74 The FRA & Drainage Strategy confirms that 'other sources of flooding' have been assessed and the risk of flooding from these sources is considered to be low and/or manageable with mitigation.
- 10.75 The FRA - Site B is noted as having ponding of surface water identified on the northern extent. Having reviewed the topographical survey against these locations, these flooding areas are associated with low-lying spots and as such when positive drainage is introduced these will no longer exist. The risk of flooding from this source is therefore considered low or manageable.
- 10.76 Geo Environment Engineering has undertaken intrusive site investigations, report references GEO2021-4826 (Site A & Site B), which has identified groundwater ingress within boreholes of depths in excess of 1.5m below ground level. Based on the depths groundwater has been encountered it is not considered a risk to the proposed development site when completed.
- 10.77 In addition to the FRA & Drainage Strategy and following the request by the LLFA made within their initial response for additional information, the agent submitted additional drainage-related plans and information, and clarification. This has been uploaded to Public Access and reconsultation of the LLFA undertaken.
- 10.78 The submitted FRA & Drainage Strategy (and related surface water drainage plan) have provided details of the proposed surface water drainage scheme for the proposed development which proposes that surface water from the proposed development would discharge to the adjacent culverted unnamed watercourse at the restricted greenfield rate, stated as being 3.5 l/s. Additional clarification provided confirms that the culvert discharges into the River Leven.
- 10.79 On-site attenuation would be provided by SuDS in the form of an attenuation basin (described in the application plans/documents as a 'pond') sited within the northern part of the site. It is confirmed within the application documents that the SuDS attenuation has

been designed to accommodate the 1-in-a-100-year storm event with allowances with both climate change (40%) and urban creep (10%), with the (surface water and foul) mains drainage offered to Northumbrian Water for adoption via a Section 104 agreement. The submitted SuDS Identification Plan shows the shared and private driveways within the proposed development would be permeable.

- 10.80 A review of the Geotechnical site investigation reports confirms that the ground is predominantly underlain by clays with some mudstone. Given the underlying ground strata infiltration methods for the disposal of surface water (via infiltration/soakaway) are not considered to be feasible. Therefore, the proposed surface water drainage scheme with its proposed controlled discharge of surface water from the proposed development to watercourse is considered to be appropriate and in accordance with the Surface Water Drainage Hierarchy.
- 10.81 The latest submitted Flood Routing Plan shows that in the event of any blockage to, or exceedance of, the surface water drainage system, the highway (within the land-edged-red) would be utilised as storage. It is recommended that this is conditioned should Members resolve to approve planning permission.
- 10.82 Although the LLFA have not formally responded to reconsultation on the latest drainage-related plans and information, it has been verbally clarified that the remaining two issues of the run-off destination and a suitable management and maintenance plan remain. Officers are in agreement that a surface water management and maintenance can be conditioned, if planning permission is to be approved.
- 10.83 In terms of the destination of the proposed surface water flows, the applicant's drainage engineer has confirmed that surface water discharged into the existing culvert/Hundale Gill flows into the River Leven. Although some assurances have been provided regarding the capacity/capability of the existing culvert and watercourse to accommodate the restricted flow rate of the proposed surface water drainage scheme for the proposed development, there remains a lack of detail/evidence in this regard, including CCTV footage to show that any culvert/pipework to be utilised is of a sufficient size, condition and is not blocked. It is noted that Northumbrian Water have not objected in principle, to the discharge of surface water to the public sewer, should the applicant demonstrate that discharge by infiltration or watercourse is not feasible. As this provides the scheme with a potential fallback position should any additional survey work (including CCTV assessment) demonstrate that the culvert and any 'downstream' destination(s) are not capable of accommodating the surface water flows. As such, it is considered appropriate to condition the submission of further survey work/evidence required to confirm that the proposed 'downstream' destinations are capable of successfully accommodating the scheme's surface water flows.
- 10.84 Overall, and subject to the imposition of the drainage conditions recommended above, it is considered that the proposed development is capable of meeting the relevant requirements

and expectations of policies RM2 and RM3 of the Local Plan, the PPG and the NPPF in relation to flood risk and surface water drainage.

#### Water Supply and Foul Drainage

- 10.85 Policy RM1 (Water Quality, Supply and Foul Drainage) states that a proposal will only be supported where it can be demonstrated that:
- there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water and groundwater...(criterion a.); and
  - there is, or will be, adequate water supply and treatment capacity in place to serve the development. (criterion b.)
- 10.86 In terms of water supply, Policy RM1 states that proposals will be supported where it is demonstrated that they make efficient use of water such that all new homes comply with the optional Building Regulation for water efficiency (as set out in Approved Document G) This requirement should also be conditioned if planning permission is approved.
- 10.87 The application documents confirm that foul sewage would be discharged to the public sewer (Northumbria Water Limited) with a peak discharge rate of 2.3l/s at a connection point to the east of the site and immediately south of the petrol filling station on Garbutts Lane via a rising main. As a gravity connection to the foul sewer is not feasible, a pumped solution is required. The latest plans show that a pumping station would be sited close to the northern site boundary within the application site.
- 10.88 Prioritising a mains sewer connection would be in accordance with the Foul Drainage Hierarchy within Approved Document H of the Building Regulations, and considered to be a sustainable means of foul sewerage for the proposed development.
- 10.89 Overall, and subject to the imposition of the aforementioned condition referred to in this subsection relating to the efficient use of water, the proposals would comply with the relevant requirements of Policies RM1 and RM2 as well as the nPPG in respect of water supply and foul drainage.

#### Contamination and Pollution

- 10.90 One of the seven 'Sustainable Development Principles' within Policy S1 of the Hambleton Local Plan is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality...(criterion f.) In addition, in order to maintain a high standard of amenity, criterion d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination. Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine:

- the nature, extent and any possible impact (part a.); that there is no inappropriate risk to a controlled waters receptor (criterion b.); and
- suitable remediation measures (criterion c.)

10.91 Contamination information, including a Phase 2 Contamination Assessment, has been submitted with the application. No significant contamination risks have been identified. The application documents confirm that surface water treatment would be provided by filter strips located adjacent to the shared driveways and permeable paved areas. Subject to the imposition of an unexpected contamination condition should planning permission be granted, it is considered that the development would comply with the relevant parts of Local Plan Policies S1, E2 and RM5.

#### Nutrient Neutrality

- 10.92 In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This effects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment. LPAs can only approve a project if they are sufficiently certain it will have no negative effect on the habitat site's condition.
- 10.93 The LPA (as the Competent Authority) has undertaken an Appropriate Assessment in relation to the implications of the proposed development on the Teesmouth and Cleveland Coast SPA. This has been forwarded to Natural England and their confirmation of its acceptability is outstanding,
- 10.94 As confirmed by Natural England advice, high concentrations of nutrients in the water can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. The proposed development has the potential to increase the total nitrogen within the Tees catchment and add to the current exceedance, thus having a significant impact on the SPA.
- 10.95 A shadow Habitat Regulations Assessment (sHRA) has subsequently been submitted to the LPA, accompanied by a completed Nutrient Budget Calculator (metric), confirming that there would be a positive total nitrogen load as a result of the development that would need to be 'made neutral'.
- 10.96 The sHRA concludes that the proposed development can be made 'nutrient neutral' through a combination of on-site mitigation and the purchase of Nutrient Credits from Natural England. The on-site nitrogen mitigation would, predominantly consist of a series of swales and reed beds positioned along the northern site boundary. The remaining nutrient load of

the development would be 'made neutral' through the purchase of 62.89 credits, and the landowner has submitted a Provisional Nutrient Credit Certificate issued by Natural England to confirm that he has applied for and secured 62.89 nitrogen credits. If planning permission is granted, a condition would need to be imposed to ensure that the credits are purchased prior to the first occupation of the development. Subject to Natural England confirming the acceptability of the Council's Appropriate Assessment and providing confirmation that they have no objections to the Nutrient Neutrality proposals for the development, the scheme would meet the requirements and expectations of Policy E3 of the Local Plan.

#### Public Open Space (POS), including 'Community Woodland' Provision

- 10.97 Policy IC3 also states that the Council will seek to protect and enhance open space, Local Green Space and sport and recreational facilities in order to support the health and well-being of local communities. A proposal for housing development of 10 or more dwellings will only be supported where:
- a. it incorporates or otherwise makes provision for open space, sport and recreational facilities to meet the needs arising from the development in line with the standards set out in Appendix E: 'Open Space, Sport and Recreation Standards'. Provision should be made on site where possible, but contributions to the improvement and/or enhancement of existing provision will be supported where it is accessible from the proposed development.
- 10.98 Based on the size of the proposed development, there will be a requirement within Appendix E to provide for village green/amenity open space as well as children play areas, including a LAP and LEAP; facilities of young people/teenagers; outdoor sports facilities and allotment gardens, although financial contributions should be considered where such existing facilities are within walking distance.
- 10.99 The amended proposed layout plan includes the addition of a 5ha (approx.) area of land to the west of the application site which has been included within the land-edged-blue' for the development and is proposed to be used for a community use), with areas of woodland, pathways and grassland. The land also includes an area to be designated as a 'community orchard' as well as an area of wild meadow. While this community space is not embedded within the proposed residential development itself, it is clear from the amended proposed layout plan that there would be a footpath link and pedestrian connectivity between it and the proposed residential development immediately to the east. There is also a pedestrian connection shown between the 'woodland walk' within the proposed community land and the existing footway of Langbaugh Road to the south.
- 10.100 A submitted 'Community Benefits and Land Management' confirms that a legally binding agreement would ensure that the proposed community use does not change unless otherwise agreed with Natural England, while the land would be held in Trust, with the Trustees responsible for its management and maintenance. Access to the land would be provided to the woodland path and orchard on a 'permissive basis'.
- 10.101 The proposed community land has the potential to provide significant public (community) benefits. It would also provide a convenient, spacious and varied area for outdoor play and

recreation for residents of the proposed residential development that would more than mitigate the shortage of play facilities within the proposed layout of the development. Although not included on the amended proposed layout plan, the community land has the potential to include sensitively designed children's play equipment. If planning permission is granted, this will be explored with the applicant part of a Community Land Implementation and Future Management/Maintenance and Plan to be secured as part of a Section 106 agreement.

#### Impact on Existing Infrastructure and Safeguarding Considerations

10.102 SABIC UK have been consulted on the application because the 'land-edged-red' of the application as originally submitted was within the inner, middle and outer buffer zones of the high pressure Trans Pennine Ethylene Pipeline (TPEP) which is routed adjacent to the north of the built form of Hutton Rudby. The amended application no longer includes land to the north of Garbutts Lane and as such the revised application site is over 250m from the pipeline (and more than 150m from its outer buffer zone) SABIC UK have raised no objections to the amended application. As such, there is not considered to be any health and safety issues associated with the proposed residential development associated with its proximity to the TPEP.

10.103 The application site is within the Aerodrome Safeguarding Area for Teesside International Airport (TIA). TIA have been consulted/reconsulted on the proposals and have raised no aerodrome safeguarding objections to the proposals. Overall, the proposed development would be in accordance with Policy E2 (Amenity) which requires safeguarding to be considered in determining proposals.

#### Education

10.104 As noted in the 'Consultation' section of this report, NYC Education Services are requesting a financial contribution of £59,241 for education facilities to be provided (i.e. for Primary 'school expansion places'), should planning permission be approved. Members are reminded that education contributions are dealt with through the Community Infrastructure Levy (CIL). Therefore, there is no additional requirement (beyond the requisite CIL contributions for the proposed development) for any additional financial contribution in respect of education places.

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

11.1 The principle of housing development on this edge of settlement site is considered to be acceptable, in terms of policy HG5. The main question raised is the scale of the proposed development and whether or not the proposed scale of development is proportionate and otherwise acceptable in this location.

11.2 As alluded by the Parish Council, a development of the order of 25 units would raise no significant questions in terms of housing need or the impact on the character and form of



the village. The amended scheme has significantly reduced the size of the application site by removing from the amended scheme land adjacent to Embleton Farm on the north side of Garbutts Lane, which, in turn, has reduced the number of proposed units to 50. Although policy HG5 does not set any limits on the number of units acceptable under this windfall housing policy, larger-sized windfall schemes (particularly those located outside but adjacent to the settlement's built form) will inevitably have a potentially greater impact on the character and appearance of the settlement (and its setting) and any surrounding area and countryside, bringing such scheme's into potential conflict with the requirements of criterion e. of Policy HG5, as well as the relevant requirements of policy E7.

- 11.3 This is the case the current amended windfall scheme where it is considered that the proposed development of 50 units on land on the western edge of Hutton Rudby would have a detrimental impact on the character of the countryside to the west of the settlement which forms an important part of the setting of the western element of the village. This detrimental harm is however afforded modest weight in the Planning Balance due to the mitigating effects provided by the proposed comprehensive landscaping scheme, tree/hedgerow retention and the buffer provided by the proposed community land immediately to be located to the west of the application site.
- 11.4 The applicant has sought to provide a development which provides for locally identified need and certainly the proposed housing mix and affordable housing offer is welcomed in those terms. The provision of self-build/custom-build units to meet demand, is a requirement of Policy HG2 and minor weight should be afforded to the provision of four self-build/custom-build plots within the Planning Balance in relation to providing a meaningful contribution to helping the Council meet its self-build target.
- 11.5 In terms of public benefits, the provision of the extensive and landscaped community land area is welcomed and is considered to weigh positively in the Planning Balance and duly attributed moderate weight for the community-wide, recreational benefits it would afford. Although the date of the submission of the application means that there is no statutory (mandatory) requirement to provide a 10 per cent gain in biodiversity, the completed BNG metric for the development shows that on-site gains in habitat units would nevertheless substantially exceed this figure, at 28.83%, while further (unspecified) biodiversity gains would inevitably result from the securing and creation of the proposed community land area outside of the application site, but within the 'land-edged-blue. These marked biodiversity (habitat) benefits beyond what would reasonably be expected by Local Plan Policy E3 are afforded minor weight in the Planning Balance.
- 11.6 Other technical matters are generally considered to have a neutral impact in the planning balance, including highways and drainage matters, subject to conditions.
- 11.7 Overall, while the amended scheme represents a large windfall development on the western edge of the village with a detrimental impact on the character of the countryside that is part of the setting of the village, there are nevertheless positive benefits related to a scheme of this size that are considered to outweigh the detrimental impact.

## 12.0 **RECOMMENDATION**

12.1 A 'minded to grant' recommendation that planning permission be **APPROVED**, subject to:

(1) Receiving confirmation from Natural England that they consider the proposals to be 'nutrient neutral' and that the Council's Habitats Regulations Assessment has demonstrated that they would be no significant impact on the Teesmouth and Cleveland Coast SPA/Ramsar site:

(2) No additional material planning issues having been raised following the expiry of the 10 day reconsultation undertaken in relation to the additional/updated technical reports and information submitted recently submitted on behalf of the applicant.

(3) The completion of a Section 106 agreement to secure:

- The on-site affordable (30 per cent) housing provision, including the affordable housing tenure mix;
- The self-build/custom-build plots, including the provision and implementation of a Design Code,
- The implementation of the on-site Biodiversity Net Gain in Habitat and Hedgerow Units, and its monitoring and maintenance.
- A financial contribution towards Travel Plan monitoring and,
- The long term use of the adjacent land for 'community use' and for its future maintenance and management arrangements.

(4) The imposition of the recommended planning conditions below:

### **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 development shall be undertaken in accordance with the following plans:.

- [Amended] Site Plan Proposed (P-98/A-PL-02/G)
- [Amended] Site Plan Paddocks End-Proposed (P-98/A-PL-04/N)
- [Amended] Type A – Plans and Elevations (P-98-PL-10/B)
- Type B1 – Plans and Elevations (P-98-PL-15/B)
- [Amended] Type B2 - Elevations (P-98-PL-16/C)
- [Amended] Type B2 – Elevations (P-98-PL-17/C)
- Type B3 – Elevations and Plans (P-98-PL-18/B)
- Type C1 – Plans (P-98-PL-20/B)
- Type C1 – Plans and Elevations (P-98-A-PL-21/B)
- [Amended] Type C2 – Plans and Elevations (P-98-PL-22/C)
- Type C2 – Plans (P-98-PL-23/B)
- Type D1 – Elevations and Plans (P-98-PL-25/B)
- Type D1 – Elevations and Plans (P-98-PL-26/B)
- Type D2 – Elevations and Plans (P-98-PL-28/B)
- Type D2 – Plans (P-98-A-PL-29/B)
- Type D3 – Plans (P-98-A-PL-30/B)
- Type E1 – Plans (P-98-PL-31/A)
- Type E1 – Elevations and Sections (P-98-PL-32/A)

Type E2 – Plans -Live/Work Unit (P-98-PL-33/A)  
Type E2 – Elevations (P-98-PL-34/A)  
Type F – Plans (P-98-PL-35/B)  
Type F – Elevations (P-98-PL-36/B)  
[Additional] Glen Connon House Type – Plans Elevations and Section (Scot – Glen Connon-01)  
[Additional] Glen Connon Modified Type – Plans Elevations and Section (Scot – Glen Connon-01)  
Proposed Paddocks End Site Sections Plan (P-98/A-PL-50/-)  
[Additional] Elevations to Pumping Station Plan

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

3. The landscaping scheme shall be undertaken in accordance with the following submitted plans:

[Landscaping] Key Plan (LP-2-01 Rev.4)  
Planting Schedules Notes and Legend (LN-2-01 Rev.4)  
Planting Plan (PP-2-01 Rev.4)  
Planting Plan (PP-2-02 Rev.4)  
Planting Plan (PP-2-03 Rev.4)  
Planting Plan (PP-2-04 Rev.4)  
Planting Plan (PP-2-05 Rev.4)

4. The landscaping scheme shall be implemented and thereafter maintained in accordance with any timetable, measures and procedures within a Landscape Implementation and Management Plan to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that the approved landscaping scheme is successfully implemented and thereafter maintained, in accordance with Local Plan Policies E1, E3 and E7.

5. The tree and hedgerow protection measures shall be implemented for all retained trees and hedgerows within and adjacent to the site in accordance with the submitted [Amended] Arboricultural Impact Assessment Tree Protection Plan (AIA TPP Rev.A)  
[Amended] Arboricultural Method Statement Tree Protection Plan (AMS TPP Rev.A)  
and remain in place throughout the construction phase of the development.

Reason: To ensure the trees and hedgerows that are to be retained are appropriately protected during the construction phase of the development, in the interests of the visual amenity of the locality and to comply with Local Plan Policies E1, E3 and E7.

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users, in accordance with Local Plan Policy IC2.

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

approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users, in accordance with Local Plan Policy IC2.

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

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development, in accordance with Local Plan Policy IC2..

9. Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: a. agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery; b. a programme for the delivery of any proposed physical works c.effective measures for the on-going monitoring and review of the travel plan; d. a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and; e. effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development. The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport, in accordance with Local Plan Policy IC2.

10. 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. access for HGV construction traffic; 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. 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; 10. measures to control and monitor construction noise; 11. a detailed method statement and programme for the building works; and 12. 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 Local Plan Policies IC2 and E2.

11. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage scheme and works, details of which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead local Flood Authority and Northumbrian Water. Where survey work and any other evidence (including CCTV inspection(s)) demonstrate that the culvert and any other downstream destinations receiving the development's surface water, the submitted scheme/details shall be in accordance with the recommended surface water drainage scheme outlined within the submitted Flood Risk Assessment) as received by the Local Planning Authority. The details/information to be submitted shall confirm and/or demonstrate (as appropriate) the following: a. where discharge to public sewer is proposed: i. evidence that other means of surface water drainage have been properly considered and why they have been discounted with reference to the surface water drainage hierarchy; and, ii. the means of discharging to the public sewer network at a rate to not exceed a maximum of 3.5 litres per second, and b. that any surface water scheme involving attenuation/storage shall be able to accommodate a minimum of a 1-in-100 year event, plus a 40% allowance for climate change and a 10% allowance for urban creep for the lifetime of the development.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and Policies RM2 and RM3 of the Local Plan.

12. The development shall be undertaken in accordance with the submitted Flood Routing Plan (D206, Revision 1), unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the approved development is capable of mitigating the flood risk of residential properties should the approved surface water drainage system fail.

13. Prior to the commencement of any above ground works, a Surface Water Management and Maintenance Plan shall be submitted to and approved in writing by the Local Planning Authority. The complete surface water surface scheme (including any attenuation features) shall be managed and maintained for the lifetime of the development in accordance with the approved Surface Water Management and Maintenance Plan, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the approved surface water drainage scheme is suitably managed and maintained for the lifetime of the development, in accordance with Local Plan policies RM2 and RM3.

14. The development shall not commence until a detailed scheme for the disposal of foul surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To ensure that an appropriate and acceptable means of foul sewerage is provided for the development in accordance with the NPPF and Local Plan Policy RM1.

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

Reason: To ensure that good levels of amenities are maintained for existing and future residents, in accordance with Local Plan Policies E1 and E2.

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

Reason: To ensure that the appearance and design of the development is high quality, in accordance with Local Plan Policy E1.

17. Before the development hereby approved is first occupied, details of a scheme of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall demonstrate how the lighting will prevent impacts from light splay on boundary features and adjoining land/buildings that could potentially be used by commuting, foraging and roosting bats. The scheme shall be installed and operated in accordance with the approved details before the development is first brought into use.

Reason: To ensure that there are good levels of amenity and to protect ecology, in accordance with Local Plan Policies E2 and E3.

18. Prior to the first occupation of any of the dwellings hereby approved, details of the bin storage (including recycling) facilities for the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled drawings and the external materials of any external bin storage facilities proposed.

Reason: To maintain good levels of design and amenity, in accordance with Local Plan Policies E1 and E2.

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

Reason: To ensure that the proposed development achieves water efficiency, in accordance with Local Plan Policy RM1..

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

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings and to comply with policy E1 and E2.

21. 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 Local Plan Policy IC3.

22. The development 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 approved discharge.

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

23. Once fully implemented, the approved surface water drainage scheme shall thereafter be maintained and managed for the lifetime of the development in accordance with a Surface Water Drainage Maintenance and Management Plan to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that the approved surface water drainage scheme is appropriately managed and maintained for the lifetime for the development, in accordance with Local Plan Policy RM3.

24. Prior to the commencement of the development, details shall be submitted regarding the carbon savings and energy measures to be implemented within the development. The details shall demonstrate how all practical and viable measures to provide carbon savings, energy efficiency and to make prudent and efficient use of natural resources will be implemented. The development shall be undertaken in accordance with the approved details.

Reason: To secure a more sustainable form of development and to meet the expectations of Local Plan Policies S1 and E1.

25. Prior to the first occupation of any of the dwellings hereby approved, details of secure cycle storage for the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include scaled drawings and the external materials of any facilities proposed. The secure cycle storage shall be provided in accordance with the approved details prior to the first occupation of the development.

Reason: To ensure that the development is designed to provide for sufficient and secure cycle storage facilities, in accordance with Local Plan Policy E1.

26. Prior to the commencement of the development, an Ecological Protection and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. Ecological Protection and Enhancement Plan shall incorporate , but not limited to, the recommendations within the submitted Preliminary Ecological Assessment (PEA) for the protection and enhancement (as relevant) of on-site and off-site habitats and species during and following the construction phase of the development. Once approved, the development shall be undertaken in accordance with the approved Ecological Protection and Enhancement Plan.

Reason: To ensure that appropriate ecological protection and enhancement procedures and measures are adhered to, in accordance with Local Plan Policy E3.

27. A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and: 1. The programme and methodology of site investigation and recording; 2. Community involvement and/or outreach proposals; 3. The programme for post investigation assessment; 4. Provision to be made for analysis of the site investigation and recording; 5. Provision to be made for publication and dissemination of the analysis and records of the site investigation; 6. Provision to be made for archive deposition of the analysis and records of the site investigation; and 7. Nomination of a

competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: The site is of potential archaeological significance and a Written Scheme of Investigation needs to be agreed, in accordance with the requirements and expectations of the NPPF and policies S7 and E5 of the Local Plan.

28. Unless otherwise confirmed in writing by the Local Planning Authority, no dwelling shall be occupied until a valid final Nutrient Credit Certificate signed on behalf of Natural England within Section 9 of the certificate has been submitted to the Local Planning Authority confirming the purchase of 62.89 nutrient credits. Confirmation for the purchase of the stated Nutrient Credits is required prior to the first occupation of the development to confirm that the required number of nutrient credits have been purchased from Natural England to mitigate the nutrient load generated by the development.

29. Prior to the commencement of the development, a Biodiversity Gain Plan (BGP) and programme of works shall be submitted to and approved in writing by the Local Planning Authority. Based on the 'post-development' on-site habitat retention, enhancement and creation details within the submitted Biodiversity Net Gain Assessment (including the 'Post Development UKHAB Map' at appendix B), the BGP and any supporting plans, surveys and documents shall provide details to demonstrate how a minimum net gain of 28.83% in Habitat Units and 5.87% in Hedgerow Units will be achieved on site using the latest version of Natural England's BNG metric calculator. The programme of works shall provide specific details and procedures to show how the on-site BNG will be achieved and provide a timetable for implementation. The BNG shall be undertaken in accordance with the approved BGP (and any supporting plans and documents) and programme of works, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development achieves a meaningful on-site net gain in biodiversity, in accordance with Local Plan Policy E3.

30. Prior to above ground works commencing, a Biodiversity and Landscaping Management and Monitoring Plan shall be submitted to and approved in writing by the Local Planning Authority in relation to the approved landscaping and BNG schemes. Once fully implemented, the approved landscaping and BNG schemes shall be managed and monitoring in accordance with the measures, procedures and protocols within the approved Biodiversity and Landscaping Management and Monitoring Plan for a minimum period of 30 years.

Reason: To ensure that the approved landscaping and BNG scheme is appropriately managed and monitored for a minimum period of 30 years, in accordance with the requirements and expectations of Local Plan Policies E3 and E7.

31. Any of the trees or plants that are planted as part of the approved on-site landscaping and biodiversity net gain schemes that are removed, die, or become in the opinion of the Local



Planning Authority seriously damaged or defective within a period of 30 years from the date of planting shall be replaced as soon as is reasonably practicable with others of species/size/number as originally approved, unless the Local Planning Authority gives its prior written consent to any variation.

Reason: To ensure that the approved landscaping and BNG schemes are appropriately managed and maintained for a minimum period of 30 years by replacing any trees or plants that die, become seriously damaged and/or are removed during this period, in accordance with the requirements and expectations of Local Plan Policies E3 and E7.

**Target Determination Date:** 11<sup>th</sup> July 2022.

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

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## North Yorkshire Council

### Community Development Services

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

10<sup>th</sup> October 2024

**20/00007/FULL - Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two storey care home with associated access and car parking**

**At: Morris Grange Nursing Home, Middleton Tyas, Richmond, DL10 6NX**

**On behalf of: Mr Houghton**

#### Report Of The Assistant Director Planning– Community Development Services

##### 1.0 PURPOSE OF THE REPORT

- 1.1. To determine a planning application for Full planning permission for proposed demolition, extension and refurbishment of existing care home to form 36 bed care home with the erection of two storey care home with associated access and car parking at Morris Grange Nursing Home Middleton Tyas Richmond.
- 1.2. This application is brought to planning committee due to significant material planning considerations in respect to new care dwellings in the countryside. The application was also requested to be referred to committee by the ward member.

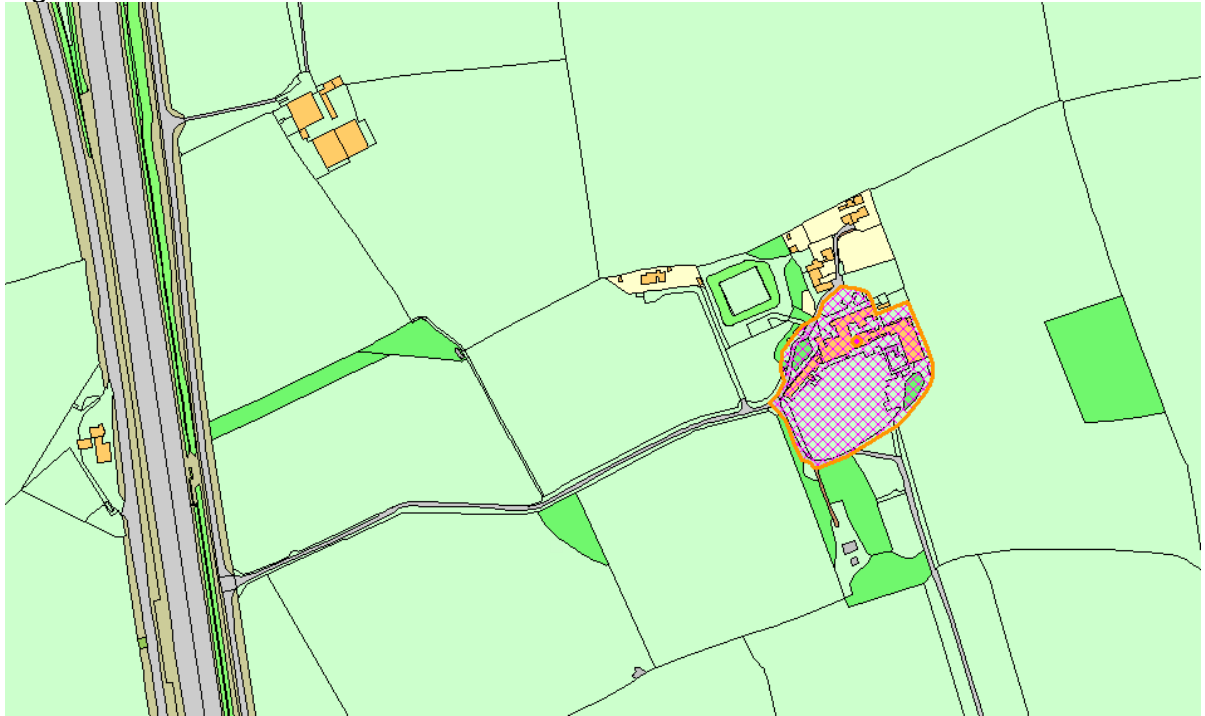
##### 2.0 SUMMARY

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

- 2.1 The proposed development at Morris Grange Nursing Home includes the demolition, extension, and refurbishment of the existing care home to establish a 36-bed facility. Additionally, a new two-story building is proposed to be constructed, consisting of 13 apartments designed for individuals in need of care. The development also includes associated access improvements and the provision of car parking.
- 2.2 The Morris Grange Nursing Home is located in an isolated rural setting near Middleton Tyas, Richmond, North Yorkshire. The site is surrounded by agricultural land with nearby settlements including Scotch Corner and Middleton Tyas. The care home complex is currently vacant, having last operated with 71 beds before being closed in 2016.
- 2.3 The existing building re-use and extension elements of the application complies with Policy CP8. The new build element partially conflicts with Policies CP4 and CP8, however, is considered acceptable due to: a building in the same position and scale recently being demolished, overall reduction in the number of residents, proportionate expansion of a care home and the ability to share staff and services. Therefore, the principle of development is considered acceptable.

- 2.4 The C2 care use, would need to be secured by condition and for the new build block by S106 agreement in addition.
- 2.5 All technical matters are found to be acceptable subject to conditions.

*Figure 1: Location Plan*



### **3.0 PRELIMINARY MATTERS**

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#).
- 3.2. The scheme originally submitted in 2020, sought permission for a 50 bed care home, with the construction of a three story close-care apartment building of 23 apartments. The scheme has remained undetermined whilst awaiting a bat survey. In May 2024 an amended scheme and bat survey was submitted, seeking permission for a smaller scale development of a 36 bed care home and a two-story apartment block comprising of 9 single bed and 4 two-bed apartments for residents in need of care. This forms the current application.

#### Historical Context

- 3.3. An Historical O.S. map (of 1928) indicates that Morris Grange was previously used as a 'Sanatorium for children'. Extensions to the sanatorium were approved in 1960. By 1962 it was referred to as a 'handicapped persons home' when further alterations were approved. Further extensions and a warden's flat were approved in 1966. In 1971 planning permission was refused for conversion of disused outbuildings into flats, as it was considered that the proposed development would result in a substandard increase in the use of the existing vehicular access to the trunk road (A1) to the detriment of the safety and convenience of all highway users. A further proposal in 1971 for conversion of existing property to houses and flats was also refused for the same reason. In the period 1972/3 planning permissions were granted in relation to plans for the conversion of disused cottages, stables, granary etc. to dwelling houses/flats (to the north side of the Morris Grange complex).
- 3.4. When the care home was operational it provided accommodation for up to 71 residents in their own rooms. The care home had been in administration since 2016, is now empty, and was purchased by the Applicants in May 2019, with a view to the current proposed total refurbishment and redevelopment of the site.
- 3.5. The site has extensive planning history dating between 1987 and 1999, however, is not considered relevant to the determination of this current application.
- 3.6. There is a live application, reference ZD24/00489/FULL, for 4 x 3 bedroom care homes to the south of the existing building.

### **4.0 SITE AND SURROUNDINGS**

- 4.1. Morris Grange is a well-established care home, unoccupied since 2016. Whilst there is a small group of dwellings to the north of the care home, these were established through the conversion and adaptation of former cottages, outbuildings/stables originally associated with Morris Grange. An agricultural worker's dwelling (Ash House) is located to the north-east of the care home, built with justified agricultural need as a replacement dwelling, as a result of the widening of the A1 Trunk Road to the west. The northern boundary of the care home complex (to the east of the entrance and parking area, is defined by mature trees being conifer types to the west side and deciduous trees to the east side behind the small private care home garden on the north-eastern side of the main entrance to the premises. The closest dwelling is Stable Cottage, which is two storey and has first floor windows that look out onto the conifer trees.
- 4.2. This *enclave* of dwellings and care home form an isolated group, some distance from any existing established village or town (*as defined in the Adopted Local Plan*), with no direct access to local services. Morris Grange has two vehicular accesses to the site (one from the west and north alongside the A1 Trunk Road from Middleton Tyas; and the other one from the south, off Scurragh House Lane). There are Public Rights of Way passing through the grounds.

- 4.3. The proposals relate to the whole of the former Morris Grange Care Home and garden grounds, (excluding the open land and access road to the south of the formal gardens).
- 4.4. Development has commenced on site without permission, therefore, some elements of the proposal are retrospective.

## **5.0 DESCRIPTION OF PROPOSAL**

- 5.1 These proposals relate to the proposed redevelopment of the existing single storey, former Morris Grange Care Home, including demolition, extension and refurbishment of the existing buildings, to form a 36 bed care home, together with the erection of a two-storey apartment building of 13 apartments for those in need of care with associated access and car parking.
- 5.2 The submitted Design and Access statement advises that the earlier Morris Grange Care Home was a 71-bed property which was at the end of its useful life needing considerable modifications and updates to be useable in the current Care Home market.
- 5.3 The proposal also includes a new two storey apartment building to the eastern boundary of the site. This is sited where there was a similar scale building which was demolished. The new building would include the ground floor area built into the natural slope of the site accommodating 3 of the apartments at lower ground floor level to the south and the remaining 10, above at ground floor level. 9 flats are to be single bedroom and 4, two-bedroom apartments. Parking for residents and visitors car parking would be located adjacent to and within the old basement area of the now demolished building.
- 5.4 The remaining single storey building is proposed to be reconfigured to allow for 36 new care home bedrooms that meet modern standards with wider corridors and larger bedrooms/bathrooms. Previous additions, such as conservatories are to be removed and the overall design of the existing building, rationalised. Bedrooms are reconfigured to face south, into the garden. In the main, external alteration are minimal, mostly comprising of relocation of windows and replacement roofing and rendering. A new entrance area takes the place of an existing flat roofed extension with a new entrance lobby, small café for visitors and a new kitchen and laundry. New roofing would be of red-pantiles to match the existing with matching render wall and locally sourced quoin detailing. Doors and windows will be replaced with white UPVC double glazing with black soffits, fascias and rainwater goods.
- 5.5 Externally to the front of the building, new car parking and driveways will be surfaced in tarmac with existing gravelled car parking at the front of the care home retained. A new turning area will allow delivery and refuse vehicles to turn and retrace their route to the main road. Passing spaces will be added to the half kilometre long drive way. A drop-off / pick-up and ambulance area will be provided adjacent to the front entrance.
- 5.6 A minimum of 16 car parking spaces will be provided at the entrance area – 1 per 8 residents (5), 1 for a professional visitor and up to 10 for staff. The mature garden area to the south of the Care Home will remain. Gardens will be made accessible to able bodied and wheelchair residents.
- 5.7 The proposal would be Part M building regulations & DDA compliant, apart from the preexisting corridors constrained by existing structures within the central 'old house' part of the existing building.

## **6.0 PLANNING POLICY AND GUIDANCE**

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

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

Guidance - Material Considerations

6.3. Relevant guidance for this application is:

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

## 7.0 CONSULTATION RESPONSES

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

7.2. **Parish Council:**

- Residents object to the apartment element of the proposal until confirmation is provided on their use. - Case *Officer comment: The apartments are to be used as use class C2 care home accommodation.*
- Apartments may result in increase in traffic
- Addition of café will attract more visitors, traffic and delivery vehicles
- The proposal passing places on the access road should be conditioned
- Concern raised over felling of trees which may require permission.
- There is no provision of cycle storage
- Overlooking of Hunters End and East Cottage in particular
- Foul drainage issues – septic tank at full capacity, inadequate pipework and existing approved developments not yet completed
- High water table and fields flood – surface water will need to be carefully controlled to avoid further flooding
- Width of road on proposed roundabout – inadequate for delivery, emergency and refuse vehicles
- Residents have unrestricted access along the road from Scurragh House Lane, residents seek confirmation that this will remain if planning permission is granted and the development goes ahead

7.3. **Division Member(s):** request that application is heard at committee.

- 7.4. **Highway Authority:** No objections subject to condition
- 7.5. **Highways England:** No objection
- 7.6. **Police Architectural Liaison Officer:** Site lies within an area with low crime and disorder levels. Recommend to applicant that CCTV and key code access should be used to increase security of residents and vehicles.
- 7.7. **Local Access Forum:** The proposals do not appear to include arrangements for cyclists to access the development and we expect there may be shift workers who can cycle to the care home. All large places of employment should provide secure cycle parking and changing rooms for those opting for sustainable transport, but we do not see such facilities on the plans, so we advise these be included.
- 7.8. **Yorkshire Water Services:** A 90mm MDPE water main crosses the site near Stable Cottage, which should not be affected by the proposals. The three water mains in the adjacent field should not be affected by any work connected with this development. The developer may need to speak to the owner of Ash House to get an approximate location of the recorded private supply pipe, which feeds the property. The pipe is likely to run in the verge/grass along the parking area to the front of the current Nursing Home and prior to any excavation works, recommend that the pipe is located by conducting a site survey. NOTE: With reference to the relevant Site Access Deeds associated with the adjacent reservoir, Yorkshire Water shall have right of access at all times, with or without vehicles, subject to contributing to maintenance of the access road. From the submitted information, private facilities will be utilised for the disposal of both foul and surface water from the site. As there is no public sewerage infrastructure near the site, we have no comments to make in this regard.
- 7.9. **Environment Agency:** No objection to the proposal, subject to condition.
- 7.10. **Ecologist:** Appropriate surveys have been completed and a single day roost used by very small numbers of Common Pipistrelle bats was located behind the soffits. While all bat roosts are protected by law, day roosts like this are of lower conservation significance and their loss can be mitigated by standard measures (in this case, installation of suitable bat boxes during the refurbishment). On this basis, the proposed development complies with the Favourable Conservation Status test set out in the Conservation of Habitats & Species Regulations 2017.

We recommend a Condition to comply with the recommendations set out in section 6.1 of the bat survey report.

A protected species mitigation licence will need to be obtained from Natural England, so it is important that the applicant liaises with their ecologist.

- 7.11. **Environmental Health:** Having considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, I consider that the impact will be low. Conditions relating to contamination, noise/dust during construction and artificial lighting are recommended.

### **Local Representations**

- 7.12. **Ramblers:** Ramblers note that a public right of way crosses the access road. It should be always kept unobstructed and useable for walkers including during any construction works.
- 7.13. Summary of 9 representations received including 2 reiterating their original objections still stand when consulted on the scheme as originally proposed (where comments made are



material planning considerations) – all documents and full details can be viewed using the link at the beginning of this report :

#### OBJECTIONS/COMMENTS:

##### Parking provision and access

- Questions adequacy of proposed parking/loading and turning
- Proposed turning circle seems inadequate for delivery and waste vehicles
- Parking areas will need to be of porous material to allow drainage to trees
- Insufficient parking provision for staff, residents and visitors
- Lack of garage or cycle storage facilities
- Lack of warden/staff parking

##### Vehicular access to the nursing home, reservoir and private residences

- Yorkshire Water require access at all times to the reservoir and this is the only access for 6 existing private dwellings sharing the access with Morris Grange which needs to be kept clear for access
- Intensification of use of access(es)
- Poor infrastructure – access surface is poor having deteriorated as the nursing home previously expanded, especially unsuitable for HGVs
- Request nursing home use Scurragh House Lane for HGV access
- What are the plans for the south access off Scurragh House Lane
- Concerned about traffic speed, both during construction works and afterwards – roads regularly used by local residents, walkers and cyclists
- Need for passing places/safe refuge for pedestrians

##### Impact of construction traffic on privately maintained road

- Concerned construction traffic will damage this privately maintained road

##### Ecology

- Concerns about the amount of tree felling that took place in Spring 2020
- Lack of ecology survey – bats in existing buildings? / Great Crested Newts?
- Clarification on which trees are to be retained?
- Additional tree planting/landscaping would help to assimilate new three storey building and compensate for recent tree felling

##### Foul Drainage and Flood risk

- Lack of foul drainage details, current foul drainage system for Morris Grange does not work and has not been serviced for many years
- Lack of flood risk assessment and surface water disposal

##### Renewable Energy Provision/Carbon Savings

- No evidence of use of renewable energy provision, ie solar panels

##### Housing mix conflict with Policy 5

- Housing mix conflict with Policy CP5 of the Local Plan

##### Sustainability of the location

- Location not sustainable conflict with Policies CP3 and CP4 of the Local Plan

##### Impact on Neighbours

- Shared boundaries with neighbours – loss of privacy - how will privacy be maintained?
- Impact of extra traffic and noise on existing private residents

#### Other Issues

- Medical waste storage should be well away from neighbouring residential properties and public areas
- Changing the name from Morris Grange to White Oaks is an issue for some local residents and suggest that a 'Morris Grange Cottages' signpost is erected at the top of the lane on the A1 access road

### **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
- Rural Sustainability
- Employment
- Design Appearance and Impact on the Countryside
- Impact on Neighbours
- Access and Parking Arrangements
- Foul Drainage
- Flood Risk
- Renewable Energy Provision – Climate Change Mitigation
- Trees
- Ecology
- Type of Residential Occupancy/ Tenure and Affordable Housing Provision
- BNG
- Other Issues Raised
- The Public Sector Equality Duty
- Section 106 Agreement

### **10.0 ASSESSMENT**

#### Principle of the Proposed Development:

#### Definition of Current Use:

10.1 Morris Grange is a well-established care home (albeit presently vacant), located in an isolated rural location, not adjacent to or within any defined existing settlement, the nearest being the small village of Moulton over 1km to the south-east. The care home is surrounded by agricultural land, with Scotch Corner and Middleton Tyas located to the north. Based on the evidence of the 1928 O.S. Map and subsequent planning history; and as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), the current authorised use for the Morris Grange Care Home site is as a Class C2 – Residential Institution (Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres).

#### Principle of Development:

10.2 There is an identified need for mixed types of accessible housing accommodation and care for older persons with a range of needs (*Strategic Housing Market Assessment*,

*Richmondshire District Council, Final Report, 2019*). Therefore, the proposed housing mix would meet the expectations of Policy CP5 of the Local Plan.

- 10.3 To secure the use as C2 opposed to C3 (normal residential) for the new build flats, occupancy restrictions are required to be secured by a Section 106 Agreement. This would require each unit to have at least one occupant in need of care, and set out a definition of the minimum care requirements and services available. One family member may live in the units, and/or carer in the two bedroom units.
- 10.4 The works to the existing building are clearly supported by Policy CP8 which supports the re-use of buildings including extensions which complements the character of the main building. Likewise, this is also supported by paragraph 84 of the NPPF which states “the development would re-use redundant or disused buildings and enhance its immediate setting”. The principle of the development in respect of the existing building is thus compliant with Adopted Local Policy and National Policy/Guidance.
- 10.5 In respect to the new build element (13 flats) Policy CP8 supports the expansion of rural business. However, whilst this care home planning unit is rurally based, it not a business that requires a rural location. Policy CP4 sets out that development should be adjacent to a settlement’s Development Limit or ideally within. This site is not within or adjacent to a settlement limit.
- 10.6 There are, however, material considerations which indicate the new build element should be allowed. Firstly, as recently as 2016 there was an existing building of similar scale where the new build block is proposed. CP8 supports replacement buildings of a similar scale and appropriate design which would achieve a more sustainable development than by conversion. In this circumstance, it appears the building was demolished to facilitate the new build block. Secondly, it is the sensible, proportionate expansion of a care home where they can share staff and services such as meals, medical support, personal care together with social and other activities for residents wellbeing. Thirdly, the planning unit used to house 71 residents and the current proposal will reduce this number 22 residents. Therefore, overall, the operational phase will have require less vehicle trips than if the existing building is simply refurbished and re-opened. Having regard to these material considerations, it is considered that the new build block is also acceptable in principle.

#### Employment

- 10.7 The application states that the proposals would require a staff of 36 people. This level of employment would support the local economy and would meet the expectations of Policy CP7 of the Local Plan in this regard.

#### Design, Appearance and Impact on the Countryside

- 10.8 The single storey elements and central two storey element of the proposals, for the most part would retain the existing mix of materials of stonework and render, with extensions constructed with sympathetic low pitched hipped tiled roofs to complement the style and mass of the existing building. It is clear that there are later additions to the eastern side of the complex where the red pantile roofs retain their bright colour, whereas on the older part of the complex the red pantile roofs have toned down over time and are much darker. The proposed extensions, including the proposed care home apartment building, are intended to be built of buff brickwork with red clay pantiles to match existing. All windows and doors would be white upvc with black soffit fascias and rainwater goods.
- 10.9 The 2 storey building, as seen in views from the south would be no more visible than the building it replaces in views from the public roads and footpaths in the area from some distance away; whereas the existing two storey and single storey buildings tend to blend in

with the surrounding landscape and are partially screened by the mature trees around the grounds. Given the established complex of buildings, the 2 storey building in this location would not significantly change the appearance of the site as viewed in the landscape from the east and south; furthermore, views from the west would be less impactful due to the topography of the land which tends to undulate away to the west, with the A1 at a much lower level, and with the proposed building set back towards the eastern boundary with the mature garden trees to break up its appearance.

- 10.10 The proposed use of brickwork would be non-traditional for this rural area, however, given the overall mass of this building, traditional stonework or render could create a stark and austere appearance. The use of buff coloured bricks, would match those already there and complement the existing stone single storey elements of the complex to the west.
- 10.11 The majority of the complex would have a similar appearance to the existing, with the previous two storey eastern wing replaced with a detached 2-storey building. Whilst the building would be seen in the landscape, it would not be significantly harmful and would not be contrary to the expectations of Policies CP3, CP12 and CP13 of the Local Plan.

#### Impact on Neighbours

- 10.12 Concerns have been raised over potential overlooking from the care home apartment building to the existing dwellings to the north. The 2 storey building is proposed to be set out on the south-eastern side of the complex, furthest away from the private residential properties and behind the main building. Due to the digging down of the ground floor, the top of the new first floor windows will be below the existing buildings ridge line prevent any overlooking. As such, the proposals meet the expectations of Policies CP3 and CP4 with regards to the impact on neighbours in terms of outlook and overlooking.
- 10.13 The other elements of the proposal are essentially rebuilding of the care home to modern standards. Currently, bedrooms do face north towards the neighbour dwellings, however, this will be at a lower density with the proposed floor plan (i.e. less residents facing north).

#### Access and Parking Arrangements

- 10.14 The proposals are for one access to the site. Given the proposed number of care home rooms/apartments are less than those previously used during the homes last operation, the use of the western access would be no more intensive than when the care home was previously operational. Parking provision has been made on both sides of the care home complex and the Local Highway Authority is satisfied on the basis of the submitted layout plans, subject to conditions to ensure that the parking and turning areas are laid out as approved prior to the site being brought back into use. The Local Access Forum have raised concern that no specific provision has been made for the use of bicycles and their storage. If planning permission is to be granted to this proposal, the details of storage provision for bicycles could be secured by planning condition. The proposals accord with the expectations of Policies CP3 and CP4 of the Local Plan with regards to highway safety.
- 10.15 Concerns have been raised by local residents that the access roads are privately maintained and unadopted. They are concerned that access for existing residents is not restricted and that the roads are maintained. The applicant has noted that these are shared accesses and maintenance is a shared responsibility. The applicant has stated a willingness to discuss operational aspects of the use of the accesses (such as delivery times) with residents. The applicant has confirmed that existing access rights would remain unchanged. These are private matters between the existing residents and the owner of the care home and not Planning matters. Furthermore, it is noted the number of residents is less than if the care home re-opened following a refurbishment.

- 10.16 Given the rural location, the proximity of local residents to the site and the shared access arrangements, I consider that if planning permission is granted for the proposals, hours of operation for construction traffic and works on site should be restricted by planning condition in the interests of local residential amenity.

#### Foul Drainage

- 10.17 There is no mains drainage within or nearby the site. However, there is a private shared foul drainage network within the site, associated with the existing development and nearby private dwellings. The flood risk assessment report, submitted with the application, states that further investigation should be undertaken to confirm the flood risk from any private drainage within the vicinity of the site. Neighbours have raised concerns that the existing drainage system does not have the capacity to cope with the additional foul drainage that would be associated with the proposed scheme and there are fears that there would be overflow and pollution as a result. The treatment of sewage from the extended development of the site is an important issue, and the Local Authority will need to be satisfied that this has sufficient capacity, including sufficient free board and maintenance programme to avoid becoming overloaded. There is sufficient land within the site for the applicant to provide a separate sewage treatment package plant for the detached close-care apartment block and this would certainly reduce the pressure on the existing drainage system. The applicant has advised that he is content to present a scheme for disposal of foul drainage to the Council as a condition of the grant of planning permission, together with a maintenance strategy. This would meet the expectations of Policy CP3 of the Local Plan.

#### Flood Risk

- 10.18 The site lies within Flood Zone 1 of the Environment Agency (EA) flood risk identification mapping. A flood risk assessment, submitted with the application, identifies that the nearest flood zone extents is Kirk Beck some 1.4km away from the site. It also identifies a nearby watercourse (perpendicular to the access road to the west of the site), stating that the EA surface water flood risk mapping system suggests any flood flows from this watercourse would flow south, away from the site, posing a low risk to the proposed redevelopment of the care home. The report concludes that due to the nature of the proposals any increase in the area of impermeable surfaces will be minor and that the proposed redevelopment of the site is not a significant flood risk, subject to the recommended mitigation strategies proposed. The report also states that in the unlikely event that the western access road is flooded, due to the presence of the nearby watercourse, then the southern road access can be utilised for safe access and egress.
- 10.19 In relation to surface water run-off from the redeveloped site, the report states that the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site. Section 4 of the report details flood risk mitigation measures including a surface water drainage strategy should be implemented to local and national standards that mitigates the development's impact on the current surface water run-off regime. The report also states that whilst it is acknowledged that some flood risk is present in surrounding fields and the Parish Council's comments are noted, the Flood Risk Assessment has demonstrated that the site within the red line boundary for this development is unlikely to be affected or to cause significant impact elsewhere.
- 10.20 Having regard to the existing hardstanding and built areas of the site, that the proposals based on a similar footprint will not give rise to any significant increase in surface water run-off. There is sufficient land within the ownership of the applicant, to the south of the built development, that would absorb surface water run-off without the risk of flooding elsewhere, subject to being satisfied on the surface water drainage details, that could be required by

planning condition if the proposals are granted. This would meet the expectations of Policy CP3 of the Local Plan in this regard.

#### Renewable Energy Provision – Climate Change Mitigation

- 10.21 No specific details have been submitted for renewable energy provision or enhancement over Part L of Building Regulations at this stage, however, if planning permission is granted, then there would be a requirement for the applicant to provide details of proposed carbon savings/climate change mitigation measures in association with the proposals. This could be secured through a planning condition and would accord with the expectations of Policy CP7 of the Local Plan in this regard.

#### Trees

- 10.22 Trees on site are not formally protected by a tree preservation order and are not within a designated conservation area. The tree report submitted with the application identified that 1% of the trees (that were removed) were unsuitable for retention, for reasons of sound arboricultural management, regardless of the proposed development; and some required removal due to serious, irreparable structural defects, were dead; in decline because they are diseased or are suppressing better quality trees. 52% of the trees were considered to be of high value in terms of their high quality and value in terms of arboricultural, landscape, and culture, and are in such a condition to make a substantial contribution, being a minimum of 40 years old. 33% of the trees were considered to be of moderate value, being a minimum of 20 years old; and 14% of low value, being smaller trees that could easily be replaced. The report recommends that the high value trees should be retained, protected and incorporated into the design where possible.
- 10.23 Prior to the submission of the planning application to the Local Planning Authority, arboricultural works and selective felling was undertaken. Concerns were raised by local residents, but having reviewed the extent of work undertaken, at the time, it was identified that the felling was undertaken without harm to the trees identified as being high in value, and the matter was not pursued further by the Local Planning Authority.
- 10.24 Having regard to the arboricultural report, the applicant has advised that further felling may be required during demolition and constructions works, as identified in the report. They have confirmed that work on site would be carried out in accordance with these recommendations and the British Standards specified in the report, and the applicant is content to accept a condition regarding this, as well as any additional landscaping requirements as part of a grant of planning permission. This accords with the expectations of Policies CP3 and CP12 of the Local Plan.
- 10.25 The proposals for the redevelopment of the site have regard to the existing mature planting within the grounds, and the report includes protection measures for the identified retained trees during the development. It is therefore considered that whilst there are some high value tree specimens within the grounds, these are not imminently at risk of harm from the proposed development, and it is not considered necessary to make a Tree Preservation Order in this case.

#### Ecology

- 10.26 The submitted arboricultural report acknowledges the potential for habitats hosting species within the grounds and the applicant has stated that where possible, mature and healthy tree specimens will be maintained as per the recommendations in the arboricultural report and the recommendation to contact the Natural England Batline in the case of any works to or disturbance of bat habitats has been noted by the applicant and this would be included within construction site documentation.

10.27 A subsequent Bat Activity Survey has been submitted, demonstrating that appropriate surveys have been completed and a single day roost used by very small numbers of Common Pipistrelle bats had been located behind the soffits. While all bat roosts are protected by law, day roosts like this are of lower conservation significance and their loss can be mitigated by standard measures (in this case, installation of suitable bat boxes during the refurbishment). On this basis, the proposed development complies with the Favourable Conservation Status test set out in the Conservation of Habitats & Species Regulations 2017.

#### Type of Residential Occupancy/Tenure and Affordable Housing Provision

- 10.28 With regards to the proposed 13 care home apartments, there is a requirement for a affordable homes contribution under Policy CP6. Specifically, it was found in the decision of the High Court in Rectory Homes Limited v SSHCLG and South Oxfordshire District Council [2020] EWHC 2098 (Admin), that extra care developments within Use Class C2 are not exempt from providing affordable housing solely by virtue of falling within that use class. The decision highlights that in determining whether affordable housing will be required the focus should be on the relevant development plan policies rather than which use class the proposed development falls within. As the Richmondshire Local Plan does not rely on use class to define dwellings, an affordable housing contribution would be required from the proposed care home apartment units.
- 10.29 The application site does however, qualify for vacant building credits, an incentive by central government aimed at encouraging the use of brownfield sites for new development and in doing so the NPPF paragraph 65 allows contributions to affordable housing to be reduced proportionately. This applies where a vacant building is brought back into any lawful use or is demolished to be replaced by a new building or buildings, developers are to be offered a financial credit in the form of Vacant Building Credit ('VBC').
- 10.30 The NPPF footnote explains that the contribution should be reduced by the equivalent of the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.
- 10.31 It is important to consider whether the site has been abandoned. The courts have held that, in deciding whether a use has been abandoned, account should be taken of all relevant circumstances, such as:
- Whether the building has been made vacant for the sole purposes of re-development; and
  - Whether the building is covered by an extant or recently expired planning permission for the same or substantially the same development.
- 10.32 The care home had been in administration since 2016, and was purchased by the applicants in May 2019 and so it is clear that the site had not been made vacant for the sole purposes of re-development and no planning permission exists for the same or substantially the same development as existing. Officers are content that the site has not been abandoned. It therefore falls to assess whether the land is brownfield in order that VBC can apply.
- 10.33 In this instance the Gross Internal Floor Area of the building being brought back into use, is larger than the new GIFA proposed. Therefore, the scheme is eligible for a 100% affordable housing credit, with no affordable housing required.

Other Issues Raised:

- 10.34 Electricity supply has been raised as a concern by local residents. For a development of this relatively small scale, and for a site which already has a supply from its previous use, it is considered reasonable to rely on the site operator to secure this with a provider.
- 10.35 Concerns have been raised about the prospective change of name from Morris Grange Nursing Home to White Oaks Care Village. The applicant has advised that the change of name is not yet confirmed. However, this is not a material planning consideration.
- 10.36 The Police Architectural Liaison Officer has suggested that medical supplies be kept secured. This is not a material planning consideration, although the applicant has advised that they would be kept safe and secure at all times and the applicant is happy to discuss this further with the relevant Officer.
- 10.37 The use of the café has been raised. The café is a small facility facing northwards towards an access and parking area. It is not considered likely to be a desirable facility for the public whom are not visiting a resident or staff member. It is considered unnecessary to condition the use of the café in terms of limiting who may use it.

The Public Sector Equality Duty

- 10.38 There is a requirement for the Council to show that it has complied with the statutory duty under Section 149 of the Equality Act 2010 to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age; disability; gender reassignment ; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation. There is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph. Older persons should benefit from the development.

Biodiversity Net Gain

- 10.39 Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition, in such circumstances where major applications are made valid on or after 12<sup>th</sup> Feb 2024.
- 10.40 This application was made valid on 30/03/2020 and so is not required to provide Biodiversity Net gain, nor is it beholden to the aforementioned pre commencement condition. Instead a landscaping condition is recommended to supplement the existing biodiversity on site.

S106 Legal Agreement

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

| <b>Table 1</b>       |  |
|----------------------|--|
| <b>Category/Type</b> | <b>Term</b>  |
| Occupancy and use    | To restrict the use of the C2 Integrated Retirement Community Units to Use Class C2 of the Town and Country Planning Use Classes Order 1987 as amended or any replacement of such Order at any time; |
|                      | To restrict Occupation of the C2 Integrated Retirement Community Units to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person;   |



|                   |   |
|-------------------|---|
|                   | Prior to Occupation to procure the services of a Registered Service Provider which might be the Owner / Operator or a third party to operate and have an office at the Property   |
| Care services     | To ensure that a Health Assessment is undertaken for each Qualifying Person on or before Occupation to identify the level and type of care and other support and assistance they require  |
|                   | On or before Occupation to put in place a Care and Wellbeing Plan for each Qualifying Person which shall be reviewed and updated on a regular basis to ensure the Qualifying Person continues to receive the most appropriate level and type of care and support as their needs change  |
|                   | To make available on reasonable request of the Council evidence to show that its commitments in terms of Qualifying Person Assessments and Care and Wellbeing Plans are being met provided that such evidence shall not breach confidentiality commitments or obligations to the Qualifying Person  |
|                   | At all times to provide the minimum level of care wellbeing and support services set out in the Care and Wellbeing Package  |
|                   | To make arrangements for such additional care and support services as may be required over and above the Care and Wellbeing Package, either on its own or through a Registered Service Provider or through a combination of services to be provided by the [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider. [Owner / Occupier] and Registered Service Provider subject to the payment of additional fees by the Qualifying Person on commercial terms to be agreed and further subject to the right of that Qualifying Person to procure such additional care and support from their chosen provider |
| <b>Variations</b> | A clause to allow variations to be agreed in writing with the Council. This allows flexibility for unseen circumstances whilst still securing the C2 use.   |

10.42 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010. Definitions of terms used with the Heads of term table are listed in *Appendix B - Section 106 - Definitions relating to Use, Occupancy, and the provision of Care Services* at the end of this report.

## 11.0 PLANNING BALANCE AND CONCLUSION

11.1 The authorised use of the site is as a nursing home. It presently does not meet current care standards, with room sizes being sub-standard. The application proposed to re-use the existing building to provide a care home with 36 bedrooms and a new two-story building consisting of 13 apartments designed for individuals in need of care (9 single bed and 4 two-bed apartments). 36 employees would be required to operate the care home.

11.2 The principle of development is considered acceptable with partial compliance with the Adopted Development Plan and NPPF, and material considerations supporting the new build element.

- 11.3 Affordable housing is not required on site as the proposal benefits from a vacant building credit. Occupancy and tenure of the care home apartments can be secured through the Section 106 Agreement.
- 11.4 The new building would be visible in the landscape, but the design and materials finishes would ensure that its appearance would not be significantly harmful to the character and quality of this rural landscape, subject to being satisfied on the appropriateness of new materials for the detached care home apartment building, and this would not be contrary to the expectations of Policies CP3, CP12 and CP13 of the Local Plan.
- 11.5 There would be no significant adverse impact on neighbour amenity or privacy as a result of the proposed development, and the access and parking arrangements would have no adverse impact on neighbour amenity or highway safety. This accords with the expectations of Policies CP3 and CP4 of the Local Plan in this regard.
- 11.6 Adequate provision can be made for foul drainage and surface water run-off, which can be secured by planning condition. This accords with the expectations of Policy CP3 of the Local Plan in this regard.
- 11.7 Details of renewable energy provision and climate change mitigation can be secured by planning condition. This accords with the expectations of Policy CP2 of the Local Plan.
- 11.8 Adequate provision can be made for the retention and protection of identified valuable specimen trees during the development and for additional landscaping, the details of which can be secured by planning condition. This accords with the expectations of Policies CP3 and CP12 of the Local Plan in this regard.
- 11.9 Adequate provision can be made for the protection of protected species prior to and during the development, together with appropriate mitigation measures. This can be secured by planning condition and separately dealt with by any necessary wildlife license through Natural England.
- 11.10 Overall, the proposals accord with the requirements and expectations of the relevant Spatial Principles and Core Policies of the Richmondshire Local Plan Core Strategy, and with the relevant sections of the National Planning Policy Framework and the national Planning Practice Guidance.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

#### **Condition 1 Approved Plans**

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

- a) application form and certificates
- b) site Location plan ref. 05
- c) Arboricultural Tree Constraints Assessment Of Trees At Morris Grange, Middleton Tyas, Richmondshire 20<sup>th</sup> February 2020

- d) Flood Risk Assessment February 2020
- e) Design & Access Statement
- f) Drainage plan, connectivity survey and support photographs
- g) Site Plan as proposed AL(0) 500 REV B
- h) Apartment elevations 1 AL(0)230
- i) Apartment elevations 2 AL(0)240
- j) Apartment ground floor plan AL(0)200
- k) Apartment ground floor plan AL(0)210
- l) Apartment ground floor plan AL(0)220
- m) Proposed apartment types AL(0)205
- n) Refurbishment plan AL(0) 100 Rev K
- o) Bat and Bird Scoping Survey March 2024
- p) Bat Activity Survey Report May 2024
- q) Non-mains drainage proposals dated 23rd June (Ref. 210618/MCW2145)

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

**Condition 2 Use class (Compliance)**

The site shall not be used for any purpose other than for the provision of residential accommodation and care to people in need of care that is hereby approved, and no other use, including any use within the same class C2 as defined by the Town and Country Planning (Use Classes) Order 1987, as amended (or any order revoking and re-enacting that Order with or without modification) and notwithstanding the terms of any Development Order that shall be carried out without the formal consent of the Local Planning Authority.

Reason: Any use other than that approved might be detrimental to the amenities of nearby property and be unsuitable within a rural area and thus contrary to Local policy and the NPPF.

Pre-Commencement / any further works

**Condition 3 Construction Management Plan (Approval Required)**

No further development shall take place 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, details on the control of noise and dust during construction.

Reason: In the interest of public safety and amenity.

**Condition 4 Materials (Approval required)**

No materials shall be used in the construction of the external surfaces of the development hereby permitted until details of such materials (with samples as appropriate) have been submitted to and approved in writing by the Local Planning Authority.

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

**Condition 5 Contamination – Characterisation & Remediation Strategy (Approval required)**

No development (other than demolition and site clearance works) shall take place until the steps in Sections A and B below are undertaken:

**A: CHARACTERISATION:** With specific consideration to human health, controlled waters and wider environmental factors, the following documents shall be submitted to and approved in writing with the Local Planning Authority (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only be submitted if GQRA findings require it.

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

The actions required in Sections A and B shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 June 2020.

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

*Disclaimer:* Irrespective of any involvement by this LPA, the responsibility to address contaminated land issues, including safe (re)development and secure occupancy, resides entirely with the Landowner/Developer of the site (NPPF Para184).

#### **Condition 6 Trees (compliance)**

Before any further materials are brought onto the site or any further development is commenced, the developer shall implement the approved tree protection measures within section 5 of the hereby approved AllAboutTrees- Arboricultural Tree Constraints Assessment – dated 20<sup>th</sup> February 2020. Specifically, the fencing and ground protection measures in line with the requirements of British Standard BS 5837: 2012 shall be installed.

The developer shall maintain such fences and ground protection until all development the subject of this permission is completed unless an alternative phasing timetable is first agreed in writing with the Local Planning Authority.

Reason: In the interests of good arboricultural practice and ensuring existing trees are adequately protected from works associated with the development.

#### **Condition 7 Land and water contamination (compliance)**

The development permitted by this planning permission shall be carried out in accordance with the non-mains drainage proposals dated 23rd June 2021 (Ref. 210618/MCW2145) including the following specific mitigation measures:

- The Biological Rotating Contractor treatment plant complies with BS EN 12566
- All foul water drainage from the proposed development will enter the sewage treatment plant for treatment
- All clean surface water from the proposed development will be excluded from entering the sewage treatment plant (it may be discharged directly to the pond)
- The field drain into which the treated sewage effluent will be finally discharged is not seasonally dry (i.e it has year round flow, apart from during periods of drought or unusually prolonged dry weather).

Reason: The Humber River Basin Management Plan requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery. The proposal could lead to a deterioration of, or prevent recovery of, the receiving waterbody (GB104027069160 – part of the Scorton Beck from source to River Swale catchment) which currently has Poor status under the Water Framework Directive, by causing an unacceptable release of pollutants into surface water.

**Condition 8 Construction work (compliance)**

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

Reason: In the interest of public safety and amenity.

**Condition 9 Noise – loading/ unloading of vehicles (compliance)**

No loading or unloading of vehicles shall take place on the site except between the hours of 07:00 and 19:00 on Monday to Friday and 07:00 and 13:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays.

Reason: To prevent an increase in background sound levels and protect the amenity of any residents

**Condition 10 Ecology (compliance)**

The development shall only be carried out in accordance with the recommendations (including the timing of such works) specified in section 6.1 of the hereby approved bat survey report.

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

**Condition 11 Landscaping (compliance)**

Prior to first occupation of the development or the erection of the external wall of the new build block hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include: boundary treatments, plants (planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted), planting and installation schedule/timetable and maintenance details.

The landscaping and boundary treatment shall seek to improve biodiversity of the site.

The boundary treatments and landscaping shall thereafter be installed and planted in accordance with the approved schedule/timetable. The boundary treatments shall be retained and maintained in perpetuity unless replaced like for like.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding seasons following the development being brought into use or the completion of the development (whichever is the sooner); and any trees or plants which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaping and boundary treatment scheme of delivered.

#### Pre-Occupation

##### **Condition 12 Crime prevention (approval required)**

Prior to first occupation of the development or the erection of the external wall of the new build block, full written details of proposed crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. The approved crime prevention measures shall be incorporated into the development and completed prior to the nursing home and close-care building being brought into use and thereafter retained.

Reason: In the interests of crime prevention.

##### **Condition 13 Lighting (approval required)**

Prior to first occupation of the development here approved, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be shielded to prevent glare or any threat to highway safety or detriment to amenity. All lighting fixtures shall be installed at an angle to prevent light emitting directly above the horizontal plane unless otherwise first agreed in writing by the Local Planning Authority. Only such approved external lighting shall be installed and shall be operated in accordance with the approved details.

Reason: In the interest of amenity.

##### **Condition 14 Part L Energy (approval required)**

Prior to first occupation of the development or the erection of the external wall of the new build block hereby approved, an Energy Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall detail measures to result in meaningful improvement over Part L of Building Regulations. The development will then be built entirely in accordance with the approved Energy Strategy and any technologies incorporated maintained and retained in perpetuity unless replaced with equipment which has high sustainability credentials such as being more energy efficient.

Reason: To ensure the proposal is sustainable and to meet the requirement of Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

##### **Condition 15 surface water drainage (Approval required)**

No piped discharge of surface water from the application site shall take place until full details of all proposed surface water drainage measures have been submitted to and approved in writing by the Local Planning Authority. Such details shall provide for a controlled system of surface water run-off for the site as a whole, separate from the hereby approved foul drainage system. Once approved these measures shall be incorporated concurrently with the development and delivered in full prior to first occupation in a operational manner and thereafter maintained.

Reason: In the interests of ensuring adequate capacity for surface water drainage without adverse impact on any existing system, to prevent pollution and surface water flooding, and to reserve the rights of the Local Planning Authority in respect of these matters.

**Condition 16 Contaminated Land Condition: Completion (Approval required)**

Prior to the first occupation of the development hereby permitted the following documents shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

The site shall not be taken into use until remediation and verification are completed. The actions required to be carried out in Sections A to C above shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 June 2020.

Reason:

To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

**Condition 17 Bicycle Storage (Approval required)**

Prior to first occupation of the development hereby approved, details of secure covered bicycle storage for staff and visitors shall be submitted to and approved in writing by the Local Planning Authority. The approved bicycle storage shall be provided Prior to first occupation of the development hereby approved, and there afterwards be retained and maintained.

Reason: To facilitate sustainable transport movements and in the interests of human health.

**Condition 18 access and parking (compliance)**

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number AL (0) 500 Revision B.

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.

**Target Determination Date:** 12.07.2024

**Case Officer:** Jonathan Smith, [jonathan.smith1@northyorks.gov.uk](mailto:jonathan.smith1@northyorks.gov.uk)

**Appendix A - Section 106 - Definitions relating to Use, Occupancy, and the provision of Care Services**

|                                   |   |
|-----------------------------------|---|
| <p>Care and Wellbeing Package</p> | <p>Means the minimum level of care wellbeing and support services that the Owner / Operator is required to provide to each Qualifying Person at a cost to be agreed between the Owner / Operator and the Qualifying Person and includes the following:</p> <ul style="list-style-type: none"> <li>• Provision of at least 2 hours a week of Care Services, as defined in this agreement;</li> <li>• Access to care or other member of staff on site 24 hours a day to provide an immediate response in an emergency;</li> <li>• The provision of 24-hour security, including detection and call systems;</li> <li>• On-site delivery of the Regulated Activity of Personal Care by a Care Quality Commission Registered Service Provider to those who need it (subject to a separate contract) provided that this does not affect the right of the Qualifying Person to choose their own care provider;</li> <li>• A regular review and update of the Care and Wellbeing Plan to ensure care and support needs are met;</li> <li>• Access to daily meals to Occupiers who need them – which can be taken in one of the</li> </ul> |
|-----------------------------------|---|



|                               |  |
|-------------------------------|--|
|                               | Communal Facilities or the Occupier's Unit; • Access to and use of the Communal Facilities; • Access to pre-arranged activities and classes to encourage health and wellbeing and to promote social interaction; and • Access to such further wellbeing and support staff and services as may be required from time to time, which might include domestic support (such as cleaning, laundry, ironing, making beds); housekeeping; property maintenance; shopping; assistance with correspondence, personal and business affairs; companionship; pet care; and arranging transport services.   |
| Care and Wellbeing Plan       | Means an individual plan prepared for each Qualifying Person on or immediately following Occupation based on the findings of the Health Assessment, which is regularly reviewed, and its findings implemented to ensure that the Qualifying Person continues to receive an appropriate level and type of care and support as their needs change  |
| Care Services                 | Means the care services provided to each Qualifying Person as part of the Care and Wellbeing Package, which may include any or all of, but are not confined to, the following: • Provision and delivery and / or preparation of meals, drinks, and snacks • Advice on food hygiene, nutrition, and menu planning • General health advice including encouragement to undertake physical and cognitive activity • Regular welfare calls and wellbeing checks such as blood pressure • Collection of prescriptions and benefits • Chaperone service to attend clinical and other appointments • Advice on activities to encourage health and wellbeing and promote social interaction, and supervision of such activities • Diabetes management • Use of on-site transport services for external activities and appointments • Hospital discharge support • Organised rehabilitation following a hospital visit or health event • Assistance with getting into and out of bed and dressing • Assistance with personal hygiene activities • Administration of / prompting to take / supervision of medication • Assistance with eating and drinking For the avoidance of doubt the Regulated Activity of Personal Care is organised and paid for as part of a separate contract between the Qualifying Person and their chosen Registered Service Provider, depending on the individual needs of each Qualifying Person. |
| Care Quality Commission (CQC) | Means the independent regulator of health and social care services in England or any successor body or organisation  |
| Communal Facilities           | Means (1) the Health and Wellbeing Facilities (which may include but are not restricted to hydrotherapy pool, sauna, steam room, gym, exercise rooms, and treatment rooms) and (2) the Other Communal Facilities (which may include but are not restricted to restaurant, bistro and bar, meeting rooms, hobbies room, lounge and hair salon) to be provided in conjunction with the C2 Integrated Retirement Community Units as part of the Development to be made accessible to visiting members of the public in accordance with the provisions to be agreed between the [Owner / Operator] and the Local Planning Authority  |
| Health Assessment             | Means an assessment of the health care and wellbeing needs of potential residents to be undertaken on or before occupation of a C2 Integrated Retirement Community Unit by an appropriately qualified person and which is used to determine an appropriate Care and Wellbeing Plan for the Qualifying Person; and any  |

|   |  |
|---|--|
|   | further health assessment to be undertaken when the Care and Wellbeing Plan is reviewed  |
| Occupation                              | Means the occupation of the Development or any part thereof for use as an Integrated Care Community in accordance with the provisions of Class C2 of the Town and Country Planning (Use Classes) Order 1987 as amended and Occupy and Occupied shall be construed accordingly  |
| Qualifying Person                       | Means an assessment to be undertaken by the [Owner / Operator] prior to exchange of contracts to ensure that occupation of each C2 Integrated Retirement Community Unit is restricted to Qualifying Persons and any cohabitee, spouse, or dependant of a Qualifying Person only  |
| C2 Integrated Retirement Community Unit | Means a unit within Use Class C2 to be constructed pursuant to the Planning Permission and C2 Integrated Retirement Community Units shall be construed accordingly. For the avoidance of doubt any guest accommodation provided as part of the Planning Permission is not a C2 Integrated Retirement Community Unit  |
| Registered Service Provider             | Means a body registered as a service provider under Chapter 2 of the Health and Social Care Act 2008 (or any comparable register established under any statutory system replacing that chapter) in respect of at least the provision of Personal Care as defined by the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 or any modification or amendment or substitution thereof |
| Transport Services                      | Means the transport services to be provided by the [Owner / Operator] for the use of Occupiers, their guests and staff as agreed with the Local Planning Authority   |
| Use Class C2                            | Means the use defined as C2 in Part C of Schedule 1 of the Town and Country Planning (Use Classes) Order 1987 as amended) or other such successor legislation  |

## North Yorkshire Council

### Community Development Services Richmond (Yorks) Area Constituency Committee

10<sup>th</sup> October 2024

#### **ZD24/00126/AORM - Approval of Reserved Matters Application following Outline approval of Planning Permission 21/00397/OUT for Elevations, Plans, Materials, Landscaping, and Massing At Land at Fairfield, Moor Lane, Newsham, Richmond, North Yorkshire**

**On behalf of Mr M Preston**

#### **Report Of The Assistant Director Planning– Community Development Services**

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

To determine an application for Approval of Reserved Matters following outline approval of planning permission 21/00397/OUT, for elevations, plans, materials, landscaping and massing.

1.2 This application is brought to Planning Committee at the accepted request of the Division Councillor, for the following reasons:

- The original approval 21/00397/OUT was for the entire site, not split into 2 separate plots as this application is.
- The design of the proposed dwelling is too large for the plot both in terms of its footprint and height.
- Its exterior finish with cream render, grey windows and grey cladding is not in keeping with surrounding dwellings which are constructed in local stone.
- The proposed dwelling does not provide adequate provision for a shared access for the adjacent plot, as defined in the outline approval. There is insufficient space for vehicles to turn, to enable them to exit the site without having to reverse out onto the road.
- Because of the footprint being so large, there is concern regarding the surface water run off onto the road and adjacent properties.

1.3 It is recommended that Approval of Reserved Matters be granted subject to conditions and completion of a Section 106 Agreement.

##### **2.0 SUMMARY**

**RECOMMENDATION:** That Approval of Reserved Matters be **GRANTED** subject to conditions listed below.

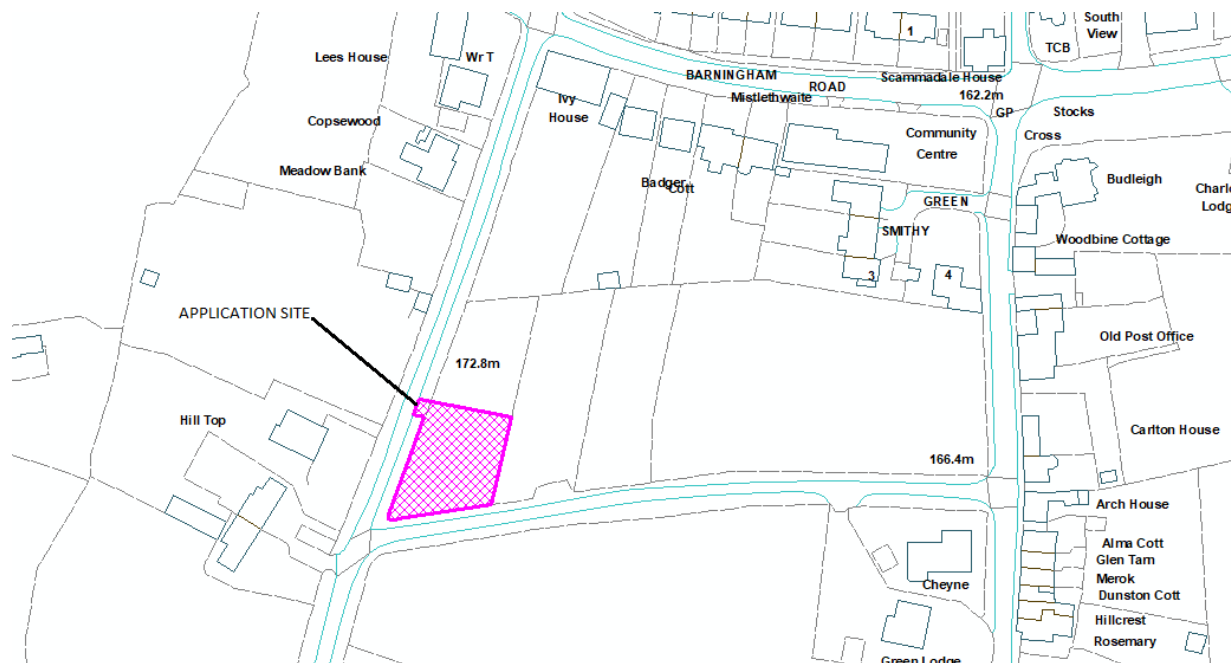
2.1 This Approval of Reserved Matters application seeks approval of appearance, landscaping, layout and scale for the erection of one detached dwelling house at land to the north of Hill Top and east of Moor Lane.

2.2 The Outline Permission reference 21/00397/OUT, granted permission for 2 dwellings with access and all other matter reserved. The proposed layout plan shows the access on to

Moor Lane in the position approved by the outline planning permission, and the proposed layout plan clearly shows that this would be a shared access with the adjacent plot to the north.

- 2.3 The proposed 4 bedroom dwelling has changed from two and half storeys as originally submitted to two storeys to comply with the Outline conditions. External materials include coursed rubble, dressed quoin stones and blue slate roof. The property includes a double garage.

Figure 1: Location Plan



### 3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found here:- [Planning Documents](#).

- 3.2 Since this Approval of Reserved Matters Application was first submitted, amended plans and a revised carbon statement were received on 25<sup>th</sup> April, 2024, in relation to the positioning of an Air Source Heat Pump on the east facing (rear) elevation of the attached garage. On 10<sup>th</sup> June, 2024, the habitable loft space was omitted from the plans, making this a two-storey development in accordance with Condition No. 4 of the Outline Planning Permission. Amended layout, elevation and street view plans were received (together with a construction management plan) on 29<sup>th</sup> July, 2024.

#### Planning History

- 3.3 There is one relevant planning permission for this application which is detailed below:

**21/00397/OUT** – Outline Application with some matters reserved for up to two dwellings and associated works – Decision Date 5<sup>th</sup> January, 2023. The current application is pursuant to this Outline Permission which also extends to cover land to the north.

- 3.4 There is one further expired planning permission (relating to land to the north of the land edged red in the outline planning permission 21/00397/FULL), which is detailed below:

18/00708/OUT – Outline planning permission with all matters reserved for 1 no. detached dwelling (amended by plans received 26<sup>th</sup> February, 2019), on land to the south of Ivy

House, Newsham – Decision Date 7<sup>th</sup> October, 2018. This outline planning permission has expired without implementation.

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

- 4.1 The current application site is the southern half of the field that sits immediately to the east of Moor Lane and immediately north of the lane known as Hill Top (which links Moor Lane [to the east] with Dark Lane [to the west]).
- 4.2 There is an existing field gate onto Hill Top Lane at the south-eastern corner of the field. The eastern boundary is formed by a dry stone wall, whilst the southern boundary has a dry stone wall with a mix of hedgerow shrubs and trees. The western boundary, adjacent to Moor Lane, consists of a dry stone wall, with a line of semi-mature Ash trees (probably self-seeded) adjacent to the wall along the back edge of and within the highway verge. Some of these trees have recently been removed in the vicinity of the proposed access point and visibility splays.
- 4.3 Towards the northern end of the extent of the outline permission there is evidence of a former vehicle access point into the field, but the wall has been rebuilt in this position at some time in the past. The northern boundary of the outline permission is defined by a post and rail fence that separates the field from the extended garden curtilage of Ivy House (which fronts onto the village street on Barningham Road). At present the northern boundary of this Approval of Reserved Matters application has not yet been defined.
- 4.4 To the west of the application site, on the other side of Moor Road, sits Hill Top House (a Grade II Listed building). Immediately to the north of Hill Top House, there are new large houses along Moor Lane in various states of completion. The new houses are stone built with blue slate roofs.
- 4.5 There are mainly stone houses along the western side of Moor Road; with a rendered bungalow and detached rendered double garage towards the northern end, where a stone property sits on the north side of the bungalow fronting Moor Lane and alongside Barningham Road. The properties on the south side of Barningham Road (between Dark Lane and Moor Lane) are all stone built mid-20<sup>th</sup> Century two storey properties, with the single storey Village Hall located on the corner of Dark Lane and Barningham Road.
- 4.6 The application site is outside of the designated Newsham Conservation Area.

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

- 5.1 The current application site comprises the southern half of a field that has outline planning permission for two dwellings, with an approved centrally located, shared vehicular access onto Moor Lane. An indicative layout plan submitted in support of the outline application showed the field gate onto Hill Top lane retained, the potential positions for two detached dwellings and the shared access point onto Moor Lane.
- 5.2 This Approval of Reserved Matters application provides for a large two-storey dwelling with exterior rubble stonework with quoin stones finish. The height to the highest ridge is 7.2m. The design proposes an attached double garage stepped back on the north gable of the house, with vehicular access onto Moor Lane with 2.4m x 43m visibility splays in both directions. Solar panels are proposed on the east (rear) roof slope of the garage.

#### **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with

Development Plan so far as material to the application unless material considerations indicate otherwise.

#### Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

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

#### Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

#### Guidance - Material Considerations

6.3 Relevant guidance for this application is:

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

## **7.0 CONSULTATION RESPONSES**

7.1 The application has been publicised in accordance with the provisions set down in the Town and Country Planning (General Development Procedure) Order 2015. All representations submitted in relation to the consultations (and any required re-consultations) are available to view in full within the “Documents” section of the application on Public Access. A summary of all representations received (where comments made are material planning considerations) are provided below:

7.2 **Parish Council:** OBJECT (summary):

- Query if approval of reserved matters application is appropriate given it only relates to half of the approved site for two dwellings
- Lack of detailed information
- Land sold as two separate plots. This application relates to the land furthest away from existing development in this part of the village – no longer adjacent to village boundary
- Design excessively large for plot in terms of footprint and height; and material finish – should be stone, with neutral coloured windows. Current design overbearing and will affect neighbour privacy
- Lack of suitable provision for the proposed shared access, insufficient space for vehicles turning and manoeuvring in and out of the driveway access
- Loss of soakaway surface area because dwelling is so large, fear of consequent flooding issues down Moor Lane and in the village as this field often has large pools of standing water in wet weather and because of this do not believe a soakaway would be suitable. No engineering drawings provided to support a dwelling on this site, also query how applicant intends to deal with site levels on this sloping site

- Requests dry stone walls are retained and repaired, not rebuilt to maintain continuity and any additional boundary should be defined by planted hedges, post and rail fencing or stone walls – ‘suburban’ style fencing should not be permitted
- No landscaping details submitted to mitigate any environmental impact, such as bat boxes or sympathetic landscaping planting.
- Concerned several trees have already been felled on the roadside – this issue has been raised separately with the Highway Authority
- Query how applicant will deal with overhead telephone/internet cable that crosses the site via poles and serves 4 properties – will this be rerouted underground as part of this development?
- Parish Council requested the following additional information and requirements:
  - Indicative street view showing how house would fit in
  - Assurances that all construction vehicles/materials etc will be stored on site and not obstruct Moor Lane. Expect any damage to be repaired in a timely manner and at developer’s expense
  - Limit to working hours (including deliveries). Request restrictions Monday to Friday only 9am to 5:30pm, and no bank holiday working - to reduce impact on neighbours
  - Require details of any external lighting to avoid light pollution. Exterior lighting should be kept to a minimum and used only as necessary as this part of the village is very dark with Moor Lane narrow and undulating. Any light splay onto the lane would impact on road safety and local wildlife in particular local raptor and bat populations.
  - Request confirmation that both a CEMP and Design and Access Statement will be provided
  - Request any planning conditions placed on the application are suitably monitored to ensure compliance and any breaches followed up by Enforcement Officer.
  - Request Site Meeting with Planning Service representative and that the application is considered by the Planning Committee due to the number of concerns raised by the Parish and village residents.
  - Parish Council stress, not opposed to development, but wish to ensure that buildings are of a design and size that compliment their surroundings and neighbouring properties.

**In response to the revised plans, the Parish Council have further stated:**

- Remain concerned about lack of detailed information
- Maintain concerned that the original site has been split into two plots and this current site is some distance from the development boundary
- Remain concerned that the footprint of the dwelling is larger than the indicative plan approved in outline
- Query whether this AORM should be considered given the circumstances and whether it should be a FULL application to be determined?
- Appreciate the revised material finish, stone is more appropriate, however would like confirmation that this would be reclaimed stone, rather than a

modern sawn finish. Reclaimed stone, flush pointed with brush finish has been used on the new build opposite in keeping with Hill House. We feel that this is a precedent for new stonework and the applicant did indicate at a site meeting that he would be happy to do this.

- Cannot stress enough how wet this field can become with water pooling on a regular basis. Request Phase 1 and Phase 2 site investigation is carried out, as there have been run-off issues at a property at the lower end of Moor Lane, which was after extensive measures including the use of large soakaway crates on the new build houses next to it. This did not prevent water running down from gardens into the neighbouring property. Residents do not want this to happen again. Drainage is inadequate in the village in general and persistent flooding and pooling of water at the junction of Moor Lane and Barningham Road, which then migrates to other areas along Barningham Road.
- Concerns about the overhead telephone cable passing over the site – will this be rerouted underground? Residents concerned that this will be damaged during construction of the new dwelling.

They seek further clarification on the following matters:

- Is the access in a different position to that approved in outline?
- Very little room for vehicles delivering materials to the site to enter and leave safely. Residents concerned about traffic obstruction and damage to verges. All vehicles should be parked within the site, without exception.
- Appears to be insufficient space available at front of property for turning and visitor parking
- Appears insufficient space for vehicles to access the adjacent plot, particularly with vehicles parked in front of garage.
- Any gates should comply with Highways regulations
- Residents request external lighting kept to a minimum and no PIR lighting.
- Dry stone wall should be repaired not replaced
- Request that the boundary between the two plots be hedged and not tall suburban fencing.
- Request full ecological survey as great crested newts in pond nearby
- Landscaping/tree planting scheme to be provided and remaining trees to be retained the front and side of the property
- Limited working hours Monday to Friday 8am to 6pm and no weekend or bank holiday working.
- Parish Council request Site Visit before being considered by the Planning Committee to enable Members to view the site location for themselves.

**7.3 Division Member(s):** Concerned about proposal for following reasons:

- The original approval 21/00397/OUT was for the entire site, not split into 2 separate plots as this application is.
- The design of the proposed dwelling is too large for the plot both in terms of its footprint and height.
- Its exterior finish with cream render, grey windows and grey cladding is not in keeping with surrounding dwellings which are constructed in local stone.
- The proposed dwelling does not provide adequate provision for a shared access for the adjacent plot, as defined in the outline approval. There is insufficient space for vehicles to turn, to enable them to exit the site without having to reverse out onto the road.



- Because of the footprint being so large, there is concern regarding the surface water run off onto the road and adjacent properties.

7.4 **NYC Ecology:** Given the small size of this development, it is unlikely the ecology team would be overly concerned with landscaping details so we are happy for these to be approved by the relevant landscape officer and do not require further consultation on this application.

7.5 **Environmental Health:** I have considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties, and I consider that the impact will be low. However, in response to the details of the Air Source Heat Pump, Environmental Health have stated that the information provided is simply the sound power level measured at 1m from the pump. The noise from ASHPs can be tonal in nature and the pumps can switch off and on intermittently and have the potential to affect amenity, particularly in small villages with low nighttime background levels. Environmental Health have requested that the applicant submits a simple noise assessment, advising that the calculation contained in the MCS 020 Planning Standards for permitted developments may be suitable, however if this is not suitable or the assessment is not deemed satisfactory by the local planning authority (LPA) then a noise impact assessment (with methodology agreed with the LPA) will be required.

#### Local Representations

7.6 In relation to the application as originally submitted 23 letters of objection were received from local residents. A further 22 letters of objection from local residents have been received in relation to the amended plans. Some residents have written in more than once. These representations echo the detailed comments and objections made by the Parish Council.

7.7 There were no letters in support of the application.

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

8.1 This Approval of Reserved Matters application 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
- Access
- Layout
- Scale, Appearance and Materials
- Heritage
- Scale (including size of dwelling)
- Landscaping
- Other matters

## 10.0 ASSESSMENT

### Principle of Development

- 10.1 The principle of development has been established and approved under the Outline Planning Permission Reference 21/00397/OUT approved on 5<sup>th</sup> January, 2023, at which time the access details were also approved. Therefore, the only material considerations for this Approval of Reserved Matters Application relate to: appearance, layout, scale and landscaping.
- 10.2 This application has been submitted in accordance with the timescale requirements of the Outline Planning Permission.
- 10.3 This reserved matters consent is for one dwelling, whereas the Outline consent is for two dwellings. Technically, there is no reason why the application for the second dwelling cannot be submitted separately. However, we do need to ensure this application would not prevent the second dwelling being able to come forward.

### Access

- 10.4 Access was approved as part of the Outline consent. The access position has been checked and is in the same position as approved (32m from the south-west most corner of the site).
- 10.5 The internal access arrangements are suitable for the second dwelling to come forward, via a shared internal private drive.

### Layout

- 10.6 The layout plan is considered satisfactory and demonstrates that the plot is sufficiently large to accommodate the proposed 4-bedroom dwelling, allowing: a relatively small but adequate amenity/garden space; the required access, manoeuvring space and parking area; and attached double garage for the associated dwelling, without compromising the proposed shared access to the adjoining plot to the north.
- 10.7 Impact on neighbours was taken into account at the outline stage, and has been further considered during the process of this current Approval of Reserved Matters application. Notwithstanding the objections that have been maintained about the potential loss of amenity and privacy to neighbours, in my view, the amended plans have satisfactorily overcome this particular issue in terms of separation distances and direct impact.
- 10.8 Parking and access was dealt with at outline stage. In relation to Conditions 7, 8 and 9 of the outline planning permission the applicant has liaised with the Highway Authority in preparation for installing the approved access, and associated trees in the highway verge were removed to facilitate this work and create the required visibility splays. Approval was given by the Highway Authority for the dropped kerb on 4<sup>th</sup> March, 2024. Further details in this regard will be addressed in detail when a Discharge of Conditions application is subsequently submitted for approval.
- 10.9 Concerns have been raised in respect of drainage and flooding. This is not a reserved matter and has been dealt with at the outline Stage. Any drainage scheme will need Building Regulations approval.

### Scale, Appearance and Materials

- 10.10 Condition 4 of the outline planning consent limits the scale of the dwellings to two-storeys which the application complies with. When first submitted this proposed dwelling was larger

than two storey and included accommodation in the attic space which has since been removed.

- 10.11 Condition 5 of the outline planning permission requires one of the dwellings to provide two bedrooms minimum and three bedrooms maximum. This therefore means the second dwelling will need to be smaller 2-to-3-bedroom dwelling, and larger dwelling could not be approved.
- 10.12 Whilst the dwelling is relatively large, the height to highest eave is 7.2m and therefore will not appear taller than other properties on the street. It's massing is visually broken down by the projecting front element and stepping down to garage and rear single storey element. Visual interest is achieved through different roof forms, chimney, traditional high quality materials (coursed rubble and blue slate roof), Dressed Quoins (corner details) and stone cill and lintels. Overall, the design has several traditional references and is overall good quality and matches the materials of the new dwellings to the west.
- 10.13 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

#### Heritage

- 10.14 To the west of the proposed dwelling is two Grade II Listed Buildings, Hill Top (opposite) and Outbuilding approximately 8 metres south of Hill Top (to the south-west). Hill Top is late C18 to early C19 house, with coursed dressed sandstone and stone late roof. Of the two listed building Hill Top has the clearest visual relationship with the application site.
- 10.15 The layout, design, massing and appearance of the proposed dwelling is considered to not result in a negative impact to the setting of the Listed Building. In particular, the dwelling is set back from the road, majority of trees are retained, massing is broken down by different roof forms and traditional materials and detailing is proposed.

#### Landscaping

- 10.16 The proposed layout plan does not include details of any soft landscaping, other than lawn. Condition 13 requires compliance with an Ecology Report which includes landscaping recommendations. It is recommended a detailed landscaping scheme is a pre-commencement requirements.
- 10.17 The boundary definitions have not been specified, although it is indicative on the layout plan that the eastern boundary may be a retained fence and the southern and western boundaries may be retained walling. A condition to agree boundary treatments is therefore recommended.

#### **Other Matters:**

##### Habitats Regulation Assessment

- 10.18 The site lies outside of the River Tees Catchment Area in terms of nutrient neutrality and the impact of development on the Teesmouth and Cleveland Coast Special Protection Area, Ramsar Site and associated Sites of Special Scientific Interest. As such an Assessment is not required in this case.

##### The Public Sector Equality Duty

- 10.19 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a

relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. This was considered at the outline stage and there is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph.

### Sustainability

- 10.20 Condition 6 of the outline planning permission requires carbon savings in the design of the dwelling to exceed Part L of the Building Regulations. The Carbon Statement submitted with this Approval of Reserved Matters application states that the new dwelling will be built to a standard that exceeds Part L. The statement provides for solar panels, electric heating, avoidance of fossil fuels for heating, and it is stated that consideration will be given to the provision of an air source heat pump system and that such system would likely be a 12kW unit to comply with EN12102, with a maximum decibel level not exceeding 57dB(A) and comply with the requirements set out in MCS020. Further details of these measures would be required to meet the expectations of Condition 6 of the Outline Planning Permission, including SAP calculations to be provided in association with the Building Regulations requirements. Therefore, at this stage, no further consideration of this issue is necessary.

### Drainage

- 10.21 The issue of surface water flooding was considered at the outline stage when it was reported that the two dwellings would be connected to the main sewer and that Yorkshire Water had no objections in principle to the proposal subject to conditions that were imposed on the outline planning approval (Conditions 10 and 11) for separate systems for foul and surface water drainage. These conditions are yet to be discharged. Whilst there is no requirement for the details of drainage to therefore be considered at this Approval of Reserved Matters stage, the layout plan does indicate attenuation for surface water drainage in the back garden. Further details of this will be fully addressed when a Discharge of Conditions application is subsequently submitted for approval.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The principle of the development and access details were approved by the outline planning permission on 5<sup>th</sup> January, 2023.
- 11.2 The proposed details of appearance, scale and layout are considered acceptable. Insufficient landscaping details are provided and are recommended to be conditioned.

## **12.0 RECOMMENDATION**

- 12.1 That Approval of Reserved Matters be GRANTED subject to conditions listed below.

## **13.0 RECOMMENDED CONDITIONS:**

### Condition 1 Approved Plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below:

- a) Enhanced Block Plan and Street View – Drawing no. CM526/03 Rev. A
- b) Plans Elevations and Block Plan – Drawing no. CM526/01 Rev. D
- c) Construction Management Plan – Received in Planning Office on 29<sup>th</sup> July, 2024.

d) Carbon Statement Rev. A dated 23<sup>rd</sup> April, 2024

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

#### Condition 2 Detailed Landscaping Scheme

Prior to the erection of any external walls of the dwelling as shown on approved plan Enhanced Block Plan and Street View – Drawing no. CM526/03 Rev. A, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority for that dwelling. The scheme shall include: boundary treatments, plants (planting plans; written specifications; schedules of plants, noting species, plant sizes and proposed numbers/densities when planted), planting and installation schedule/timetable and maintenance details.

The landscaping and boundary treatment shall complete with the recommendation of Outline approved document Preliminary Ecological Report version R5 07/03/2022 to ensure compliance with Outline Condition 13.

The boundary treatments and landscaping shall thereafter be installed and planted in accordance with the approved schedule/timetable. The boundary treatments shall be retained and maintained in perpetuity unless replaced like for like.

Reason: To ensure a satisfactory landscaping and boundary treatment scheme of delivered.

#### Condition 3 Materials

Prior to the erection of any external walls of the dwelling as shown on approved plan Enhanced Block Plan and Street View – Drawing no. CM526/03 Rev. A, samples of the materials proposed to be used for the dwellings external walls and roof shall be submitted to and approved in writing with the Local Planning Authority. These shall comply with the materials shown on the approved plans.

Reason: Only such approved materials shall be used for the external walls and roof.

**Target Determination Date:** 29.04.2024

**Case Officer:** Beverly Booth [Beverly.Booth@northyorks.gov.uk](mailto:Beverly.Booth@northyorks.gov.uk)

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