

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Constituency Planning Committee

2ND APRIL 2024

**ZC23/03583/FUL - SUB-DIVISION OF EXISTING COTTAGE INTO 2 DWELLINGS AND
ERECTION OF SINGLE STOREY EXTENSIONS TO REAR. ERECTION OF 2 NO
DWELLINGS WITH OUTBUILDINGS TO REAR (REVISED SCHEME WITH
ALTERATIONS TO PARKING AND POSITION OF DWELLINGS) AT 1 HAREWELL VIEW
GLASSHOUSES ON BEHALF OF MR J ROBINSON**

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

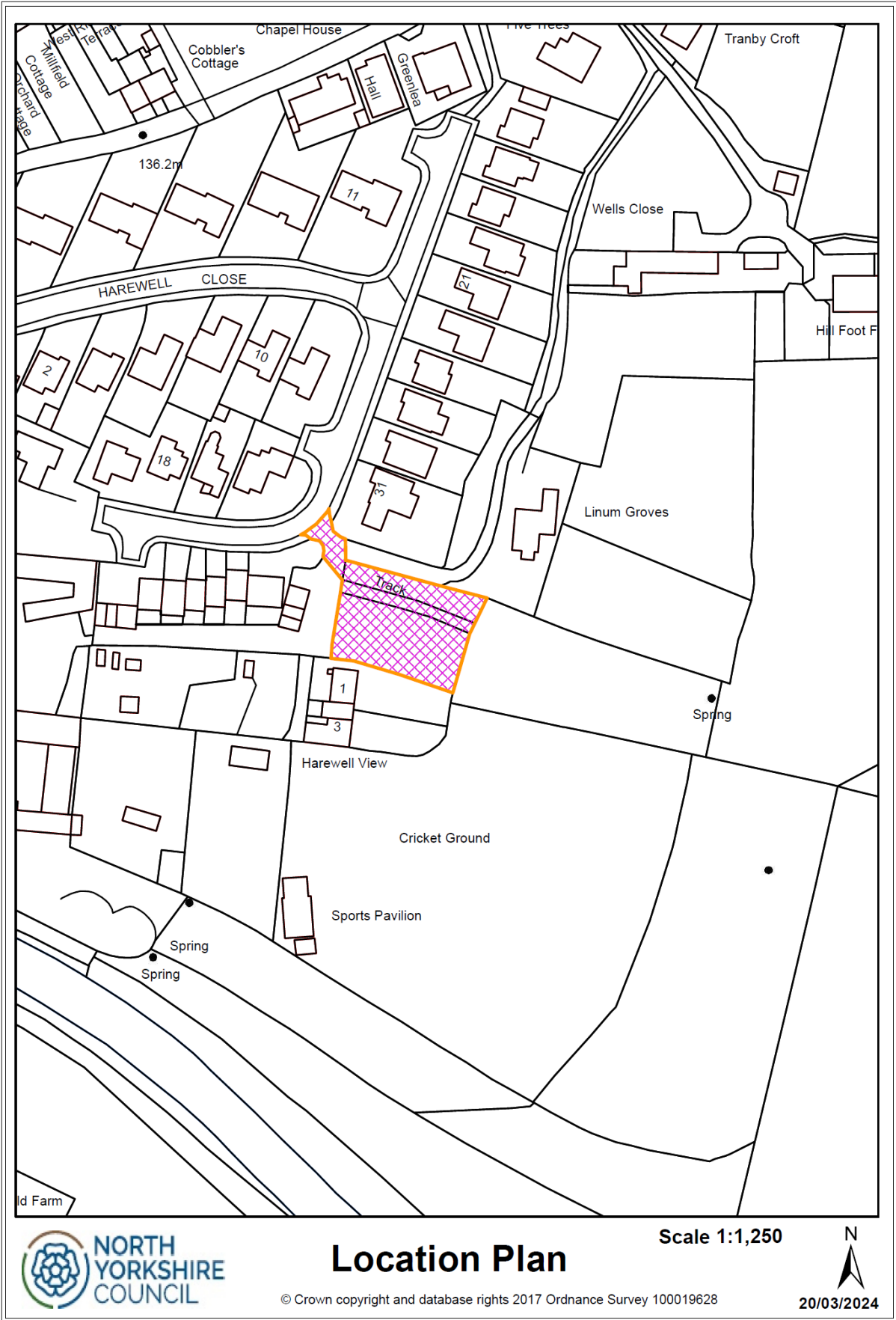
- 1.1 To determine a planning application for the sub-division of an existing cottage into two dwellings with single storey extensions proposed to the rear and the erection of 2 no. dwelling with rear outbuildings on land at 1 Harewell View, Glasshouses.
- 1.2 This application is brought to the Area Planning Committee at the request of a Member of the Committee due to the level of public interest and impact on the conservation area.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions

- 2.1. This application seeks full planning permission for the sub-division of an existing semi-detached property and the erection of rear extensions to both elements of the subdivision; the erection of a pair of semi-detached dwellings along with an outbuilding to the rear and the provision of parking on land including 1 Harewell View and land to the north.
- 2.2. The application site is located within the defined development limits of Glasshouses, which is a designated service village within the development hierarchy of the Local Plan Area as set out in Local Plan Policy GS2, where the principle of housing is considered to be acceptable.
- 2.3. The site is also situated within the Nidderdale National Landscape (AONB) and part of the site lies within the Glasshouses Conservation Area. A public right of way runs through part of the site.
- 2.4. The development of the site is not considered to harm the character and appearance of the Nidderdale National Landscape as the reduced scale of the revised scheme ensures that part of the open space remains and also that views through the site are available. It is considered that this would comply with Local Plan Policies GS6 and NE4.

- 2.5. The proposal will create 'less than substantial harm' to the Conservation Area, due to the loss of an area of open space around the settlement, but the design and layout of the scheme are considered appropriate and the public benefit of housing is considered to outweigh the 'less than substantial harm' created, which is in line with Section 72 of the Listed Buildings and Conservation Area Act, Section 16 of the NPPF and Local Plan Policy HP2.
- 2.6. Concerns have been raised by local residents with regards to highway safety but these concerns relate to existing issues and operational problems in relation to the nearby school. It is not considered that the proposed development would create issues in relation to highway safety.
- 2.7. The proposed development of the site is considered to comply with local and national planning policies.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. The application has been changed during the determination process. The number of proposed dwellings has been reduced from 3 to 2 and the dwellings have been reduced in scale. The extensions proposed to the existing cottage have been reduced in scale and the proposed car port has been omitted and replaced with a small outbuilding. The parking layout has also been redesigned. The application amendments have been readvertised.
- 3.3. There are two relevant planning applications for this application which are detailed below.

23/01224/FUL Erection of 4no terraced dwellings, alterations to existing access point and erection of carports to the rear. WITHDRAWN 22.06.2023. Concerns raised by the Local Planning Authority.

23/01225/FUL Splitting existing cottage into 2 dwellings. Erection of single storey extensions to rear. Provision of car parking to rear. WITHDRAWN 22.06.2023. Concerns raised by the Local Planning Authority.

4.0 Site and Surroundings

- 4.1. The application site comprises of an existing semi-detached property and an area of adjoining land, which is accessed from Harewell Close in Glasshouses. The existing dwelling is a stone traditional dwelling, which historically formed two dwellings in a terrace of three. An access track runs to the frontage of the dwellings and serves a garage to the neighbouring property. This can also be accessed by an adjoining track which serves a stable building to the south.
- 4.2. The land adjacent to the existing properties is an open field with a farm access to the agricultural fields beyond and provides access to a farmers field used as temporary overflow car parking for the nearby Cricket Club.
- 4.3. The site is approximately 0.10 hectares in size. A public right of way runs through part of the site before climbing the northern embankment into the garden of Linum Groves to the northeast.
- 4.4. The site of the existing dwellings is within the Glasshouses Conservation Area with the area of the proposed dwellings sited outside. It is noted as an important open space

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within the appraisal and as providing an important view through the site to the open countryside beyond. The site is within the Nidderdale National Landscape (AONB).

- 4.5. The site is within the defined development limits of Glasshouses, which is a designated service village within the development hierarchy of the Local Plan Area as set out in Local Plan Policy GS2.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the sub-division of the existing semi-detached property and the erection of rear extensions to both elements of the subdivision; the erection of a pair of semi-detached dwellings on the land to the north along with an outbuilding to the rear.
- 5.2. The proposed sub-division will create 2 no. two bedroom properties and the pair of semi-detached properties would provide 3-bedroom accommodation. Boundaries are proposed to be stone walls with parking to the front of the proposed new dwellings and to the northern boundary of the sub-divided dwellings.
- 5.3. It is not proposed to make any changes to the proposed access track or public right of way as part of this application, however, an indication of a possible diversion route is shown on the plans.

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:

- Harrogate District Local Plan (adopted 2020).
- Joint Minerals and Waste Plan (adopted 2022).

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
- Glasshouses Conservation Area Character Appraisal
- Residential Design Guide
- House Extensions and Garages Design Guide

7.0 **Consultation Responses**

7.1. The following consultation responses have been received and have been summarised below. Focus on the most recent comments from consultees.

7.2. **Parish Council:** Do not object or support but raise the following areas of concern:

- Pedestrian access along the old railway line and vehicular access to the fields beyond would be compromised
- Additional cars will exacerbate existing congestion on Harewell Close and the wider road network
- Sewage infrastructure may not be able to cope with the additional demand
- Request protection that the right of way be protected through the site as the gate is presently locked.
- Request protection for the vehicular right of way to 2 Harewell View
- Yorkshire Water conditions must be attached to any approval
- Request investigation by the Highways Authority

7.3. **Ward Member(s):** Concerns raised that the land includes areas not in the ownership of the applicant; and that the access track would be restricted; and that there are anomalies on the plans.

7.4. **Conservation Officer:** Raised concerns over the scale of the development and elements of the design and requested amendments. The Conservation Officer has verbally agreed that the revised plans overcome the above concerns.

7.5. **Highways Authority:** Raise no objections subject to conditions including the provision of access, turning and parking areas and the submission of a construction management plan.

7.6. **Public Rights of Way Team:** An informative is recommended.

7.7. **Environmental Health** – No objections but recommend conditions in relation to unforeseen land contamination and refuse storage.

7.8. **Nidderdale AONB Joint Advisory Board** – seek safeguards in relation to the spatial gaps within the Conservation Area Appraisal and to ensure the public right of way is not blocked.

7.9. **Yorkshire Water** – recommend conditions

Local Representations

7.10. 38 local representations have been received of which 1 is in support; 2 seek safeguards and 35 raise objections. A summary of the comments is provided below, however, please see website for full comments.

7.11. 19 letters or representations were received in relation to the original scheme which included the erection of 3 no. dwellings. One letter of support and 18 objections.

7.12. Support:

- There is a lack of housing available in the area for first time buyers and young families.
- The development provides sufficient parking provision.

7.13. Objections:

- Impact on highway safety
- No local facilities in area
- Disruption from development
- Impact on public right of way
- Impact on community through restricted access to cricket club
- Congestion and parking
- Insufficient sewerage capacity
- Exacerbate existing parking issues in area
- Already issues with Glasshouses Mill Development
- Proposal has potential to cause damage to neighbouring properties
- Not sympathetic to neighbouring properties or the Conservation Area
- Land not owned by the applicant
- Impact on wildlife
- Impact on AONB
- Over development of the site
- Site has been deliberately cleared
- Inconsistencies within the plans.
- Access to farmland
- Design

Following the re-advertisement of the reduced scheme, 19 further representations were received. 2 seek safeguards and 17 raise objections:

Safeguards:

- Concern over access to Cricket Club
- Concern over drainage infrastructure
- Safeguarding of public right of way

Objections:

- Overlooking and impact on privacy
- Impact on ecology
- Impact on AONB
- Impact on Public Right of Way
- Restricted access and highway safety
- Property damage
- Danger to children playing
- Infrastructure capacity
- Impacts of Glasshouses Mill Development
- Overdevelopment
- Housing not needed
- Parking situation
- Right of Access to other properties
- Deliveries

- Blocked Public Right of Way
- Impact on agricultural access
- Out of character/impact on Conservation Area
- Inconsistencies in submitted information
- Not advertised correctly

8.0 Environment Impact Assessment (EIA)

- 8.1. The Proposed Development was screened under 10 (b) of the Town and Country Planning (Environmental Impact Assessment) 2017.
- 8.2. The Proposed Development is located within Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and it is a designated sensitive area as defined by the EIA Regulations.
- 8.3. Considering the nature, scale and location of the Proposed Development and nature of the receiving environment, whilst there may be some impact on the surrounding area and surrounding designated sensitive area as a result of this development, it would not be of a scale and nature likely to result in a significant environmental impact within the context of the EIA Regulations.
- 8.4. The Proposed Development is not therefore EIA Development.

9.0 Main Issues

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

- Principle of development
- Landscape Impact/Impact on Nidderdale National Landscape (AONB)
- Impact on Heritage Assets
- Impact on residential amenity
- Highways
- Impact on public right of way
- Drainage
- Land Contamination
- Ecology
- Sustainability
- Legal matters and right of access

10.0 ASSESSMENT

Principle of Development

- 10.1. The National Planning Policy Framework 2023 (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. Planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions. There is a presumption in favour of sustainable development and the NPPF advises that there are three dimensions to sustainable development: economic; social and environmental.

- 10.2. Paragraph 83 of the NPPF states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'.
- 10.3. Material to the consideration of this application is the Local Plan and the 5 year land supply position. The Council's Local Plan for this area makes allocations of land and sets development limits to meet the housing needs of the Local Plan area to 2035. Sites have been identified as allocations in the Local Plan as those that best deliver the Plan's growth strategy. Development should therefore be directed toward these sites and other sites within development limits that accord with policies in the Local Plan. Proposals coming forward on other sites outside the development limits are unlikely to be viewed favourably.
- 10.4. In regard to 5-year land supply the Council has a healthy land supply position in this area, currently 7.7 years when compared against the housing requirement, with an appropriate buffer. Accordingly, the policies which are most important for determining the application are not considered to be out-of-date. Full weight can be afforded to the housing policies in the Local Plan.
- 10.5. Local Plan Policy GS2 sets out the Growth Strategy for the Local Plan Area which aims to focus growth within main settlements. The application site is located within the defined development limits of Glasshouses, which is designated as a Service Village within the development hierarchy and thereby capable of accommodating growth.
- 10.6. The provision of housing in this location is therefore acceptable in principle subject to no other matters outweighing the benefits of the provision of housing.

Landscape Impact/Impact on Nidderdale National Landscape (AONB)

- 10.7. Paragraph 131 of the Framework states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 10.8. Paragraph 135 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.9. The application site is located in open countryside and within the Nidderdale National Landscape (AONB). Paragraph 182 of the NPPF states that 'great weight should be given to conserving and enhancing landscaping and scenic beauty' in these areas and that these should be given the 'highest status of protection'.
- 10.10. Local Plan Policy GS6 sets out the criteria against which development within the AONB will be considered. Local Plan Policy HP3 seeks to retain and enhance local distinctiveness; whilst policy NE4 seeks to protect landscape character.
- 10.11. The site is located within Landscape Character Area 11 – Nidderdale Valley (Pateley Bridge to Summerbridge), which describes the landscape as having extensive views

across and along the valley with farmsteads, houses, villages and hamlets are scattered along the valley floor and sides.

- 10.12. The capacity of this character area to absorb further development was judged to be very limited in 2004 without detriment to the rural pastoral landscape and guidance urged that building beyond development limits should be discouraged. The site lies within the AONB where the overriding purpose of this national designation is to conserve the Natural Beauty of the landscape. The development proposal has to be considered within this context.
- 10.13. The application site lies within the development limits of Glasshouses on the edge of the settlement. The site is bounded by residential properties to the north; west and south with open fields to the east.
- 10.14. The proposal would infill a gap between the existing properties whilst retaining access through to the fields and open landscape of the AONB beyond. The scale of the proposed properties are larger than the traditional properties to the south but of a similar scale to the more modern properties to the north. The height of the proposed properties has been reduced to match those of the traditional properties adjacent.
- 10.15. The garden areas to the rear retains the open aspect when seen from the east with low level boundary walls forming the rear boundaries of the site. The existing access track and embankment are to remain and there will be views through the site between the buildings into the village and out to the Nidderdale National Landscape. It is considered expedient to remove permitted development rights for extensions, outbuildings and boundary treatments to ensure that future development does not detract from the character and appearance of the Nidderdale National Landscape.
- 10.16. The proposed sub-division of the existing dwelling would return the property to its original form, as it was previously two dwellings. The proposed alterations have been reduced in scale and now include the installation of rooflights and the erection of rear extensions. The proposed alterations are considered to be in keeping with the character of the buildings as is the proposed design of the additional properties. Samples of proposed materials should be required as a condition of any consent to ensure that they are in keeping with the locality.
- 10.17. The proposed parking has been re-arranged to avoid an impact to the public right of way through the site and also positioned to the frontage of the buildings reduces the impact on the Nidderdale National Landscape.
- 10.18. It is not considered that the proposal would harm the character or appearance of the Nidderdale National Landscape and would therefore accord with Local Plan Policies NE4 and GS6.

Heritage

- 10.19. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.

- 10.20. In determining planning applications concerning the historic environment, Section 16 of the NPPF indicates that local planning authorities should take account of: the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness.
- 10.21. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 10.22. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: the nature of the heritage asset prevents all reasonable uses of the site; and no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use.
- 10.23. 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 securing its optimum viable use.
- 10.24. Harrogate Local Plan Policy HP2 seeks to ensure that proposals for development that would impact on heritage assets (designated and non-designated) will be determined in accordance with national policy. Proposals affecting a heritage asset, or its setting, must protect or enhance those features which contribute to its special architectural or historic interest. Local Plan Policy HP3 seeks to preserve local distinctiveness.
- 10.25. The existing dwellings sit within the Conservation Area boundary, whilst the site of the proposed housing sits adjacent but outside. The Conservation Appraisal identifies a key view from Glasshouses Mill towards the site and also identifies it as an important open space alongside the Cricket Ground and surrounding fields.
- 10.26. The Conservation Officer has been consulted on the proposal and initially raised concerns over the scale and elements of the design. The applicant has amended the proposals to reduce the overall scale of the proposal and improve the design of the properties. This has overcome the concerns of the Conservation Officer.
- 10.27. The proposal has been designed to ensure that there remains a view through the site through the position of the proposed parking and also by retaining the access track and

embankment. This preserves the key view identified on the Conservation Area appraisal.

- 10.28. The revised scale and number of houses enables more of the site to be left open and retains some of the green space to the north of the proposed housing and does not impact on the surrounding areas of important open space. Thereby retaining the important elements of the openness associated with the Nidderdale National Landscape which can be seen through the built form and form part of the setting of the Conservation Area.
- 10.29. The Conservation Area appraisal identifies a strategic pedestrian route, however, this does not follow the line of the public right of way and continues around the site rather than cutting through it.
- 10.30. The design of the properties and the alterations to the existing properties are considered to be appropriate to the surroundings and would not detract from the setting and character and appearance of the Conservation Area, which has already been affected by the large modern housing estate to the north of the site. The proposed dwellings take some design cues from the more traditional dwellings on the site which enhances the setting of the Conservation Area and provides a further transition between the traditional properties and the modern housing estate.
- 10.31. Whilst the proposal will lead to the loss of part of the open space around the settlement it is considered that the 'less than substantial harm' to the Conservation Area would be outweighed by the benefit of the provision of 2- and 3-bedroom housing, in line with the HEDNA housing mix, within the development limits of the village.
- 10.32. It is considered that the proposal complies with Section 72 of the Listed Buildings and Conservation Area Act, Section 16 of the NPPF and Local Plan Policy HP2.

Impact on Residential Amenity

- 10.33. Paragraph 135 of the NPPF sets out the requirement for a high standard of amenity to be provided for both existing and future occupiers. Policy HP4 of the Local Plan states that 'development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours'.
- 10.34. The proposal is to subdivide the existing property into two dwellings. This proposal will not provide any issues in terms of residential amenity as the openings are already in situ and the proposed rooflights do not produce any issues with overlooking of the neighbouring property.
- 10.35. The rear extension will not cause overshadowing to the existing attached property due to the orientation and is set away from the boundary to ensure that the single storey extension does not have an overbearing impact.
- 10.36. The proposed dwellings are greater in depth than the existing traditional properties but again due to the orientation this will not create an overshadowing issue and there is sufficient separation to avoid any overbearing.

- 10.37. The proposed properties are situated 5.8m from the side elevation of the existing traditional dwelling and whilst there are windows in the side elevations of the properties, these are offset and would not create issues of overlooking between the properties but would provide the benefit of natural surveillance over the proposed car parking areas of both sets of properties.
- 10.38. The proposed dwellings are situated 21m from the side elevation of the nearest property on Harewell Close, which more than meets the required separation distance for this arrangement. There is also screening provided by the existing garage building at first floor level which is situated between the two sets of properties.
- 10.39. The properties are located over 19m from the side elevation of no.31 Harewell Close which meets the required separation distances.
- 10.40. The proposed subdivision properties and the new build properties provide a suitable level of both internal and external space to provide a high level of amenity for future residents.
- 10.41. Concerns have been raised with regards to the impact from construction traffic and during the build works. There is always an element of disruption from development but this is a short term impact which can be minimised by restricting the hours of work and the use of a Construction Management Plan to manage the impacts of the development process.
- 10.42. The access track through the site is also used by farm traffic and on occasions by the Cricket Club. There is considered to be sufficient separation distance between the proposed dwellings and the access for these limited traffic movements to harm the amenity of the residents.
- 10.43. It is considered that the proposed development would not create harm to residential amenity and would accord with Local Plan Policy HP4 and paragraph 135 of the NPPF.

Highways

- 10.44. Paragraphs 114 and 115 in the NPPF set out the requirement for safe and suitable access to be achieved for all users and that development should only be refused on highways grounds where there would be an unacceptable impact on highway safety.
- 10.45. A large number of concerns have been raised by the neighbouring residents in relation to highway safety and parking. Many of these relate to the fact that there is a parking issue within the existing estate and also from parents dropping off and collecting from school.
- 10.46. The proposal provides a sufficient level of parking for the level of accommodation proposed and it would not be appropriate to require additional parking due to the actions of other residents or school users. This should be dealt with by other areas of Highway legislation and by the organisations to which the parking disruption relates by encouraging the use of public transport; walking and cycling.

- 10.47. Concerns have also been raised with regards to the suitability of the access. The Highways Authority have been consulted on the above proposal and have confirmed that the access is suitable for the level of housing proposed and that there is sufficient parking provided within the scheme.
- 10.48. The scheme has been amended to overcome the issues raised by the original proposed parking and turning arrangements and the large car port. The small outbuildings to the rear of the proposed dwellings are designed to provide cycle storage and not for the storage of domestic vehicles. This can be conditioned as part of any approval.
- 10.49. The Highways Authority have stated that the applicant will need to ensure that they have all appropriate permissions in terms of access to the site from any third parties and recommend that a Construction Management Plan is a condition of any approval to reduce any highway impacts during the proposed development.

Impact on the Public Right of Way

- 10.50. Local Plan Policy HP5 seeks to protect public rights of way. The site has a public right of way which runs along the existing access track before continuing over the embankment into the garden of Linum Groves.
- 10.51. Concerns have been raised over the impact of the proposal on the public right way and residents have raised issues over the fact that the right of way is presently blocked by the landowner who has locked the gate.
- 10.52. The proposed development has been amended so that the existing access track is no longer altered and there is no parking or development which would impact on the public right of way.
- 10.53. The issue of the blocked right of way has been passed on to the Public Rights of Way team, however, this is not a planning matter.
- 10.54. The plans show both the existing right of way and also a possible route for a diversion but this diversion does not form part of the application proposal. The protected railway line stops short of the site boundary to the east and restarts in the centre of the village beyond the Harewell Close estate, which is built across the route. The proposal does not affect the public right of way or the protected railway route and complies with Local Plan Policy HP5.

Drainage and Flood Risk

- 10.55. The application site is located within Flood Zone 1, which is the lowest risk of flooding. The application form states that the proposed drainage would be connected to the existing mains sewer.
- 10.56. Concerns have been raised by members of the public with regards to the ability of the existing sewerage network to cope with the additional capacity. Yorkshire Water have been consulted and raise no objections to the proposal subject to conditions.

10.57. It is not considered that the proposal would have a significant adverse impact in terms of drainage or flood risk.

Land Contamination and Air Quality

10.58. Local Plan Policy NE9 sets out the requirements in relation to land contamination. The existing cottage is in existence as a dwelling, and therefore there are no concerns raised in relation to land contamination. The accompanying contamination screening assessment form is suitable for this type of development and does not indicate any waste activities or pollution incidents on site or in the vicinity of the site that could affect the proposal. The proposal to construct three cottages in the garden is also covered by the contamination assessment. It is considered expedient to include informatives in relation to unforeseen contamination and the importation of topsoil.

10.59. Environmental Health also recommend a condition in relation to providing sufficient refuse storage and collection arrangements for the site.

10.60. Local Plan Policy NE1 seeks to improve air quality and it is therefore considered expedient to attach a condition requiring electric vehicle charging points to be provided, which will aid in the options for more sustainable travel and therefore improve air quality within the Local Plan area.

10.61. Ecology

10.62. Paragraph 180 of the NPPF states that the 'intrinsic character and beauty of the countryside' should be recognised including trees and woodland and minimising impacts on biodiversity.

10.63. Paragraph 186 of the NPPF states that opportunities to improve biodiversity in and around development should be integrated as part of their design.

10.64. Local Plan Policy NE3 seeks to protect and enhance biodiversity whilst Policy NE7 seeks the protection of the natural landscape and trees and woodland.

10.65. The site is not in an ecological designation and is an area of open land. The application site is an area of overgrown grassland with an existing access track which is regularly used to access the fields beyond.

10.66. Concerns have been raised with regards to protected species using the existing building however the existing properties have living accommodation in the roof and whilst there will be some disturbance of the roof from the provision of rooflights, this would be in the area of the building already inhabited. An informative is recommended in relation to finding any protected species during works as this is covered by additional legislation outside of planning.

10.67. It is not considered that the proposal would create harm to local ecology and would comply with Local Plan Policy NE3.

Sustainability

- 10.68. Local Plan Policy CC4 requires all developments to be designed to reduce both the extent and the impacts of climate change. The design and access statement includes a statement as to how this would be achieved, including the use of air source heat pumps.
- 10.69. No details of the pumps have been provided and therefore details of the proposed location of the pumps and technical specifications are required to ensure that there is no harm to residential amenity.

Other issues including rights of access

- 10.70. A number of concerns have been raised with regards to legal issues relating to rights of access in connection with the site. The applicant is now aware of other ownership rights in relation to the access to the site and has served notice on the relevant persons. This is in line with planning regulations.
- 10.71. Concerns have been raised about the restriction to the vehicular access to the adjoining neighbouring property, however, no one has come forward with evidence to suggest that this right of access exists. The issue of legal rights of access are not a planning consideration but a private matter and cannot be considered as part of a planning application.
- 10.72. Equally concerns have been raised over the access rights to the agricultural fields and the Cricket Club to the rear of the site. At present it appears from the evidence submitted that this is an existing agreement between parties and is not a material consideration in a planning application.
- 10.73. The landowner would have the same rights to restrict access, if this was to be applicable, regardless of a planning application being under consideration. The submitted statement sets out that there is no intention to alter these rights.
- 10.74. A number of comments have also been made with regards to anomalies on the plans where annotations have been left on from previous iterations – this should now be resolved in the latest set of plans which have removed the annotations.
- 10.75. Concerns have been raised that the application has not been correctly advertised however the application has been advertised by both site notice and press notice and has been re-advertised to make members of the public aware of the proposed alterations.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The application site is located within the defined development limits of Glasshouses which is designated as a Service Village within the development hierarchy and thereby capable of accommodating growth. The provision of housing in this location is acceptable in principle subject to no other matters outweighing the benefits of the provision of housing and would accord with Local Plan Policy GS2.

- 11.2. The site is located within the Nidderdale National Landscape, however it is considered that the proposal would not adversely impact on the character of the AONB as elements of the spatial gap and views through the site would remain. This would comply with Local Plan Policy GS6.
- 11.3. The proposal will lead to the loss of part of the open space around the settlement it is however considered that the 'less than substantial harm' to the Conservation Area would be outweighed by the benefit of the provision of 2- and 3-bedroom housing within the development limits of the village, which would be in line with the HEDNA housing mix for the area.
- 11.4. The proposal takes some of its design cues from the more traditional properties within the Conservation Area and provides a transition from the Conservation Area to the modern housing estate. The proposal ensures that the key view through to the openness of the Nidderdale National Landscape is retained which forms the setting of the Conservation Area. The design and layout of the housing is considered to be appropriate to the area and all required separation distances between properties are met. It is considered that the proposal would comply with Local Plan Policies HP2, HP3 and HP4 in relation to design, heritage and residential amenity.
- 11.5. The proposal is not considered to create harm in terms of highway safety, public rights of way, drainage, flood risk, or land contamination or ecology and meets the requirements of Local Plan Policy CC4 in terms of sustainability.
- 11.6. Issues relating to legal matters and rights of access are not material planning considerations.

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 on or before 3 years of date of decision

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act

Condition 2 Approved Plans

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details:

Proposed Site and Location Plans – 5055 Rev K submitted to LPA on 6th March 2024
 New Houses – Proposed Dwellings; Plans, Elevations and 3D - 5055 Rev K submitted to LPA on 6th March 2024

Proposed Long Sections – 5055 Rev K submitted to LPA on 6th March 2024
 Cottages – Proposed Site and Location Plans including elevations and floorplans - 5055 Rev K submitted to LPA on 6th March 2024

Reason: In order to ensure compliance with the approved drawings.

Condition 3 Materials – subdivision of cottages

The materials to be used in relation to the extension and subdivision of the existing cottages shall match those of the host building.

Reason: In the interests of visual amenity and to protect the character and appearance of the Conservation Area and the Nidderdale National Landscape and to comply with Local Plan Policies HP2, HP3 and GS6.

Condition 4 Materials – new dwellings

Before the first use of any materials in the external construction of the roof and walls of the new dwellings hereby approved, samples of those materials shall have been made available for inspection by, and the written approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and to protect the character and appearance of the Conservation Area and the Nidderdale National Landscape and to comply with Local Plan Policies HP2, HP3 and GS6.

Condition 5 – outbuildings

The outbuildings approved shall be used for domestic storage and cycle storage only and shall not be used for the storage of motorised vehicles.

Reason: Use of the buildings by motorised vehicles would create a highway safety issue as there is no appropriate turning provision within the site and would conflict with the public right of way. This would be in conflict with Local Plan Policies TI3 and HP5.

Condition 6 – Hours of Work

Site preparation and construction works shall be restricted to:

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interests of protecting the residential amenity of the neighbouring properties during construction and to accord with Local Plan Policy HP4.

Condition 7 – Highways Parking and Turning

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

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

Condition 8 – Construction Management Plan

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

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

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- restriction on the use of all access roads off the B6265 for HGV traffic for construction purposes, unless unavoidable;
- wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' site operatives and visitor's vehicles clear of the highway;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- details of site working hours, to show no deliveries during peak times, including peak school times;
- erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- measures to control and monitor construction noise;
- an undertaking that there must be no burning of materials on site at any time during construction;
- removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
- details of external lighting equipment;
- details of ditches to be piped during the construction phases;
- a detailed method statement and programme for the building works; and
- contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason:

In the interest of public safety and amenity and to accord with Local Plan Policy HP4.

Condition 9 – Waste Water

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

Reason: In the interest of satisfactory and sustainable drainage

Condition 10 – Surface Water

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

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

Condition 11 – Refuse

Suitable and sufficient provision shall be made for:

- i. the storage and containment of refuse prior to collection.
- ii. access for the collection of refuse.

Reason: In order to protect the local environment and in the interests of the residential amenity and to accord with Local Plan Policy HP4.

Condition 12 – Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages, outbuildings, or boundary treatments other than any expressly authorised by this permission shall be erected without the grant of further specific planning permission from the Local Planning Authority.

Reason: To protect the character and appearance of the Nidderdale National Landscape and the Glasshouses Conservation Area in accordance with Local Plan Policies GS6 and HP2.

Condition 13 – Electric Vehicle Charging

An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with the approved details and are operational. The charging point installed shall be retained and maintained thereafter.

Reason: In the interests of improving air quality and sustainable travel and to accord with the NPPF.

Informatives:

1. **Yorkshire Water** - On the Statutory Sewer Map, there is a unknown diameter public foul water sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme.

a.) It may not be acceptable to raise or lower ground levels over the sewer and we will not accept any inspection chambers on the sewer to be built over.

b.) In this instance, Yorkshire Water would look for this matter to be controlled (by Requirement H4 of the Building Regulations 2010).

c.) A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

2. **Bats** - All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) and are further protected under Regulation 41 (1) of the Conservation of Habitats and Species Regulations 2010. Should any bats or evidence of bats be found prior to or during

development, work must stop immediately and in the first instance contact the National Bat Helpline on 0845 1300 228. Developers/contractors may need to take further advice from Natural England on the need for a European Protected Species Licence in order to continue the development in a lawful manner. Natural England can be contacted at consultations@naturalengland.org.uk, or by calling 0300 060 3900, or Natural England, Consultation Service, Hornbeam House, Crewe Business Park, Electra Way, Crewe, Cheshire, CW1 6GJ.

3. Contamination - The applicant / developer is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

4. Topsoil - If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site.

5. Public Right of Way

i) There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary.

ii) If the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990 as soon as possible. Please contact the Local Planning Authority for a Public Path Order application form.

iii) If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to North Yorkshire Council Highway Authority for a Temporary Closure Order is required. Please contact the Council or visit the website for an application form.

iv) The existing Public Right of Way on the site must be protected and kept clear of any obstruction until such time as an alternative route has been provided by either a temporary or permanent Order.

v) It is an offence to obstruct a Public Right of Way and enforcement action can be taken by the Highway Authority to remove any obstruction.

vi) If there is a 'claimed' Public Right of Way within or adjoining the application site boundary, the route is the subject of a formal application and should be regarded in the same way as a Public Right of Way until such time as the application is resolved.

vii) Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.

Applicants should contact the Council's Countryside Access Service at County Hall, Northallerton via CATO@northyorks.gov.uk to obtain up-to-date information regarding the exact route of the way and to discuss any initial proposals for altering the route.

Target Determination Date: 22.04.2024

Case Officer: emma.howson@northyorks.gov.uk