

**North Yorkshire Council**

**Community Development Services**

**Malton and Thirsk Area Constituency Committee**

**21 DECEMBER 2023**

**ZE23/00416/FUL- ERECTION OF REPLACEMENT DWELLING AND ASSOCIATED  
LANDSCAPING ON BEHALF OF MR M GIBSON**

**Report of the Assistant Director Planning**

**1.0 Purpose of the Report**

- 1.1 To determine a planning application for the erection of replacement dwelling and associated landscaping at Middleton House, Finkle Street, Sheriff Hutton, North Yorkshire, YO60 6RD
- 1.2 The application has been referred to the Committee for determination owing to the level of public interest and demolition of a building considered to be a non-designated heritage asset.

**2.0 EXECUTIVE SUMMARY**

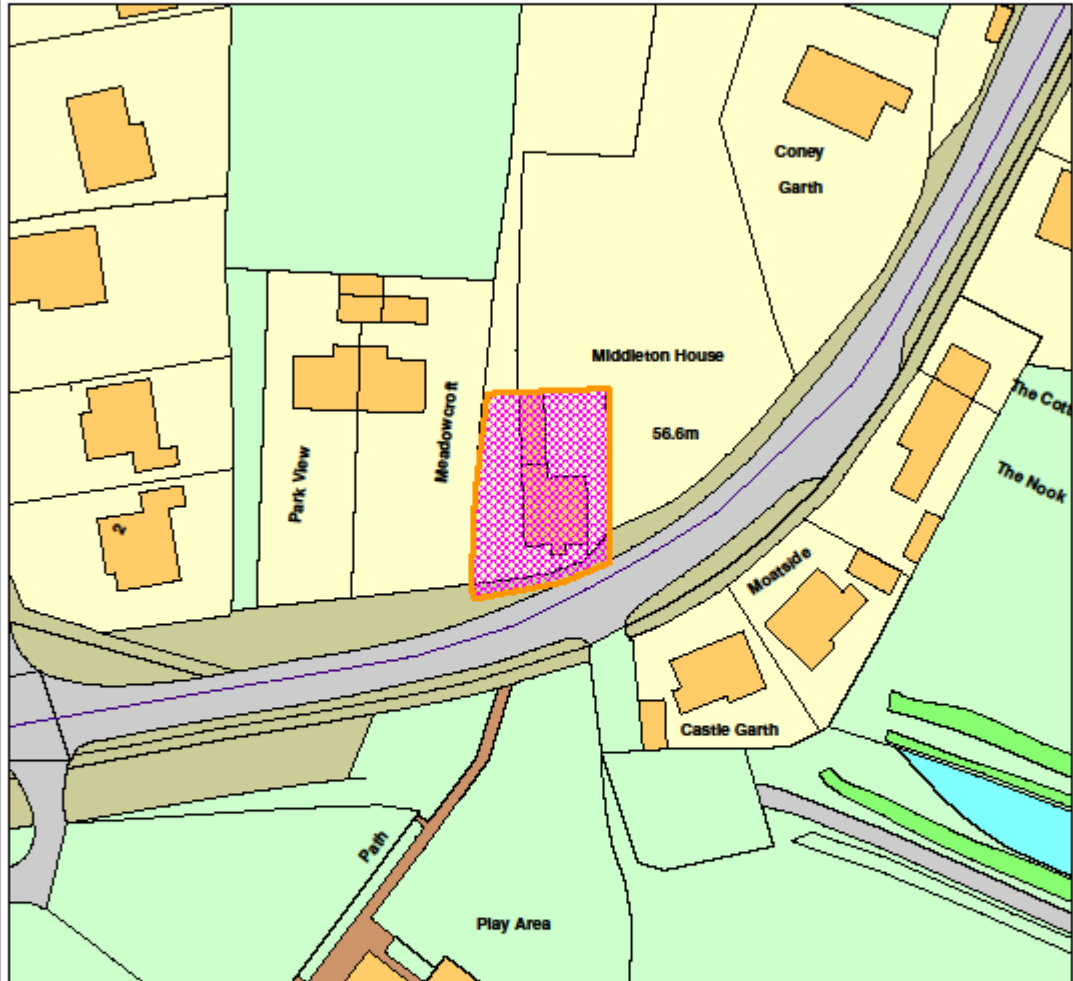
**RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.**

- 2.1. The application site relates to Middleton House, Finkle Street, Sheriff Hutton together with its domestic curtilage.
- 2.2. This site does not lie within the Village Conservation Area, nor a Visually Important Undeveloped Area (VIUA). The Village Conservation Area boundary runs to the rear of the properties to the south of Finkle Street, beyond which the Scheduled Ancient Monument of Sheriff Hutton Castle is located. The site is however located within an Area of Archaeological Importance.
- 2.3. Under 22/00539/FUL planning permission was approved for a larger scheme to include the “erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy for Middleton House and the erection of 2no. four bedroom dwellings and 1no. five bedroom dwelling with detached garages, parking and landscaping.”
- 2.4. This scheme seeks permission following investigative works for the erection of replacement dwelling and associated landscaping. The works would replicate the plans for the extended Middleton House approved under 22/00539/FUL, albeit with a new build form.
- 2.5. The new vehicular access to the site and wider landscaping approved under 22/00539/FUL would remain as approved.

- 2.6. The principle of the development is considered to align with the following policies contained within the Ryedale Plan; Policy SP1 (General Location of Development and Settlement Hierarchy) and SP2 (Delivery and Distribution of New Housing.)
- 2.7. The scheme has been also carefully considered in relation to the setting of the village Conservation Area, the wider street scene and the impact of the loss of the building considered to form a non-designated heritage asset. The loss of this building is considered regrettable, however the justifications of the current state of repair of the building and the level of work that would be necessary to bring it to an acceptable standard are noted and a balanced decision has been made with full regard given to the historic significance of the original building. Following review of the structural survey submitted by the Applicant, the LPA has also engaged Align Property Partners to undertake an independent assessment, which has recognised the poor state of repair of the present building.
- 2.8. It is considered that the scheme as amended, secures an acceptable form and design, which visually mirrors that of the approved scheme in terms of footprint, materials and detailing. It is acknowledged that the loss of this non designated heritage asset is regrettable, however the supporting information within the structural survey and additional correspondence from the Agent is considered to suitably outline the justification behind this approach. This has also been reviewed independently by Align Property Partners, on behalf of the Council. It is welcomed that the replacement scheme does not seek to replace the dwelling with a significantly altered form or appearance, but seeks to replicate the form of the dwelling as previously approved for extension. This includes a more sensitive principle elevation form, without the replication of the previous unoriginal late 19<sup>th</sup> Century front extension and the precise form of materials and sensitive design principles have been secured through the submission of a Design Code, which will be conditioned. The scheme is not considered to affect the setting of the Sheriff Hutton Conservation Area.

ZE23/00416/FUL

Not Set

**Scale:** 1:750

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	12/12/2023
MSA Number	Not Set

### 3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here:-  
<https://planningregister.ryedale.gov.uk/caonlineapplications/simpleSearchResults.do?action=firstPage>

3.2. The following is considered the most relevant planning history:

22/00539/FUL: Erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy for Middleton House and the erection of 2no. four bedroom dwellings and 1no. five bedroom dwelling with detached garages, parking and landscaping. Approved 09.03.2023.

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

4.1. The application site relates to Middleton House, a traditional dwelling which formed part of the previous Castle Brewery site.

4.2. Vehicular access to the site is taken directly from Finkle Street, Sheriff Hutton. A planning permission was issued under 22/00539/FUL for works to Middleton House, to include the erection of rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy. As part of this approval, 3 new build dwellings were approved in the land to the east, together with a new access to serve all the dwellings and wider landscaping. At present, no commencement has been made on this scheme, but the LPA is advised that this is intended to commence shortly.

4.3. The application site is broadly rectangular in form spans c38m from north to south and c19 from east to west at the maximum points. Forward of the principle elevation Middleton House is bounded by a low brick wall to the south. The site is adjoined by a residential property to the west, Meadowcroft, properties beyond Finkle Street to the south and the remainder of the paddock to the north and east.

4.4. This site does not lie within the Village Conservation Area, nor a Visually Important Undeveloped Area (VIUA). The village Conservation Area boundary runs to the rear of the properties to the south of Finkle Street, beyond which the Scheduled Ancient Monument of Sheriff Hutton Castle is located. The site is however located within an Area of Archaeological Importance and is identified within the Historic Environment Register (Reference MNY40352) as part of the former Castle Brewery site.

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

5.1. This application seeks full planning permission for the Erection of replacement dwelling and associated landscaping

5.2. As noted, previously approval was granted for works to Middleton House to include the erection of a rear two storey extension to form additional living space and bedroom along with new entrance door to west elevation with canopy, together with a detached garage to the north of the site, within what is currently the paddock.

- 5.3. The current replacement dwelling scheme reflects precisely the footprint, form, scale, window position and type of materials approved for use within the approved scheme under 22/00539/FUL identically, albeit within a new build form. Only very limited amendments to the scale of certain windows are proposed, which on the main 'core' section of the dwelling are of a sliding sash appearance.
- 5.4. Upon request, a further plan has been requested to show the scheme in the context of the approved surrounding development under 22/00539/FUL, including landscaping and the position of the proposed detached garage and access road. This has been added to the file.
- 5.5. A design code has been submitted to secure confirmation of detailed design elements. These include the use of UPVc sash windows of the highest quality (specifically without horns and incorporating perpendicular joints) which will be subject to a condition for further details. The proposed brick choice will be subject to a sample panel condition, a suitable proposed brick bonding pattern has been identified for use, the scheme would limit the use of decorative features and include traditional soldier coursed lintels. This design code would also secure the use of single lap clay pantiles and cast iron effect rainwater goods, on rise and fall gutter spikes. This document has been revised a number of times in consultation with the Council's Senior Conservation Officer to secure the highest quality of replacement dwelling. The design code also correlates with the updated elevations, which secure the soldier course, revisions to the chimney detail to ensure it is of a traditional; 'gable end' appearance and addition of stone roof details, including copings and kneelers.

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:  
The Ryedale Plan – Local Plan Strategy, adopted 2013

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework 2021
  - National Planning Practice Guidance
  - The Planning (Listed Buildings and Conservation Areas) Act 1990.

## **7.0 Consultation Responses**

- 7.1. The following consultation responses have been received, with the most recent summarised below. Full comments are available to view on the Council's website.
- 7.2. **Parish Council:** Objection – full response copied below:

Sheriff Hutton Parish Council OBJECT to planning application ZE23/00416/FUL, on the following grounds:-

- The property is a very old house in a prominent location within the village and is prominent on the local street scene.
- The parish council understand that it is an undesignated heritage asset and would very much wish to see the opinion of the Conservation Officer prior to any decision being made. This is evidenced as per the below:-
- "As referenced on pages 38 and 39 of The Sheriff Hutton Women's Institute Treasury Survey of Sheriff Hutton carried out in 1975 and published in 1977 intensive research confirms the history of the former brewery and brewers house and can date the house to the first half of the 18th Century with the two bays at the front of the house being 20th century additions. To demolish this building would destroy part of Sheriff Hutton's heritage - please see attached a copy of this document.
- Major concerns regarding access.

If the planning committee are mindful to approve the planning application, the parish council would like to see the following conditions adding:-

- Any new dwellings are built using bricks and materials that are in keeping with the locality, ideally utilising bricks that are on the current property that could be recycled.

At present, the development is to be called 'Castle View Court'. The parish council object strongly to this name. There is already an estate in the village called Castle View, various houses called Castle View and areas called Castle Court and Castle Side. The parish council believe that Castle View Court would just cause more confusion and would like to request that a consultation takes place on the naming of the site with the parish council and residents being part of the consultation.

7.3. **Internal Drainage Board:** Recommend Condition

7.4. **North Yorkshire Archaeology:** Recommend Condition

7.5. **North Yorkshire Ecology:** No objection.

7.6. **Local Highway Authority:** No objection, recommend condition

#### Local Representations

7.7. 20 letters of objection have been received in total making the following summarised points .members can review this in full on the planning file.

- Part of village history, a 170+ year old building and former brewery site, and its past is an important high status, landmark building within our community in a prominent position of importance within the village. Detrimental to the character of the village. Cultural and archaeological vandalism.
- Important part of the visible "age structure" of the village, how the village has aged and evolved. To allow demolition would suggest that any building can be removed for commercial interest.

- Middleton House should be considered a non-designated heritage asset. The only surviving building of a site known as Castle Brewery, recorded as a monument within the Heritage Gateway HER entry. Featured in the OS Map of 1856
- The approval for the new dwellings in the adjoining land was based on the retention of Middleton House with some extension work. If this application is to be entertained, then the planning application for the whole site and the adjoining site behind Park View, needs to be re-visited.
- Someone should renovate Middleton House and build bungalows on the adjacent land.
- It has been made to look derelict. When it was purchased, surely a survey would have identified these issues. Structural report notes that the demolition is not necessary, but the 'preferred solution.' Demolition is not the only solution. A refreshed Middleton House would complement the group of historical properties that comprise Finkle St, the Square and New Lane. The structural surveys fails to factor in planning considerations such as contribution to street scene/local historical context.
- Fails to replicate the appearance of Middleton House.
- Although proposing demolition, had made life effort to address issue of climate change as required by national policy and local plan.
- Concern over setting of Sheriff Hutton Conservation Area.
- Need to review the vehicular access to the entire site, this is a blind corner and needs to be seriously reconsidered, direct conflict with the village hall traffic and any traffic entering or leaving Sheriff Hutton. Poor enforcement of the 30mph limit and large volumes of HGVs.
- Neighbouring residents will have their outlook irrevocably changed and have to endure months of noise and disruption.
- The effort put into refurbishing with skill and understanding of the style and period would enhance the reputation of the firm involved.
- Developer has removed important copper beech and hedge. Little thought about replacement.
- Many in village objected to properties around this. No vision in terms of the needs of the local community. There was an opportunity to add lower level/smaller affordable homes to our community which are needed to retain our younger generations or elderly people to downsize.

## **8.0 Environment Impact Assessment (EIA)**

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

## **9.0 Main Issues**

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

- Principle of development
- Form, Character and Impact of the Proposal Demolition and Rebuild upon the Street Scene and Non Designated Heritage Asset.
- Access, Highway Safety and Parking
- Other Matters

## 10.0 ASSESSMENT

### Principle of Development

- 10.1. Policy SP1 (General Location of Development and Settlement Hierarchy) identifies Sheriff Hutton as a Local Service Centre (Service Village.) Policy SP2 (Delivery and Distribution of New Housing) supports replacement dwellings in principle. Consequently, this scheme is considered acceptable in principle and to align with Policies SP1 and SP2 of the Ryedale Plan, Local Plan Strategy.
- 10.2. The potential effect of this proposal on the character of the locality and in terms of heritage and other key considerations will be considered in the relevant sections below.

### Form, Character and Impact of the Proposed Demolition and Rebuild upon the Street Scene and Non Designated Heritage Asset

- 10.3. Policy SP12 Heritage notes "*Distinctive elements of Ryedale's historic environment will be conserved and where appropriate, enhanced.*" It further confirms "*In considering and negotiating development proposals, the Council will seek to protect other features of local historic value and interest throughout Ryedale having regard to the scale of any harm or loss and the significance of the heritage asset.*"
- 10.4. The NPPF notes in Paragraph 189 that "Heritage assets range from sites and buildings of local historic value to those of the highest significance." Paragraph 203 notes "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." Paragraph 205 notes: "*Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible<sup>69</sup>. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.*"
- 10.5. SP16 Design of the Ryedale Plan, Local Plan Strategy notes: "*Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which "Reinforce local distinctiveness and... Protect amenity and promote well-being."*

*To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings including:*

- *The grain of the settlements, influenced by street blocks, plot sizes, the orientation of buildings, boundaries, spaces between buildings and the density, size and scale of buildings*
- *Views, vistas and skylines that are provided and framed by the above and/or influenced by the position of key historic or landmark buildings and structures*



- *The type, texture and colour of materials, quality and type of building techniques and elements of architectural detail*

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

- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses*
- *Proposed uses and activity will be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses*

10.7. The site is located within the village of Sheriff Hutton, within the village development limits. As outlined above, this is not within nor adjacent to the Village Conservation Area, nor in the setting of any listed buildings. Middleton House itself is not listed, but is considered a Non Designated Heritage Asset (NDHA) due to its age, architectural detailing and its provenance as the last remaining building of the Brewery Site, as outlined in the Historic Environment Register (HER). The HER full description notes: *“The Castle Brewery is depicted on the first edition Ordnance Survey map of 1856 (1). The brewery consisted of a group of tightly packed buildings on a wedge shaped plot of land fronting Finkle Street. The brewery is thought to have continued in use in to the second half of the 20th century but has since largely been cleared leaving only one building known as Middleton House.”* The site is also located within an archaeologically sensitive area.

10.8. Given the archaeological sensitivity area, the Council’s Archaeology Team have been consulted. Within their formal response, the Principal Archaeologist has noted: *“Middleton House appears to have been built as part of the Castle Brewery which occupied the plot of land to the immediate east. All buildings other than Middleton House were demolished at some point in the later half of the 20th century.*

*Middleton House appears to be domestic rather than industrial in nature and is likely to have been the brewery manager’s house, offices or similar. The proposal is for remedial and rebuilding works on a similar footprint so there should be no significant impact on below ground archaeological remains.*

*As the building is of historic interest I would recommend a Level 2 historic building survey is carried out prior to commencement of the works should consent be granted. However, the ability to record the structure should not be seen as a factor in deciding whether loss should be permitted (NPPF para. 205) and the historic significance of the building should form part of the balanced planning decision.”* The point raised by the Archaeologist is noted and the necessary careful consideration will be undertaken. A relevant condition was subsequently recommended.

10.9. As part of the supporting evidence for this scheme, a Structural Inspection Report (Paul Waite Associates 12<sup>th</sup> April 2023 - Author Paul McDonald MEng CEng MIStructE) has been submitted. This confirms external and internal concerns with the building together with issues that may arise in the completion of the extensions approved under 22/00539/FUL. The report concludes:

*“The existing structure exhibits a series of defects due to foundation settlement and local instabilities.*

*Additions and alterations have locally weakened the structure and significant remedial works are required.*

*Such is the extent of demolition and key member removal careful consideration should be given to temporary stability to ensure the protection of the site, site personnel and members of the public.*

*The masonry is in relatively poor condition and will require a high level of maintenance throughout the life span of the structure, should it be retained.*

*The building is stable in its current condition; however, the risk increases as the proposed works are undertaken.*

*Remedial measures should be implemented in full prior to the demolition of any element of the structure if refurbishment is undertaken. The extent of demolition required to imagine the design proposals is significant and akin to a demolition and rebuild but entails a greater degree of risk to retain poor quality facades that will lack overall stability without significant temporary works, which in themselves may hinder redevelopment proposals.*

*Any temporary measures should be inspected thoroughly and regularly to ensure continued stability throughout.*

*We would advise that careful and detailed consideration should be given with respect to health and safety, long and short-term stability and integrity to the complete demolition and reconstruction of the property.*

*In our opinion, total demolition should be considered the preferred solution. The existing foundations should be grubbed out in their entirety to allow the building to be rebuilt on new foundations that are consistent, the fabric of the structure similarly would exhibit consistent thermal and structural performance over its lifetime. A full DPC and DPM would be incorporated in the structure eliminating many of the flaws that the current building presents.*

*This approach would be a safer and potentially more cost-effective solution which would result in a structurally sound building that would require minimal maintenance throughout the proposed lifetime.”*

- 10.10 The LPA note the content of the Structural Inspection Report, however considered it pragmatic and thorough to commission an independent report to investigate defects to the structure and determine the feasibility of carrying out remedial works or whether demolition and rebuild would be more appropriate. The report (Align Property Partners Limited 8<sup>th</sup> September – Author Hashim Ali BEng (Hons) MSc) was based on a site visit by Hashim Ali, the Case Officer, the Council’s Senior Building Conservation Officer, the Applicant and colleagues from Wharfedale Homes. This can be viewed in full on the planning file, however it is also quoted directly in the Senior Building Conservation Officer’s response below in Section 10.11.
- 10.11 It is appreciated that Middleton House is strongly regarded and afforded a great deal of significance by local residents and Parish Council, as clearly noted within the incoming consultations responses, it has been identified as a non designated heritage asset by the LPA. The Case Officer acknowledges the technical detail within the two structural surveys and following that sought further narrative from the

Developer in relation to the proposed approach. The following was received on the 12<sup>th</sup> December:

*“Wharfedale Homes purchased the property, Middleton House, with the full intention of renovating the property alongside a small, bespoke development of new houses in the garden. The usual surveys were carried out prior to purchase but the survey at that stage was limited to anything visible as intrusive investigation is not feasible pre-completion. At that stage, the applicant was aware of some structural issues that required attention. On the grant of planning, the applicant commissioned the removal of internal plaster to enable a full structural and engineering proposal to be produced. The removal of plaster exposed significant structural issues and building defects as confirmed in both their submitted Structural Report and the Council’s own commissioned report.*

*The existing building has been altered and extended many times during its lifespan and underwent a full renovation in the mid-20<sup>th</sup> century when the previous owners acquired the building. That renovation included wholesale alterations to the floorplan, including the introduction of a new staircase and other internal and external additions. The applicant’s original proposals, which were approved by the LPA, included the removal of most of these alterations, to include the rear off-shot, which is suffering from severe structural issues. It also included the removal of the Victorian front extension which is, again, suffering from subsidence. The intrusive investigation exposed the presence of timber lintels, across the whole property, including a significant, timber structural member used to support the whole front elevation. As part of any renovation, all lintels and structural timbers require replacement with modern alternatives to comply with requirements. This presents a complex engineering and health and safety challenge as, even with extensive temporary works, there is high risk of structural failure during the removal and replacement process. This is one of many significant defects highlighted by the structural reports requiring remediation.*

*On stripping back of internal plaster, it also became apparent that many of the structural issues were related to these alterations and extension, meaning removal is necessary for the long-term stability of the building. Otherwise, the developer would be unable to secure a build warranty and therefore, no prospective purchaser would be able to secure a mortgage to purchase the property. However, removal of the front and rear extensions would be very difficult to undertake whilst retaining the ongoing structural stability of the remaining building during renovation (gables, roof and remaining elements of front and rear elevation). For this reason, both surveyors determined that a combination of cost, timescales and requirement for ongoing maintenance means that the ability to achieve a future proof building, that is compliant with relevant codes and building regulations, would be extremely difficult and would be an ongoing liability to the homeowner.”*

- 10.12 The Council’s Senior Building Conservation Officer confirmed the following in her formal response dated 12<sup>th</sup> December 2023 and as noted has quoted directly from the Align Property Partners Report:

**No Objection**

*Paragraph 203 of the NPPF requires that ‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’ Paragraph 204 states that ‘ Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure*

*the new development will proceed after the loss has occurred'. Paragraph 205 states that 'Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible'.*

*The proposal seeks the erection of a replacement dwelling and associated landscaping following the demolition of Middleton House. The applicant has submitted a Structural Condition report undertaken by Paul Waite Associates, on the existing structure in which many defects were picked up. Their recommendation was that 'total demolition should be considered the preferred solution'.*

*Subsequently, an independent structural report has been commissioned by North Yorkshire Council finding: "The inspection uncovered many defects which would require the following works to be undertaken:*

- Ground Investigations to determine bearing pressures, information regarding soil stability, ground model, underpin depths etc.*
- Underpinning to foundations in local areas where settlement is present.*
- Masonry walls to be tied back into the structure.*
- Masonry to be repointed.*
- Weathered brickwork to be removed and replaced.*
- Timber lintels to be replaced with proprietary lintels.*
- Removal of significant structural members which will result in significant temporary works.*
- The proposals include the removal of walls, which give the structure lateral stability against*
- prevailing winds. A Structural assessment will have to be conducted in order to determine*
- where lateral supports are required.*
- Wall construction to be altered to allow for a cavity so the structure can be insulated in order to meet current building regulations.*
- Substantial amounts of remedial and temporary works required in order for the building to follow modern design standards/codes/building regulations.*

### **Discussion**

*Overall, the condition of the existing structure is poor and requires remedial works. All defects noted to the structure are repairable, however, the remedial works involved may have lengthy timescales, hefty costs and ongoing maintenance. There is a substantial amount of remedial and temporary works required in order for the building to follow modern design standard/codes/building regulations and to ensure adequate structural stability. Remediating the structure would still require a regular maintenance programme to ensure the structure remains in sound condition where as a new structure would require less frequent attention.'*

*Given the identification of a poor structural condition and the substantial amount of remedial and temporary works required to the existing structure by an independent party, it is considered that the retention of the Non Designated Heritage Asset has been given due consideration in the Planning process'.*

*It is also considered that the design of the proposed dwelling, the detail of which can be secured through the submitted Design Code, will help to mitigate the loss of the Non Designated Heritage Asset.*

*In addition, a recording condition has been recommended by the Council's archaeological consultees.*

*In my opinion, the provisions of the NPPF in regard to Non Designated Heritage Assets have been satisfied. Due to the proposed design and detailing of the application, the proposed impact on the setting of the conservation area will be negligible."*

- 10.13 The response confirming no objection to the overall loss of the non designated heritage asset from the Council's Senior Building Conservation Officer is noted, which was a carefully considered decision undertaken following the site visits and review of the two structural surveys.
- 10.14 It is also noted, that whilst this non designated heritage asset would not be retained, the Agent has proposed a very sensitive design for the replacement dwelling, which would almost replicate the form of the approved scheme under 22/00539/FUL. This approach is strongly welcomed and Officers are pleased that the developer did not seek to proposed a more 'off plan' large anonymous replacement dwelling in this location. The design reflecting that of the original Middleton House is more appropriate in this prominent location. As noted, the detailed design code which has been submitted by the Planning Agent would be conditioned, together with the requirement for a sample panel of brickwork, samples of all other materials and further information in terms of window details.
- 10.15 On balance, Officer's consider it regrettable that the original dwelling, which is considered to form a non-designated heritage asset with historic significance would be lost. However the supporting information has provided important justification to inform the rationale behind this approach which Officers considered a suitable basis on which to support this scheme. The poor structural condition, unearthed following the purchase is noted and the significant range of issues within the dwelling are acknowledged and on this basis, in line with the requirements of the NPPF a balanced recommendation for approval is made.

#### Access and Highway Safety

- 10.16 As noted, this scheme would be served by the proposed new entrance approved to serve Middleton House and the other properties approved under 22/00539/FUL. It is noted that there are local concerns with speeding within this 30mph dwelling and visibility. However this entrance has been fully considered by the Highways Team under the earlier application. As part of that scheme, visibility was always to be improved by the removal of the Victorian front extension to Middleton House and this resultant splay will be maintained as part of this current scheme.
- 10.17 The Highways Officer, within their formal consultation response on this scheme recommending a condition to ensure that no part of the development must be brought into use until the access, parking, manoeuvring and turning area approved under 22/00539/FUL has been constructed in accordance with the details approved in writing by the LPA. It is therefore considered that the proposed access will be safe and suitable, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

#### Other Matters

- 10.18 It is not considered that this scheme, for a single replacement dwelling, mirroring the scheme approved under 22/00539/FUL would result in any adverse impacts in terms of neighbouring amenity of neighbouring occupiers or future residents.

10.19 In terms of Drainage, the site is located in Flood Zone 1. No formal consultation response was received from Yorkshire Water in relation to this scheme. A response was received from the Internal Drainage Board recommending a condition seeking full details of the drainage details for the red line location site. Presently, under condition file ZE23/00389/COND the IDB's previously recommended condition for full details of the wider site/scheme approved under 22/00539/FUL is being discharged, with a final consultation response being awaited from Yorkshire Water. If Yorkshire Water are content, the IDB have confirmed for this more limited scheme, that the discharge rate can be as per the site wide Drainage Plan (P10.) On this basis, this would affect the precise wording of the drainage condition recommended for this scheme. It would be most likely be an 'in accordance with' style condition. Members will be updated on this is due course. If this is not confirmed by the Committee Meeting, Officers will seek an update to the overall recommendation to request delegated authority to approve, subject to the satisfaction of the Internal Drainage Board.

10.20 It is considered that the previously recommended condition under the approval 22/00539/FUL will effectively secure the wider site landscaping scheme which will result in an ecological enhancement, that this scheme would align with the requirements of Policy SP14 (Biodiversity) of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework. The NYC Ecologist noted in their final response that the dwelling has negligible potential for protected species and the recommendations within the submitted Preliminary Ecological Appraisal "*do not seem to include anything that would be specific to the current application, and refer more to proposals for the redevelopment of the wider site.*" It is also noted, that a BNG payment legal agreement has made by the Developer previously as part of the earlier scheme, which will be payable upon a lawful commencement of that scheme.

10.21 A Phase 1 and Phase 2 Geo-Environmental Assessment have been carried out on this site. Under discharge of conditions file ZE23/00523/COND this has been considered acceptable by the Council's Environmental Health Officers. A condition relating to unexpected contamination will be recommended, with an informative to adhere to the recommendations within the Phase 2 report.

## **11.0 PLANNING BALANCE AND CONCLUSION**

11.1. This application has been recommended for approval as it is considered to meet with the requirements of the Ryedale Plan, Local Plan Strategy and the National Planning Policy Framework.

11.2. This proposed scheme, which includes the replacement of Middleton House is considered to be acceptable in principle within this location, which falls within the designated Service Village under the Ryedale Plan, Local Plan Strategy. Subject to the amendments made and the relevant recommended conditions, it is considered to align with the requirements of the following policies within the Ryedale Plan, Local Plan Strategy: Policy SP1 (General Location of Development and Settlement Hierarchy) Policy SP2 (Delivery and Distribution of New Housing, together with the National Planning Policy Framework (NPPF.)) It is noted that concern has been raised with the scale of the replacement dwelling and that of the already approved scheme

to the west under 22/00539/FUL. It is considered that these do not relate to more affordable options for downsizing families, however it is noted that the scale of the approved dwellings is considered to align with the requirements of SP2. Furthermore, the proposed replacement Middleton House dwelling respects the footprint previously approved.

- 11.3. The scheme, which proposed the demolition of a non designated heritage asset, of heritage significance is considered to have been suitably justified, due to the poor state of repair and the range of structural issues identified at this property and following a site visit and careful review, this view is shared by the Council's Senior Building Conservation Officer. Whilst the level of local representation is noted, it is considered that the loss has been balanced, in line with the requirements of Paragraph 203 of the NPPF and due regard has been given to the retention of the non-designated heritage asset has been given in the planning process. It is also considered that the design of the proposed dwelling, the detail of which can be secured through the submitted Design Code and further conditions, will help to mitigate the loss of the Non Designated Heritage Asset. Further archaeological recording will also be secured. The scheme is not considered to affect the setting of the Sheriff Hutton Conservation Area.
- 11.4. The application is also considered to be suitable in terms of highway safety, with the continued use of the already approved new access from Finkle Street continued to be considered acceptable by Highways. The scheme is also considered acceptable in term of ecology and neighbouring amenity.
- 11.5. Members will be updated in due course with regard to drainage, as outlined above. It is considered likely that a compliance condition will be possible to recommend, given the level of detailed information produced as part of an associated conditions file relating to 22/00539/FUL.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

#### **Condition 1 Time Limit**

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

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

#### **Condition 2 Approved Plans**

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

Site Location Plan – Middleton House (Drawing no. SHERI-WBA-XX-ZZ-DR-A-PL\_002 Rev P1 – dated 11<sup>th</sup> December 2023)  
 Proposed Plans and Elevations (Drawing no. SHERI-WBA-XX-ZZ-DR-A-PL\_100 Rev P2)

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

### **Condition 3 – PD Rights**

Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

Class C: Any other alteration to the roof of a dwellinghouse

Class D: Porches

Class E: Provision within the curtilage of a dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of a dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s).

### **Condition 4 – Archaeology**

- a. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - i. The programme and methodology of site investigation and recording
  - ii. The programme for post investigation assessment
  - iii. Provision to be made for analysis of the site investigation and recording
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- b. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).
- c. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.



Reason: This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the building is of historic interest.

#### **Condition 5 – Sample Panel**

Prior to any above ground construction of the dwellings hereby approved, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of the development hereby approved . The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 6 – Samples**

Prior to any above ground construction of the dwellings hereby approved, or such longer period as may be agreed in writing with the Local Planning Authority, further details and samples of all materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 7: Windows**

Notwithstanding the submitted details, prior to their installation, details of all windows, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority. These shall be shown on a 1:10 scale drawing or via product brochures.

Informative: In preparing the information above, the Building Conservation Officer and Case Officer have provided detailed advice on the quality of windows required and this has informed the submitted design code.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 8: Design Code**

The development hereby approved shall be undertaken in accordance with the details contained in the approved Design Code. (Version submitted by the Planning Agent on the 12<sup>th</sup> December 2023).

Reason: To ensure an appropriate appearance and to comply with the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 9: Means of enclosure**

Unless otherwise agreed in writing with the Local Planning Authority, prior to any above ground construction of the dwellings hereby approved, full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority, including a sample of the proposed

walling material along the southern elevation of the site. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the Conservation Area, as required by Policy SP12, SP20 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 10: Highways**

No part of the development must be brought into use until the access, parking, manoeuvring and turning area approved under application reference 22/00539/FUL has been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 11: Unexpected contamination**

In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy  
Informative: The site should be redeveloped in full accordance with the recommendations contained within the Phase “ Geo-Environmental Assessment (PWA May 2023.)

#### **Condition 12: FW/Surface Water**

Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the dwellings hereby approved, the provision of surface and foul water discharges must be completed to the satisfaction of an approved Building Control Officer.

Reason: To ensure that no discharges take place until proper provision has been made for their disposal and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy.

#### **Condition 13: Internal Drainage Board Condition – To be confirmed.**

**Target Determination Date:** 28<sup>th</sup> June 2023.

**Case Officer:** Niamh Bonner, [niamh.bonner@northyorks.gov.uk](mailto:niamh.bonner@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**