

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Constituency Committee  
14<sup>th</sup> December 2023**

**22/01334/OUT- Application for outline planning permission with some matters reserved (appearance, landscaping layout and scale) for the Construction of 35 Dwellings including Conversion of Existing Barn and 4 Self-build Plots together with Associated Highway Works, New Open Space, Play Area and Public Car Parking and Demolition of a Dwelling (As Amended)**

**At: School Farm 17 Station Road Great Ayton TS9 6HA**

**On behalf of: Mr & Mrs Ward**

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

**1.0 Purpose of the Report**

- 1.1 To determine an application for outline planning permission with some matters reserved (i.e. appearance, landscaping, layout and scale) in respect of a residential for the construction of 35 dwellings, including the conversion of an existing barn and four self-build plots together with associated highway works, new open space, play area and public car parking, and the demolition of a dwelling (as amended).
- 1.2 This application is brought to the Planning Committee due to the level of local objection.
- 1.3 It is recommended that outline planning permission is granted subject to the conditions recommended within section 12 of this report and the completion of a Section 106 agreement to secure the 30 per cent provision of affordable housing, public open space/play facilities and 'nutrient offloading.'

**2.0 Summary**

**Recommendation:** That outline planning permission is **GRANTED**.

- 2.1 The application (as amended) seeks outline planning permission (some matters reserved) landscaping for a residential housing scheme of up to 35 dwellings at School Farm, Great Ayton.

**3.0 Preliminary Matters**

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

[Public Access File](#)

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

13/02275/OUT - Outline application for a residential development of up to 113 dwellings with associated access (and all other matters reserved) change of use of existing agricultural building to B1 use and demolition of 4 buildings, REFUSED, 15.01.2014. The ten reasons are summarised as follows:

1. The proposal represents unsustainable development on a greenfield site outside of the Development Limits without a clear and justified exceptional case for development...
2. The proposed development would lead to an oversupply of housing within the District...
3. Great Ayton was not selected for further development through the Local Development Framework Housing Allocations process... there is a current imbalance between the existing population size and facilities offered by the village and the provision of an additional 113 dwellings together with the loss of the farm shop would exacerbate this imbalance.
4. Although the applicant has submitted draft Heads of Terms which include provision for 50% affordable housing, in the absence of a signed Planning Obligation the proposals fail to deliver an appropriate level of affordable housing...
5. The proposed development fails to deliver a contribution towards off-site public open space, sport and recreation facilities...
6. The proposed development fails to deliver a contribution towards footpath and cycleway links between Stokesley and Great Ayton...
7. The submitted Flood Risk Assessment does not comply with the NPPF's technical guidance (paragraph 9) and, as such, it does not adequately assess the proposed development's flood risks...
8. Insufficient information has been submitted to demonstrate that the proposed development is capable of being accommodated by existing or planned drainage facilities and will not have a seriously harmful impact on existing drainage facilities...
9. ...the applicant has failed to provide sufficient information to enable the impact of the proposals on the local highway network to be fully assessed. The applicant has also failed to propose measures which mitigate the conflict between parked cars on Station Road and traffic generated by the proposed development and there are no proposals to show how an attractive sustainable route to the railway station can be provided...no measures proposed to accommodate the increased number of pedestrians at the Station Road junction with High Street/Newton Road.
10. The proposed development fails to demonstrate that the Applicant has worked closely with those affected by the development or taken account of community views in the evolution of the design...

A subsequent inquiry (appeal) (APP/G2713/A/14/2218137) was dismissed on 10.07.2015. In the 'Overall Balance' section of the Inspector's Decision letter, the reasons for dismissing the appeal are summarised below:

"103. I have concluded that the Council are currently unable to demonstrate a five year supply of specific deliverable housing land...

104. The proposal would have the social and economic benefits of addressing the current under-supply, this includes the support to the local economy and increasing the mix of housing in the area. The provision of much needed affordable housing is also a matter of

significant weight. There are other factors which provide weight in favour of the development; the speculative office jobs, the upgrading of the stone barn, and factors that mitigate the impact of the development. But these matters are not determinative.

105. On the other hand, the proposal would cause serious environmental harm to the character and appearance of the countryside. It would also cause considerable social and economic harm due to its impact on the farming enterprise at School Farm. The failure to comply with the development plan strategy for the distribution of development is also a factor weighing against the appeal.

106. The lack of a five year supply of housing land does not automatically lead to the grant of planning permission, even where there are substantial benefits from the provision of affordable housing and other benefits such as in this case. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. In this instance the harm to the character and appearance of the area, the impact on the farm enterprise and the location of the development leads me to conclude that the proposal is not sustainable development. These impacts are significant and demonstrable, and they therefore outweigh the benefits in this case.”

#### **4.0 Site and Surroundings**

- 4.1 The application site consists of agricultural land surrounded by hedgerows and mature trees located on the south-eastern edge of the village of Great Ayton. The site slopes very gently downwards from east to west, towards Station Road, by approximately 4m, along both the western and southern boundaries. The gradient is more pronounced along the southern and western edges of the site. There is also a slope at the western edge of the site which levels out within the existing farmyard.
- 4.2 To the west and south residential properties in Station Road back onto the application site. The application site includes buildings and agricultural buildings within the former School Farm site, which is now part of the Cleveland Lodge estate. The existing buildings include an existing large agricultural shed and other barns which are proposed to be demolished, although a traditional, elongated stone barn is proposed to be retained and converted into a residential dwelling as part of the proposals. The site includes the eastern extent of the Great Ayton Conservation Area.

#### **5.0 Description of Proposal**

- 5.1 This application seeks outline planning permission for the construction of 35 dwellings, including the conversion of an existing barn and four self-build plots together with associated highway works, new open space, play area and car parking, and the demolition of a dwelling (as amended).
- 5.2 Two new vehicular and pedestrian access points will be provided onto Station Road to serve the development. The main access would be formed via Station Road by demolishing the existing dwelling of 17 Station Road. The secondary access would provide a field access to the adjacent land but would also provide for access (via Station Road) to the self-build plots. The proposals also include the conversion of an existing barn close to the main access at 17 Station Road.

#### **6.0 Planning Policy and Guidance**

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

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

Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

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

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)
- Housing Supplementary Planning Document 2022 (SPD)

## 7.0 Consultation Responses

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

**Great Ayton Parish Council:** The Parish Council are opposed to the application, commenting that the application is outside the new development plan for Great Ayton and HDC already has authorised the required number of new builds within the area of the plan. Highways – the entrance to the site is located near already congested roads in the area which, due to parking, is often already a single carriageway (Newton Road). Concerns with an extra possible 80+ cars using these roads. Sewerage/Flood zones - Site isn't flood plain, but surrounding areas are and may be affected.

**NYC Local Highway Authority (LHA):** The LHA requested that a Stage 1 Safety Audit be undertaken in relation to the proposed new junction. Note that concerns have been raised from some local residents about the internal layout. This element of the scheme would need to be amended (as part of the approval of the detailed layout at reserved matters stage) in order to accord with the Highway Authority's Design Guide, should outline permission be granted. A Stage 1 Safety Audit has subsequently been submitted as well as a additional proposed junction plan, showing in greater detail the junction layout and the footway connections onto Station Road.

**NYC Principal Archaeologist:** No objections.

**Northumbrian Water Limited:** No objections subject to conditions.

**NYC Lead Local Flood Authority (LLFA):** No objections subject to conditions.

**Natural England:** Natural England have confirmed that the proposed development falls within the Impact Risk Zone of European Sites and vulnerable to nutrient impacts, recommending that Natural England's overarching advice regarding nutrient neutrality (dated 16 March 2022) be followed. Natural England also note that The proposed development is for a site within or close to a nationally designated landscape namely the North York Moors National Park. Natural England advises that the planning authority uses

national and local policies, together with local landscape expertise and information to determine the proposal.

**NY Police Designing Out Crime Officer:** No objections, subject to a number of design and layout related recommendations.

**Campaign for the Protection of Rural England (CPRE):** Object to the proposed development for the following reasons (as summarised):

- The reasons for refusal of the 2013 scheme remain of relevance
- The site should not be considered under HG5 as the criteria defining built form would preclude this site from being considered.
- Buildings to the west and south of the site are part of the countryside and not the built form of the village and some existing buildings are agricultural buildings on the edge of the settlement.
- The setting and form of the village remain little altered since the Inspector's refusal of the 2013 scheme.
- Considered an encroachment into the open countryside
- Biodiversity Net Gain should all be provided on-site
- Associations with Captain Cook and potential use of local paths is not considered in the heritage assessment
- Views of Captain Cook's monument from the public footpath will be intruded upon development will have a harmful impact on the setting of the Great Ayton Conservation Area.

CPRE subsequently made the following follow up comments (as summarised):

- Despite the removal of GTA1 from the Local Plan allocations, the Council did not include further allocation for Great Ayton.
- Conclude that as no other sites were put forward, there are no sites that could be developed in a way that does not detract from the settlements character and form.
- Earlier appeal decision is considered to remain relevant.
- Proposals considered an encroachment into the open countryside.
- Development would lead to indefensible boundaries for the wider site.
- Council can demonstrate a substantial housing land supply and an up-to-date Local Plan.
- Proposals fail to comply with recently adopted spatial strategy.
- Development will result in serious environmental harm to the character and appearance of the countryside and impact significantly on the cultural heritage assets associated with the settlement.

**North Yorks. Moors National Park Authority (NYMNP):** No objections subject to a condition to control external lighting to ensure it is of a style and luminance which minimises glare and light pollution, in order to protect the Dark Sky Reserve above the National Park.

**NYC Housing:** The Housing Manager has been asked for comments on the proposed housing mix and tenure. Any response received will be reported in the update list or at the Planning Committee.

**Environmental Health:** No response received. Any response will be reported in the update list or at the Planning Committee.

**Environment Agency:** No objections subject to conditions.

Local Representations

- 7.2. A total of 271 local representations have been received in total, 253 objecting to the proposals, 16 in support and 2 neither objecting nor supporting. A summary of the comments is provided below, however, please see Public Access for full comments:

## Objections

- The site is not allocated for housing and the proposals are too large to be considered as a windfall
- The site is separated from the main built form of the village and as such HG5 does not apply.
- Access onto Station Road is dangerous
- The existing buildings on Station Road are ribbon development forming a subsidiary part of the village as set out by the Planning Inspector on the 2013 refused application
- Significant on-street parking in the vicinity of the application site
- This additional housing is not required.
- Population increase in Hambleton is outstripped by housing growth
- The farm is still in operation
- Poor access in the locality
- Impact on narrow village roads including Newton Road
- Development would cause noise and disturbance
- Loss of privacy
- Encroachment onto the North York Moors National Park
- Good agricultural land will be lost
- Development would fail to meet the requirements of the Police
- Harmful impacts on drainage and sewerage
- Following the previous appeal, this application should not even be considered
- Flooding issues on the road in the vicinity
- Loss of the historic village farm would be harmful
- Local services are not capable of supporting the proposed development
- Harmful impact on bat habitat
- Development will result in an urbanisation of the area
- Harmful impact on the countryside surrounding the village
- Impact on wildlife
- Loss of good quality farmland

## Support and Observations

- Great Ayton has had very little development over the last 20 years and these new homes are welcomed
- Following changes to the scheme, including realignment of plots 11,12 and 13 now happy to support the scheme
- Affordable housing is much needed
- New development will help local businesses
- Proposals will provide much needed new housing
- Proposals will have a limited impact on the village
- This is a good development which will bring families to the village.

## **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, Green Infrastructure and Impacts 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
- Climate Change Mitigation and Carbon Savings
- Crime, Anti-Social Behaviour and Secured by Design
- Agent of Change and Impact on Farming Operations
- Nutrient Neutrality
- Public Open Space and Play Facilities

## 10.0 Assessment

### Location and the Principle of Development

- 10.1 The Hambleton Local Plan (referred to as the 'Local Plan') includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036). Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area.
- 10.2 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages', 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns.
- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. These housing targets are not intended to be a ceiling to additional development, and the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy contained in Policy S3.
- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios.
- 10.5 Great Ayton 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 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 Although several representations received to the application have stated that Policy HG5 of the Local Plan does not apply to this proposed development, as the existing development along Station Road that adjoins the site constitutes 'ribbon development' and in accordance with the criteria set out in Policy S5 does not constitute the built form of the settlement. Therefore, the application site cannot be considered to be either part of, or adjacent to, the built form of Great Ayton. Officers would refute the classification of the dwellings along the northern side of Station Road as being ribbon development, and to the contrary consider these properties be within the built form of the village and an integral part of the settlement with both historic and numerous buildings being sited directly opposite (i.e. on the western/southern side of Station Road) It is therefore considered that the application site is outside, but adjacent to the built form of Great Ayton, 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. within paragraph 6.1.14 of the submitted Planning Statement. Based on the results of a review of land available for purchase and a desk-based assessment of potentially available brownfield sites within the village, no suitable and viable previously developed land within the main built form of the village was identified for a development of this scale. Officers concur with this conclusion and are not aware of any currently available, suitable and viable previously developed land within the built form of Great Ayton for the development of this scale. The proposal therefore meets the requirements of criterion a. of Policy HG5.
- 10.11 In respect of criterion c., given the Service Village status of Great Ayton within Policy S3 and the relatively size of the village and its existing services/facilities, the provision of 35 additional dwellings is considered to represent an acceptable level of incremental growth, incremental growth, commensurate to Great Ayton's size, scale, role and function.
- 10.12 Please note that criteria b. d. and e. will be considered in the relevant sections below.

#### Affordable Housing

- 10.13 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 10 or more units within non-rural parishes such as Great Ayton.



- 10.14 The proposed development is for up to 35 dwellings within the site, 10 of which are proposed to be affordable homes. To meet the 30 per cent affordable provision required by Policy HG3, 10.5 of the overall 35 proposed units would need to be affordable. However, in accordance with para.4.14 of the Housing SPD, it is confirmed within para. 7.1.27 of the Planning Statement that the developer would make a financial contribution in lieu of the remaining 0.5 fraction based on the calculation within Appendix C of the Housing SPD. The on-site affordable housing provision, as well as the aforementioned financial contribution, would need to be secured through the completion of a Section 106 agreement.
- 10.15 Overall (and subject to the completion of a Section 106 agreement), the proposals are considered to be in accordance with the requirements of Policy HG3 with regards to the provision of the appropriate amount of affordable housing.

#### Housing Mix

- 10.16 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. Criterion b. of Policy HG5 states that so-called windfall housing development 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. 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 31 Units (excl. 4 'Market' Self-Build Plots; size as yet undetermined)</b>	
<u>House Size</u>	<u>Market</u>	<u>Affordable</u>	<u>Market (21 Units)</u>	<u>Affordable (10 Units)</u>
1 bed	5-10%	20-25%	4.76% (1)	30% (3)
2 bed	40-45%	50-60%	33.33% (7)	50% (5)
3 bed	40-45%	10-20%	47.62% (10)	20% (2)
4+ bed	0-10%	0-5%	14.3% (3)	0% (0)

- 10.17 Although the proposed housing mix does not sit fully within the above housing mix range of table 3.1 of the Housing SPD, it is 'there-or-thereabouts', with the 30 per cent provision of single bed affordable units exceeding the expected range in lieu of 4+ bed units, which would help to meet the need of one bed affordable units within the Plan Area. As stated within the Housing SPD, the above ranges are meant to be targets, rather than strict requirements, with flexibility allowed for individual schemes where the proposed housing mix would better meet local housing needs. The proposed over-provision of much needed single bed affordable units would result in a housing mix that would better meet local need overall, and as such is considered to be in accordance with the requirements of Policy HG2 and criterion b. of Policy HG5 of the Local Plan as well as the Council's Housing SPD.

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

- 10.18 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.

- 10.19 The agent has subsequently agreed to conditions requiring the layout and design (to be agreed at reserved matters stage) to comply with NDSS and for the internal layouts to provide and facilitate adaptations, should outline planning permission be approved. Therefore, subject to the imposition of such conditions, it is considered that the development would comply with the relevant NDSS and house adaptability requirements of Policy HG2 of the Local Plan.

#### Design

- 10.20 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.)
- 10.21 Although appearance is a reserved matter, details included within the indicative layout plan and other submitted planning documents (i.e. the Planning Statement and Design and Access Statement) provide information regarding the design principles of the proposed development and an indication of what can be achieved:
- the design of the development should incorporate/pay reference to the vernacular architectural characters of Great Ayton with simple and good quality detailing and materials, e.g. sandstone; brickwork; render; slate and pantile roofs and Yorkshire sash-style windows.
  - the proposed dwellings near to the site entrance shall be designed to reflect the agricultural heritage and vernacular with 'barn-like' characteristics, detailing and scale.
  - The proposed retention and conversion of the existing stone barn to the west of the site would provide a strong focal point to the development.
  - The proposed layout is capable of having an organic, legible layout with significant areas of open space
- 10.22 The 'design approach' as outlined within the application is considered to be a reasonable one with consideration given to the site surroundings and local vernacular. The proposed development would make effective and efficient use of the application site. Overall, the proposed development has demonstrated that the residential scheme is capable of having a layout, design and external appearance that is capable of complying with the requirements and expectations of Policy E1 of the Local Plan.

#### Landscaping, Green Infrastructure and Landscape Character

- 10.23 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.)

- 10.24 Policy HG5 (Windfall Housing Development) requires proposed housing development on sites adjacent to the built form of a defined village to:
- (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.
- 10.25 In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. 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.
- 10.26 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor.
- 10.27 In terms of the retention and protection of existing trees within the site, a Tree Survey has been submitted with the application which has assessed the condition of trees within and adjacent to the application site. The document also includes a Tree Constraints Plan (TCP) which it is confirmed will be used to guide the siting of buildings and construction procedures. It is recommended that the TCP is required to be adhered to (by condition) if outline planning permission is granted.
- 10.28 The agent has confirmed that the indicative layout submitted demonstrates that it is capable of achieving the proposed development with a layout that retains existing trees and landscape features on or adjacent to the site boundaries, and it is confirmed that it is not the intention to impact on the woodland area to the north of the site. As landscaping is a reserved matter, the precise details of this would need to be subsequently agreed at reserved matters stage.
- 10.29 The indicative layout plan indicates that there would be opportunities for new landscape planting within the areas of public open space within the development site, while the proposed nutrient neutrality scheme would involve the planting of new native, broadleaved woodland.
- 10.30 Concerns have been raised by CPRE, the Parish Council and several local residents regarding the potential adverse impacts that the proposed development would have on the landscape surrounding the village and on the setting of the village, with the previous appeal decision and the landscape reason for refusal cited. The current scheme is significantly smaller in size than the previously refused scheme and is considered to have an organically-shaped site that sits closely and naturally around and adjacent to the existing properties and buildings, including those that face onto Station Road. As well as having a congruous relationship with the existing built form of the village, the site would equally have a compatible relationship with the adjacent landscape and areas of woodland, which would in turn help to screen the proposed development within the wider landscape. Therefore while views of the site would be possible from within the wider landscape, including from the

footpath to the north which runs into the village from Cleveland Lodge, the proposed development would be seen within the context, and against the backdrop of the existing built form of the proposed development (particularly the established built form along Station Road), while the aforementioned established and proposed landscaping would provide a substantial natural buffer and effective screening between the proposed development and the wider landscape. Although the creation of the new expanded site access onto Station Road and the demolition of 17 Station Road would allow for greater views into the site from Station Road, the site and proposed development would remain largely screened from prominent public vantage points along Station Road. And thus would have only a moderate and acceptable impact on the character of the townscape (the impact of the proposed development, particularly the creation of the main site access, will be considered from a heritage perspective in the 'Heritage' section of this report).

- 10.31 In respect of the enhancement of green infrastructure, the indicative proposals state the intention to create significant new woodland planting along the northern field boundary to the east of the development site. This would continue the existing linear woodland belt to the north of the site in an easterly direction. The proposals also include additional woodland tree planting along the field boundary to the east which would result in additional biodiversity gains.
- 10.32 Overall, the proposals would provide a varied landscaping scheme and generous open space provision that would be congruous with the site's 'edge-of-settlement' location and its semi-rural surroundings, while enhancing green infrastructure. Furthermore, the proposals would represent a natural and organic extension to the existing south-eastern form of the village without having a detrimental impact on the character and appearance of the village, the surrounding landscape, or result in the loss of land and open space that is important to the historic form and layout of the village or that makes a significant contribution to the character and setting of the village and its townscape. The proposed development would therefore be in accordance with policies E1, E4, E7 and HG5 (criteria d. and e.) of the Local Plan.

#### Ecology and Biodiversity Net Gain

- 10.33 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances 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.)
- 10.34 A Bat Risk Assessment and Bat Survey Report (hereafter referred to as 'the Report') have been submitted with the application, which includes an assessment of all habitats on the application site and the surrounding area to assess their value, not only for bats, but also other protected, priority and notable species.
- 10.35 The Report concludes that the application site is of moderate ecological value, with the Report confirming that the stone barn on site is used as a maternity roost for Long-Eared Bats and as a day roost by Common Pipistrelles. The site is also considered to provide high value habitat for nesting bird species, including Swallow and Barn Owl. Given the presence of bats it will be necessary for a license to be obtained in relation to bats before the commencement of works. The survey report indicates that this is unlikely to be problematic as the two bat species are classed as common and the roosts are not significant or of either local or regional importance.
- 10.36 The Report makes a number of recommendations relating to the provision of a designed mitigation scheme to provide alternative accommodation for the two different bat species

and for a sensitive lighting scheme to avoid disturbance to bats and other wildlife. Compensation measures in the form of alternative bat roosting space for the long term is also recommended along with temporary bat roosting space prior to any significant work starting on site, which should include the installation of external roosting boxes. The Report also makes recommendations for new landscape planting which should include native plant species that will enhance the ecological value of the site for wildlife. Overall, the Report does not identify any significant impacts upon protected species or important habitat, subject to undertaking of the recommended ecological compensatory and enhancement measures., The proposed development is unlikely to have a significant impact on bats or any other protected species and would comply with Policy E3 of the Local Plan in this regard.

- 10.37 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. Little information on biodiversity enhancements has been submitted with the application. However, this is not unusual for applications at outline stage where landscaping and layout are reserved matters. However, it is clear from the indicative plans that there are large areas of public open space within the development where substantial planting and landscaping would be capable of being providing, including new woodland planting (as indicated on the indicative layout plan) This, along with the proposed native, broadleaved woodland planting on the adjacent land (for the primary purpose of nutrient neutrality) is likely to result in significant gains in biodiversity, if outline permission is granted, a condition should be imposed requiring a detail landscaping and BNG scheme to be submitted. As such, the proposals are considered capable (subject to confirmation through a planning condition) of providing a meaningful Biodiversity Net Gain for the proposed development. It should be noted that it is considered reasonable to 'stack' Nutrient Neutrality measures with those relating to biodiversity net gain.

#### Amenity

- 10.38 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns. 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.)
- 10.39 The indicative site layout plan indicates that the proposed development is capable of being 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 indicative layout 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.

- 10.40 The agent has confirmed (through the submitted Planning Statement) that they are satisfied for a condition to be imposed (should outline planning permission be granted) to mitigate any temporary impacts resulting from the construction phase of the development (i.e. working hours; construction vehicle parking; noise/dust mitigation) through the submission and approval of a Construction Management Plan (CMP)
- 10.41 Overall, it is considered that the proposed development is capable of successfully assimilating without resulting in any unacceptable amenity issues in relation to other residential properties. Furthermore, the size of the site is able to facilitate a residential scheme with a design and layout able to achieve good levels of outdoor amenity space for the new properties and for the provision of suitable and convenient bin storage, in accordance with the relevant criteria of Policy E2 of the Local Plan. The scale, siting, design/appearance and landscaping of the proposed scheme would need to be carefully considered as part of any subsequent reserved matters application to ensure that a high level of amenity is achieved.

#### Heritage

- 10.42 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 10.43 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.
- 10.44 Apart from a small part of the eastern edge of the Great Ayton Conservation Area (which incorporates some of the existing agricultural buildings of School Farm), including the traditional stone barn and large modern agricultural building), there are no other designated heritage assets (DHA) sited within the application site, although there are non-designated heritage assets (NDHA) within the site, as well as several DHA adjacent to, and within the vicinity of the site, which could potentially have their respective settings impacted by the proposed development, including:
- The traditional barn at School Farm, a NDHA located within the site [to be retained as part of the proposals]
  - Grade II listed, 13 (Stonelea) and 15 Station Road sited adjacent to the application site [i.e. immediately to the north of 17 Station Road]
  - Grade II Listed, 6 and 8 (Lodge to Fiends School) Station Road and attached wall, sited opposite the application site on the western side of Station Road [i.e. opposite 17 Station Road]
  - Grade II Listed, Friends Meeting House, Richardson Hall and Friends School Buildings, sited opposite the application site on the western side of Station Road
  - Grade II listed, Nutshell - Ivy Cottage; Acorn Cottages; 1-3 High Green, sited to the north-west of the site on the western side of Station Road
  - The wider Great Ayton Conservation Area.

- The NDHA Park and Garden of the Grade II Listed Cleveland Lodge, located to the north/north-east of the application site.

- 10.45 A Heritage Impact Assessment (HIA) has been submitted with the application. The HIA identifies the buildings and features of heritage interest within the site which are potentially affected by the proposals, i.e. the stone barn, stable and the stone boundary wall to the farmhouse. The HIA has then considered the significance and settings of the identified heritage assets, assessed the potential impacts of the development on the significance of the heritage assets and considered the appropriateness/acceptability of the development in relation to relevant heritage legislation and planning policy.
- 10.46 The HIA concludes that no harm has been identified to the historic and architectural significance of the NDHA and the character and appearance of the Conservation Area within the site or to the settings of the NDHA and DHA off-site, on balance, the Assessment considers that the proposals would both preserve and enhance the historic and architectural interests of the area with enhancements and public benefit resulting from the retention and conversion of the barn building (a NDHA) and enhancements to the character and appearance of the Conservation Area by opening up views to the Cleveland Hills through the demolition of 17 Station Road and the large agricultural building.
- 10.47 The Council's Conservation Officer has been consulted on the application and has stated that she considers there to be insufficient information at outline stage to fully determine any heritage impacts. However, she has also stated that while the demolition of the farmhouse as part of the proposal would be acceptable (concluding that the farmhouse 'has no particular architectural merit'), concern has been mooted that the demolition of the farmhouse is proposed to facilitate a new access arrangement onto Station Road and an adjacent focal square, parking spaces, landscaping and surface water infrastructure, which would potentially have an impact on the 'relatively tranquil setting of the neighbouring listed building Stonelea. (i.e. the Grade II listed building of 13 Station Road), as well as the grade II listed 6 Station Road (located opposite on the western side of Station Road) and the setting of the Greta Ayton Conservation Area, potentially resulting in less than substantial harm to the settings of these designated heritage assets.
- 10.48 As detailed above, there is a difference in view between the Council's Conservation Officer and the conclusions of the submitted HIA about whether the proposals are likely to lead to harm to the historical and architectural significance of the DHA and NDHA within the site and to the settings of some of the DHA and NDHA within the vicinity of the site.
- 10.49 Although the impact of the proposals on all DHA and NDHA within and within the vicinity of the site have been considered by Officers, the potential 'less than substantial' harm identified by the Council's Conservation Officer centres around the potential harmful impact on the character and appearance of the Conservation Area and the settings of the adjacent listed buildings (particularly 13/15 Station Road to the north and 6/8 Station Road to the west) as a result of creating the larger and more engineered access site access and demolition of the existing farmhouse (17 Station Road) It is accepted in both the HIA and by the Conservation Officer that this part of the proposed development would alter the existing character of the Conservation Area and the respective settings of the aforementioned Listed Buildings, the difference being whether changing and opening up this part of Station Road would result in a harm or enhancement in heritage terms.
- 10.50 While there is some merit within the conclusions reached within the HIA that the demolition of the modern farmhouse and provision of a wider access would re-open/restore the previous 'openness' within this part of the Conservation Area, to the potential benefit of its character and appearance and the settings of the listed buildings to the north and to the west, this conclusion fails to take into account the negative impact on the Conservation Area and the settings of the aforementioned listed buildings from introducing a larger,

engineered and conspicuous access which would be somewhat at odds with the existing built form/ character of this part of Station Road and its rural/semi-rural surroundings.

- 10.51 While it is acknowledged that there are other potential benefits/improvements to the character and appearance of the Conservation Area and the settings of the aforementioned heritage assets as a result of removing the range of redundant modern agricultural buildings within the site (thus removing large and utilitarian modern features within the Conservation Area and partially opening views beyond), there is nevertheless considered to be 'less than substantial harm' resulting to the existing character and appearance of the Conservation Area and to the settings of adjacent listed buildings (particularly 13/15 and 6/8 Station Road), although the level of harm would be minimised by providing landscaping adjacent to the access and setting buildings back into the site (as shown on the indicative layout plan) thus providing a sense of separation and breathing space between the new, enlarged access the 6/8 Station Road to the north.
- 10.52 Paragraph 202 of the NPPF (September, 2023) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.53 While the submitted HIA concludes that the proposals would not result in harm to the settings or significance of heritage assets within and adjacent to the site, it does draw attention to several claimed public benefits should the Council deem that there is 'less than substantial harm' to heritage assets resulting from the proposals., including the provision of housing for local needs, enhancements to biodiversity and the retention and enhancement of the traditional barn within the site (a NDHA)
- 10.54 While it is accepted that the proposed development would have public benefits in terms of the provision of additional housing (including affordable housing) and ecological enhancements, these benefits (both individually and cumulatively) are required by the planning policy and would not in any case be sufficient to outweigh the less than substantial harm caused.
- 10.55 The proposed conversion and enhancement of the traditional within the scheme, a NDHA with historic links and significance to the 'School Farm', would have clear public benefits by enhancing the building and its immediate setting (by removing the adjoining and utilitarian modern agricultural buildings), a building which remains a traditional building of both historic and architectural significance within the Conservation Area, particularly as the building has been unsympathetically altered previously (e.g. the addition of a modern, brick, lean-to extension) If outline permission is approved, the details of the conversion/enhancement scheme to the stone barn would be required to be secured by condition to ensure that the conversion scheme achieves an overall enhancement to the character of the building and its setting.
- 10.56 Overall, the proposals would comply with the requirements of Policies S7 and E5 of the Local Plan and paragraph 202 of the NPPF, subject o securing an appropriate conversion scheme of the traditional stone barn building within the site by condition.

#### Highway Safety and Connectivity

- 10.57 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.)

- 10.58 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.)
- 10.59 Concerns have been raised during consultation from local residents and the Parish Council regarding the highway impacts of the proposed development, particularly relating to the impact of the increase in traffic movements along Station Road and the surrounding local road network and existing on-road parking issues along Station Road.
- 10.60 A Transport Statement (TS) has been submitted with the application, which has considered matters of traffic impact, access, sustainability and parking, and has considered the proposals in light of current local and national transport policy. The TS concludes that there are no highway capacity issues or safety reasons why the proposed development should not be granted planning permission. Furthermore, the proposed plans show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards. While the concerns of local residents regarding the highways impacts of the proposed development are acknowledged, the additional impacts on the local road network are not considered to be substantial, while the proposed plans show that suitable visibility and footway connections can be achieved for the new access, as can a show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards
- 10.61 The LHA has been consulted on the application and have requested a Stage 1 Road Safety audit, which, along with a technical drawing of the site access has been submitted and is being considered by the LHA at the time of writing. A further report on this will be provided at Planning Committee.
- 10.62 In terms of accessibility and sustainability, the proposed development would be accessed off Station Road, which has a footway along its western side and an intermittent footway along the length of its eastern side. Located approximately 120m from the proposed main site is the High Street which contains a range of food and non-food retail units as well as bus stops (the nearest being 160m away from the main site access) with regular daily services to Middlesbrough and Stokesley. Also within 1,000m of the main site access are the village's Medical Centre, Cricket Club and Primary Schools. Station Road also provides a direct link from the site to the train station.
- 10.63 The proposals include a new footway along Station Road linking the site to the existing footway network provisions on Station Road and to the High Street. Suitable pedestrian crossing facilities would also be provided. In addition, the Regional Cycle Network Route 52 routes along Station Road past the site access and routes westwards along High Street.
- 10.64 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.

## Flood Risk and Surface Water Drainage/Management

- 10.65 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.)
- 10.66 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.)
- 10.67 A Flood Risk Assessment and Drainage Strategy Report (FRA) has been submitted as part of the application. This states that the development site is within Flood Zone 1, and thus at a low probability of fluvial flooding.
- 10.68 The proposed drainage strategy (as recommended within the FRA) would provide on-site surface water attenuation through cellular crate storage, oversized pipework and concrete storage tanks that would enable to restricted maximum discharge rate of 3.5 litres/second from three outfalls. The agent has confirmed that it is proposed that a detailed surface water drainage scheme (based on the recommended drainage strategy) would be designed once the final layout for the development was established, and the approval of the details of the surface water scheme can be required by condition prior to the commencement of the development, if outline permission is approved. The lead Local Flood Authority have been consulted on the application and have not raised nay objections, subject to conditions.
- 10.69 Overall, and subject to the imposition of the drainage condition recommended above, it is considered that the proposed development would meet 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

- 10.70 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.)
- 10.71 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 outline planning permission is approved.
- 10.72 The application documents confirm that foul sewage would be discharged to the combined public sewer in Station Road. Prioritizing 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.

- 10.73 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

- 10.74 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.)
- 10.75 A Phase 1 Assessment has been submitted with the application. No significant land contamination issues have been raised, although if outline permission is granted, it is recommended that a condition is imposed requiring the recommendation of the Phase 12 survey to be undertaken/followed, including procedures to be followed should unexpected contamination be found during construction.

#### Climate Change Mitigation and Carbon Savings

- 10.76 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (criterion g.) This is taken further by criterion k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations. If outline planning permission is granted, it is recommended that a condition is imposed requiring a carbon savings scheme to be submitted to ensure that the development complies with the above sustainable development requirements of the Local Plan.

#### Crime, Anti-Social Behaviour and Secured by Design

- 10.77 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.) If outline planning permission is granted, it is recommended that a condition is imposed requiring details of how Designing Out Crime Principles (in accordance with the recommendations made by the Designing Out Crime Office) will be incorporated within the development to

ensure that the development complies with the relevant requirements of Policy E1 in terms of crime and anti-social behaviour.

#### 'Agent of Change' and Impact on Current Farming Operations

- 10.78 Paragraph 187 of the NPPF states that as the 'agent of change', the proposals must demonstrate (including through the provision suitable mitigation) that the proposed development would not place unreasonable restrictions on the operation of existing businesses.
- 10.79 The agent has confirmed that the existing buildings on site are part of the Cleveland Lodge estate, and although have in the recent past been used by agricultural tenants, they are currently not used for agricultural purposes. Nevertheless, the agricultural building could be re-used at any time for agricultural purposes with potential amenity impacts on existing residents on Station Road. Therefore, by demolishing and converting the existing agricultural building, there is likely to be an improvement in terms of amenity levels with this part of the village.
- 10.80 In addition, and although the proposal would remove from use 2.45 of existing agricultural land as part of the nutrient offsetting, there would existing farmland adjacent to the application site. However, given the nature of the (remaining) surrounding farming activities (predominantly cereal and pasture) and the partial screening effect of existing and proposed landscaping, there is not considered to be any significant or unacceptable conflict between the proposed residential development and the existing farming activities.

#### Nutrient Neutrality

- 10.81 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.
- 10.82 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.
- 10.83 An 'Information Pursuant to Regulation 61(2) of The Conservation of Habitats and Species Regulations 2010' document and completed Nutrient Neutrality Budget Calculator have been submitted to the LPA. They confirm that there would be a positive total nitrogen load as a result of the development that would need to be 'made neutral'.
- 10.84 As explained within the submitted (and as amended) 'Information Pursuant to Regulation 61(2) of The Conservation of Habitats and Species Regulations 2010' document, the applicant has sought to mitigate the (gross) positive annual total nitrogen load through offsetting and taking a 2.93ha area of agricultural land (within the applicant's ownership) out of production and planting the land with native. Broadleaf woodland, thus removing an existing nitrogen-creating land use and replacing it with a land use that generates less annual total nitrogen.

- 10.85 It is concluded within the aforementioned submitted document that the planting of 2.93ha of woodland (on agricultural land) would be sufficient to offset the (net) positive annual total nitrogen load of the proposed residential development (49.11kg TN/year), making the proposed development overall 'nutrient neutral' by reducing the total nitrogen export by 49.26kg TN/year..
- 10.86 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, and Officers have sought confirmation from Natural England that the Appropriate Assessment is acceptable and that the means of nutrient mitigation, through offsetting, is an appropriate means of mitigating the positive nutrient load from the proposed development. A response is currently awaited but will be reported to the Committee prior to the Committee Meeting, if received.

#### Public Open Space and Play Facilities

- 10.87 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. 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.
- 10.89 There is evidently sufficient space within the application site to achieve an appropriate level of public open space and play facilities for the size and location of the proposed development. If outline planning permission is approved, the requirements and future maintenance of the POS should be secured through a Section 106 agreement.

### 11.0 Planning Balance and Conclusion

- 11.1. The application seeks outline consent for 35 dwellings on a site considered to be located outside but adjacent to the built form of the designated Service Village of Greta Ayton, and in accordance with the requirements of HG5 as a housing windfall site. As part of the proposal, affordable housing will be provided at a rate of 30%, in line with the requirements of Policy HG3 of the Local Plan. Overall, it is considered that the proposal for up to 35 dwellings reasonably satisfies the provisions of the relevant policies of the Local Plan, and while matters pertaining to residential amenity, biodiversity net gain, and highway safety (in terms of the layout) will be considered in more detail at the time of the Reserved Matters submission, there is no reason to expect that these matters could not be fully compliant with relevant Local Plan policies. While the proposals would result in less than substantial harm to heritage assets, including the Great Ayton Conservation and the setting of adjacent Listed Buildings, this harm will be outweighed by the public benefits resulting from the enhancements to the traditional stone barn to be sensitively and appropriately converted as part of the prosoma's. Overall, the proposed development is considered to comply with the relevant requirements and expectations of the Local Plan, the PPG and the NPPF, subject to receiving positive recommendations from the Local Highway Authority, Environmental Health and Natural England.

## 12.0 Recommendation:

- 12.1 That subject to receiving positive recommendations from the Local Highway Authority and Natural England, that outline planning permission be **GRANTED** subject to conditions listed below (and any recommended by the Local Highway Authority and/or Natural England) and the completion of a Section S106 agreement with terms as detailed in the table 2 below:

### Section 106 requirements:

Table 2		
Category/Type	Requirement/Contribution	Amount/Trigger
Affordable Housing	Secure the affordable housing provision, including a policy compliant housing mix.	30 per cent on site provision (the tenure mix and trigger points for AH provision to be subsequently agreed)
Public Open Space/Play Facilities	Provision and/or financial contributions towards the provision of play facilities, POS and the other requirements of Appendix E.	To be confirmed.
Nutrient Offsetting	Secure the offsetting of 2.45ha of existing agricultural land (within the applicant's ownership) as native, broadleaf woodland.	30 Years

### Recommended conditions:

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

Reason: To 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 not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design, scale and external appearance, including a schedule of external materials to be used; (b) the landscaping of the site.; (c) the layout of the development.

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

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

Reason: In the interest of highways safety and public amenity.

4. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

5. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to 10.5l/s in total (i.e. from all separate outfalls). A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

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

6. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

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

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

9. Prior to commencement of the development hereby approved a Biodiversity Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using the latest DEFRA or Natural England biodiversity metric. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and in accordance with Policy E3 of the Hambleton Local Plan.

10. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter

Reason: In order to comply with the requirements of Appendix E of the Hambleton Local Plan.

11. The development hereby approved shall comply with the requirements and expectations of Policies HG2 and HG3 of the Local Plan and the latest version of the Housing SPD on



housing size(s), type(s) and tenure(s) or otherwise with an identified local need in the Bedale sub-area, which has first been agreed with the Local Planning Authority.

Reason: To ensure that the proposed development meets local need for housing and to ensure that the proposals accord with Local Plans policies HG2 and HG3.

12. The design, scale and layout of the development as submitted as part of any subsequent reserved matters submission shall ensure that each residential property meets the current National Described Space Standards with sufficient drawings and information submitted with the application to demonstrate compliance.

Reason: To ensure that the proposed development meets the current National Described Space Standards in accordance with Policy HG2 of the Hambleton Local Plan.

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

Reason: To ensure that the development is completed with appropriate ground levels and finished floor levels to secure good levels of amenity for the occupants of adjacent residential properties and to mitigate any landscape impacts, in accordance with policies E2 and E7 of the Local Plan.

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with Policy RM5 of the Local Plan.

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

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

16. The ecological recommendations contained within the submitted Bat Survey Report shall be implemented in full in accordance with the stated details, methods and any timetable/timescale.

Reason: To ensure that all identified potential adverse impacts on ecology are appropriately mitigated and/or compensated for, in accordance with Policy E3 of the Local Plan.

17. Development shall not commence until a scheme detailing foul water drainage has been submitted to and approved in writing by the Local Planning Authority in consultation with Yorkshire Water. Details shall also be provided of future maintenance responsibilities for the drainage infrastructure. The works shall be implemented in accordance with the

approved details and the development shall not be brought into use until the approved drainage works have been completed. The drainage infrastructure shall be maintained in accordance with the approved details. This detail is required before development commences to ensure the provision of adequate and sustainable means of drainage and to ensure that the existing foul water drainage network which the site will discharge into is not compromised.

Reason: To ensure the provision of adequate and sustainable means of foul drainage, in accordance with Policy RM1 of the Local Plan.

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

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

19. The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate that all reasonable measures have been taken to minimise the risk of crime and disorder having regard to Designing Out Crime principles in accordance with Policy E1 of the Local Plan.

Reason: To ensure the creation of a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion, in accordance with Policy E1 of the Local Plan.

20. The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall make provision for convenient and appropriately designed bin storage (including recycling) facilities for the approved dwellings. The details shall include scaled drawings and the external materials of any external bin storage facilities proposed. The approved bin storage facilities shall be completed and be available for their intended use prior to the first occupation of the development.

Reason: To ensure that the development is designed to provide for sufficient and convenient bin storage facilities that respects the appearance of the development and its surroundings, as well as the amenities of residents, in accordance with policies E1 and E2 of the Local Plan.

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

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

The development shall be implemented in full in accordance with the recommendations and details within the approved Tree Constraints Plan. Reason: To ensure that existing important trees are protected during the demolition and construction phases of the development, in accordance with Policy E7 of Policy S1 of Local Plan.

22. Before or alongside the submission of any subsequent Reserved Matters application(s) for layout and appearance, a detailed scheme for the conversion of the stone barn on site shall be submitted to the Local Planning Authority. The scheme shall include, but not necessarily to be limited to the following:
- Method statement of all conversion works
  - A copy of a structural survey of the building
  - Details of the external materials to be used
  - Scaled drawings and sections of all windows
  - Scaled drawings of all doors.
  - A timetable for the completion of the conversion works, which should ensure that the conversion scheme is completed prior to the occupation of the first of the other dwellings hereby approved.

The conversion of the barn shall not commence until it has been agreed in writing by the Local Planning Authority. The conversion scheme shall thereafter be undertaken in accordance with the approved scheme.

Reason: To secure the appropriate and sensitive conversion of the barn as a Non Designated Heritage Asset and to ensure that the conversion is completed prior to the first occupation of any of the additional properties in order to secure the enhancement to the barn as a Non Designated Heritage Asset, in accordance with Policies S7 and E5 of Local Plan and paragraph 202 of the NPPF.

**Target Determination Date:** 31.01.2024

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