

**North Yorkshire Council**

**Community Development Services**

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

**13th June 2024**

**ZB23/01649/FUL - Construction of four detached bungalows (as amended - amended site location plan Rev.B; additional/amended drainage information and Indicative Technical Plan Rev.K)**

**At: Land to West of Smithy Green, Hornby Road, Appleton Wiske**

**On behalf of: Clarion Homes Ltd**

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

**1.0 PURPOSE OF THE REPORT**

- 1.1 To determine a planning application for four bungalows on land to the west of Smithy Green in Appleton Wiske.
- 1.2 This application is brought to the Planning Committee at the request of the Divisional Member (Morton-on-Swale & Appleton Wiske).
- 1.3 The application was considered and deferred at the April Richmond (Yorks) Area Constituency Planning Committee (held on 11<sup>th</sup> April) 2024), for further consideration of matters pertaining to flood risk and access.
- 1.4 It is recommended that planning permission be granted subject to conditions and the completion of a Unilateral Undertaking (UU) to secure the implementation and maintenance (for a minimum period of 30 years) of the off-site Biodiversity Net Gain (BNG).

**2.0 SUMMARY**

**RECOMMENDATION:** That planning permission be **GRANTED**, subject to the completion of a Unilateral Undertaking by the applicant and the conditions as recommended within section 11 below.

- 2.1. The application (as amended) is seeking full planning permission for the construction of 4 bungalows on the western edge of the village of Appleton Wiske, adjacent to the built form of the settlement. The proposed bungalows would consist of: two 2 bedroom units and two 3 bedroom units.
- 2.2. The proposed development would be located outside but adjacent to the main built form of the village with the site adjacent to the existing residential curtilages of properties to the north and east of the site. A carefully-considered landscaping scheme (as amended) and the provision of single storey properties would ensure that the proposed development would not result in a harmful impact on the existing character of the western edge of the village or the rural character of the countryside to the west and south.

- 2.3. The site is located adjacent to, and to the west of, the churchyard of the Grade II Listed St. Mary's Church. An existing line of mature trees along part of the western boundary of the churchyard provides an effective screen between the church (and its churchyard) and the land to the west, while the church/churchyard is already surrounded on three sides by buildings. The proposed development is considered to have a neutral (not harmful) impact on the setting of the listed church, although 'less than substantial harm' is considered to be caused to ridge and furrow features within the site (a Non-Designated Heritage Asset).
- 2.4. The proposed development would not raise any significant or unacceptable issues with regards to ecology, highway safety, amenity, drainage and land contamination and would result in an acceptable and policy-compliant design and net gain in biodiversity. The provision of four single storey properties, half of which would be two bed units, would help meet the identified need within the Plan Area for smaller, single storey properties, which has been given moderate weight in the planning balance.

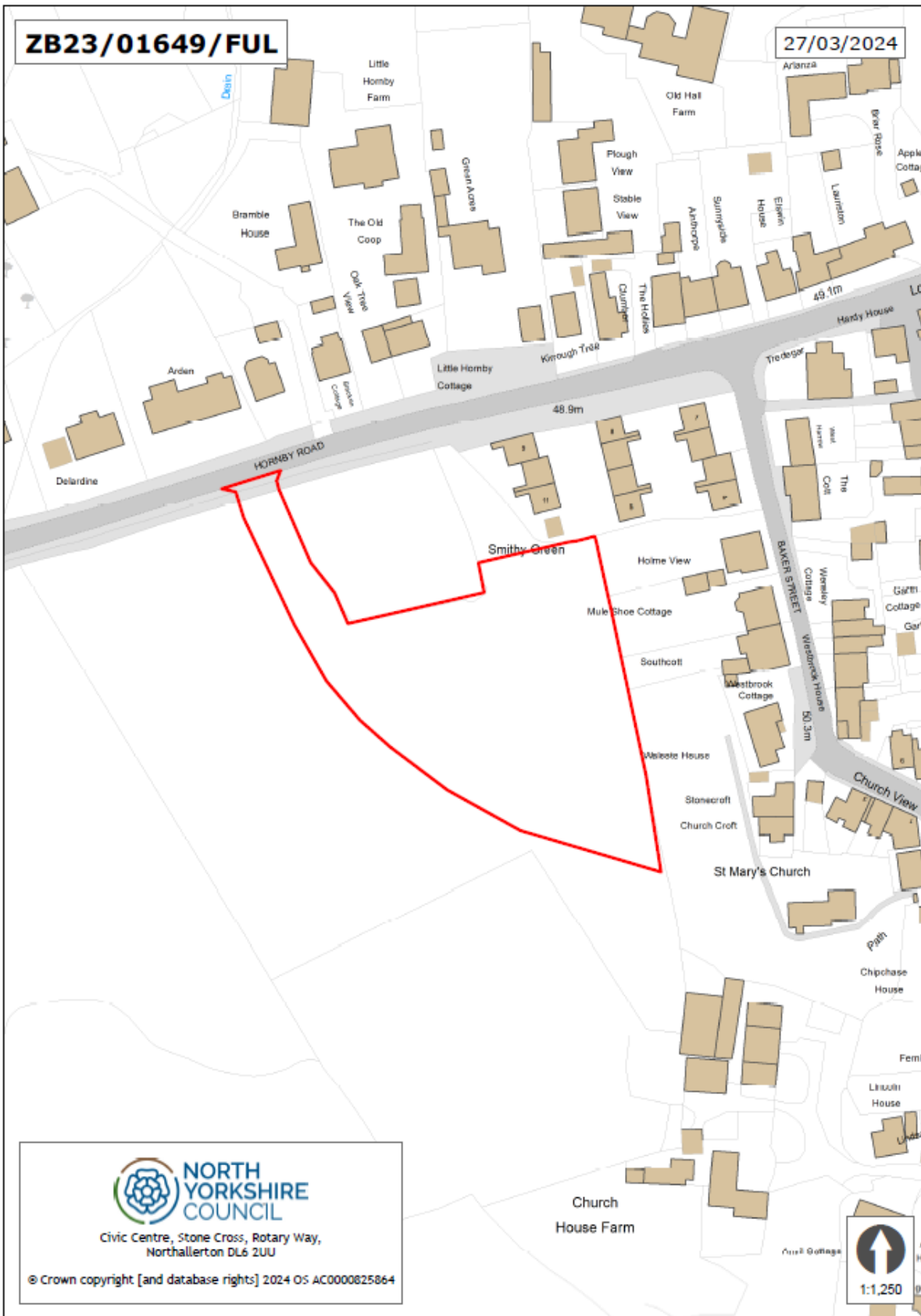
Update from April Committee:

- 2.5. The application was considered and deferred at the April Richmond (Yorks) Area Constituency Planning Committee (held on 11<sup>th</sup> April) 2024), for further consideration of matters pertaining to flood risk and the access.
- 2.6. The matter of flooding has been subsequently discussed with the Lead Local Flood Authority (LLFA) who agree that the proposed buildings themselves are in Flood Zone 1 and are above the highest known flooding scenario in the locality. As such, it is considered that flooding will not impact on the proposed homes themselves (including their respective curtilage areas).
- 2.7. The LLFA had raised concerns about overland flow in case of exceedance. In short, a question of what will happen to water in an extreme flood event, where the on-site attenuation overfills and runs down the hill. The concern being the possibility of flood water being directed toward the two new homes at the bottom of the hill, on the road-side (i.e. Pasture House and Ryegrass House)
- 2.8. In order to seek to address the outstanding flood risk concerns (as raised by the LLFA, see paragraph 7.3 below) the agent has subsequently submitted the following amended plan and additional clarification:
- Drainage Strategy Plan (Rev. P4): This amended plan includes further clarification regarding the flood exceedance routing showing north-western and south-western flows across the site to the adjoining agricultural land to the west of the site. The plan also includes the site spot levels for the proposed access road as well as finished floor levels for all four bungalows as shown on amended version P2.
  - Email from the applicant's Drainage Engineer dated 15<sup>th</sup> May 2024 (within which the aforementioned amended plan was attached): In response to the LLFA's latest representation, the applicant's Drainage Engineer has clarified that the two new houses to the north of the application site (Pasture House and Ryegrass House) are approximately 750mm higher than the low point of the application site to the west, where the amended Drainage Strategy Plan shows exceedance flows would go. In addition (and by keeping ground levels effectively the same as the existing), flows across the site would end up in the same location, although the Drainage Engineer concludes that the proposed attenuation scheme would result in a betterment, with underground attenuation meaning that the risk of exceedance being minimal. Clarification has also been provided regarding why the specific diameter of surface water pipe and hydrobrake is proposed to be used contrary to the sizes (diameters) recommended within NYC LLFA guidance.

- 2.9 The LLFA have subsequently submitted a further consultation response confirming that should the development be built as per the proposed design (including the imposition of the recommended mitigation measures within the FRA) as well as the provision of a suitably-sized culvert over the watercourse, the proposed development should not increase flood risk on or off the site (see paragraph 7.3 of this Report for more details)
- 2.10 At the 11<sup>th</sup> April Planning Committee Meeting, Members requested that an alternate site access along the route of the Public Right of Way be investigated due to the potential impediment of the ingress and egress of emergency services vehicles (in time of emergency) and the risk of the presence of flood water across the proposed site access. This request was subsequently passed onto the agent who, in order to seek to address Members' concerns, has suggested that the existing fenced boundary (within the land-edged-blue of the application and thus within the applicant's ownership) at the point of the Public Right of Way is extended in width with a moveable boundary treatment installed. This would allow an alternative emergency access to the site within Flood Zone 1 and the agent would be amenable to the imposition of a condition to require this to be provided (subject to condition) should planning permission be granted. This issue is considered in more detail at paragraph 10.48 below.
- 2.11 Additional information has been provided by Appleton Wiske Parish Council, including photographs showing standing water on the lower part of the proposed access route and raise significant concerns about the legitimacy of the Environment Agency Flood Risk mapping, both in terms of surface water and river flooding from the River Wiske.
- 2.12 Officers consider that the risk to the dwellings themselves is negligible owing to the relative height of the development above the known flooding in the vicinity. The precise Finished Floor Levels (FFLs) of the proposed dwellings are shown on the amended Drainage Strategy Plan (Rev.P4). It has been further confirmed by the agent that the site levels are not proposed to be changed within Flood Zones 2 or 3, while the two new houses on the roadside would not affect any exceedance flows. There is therefore considered to be no issue in terms of flood displacement and containment. The issue of potential direction of surface water toward the two properties on the roadside has now been addressed and the LLFA have raised no objections within their latest representation.
- 2.13 The residual issue is that of the road access within Flood Zone 2 and whether or not this issue is sufficient to warrant a refusal of the application. The proposed site access will be in Flood Zone 2, however depth of flooding will be less than 300mm.
- 2.14 It is recognised that there is frequently standing water in the corner of the field and that this would at times impose on the use of the access. However, owing to the site levels and likely depths of flooding in this locality it is considered that this is not such an onerous issue that it is likely to prevent the ingress and egress of vehicles or to warrant a recommendation for refusal. In particular, when it is considered that, in extremis, there is an alternative existing pedestrian access via the Public Right of Way onto the road and into the village, which is entirely in Flood Zone 1, with the potential to secure (by condition) an emergency vehicular access to the site adjacent to the route of the existing PROW by installing a moveable boundary treatment within the northern boundary of the site adjacent to Hornby Road.

ZB23/01649/FUL

27/03/2024



Civic Centre, Stone Cross, Rotary Way,  
Northallerton DL6 2UU

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### **3.0 PRELIMINARY MATTERS**

- 3.1. Access to the case file on Public Access can be found here:- [Documents for ZB23/01649/FUL](#)
- 3.2. There is no recent/relevant planning history related to the application site. However, the following planning history is related to the recently erected two dwellings to the north of the site:
- 19/00834/OUT: Outline application with details of access (all other matter reserved) for the construction of two dwellings, APPROVED, 28.06.2019.
  - 19/00834/DCN: Application to discharge conditions 10, 11 and 12 of permission 19/00834/OUT, DISCHARGED, 19.05.2020.
  - 20/02642/FUL: Application for construction of a stone built four bedroom detached dwelling with a double garage (plot1), APPROVED, 01.07.2021.
  - 20/02643/FUL: Application for the construction of a stone built four bedroom dwelling with a double garage. (plot2), APPROVED, 01.07.2021.
  - 22/00564/DCN: Application to discharge conditions of permission 20/02642/FUL, UNDETERMINED.
- 3.3 During the course of the application, and following correspondence received from the owner of an adjacent property to the north of the site (who was concerned that part of the residential curtilage was included within the application site), a slight amendment has been made to the 'land-edged-red' in order to ensure that the application site relates to land wholly within the applicant's ownership, as intended. In addition, several revised and additional application documents and plans have been submitted by the agent, including: a photomontage of the development including its landscaping (as viewed from the west, looking eastwards); a percolation report; revised hydraulic calculations; a Surface Water Drainage Maintenance and Management Schedule; and successive amended Drainage Strategy Plans (the latest being Rev.P4 ) These documents have been uploaded to Public Access.

### **4.0 SITE AND SURROUNDINGS**

- 4.1. The application site measures approx. 0.51ha and is located towards the north west end of Appleton Wiske on the southern side of Hornby Road. Immediately to the north of the site is a road-fronting development of two dwellings (Pasture House and Ryegrass House) which first gained approval in 2019. These are substantially complete and have subsequently been advertised as for sale online. The approved site plan for these dwellings shows a boundary fence is to be constructed on the southern boundary of the plots. This makes up the northern boundary of the application site. To the north east of the application site is a mature Oak tree which is the subject of Tree Preservation Order 15/00002/TPO\_2. To the east is the graveyard relating to St Mary's Church, a Grade II listed building. Two public rights of way run through the site, one directly from Hornby Road to the north and one from the west. Both of these rights of way lead to St Mary's Church and are shown on the 1850s Ordnance Survey mapping. To the west and south is the remainder of the field which is in the ownership of the applicant. The northern portion of the site which links to Hornby Road and is designated as the access point lies within Flood Zone 2.
- 4.2. Appleton Wiske is categorised as a secondary village in Policy S3 of the Hambleton Local Plan. This is reflective of the level of services available in the area. As is the case in many villages the historical linear pattern has given way over time to small pockets of in-depth development, for example at Hunters Ride and Prospect View. The village hosts a variety of house types both traditional and modern with the majority finished in either red brick or render.

## **5.0 DESCRIPTION OF PROPOSAL**

- 5.1. This application (as amended) seeks full planning permission for the construction of 4 detached bungalows. The four dwellings will be made up of two 2 bedroom and two 3 bedroom bungalows. Access is to be taken from Hornby Road to the west of the two new roadside-fronting dwellings. A turning head is to be provided on the eastern end of the development. A pedestrian footpath is to be provided within the site. It should be noted that there is no public footpath on Hornby Road at the site entrance. The footpath starts at the north side of Hornby Road 80m to the east at the dwelling known as Kirrough Tree. The use of the Public Right of Way would reduce this distance to 36m. Pedestrian access to Baker Street/Front Street can also be gained via the Public Right of Way which runs through St Mary's Church grounds.
- 5.2. The 2 bedroom dwellings will be L-shaped and at the widest points will measure 8.11m by 12.93m with an overall height of 5.38m and floor area of 87.5sqm. The 3 bedroom dwellings will be T-shaped and at the widest points will measure 11.24m by 14.23m with an overall height of 5.43m and floor area of 119.5sqm. The dwellings will be finished in brick with pantile.

## **6.0 PLANNING POLICY AND GUIDANCE**

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Hambleton Local Plan, February 2022, and
  - North Yorkshire Joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

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

## **7.0 CONSULTATION RESPONSES**

Consultation took place for this application in August 2023 (expiring in September 2023) A subsequent 10 day reconsultation took place in April 2024 on some of the amended/additional plans and information referred to in paragraph 3.3 above. The following consultation/reconsultation responses have been received and have been summarised below:

- 7.1 Parish Council: The Parish Council wishes to see the application refused on the following grounds:
- Local housing need as identified through the Neighbourhood Plan process has been met 3 times over by approvals under the Interim Policy Guidance.
  - The site is of historical and archaeological importance due to the presence of a Holloway and archaeological finds such as a Roman coin.
  - An Archaeological Assessment is required.
  - The site is prone to flooding.

NB – The Parish Council provided additional documents and photographs ahead of the 11<sup>th</sup> April Planning Committee, including photographs showing areas of flooding and details of archaeological finds found.

- 7.2 Divisional Member(s): No representations submitted in relation to the original consultation, however Cllr. Wilkinson has submitted the following comments following the 11<sup>th</sup> April Planning Committee Meeting:
- Supports both the Parish Council and the residents of Appleton Wiske in opposing the application.
  - No one knows an area as well as the residents and the local Parish Council. Such knowledge, that historic information is invaluable and much appreciated, especially in relation to a planning application such as this.
  - The site is unsuitable for building due to flooding.
  - The field is very popular with dog walkers. From St Marys Church the path crosses the field and leads to a stile at the opposite corner, where it meanders on to further fields. However, part of the field is not able to be used for walking due to the level of the water table, it floods.
  - The site contains heritage assets. Detailed information has been submitted from the Parish Council regarding both the flooding and archaeological finds. Please note the ridge and furrow within the site as they will be disturbed.
  - Appleton Wiske has seen a high number of residential planning approvals in recent years. This site was assessed for development by Hambleton District Council in 2015 and deemed unsuitable on grounds of visual impact from Hornby Road towards the Grade 2 listed St Mary's church. To develop this site would alter the form and character of the village.
  - A decision was deferred at the Planning meeting on 11th April as the Planning Committee discussed the grave concern that the entrance to the proposed site floods. Such flooding would greatly impact the access for residents to their homes and most notably for the Emergency Services.

- 7.3 Lead Local Flood Authority (LLFA): Having been originally consulted, the LLFA requested additional information and alterations to the proposed drainage scheme, including the provision of the results of percolation testing. Responding to the reconsultation, the LLFA have requested further information from the applicant, specifically relating to the diameter of the surface water pipe and hydrobrake and in respect to the flood exceedance route/site levels. LLFA have been reconsulted on the application. The LLFA were reconsulted on the amended DSP (P4) which has sought to address the LLFA's outstanding concerns, and a further LLFA response has been submitted providing their 'final closing comments', confirming that the proposed dwellings would be located outside of flood risk areas because they would be located in a topographically higher part of the site. The LLFA also acknowledge that the submitted FRA includes flood-risk mitigation, including the provision of a Flood Evacuation Plan and raised Finished Floor Levels. The LLFA have confirmed that should the development be built as per the proposed design (including the imposition of

the recommended mitigation measures within the FRA) and the provision of a suitably-sized culvert over the watercourse, the proposed development should not increase flood risk on or off the site.

- 7.4 NYC Principal Archaeologist: Have not commented formally on the application.
- 7.5 Footpaths (PROW Team): There is a public right of way within the application site. The Council's PROW Team have stated that if the development will physically affect the Public Right of Way then a Public Path Order or Diversion Order will be required. In response to the reconsultation, the PROW Team have stated that they are pleased that the public footpath has been considered within the amended plans but note the intention to plant hedgerows alongside the boundaries of plots two, three and four. Any enclosed corridor, particularly the section between plots two and threes. Require the public footpath to have a minimum width of three metres. Any hedges or trees would require regular maintenance by the landowner to ensure no encroachment occurred and the developer or their successors would be responsible for the ongoing maintenance of any boundaries.
- 7.6 Local Highway Authority: No objection subject to conditions.
- 7.7 Internal Drainage Board (Sware and Ure): Have confirmed that consent from the Board is required in order to discharge surface water to the watercourse. The discharge rate will need to be restricted to 1.4ls/ha or the existing greenfield scenario.
- 7.8 Teesside International Airport: No aerodrome safeguarding objection either to the original consultation or the reconsultation.
- 7.9 Yorkshire Water Services (YWS): In response to the original consultation, YWS noted that there is a 300mm diameter public foul sewer recorded to cross the site, stating that it is essential that the presence of this infrastructure is taken into account in the design of the scheme, and that 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, nor new trees planted within 5 metres of the public sewer. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centreline and it may not be acceptable to raise or lower ground levels over the sewer, nor to restrict access to the manholes on the sewer. In this instance, it would appear that the public sewer is unlikely to be affected by building-over proposals. YWS therefore have no objections to the proposals and recommend a condition to secure the details of the drainage scheme.

In response to the reconsultation exercise (April 2024), YWS have again confirmed that they have no objection in principle to the amended drainage details submitted (i.e. as per the amended Drainage Strategy Plan (Rev. P2)) based on: the proposed use of separate systems of drainage; the point of foul water connection to the 300mm diameter foul water public sewer to the north of the site; and the proposed surface water proposed to be drained to watercourse. If planning permission is granted, YWS recommend that the following conditions (as summarised) are imposed:

- The use of separate systems of drainage on and off site.
- The development shall be carried out in accordance the amended Drainage Strategy Plan, unless otherwise agreed in writing by the Local Planning Authority.

- 7.10 The Ramblers: Responding to the reconsultation, The Ramblers have stated that while they welcome the retention of the existing public footpath along its existing route (including the area of grassland underfoot) and its segregation from estate traffic, they have raised concerns about the potential 'significant loss of amenity for pedestrians' should the development be approved. The proposed development should be conditional on: boundaries to segregate the public footpath from adjacent properties; the maintenance of a



3 metres width of the enclosed path between plots 2 and 3; and ensuring clearly defined responsibility for future maintenance of the route and the boundary hedgerows.

#### Local Representations

- 7.11 Responding to the original consultation, 10 local representations were received in total, 6 of which objected and 4 considered neutral. The issues raised are still considered relevant to the proposals as subsequently amended. A summary of the comments is provided below. However, please see website for full comments.

#### Objections:

- The address is misleading and should be west of Baker Street.
- Impact on properties on Baker Street.
- Drawings are not dimensioned.
- The site is prone to flooding and development will add to issues on Hornby Road.
- The site has historical value as part of an earlier settlement.
- 30 planning applications have been granted in recent years.
- The village has no bus service.
- Too much development for the village.
- Impact on view of listed church from public right of way.
- Further disruption during another construction (over 3 years)
- No footpath on Hornby Road.
- Highway safety.
- The height of the bungalows should be lower than those approved on the road fronting dwellings which are too high.

#### Neutral:

- Hedgerow is important for wildlife and field is a hunting ground for birds.
- Trees on site should be preserved.
- The Public Right of Way should be preserved as is.
- The developer has included land which was sold as part of the road fronting development.

- 7.12 Following reconsultation, an additional representation has been received, objecting to the proposals. The issues raised within the response are summarised below:
- The location of the proposed site access will have an adverse impact on the running of the adjacent holiday cottage/let business.(including affecting repeat bookings)
  - If planning permission is approved, it is hoped that any conditions preventing construction vehicle parking on the roadside will be enforced.

## **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:

- Location and Principle of development
- Affordable Housing and Housing Mix
- Design and Impacts on the Landscape/Countryside and the Settlement's Setting/Character
- Heritage
- Ecology and BNG
- Amenity

- Flood Risk and Surface Water Drainage Management
- Highways Impact
- Impact on the Public of Way (Public Footpath)
- Impact on Trees and Green Infrastructure.

## 10.0 ASSESSMENT

### Location and Principle of Development

- 10.1 The Hambleton Local Plan (hereby referred to as the 'Local Plan') includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2 (Strategic Priorities and Requirements) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area.
- 10.2 Policy S2 also confirms that the housing strategy, including the aforementioned housing targets, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. Policy HG1 (Housing Delivery) sets out the specific housing site allocations, although to clarify, the application site is not part of any Local Plan site allocation.
- 10.3 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Plan Area, with the main focus of housing growth within the Plan Area's defined Market Towns and 'limited development' accommodated within the defined 'Service Villages' and 'Secondary Villages' (as identified within the 'settlement hierarchy' of the policy) reflective of their size, character and range of services/facilities. Identified 'Small Villages' are expected to accommodate 'limited development' to help address affordable housing requirements and to support social, economic and social sustainability. Appleton Wiske is identified as a 'Secondary Village' within the settlement hierarchy of Policy S3.
- 10.4 Although (as mentioned above) the overall housing target within the plan period is expected to be achieved through a mixture of already completed schemes, existing commitments and site allocations, the Local Plan also makes provision for additional 'housing exceptions' (Policy HG4) and 'windfall sites' (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy of Policy S3. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios (a-e).
- 10.5 Of relevance to this application, Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Service Villages') in two general scenarios:
- (1) on sites within the 'built form' of a defined settlement, and
  - (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.6 It is considered that the application site is outside, but adjacent to the built form of a defined settlement (Secondary Village), therefore scenario (2) of Policy HG5 is considered to be relevant. Where scenario (2) applies, Policy HG5 states the proposal needs to demonstrate or be in compliance with five specific requirements (criteria a.-e.)
- 10.7 Criterion a. (of HG5) requires the proposals to show that a sequential approach to site selection has been taken which demonstrates that there are no suitable and viable previously developed land available within the built form of the village. The Planning

Support Statement submitted with the application outlines a detailed assessment of the settlement and identifies the Shorthorn Inn as the only remaining previously developed site not to have been built out. The assessment queries the viability of the site given issues such as land contamination and affordable housing requirements. A permission, however, has since been granted on the site for 4 dwellings. There are however likely to be viability and site size issues as to why the former Shorthorn site would not be appropriate/suitable for the provision of four bungalow plots. Overall, the 'site search' undertaken is considered to be reasonable and as such, the proposals have demonstrated that compliance with criterion a. of Policy HG5.

- 10.8 Criterion c. (of HG5) states that the proposal (both individually and cumulatively) shall represent the incremental growth of the village commensurate to its size, scale, role and function. The explanatory text indicates that in assessing such proposals consideration will be given to the cumulative impact that development would have in order to prevent an overall scale of development that would be harmful to the character of the settlement or likely to have an adverse impact on infrastructure and local facilities. If the proposal is considered to be of such a scale in its own right, or cumulatively, that it would be harmful to the character of the village or potentially overwhelm services and facilities then it will not be supported. This will be a matter of planning judgement and will depend on the particular circumstances involved for each case.
- 10.9 The proposals would result in the provision of four additional dwellings, representing a modest/incremental increase in the number of existing households (there are approximately 190 houses and farms within the Appleton Wiske Parish. Therefore, although Appleton Wiske has seen a number of residential planning approvals in recent years, some of which were on previously developed land, such as at The Shorthorn Inn. Overall, it is considered that the proposed development individually and cumulatively will not have a detrimental impact on the character of the settlement, local infrastructure or facilities, and the proposals would be in accordance with the requirements of criterion c. of HG5.

NB: criteria b., d. and e. relate to housing mix and the impact on the countryside and character and appearance of the village (and its setting) respectively, therefore will be considered/addressed in the sections below.

#### Affordable Housing and Housing Mix

- 10.10 Policy HG3 (Affordable Housing Requirements) states that the Council will seek the provision of 30% affordable housing on all developments for new market housing in designated rural areas (which includes Appleton Wiske Parish) where more than 4 units are proposed. Policy HG3 also states that planning permission will be refused for proposals where it appears that a larger site has been sub-divided into smaller parcels in order to avoid developer contributions for affordable housing.
- 10.11 The application proposes the construction of four dwellings, so would not, as a 'stand-alone' proposal, trigger the requirement for affordable housing required by Policy HG3. However, given the proximity of this site to the recently-constructed, road-fronting residential development of two properties, the ownership details have been investigated to establish whether affordable housing requirement would be triggered in this case as a result of an intentional subdivision of land in order to avoid the Local Plan affordable housing requirement. The applicant has indicated that the land which formed the site of the two residential properties to the north of the existing site was sold some years ago in the absence of planning permission. Two separate applications for self-build units were then subsequently submitted and built out. It is considered that in this case there is sufficient separation in terms of ownership, sub-division of the land and the circumstances of the various applications to conclude that the land has not been artificially sub-divided in order to avoid the provision of affordable housing. On this basis there is no requirement for affordable housing in this case.

10.12 Criterion f. of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA)...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. Criterion b. of Policy HG5 states that so-called 'windfall housing development' will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area, including a housing mix table (table 3.1) providing percentage mix ranges for 1, 2, 3 and 4+ bed market and affordable properties:

<b>Proposed Housing Mix: Total of 4 Market Units</b>		
<u>House Size</u>	<u>Expected Market Housing Range (%)</u>	<u>Proposed Market Housing Range (4 Units)</u>
1 bed	5-10%	0% (0)
2 bed	40-45%	50% (2)
3 bed	40-45%	50% (2)
4+ bed	0-10%	0% (0)

10.13 The proposed housing mix does not sit fully within the above housing mix range of table 3.1 of the Housing SPD with no single bed or 4+ bed units being proposed, although as stated within the Housing SPD, the above ranges are meant to be targets, rather than strict requirements, with flexibility allowed for individual schemes. Such flexibility can be crucial for smaller sites/development where the quantum of units can make it difficult to meet the above house size ranges of table 3.1 of the Housing SPD. The proposal would result in the over-provision of much needed two bed units which would result in a housing mix that would better meet local need overall and as such is considered to be in accordance with the requirements of Policy HG2 and criterion b. of Policy HG5 of the Local Plan as well as the Council's Housing SPD. Indeed, it is recommended that the relatively high proportion of smaller-sized, single storey properties within the housing mix should be given moderate weight within the planning balance.

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

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

10.15 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations): the degree of openness and special characteristics of the landscape has been considered (criterion a.); where they conserve, and where possible, enhances any natural and historic landscape features that contribute to the character of the

local area (criterion b.); and protect the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)

- 10.16 Criterion d. and e. of Policy HG5 states that all proposals will (individually or cumulatively) not: result in the loss of open space that is important to the historic form and layout of the village (d.); and have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village (e.).
- 10.17 The application site is located to the west and south of the existing built form of Appleton Wiske. Although the proposal would utilise a greenfield site which is part of the wider agricultural land that forms the rural setting to the southern and western parts of the village, the visual impact of the proposed development on the countryside or the setting of the village would be negated/limited due to the position of the plots which are positioned behind (to the south) of the two new properties (Pasture House and Ryegrass House) that front Hornby Road on its southern side and located close to the existing built form of the western part of the village consisting of St. Mary's Church and the residential properties of Smithy Green and Baker Street. It is also worth noting that the building form along the northern side of Hornby Road extends westwards beyond the application site. The proposed development would be seen as a relatively well-related and natural extension to the built form of the village, largely setback from Hornby Road. The visual impact of the proposed development on the character of the countryside and the setting of the village would be further reduced due to the single storey scale of the proposed dwellings and the relatively low density of the development which has generous plot sizes as well as areas set aside for amenity space and SuDS. In-plot and public tree planting is shown within the proposed layout which would further help to reduce the visual impact of the proposed development. Furthermore, the individual design of the properties is good and broadly reflects the character of Appleton Wiske, including the use of brick external walls and pantile-covered roofs which are reflective of building materials used elsewhere within the village.
- 10.18 Although the proposed access and curved access road into the site would potentially be a prominent feature in relation to the approach to the village along Hornby Road (travelling eastwards), the agent has worked with Officers to produce a revised landscaping scheme for planting along the western edge of the curved access road which is aimed at providing a natural, edge-of-settlement landscaping scheme involving small, sporadic tree clusters as well as hedging. This is primarily intended to naturally screen and reduce the visual impact of the curved access road on the countryside and on the setting of the village as approached from the west, although it would also help reduce the visual impacts of the proposed dwellings and associated infrastructure. During the course of the application, the agent has provided photomontages (the latest of which includes the sporadic tree groupings to the western boundary) which indicates that the proposed scale, form and proposed landscaping scheme (particularly the proposed planting along the western edge of the access road) would ensure that there would be no significant or unacceptable visual impacts on the surrounding countryside or the setting of the village, particularly as approached from the west.
- 10.19 The proposed development is considered to have a limited impact on the rural setting of the village and the character of the countryside more generally. In addition, and notwithstanding the relatively close proximity of St. Mary's Church to the application site, the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The matter of the impact of the proposed development on the setting of St. Mary's Church is explored further in the 'Heritage' section below.

#### Heritage

- 10.20 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a

listed building or its setting or any features of special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 10.21 The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 10.22 The application site is not located within or adjacent to a Conservation Area, Registered Park and Garden or Scheduled Monument, although the site is located within the setting of the Grade 2 Listed Church of St. Mary's, positioned to the east/south-east of the application site. It should be noted that the area immediately around the Church (including the churchyard) is designated as Local Green Space (by virtue of Policy IC3 of the Local Plan), which relates to the immediate setting of the Church.
- 10.23 A Heritage Statement (HS) has been submitted with the application which has assessed the significance of the Church of St Marys and the application site in terms of its significance to the setting of the Listed Building. The HS has assessed that the significance of the church arises from its archaeological, historic and architectural interest as expressed through the good preservation of its built fabric and the way its planform and architectural features reflect its purpose as a place of worship and a centre for the local community over time. The archaeological and historic value of the church are particularly high given its potential to contain buried archaeological remains.
- 10.24 While the HS states there would be an aspect of co-visibility between the proposed dwellings (within the setting of the church) and the church/churchyard, proposed development site is located in a peripheral area to the formally contained church yard, with outward views to the west from the church path remaining undisturbed and pastoral in character. The HS concludes that the presence of high-quality dwellings, in an appropriate material and palette relative to the built surrounding, need not intrude negatively into the experience of the church from its setting and is not considered to constitute a scale of change within the setting of the church sufficient to detract from its significance. The HS concludes that the proposed development would result in less than substantial harm to the Grade II listed building.
- 10.25 As summarised above, the HS concludes that there would be no impact of the proposed development on the significance of the Listed Building (as a result of any impact on its setting) While Officers would concur with this assessment, the additional conclusion that the proposed development would result in less than substantial harm to the listed building is disputed given the lack of any material impact to the significance of the listed building and the fact that the setting of the church and churchyard is already set within, and characterized by residential surroundings. While Officers would agree that there would be a degree of co-visibility between the proposed dwellings (within the setting of the church) and the church/churchyard, this is limited due to the built-form of the village and intervening features, including the mature boundary tree-line. The proposals would also result in the provision of a low density development with single story properties and on-site landscaping /planting which would help mitigate any impacts on the setting of the Listed Building.
- 10.26 In terms of archaeological remains, the application site is identified as having ridge and furrow features, and the Council's Principal Archaeologist has confirmed informally that

there is the potential for there to be a minor impact on such features as a result of the proposed development, although as the site lies outside of the village core it is likely to have a relatively low archaeological potential. Having considered the possibility of burials laying outside of the churchyard, as the churchyard was extended to the north-west in the late 19<sup>th</sup> century the Principal Archaeologist considered that such burials are unlikely as the adjacent part of the churchyard is relatively new. It is recommended that an archaeological watching brief is imposed by condition should planning permission be granted. It should be noted that this feature is not a designated heritage asset and as such any harm should be considered in the planning balance and need not be given great weight as is the case for designated assets.

10.27 Therefore, overall, and notwithstanding the conclusions of the submitted Heritage Statement, it is considered that the proposed development would have a neutral (not harmful) impact on the setting of the church of St. Mary's and thus the proposed development would comply with Policies S7 and E5 of the Local Plan and the NPPF.

10.28 While there is the potential for less than substantial harm to archaeological features (ridge and furrow) within the site, this impact would result in less than substantial harm which would be outweighed by the public benefits of providing smaller two bed single storey properties that would meet an identified need for this type of housing within the plan area. As such, the proposed development would meet the requirements of Policy S7, E5 and the NPPF.

#### Ecology and Biodiversity Net Gain

10.29 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC's, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)

10.30 An Ecological Impact Assessment (hereafter referred to as 'the Ec.I.A.')

has been submitted with the application, which includes an assessment of all habitats on the application site and the surrounding area to assess their value, as well as an assessment of the impact on protected, priority and notable species.

10.31 The Ec.I.A. states that the application site comprises of a grazed paddock with small sections of hedgerow along the north and eastern boundaries, with a mature oak within the north-eastern part of the site and a ditch running parallel to the most northern point of the site. Overall, the Ec.I.A. concludes that the on-site habitats are of local value only. However, the mature oak tree is considered to include features suitable to support roosting bats and the grassland, hedgerows and ditch provide potential foraging and connectivity features for bat species, although overall, the proposed development is considered to be of low value for bat species.

10.32 The grassland and hedgerows on site have the potential to provide nesting and/or foraging birds species, although the site is also considered to be of low value to bird species overall. There is potential for the priority species hedgehog, common toad and brown hare to be present on site on occasion however due to the small size of the site and limited suitable vegetation the development site is considered to be of low suitability to these species. No further survey work is recommended providing the mature oak tree on site is maintained (as shown within the application)

10.33 Although the Ec.I.A. confirms that site lies within an identified Site of Special Scientific Interest (SSSI) Impact Risk Zone relating to designated sites in the wider area, however the

Ec.I.A. concludes that the development of the nature proposed does not meet the identified impact risk triggers.

10.34 The Ec.I.A. makes a number of mitigation and compensation recommendations in Section 6 ('Mitigation and Compensation'), including:

- the provision of a low level, 'ecology-friendly' external lighting scheme.
- Measures to protect the on-site and adjacent trees and hedgerows during construction.
- Works to avoid the bird nesting season (or the site checked by an ecologist for nests)
- Working measures to protect hedgehogs and other small mammals during construction
- the provision of an amphibian method statement.
- Pollution prevention measures during construction.
- The incorporation of species-rich grassland areas within the landscape design in order to compensate for the loss of other neutral grassland within the site.
- The proposed landscaping shall also include berry and fruit bearing species to provide increased foraging opportunities in the local area.
- The provision of integrated swift boxes will be provided within 50% of residential properties.

10.35 Overall, the Ec.I.A. does not identify any significant impacts upon protected species or important habitat, subject to undertaking of the recommended ecological mitigation, avoidance and compensatory measures. The proposed development is unlikely to have a significant impact on bats or any other protected, priority and notable species or to have a material impact on any designated site and would comply with Policy E3 of the Local Plan in these regards.

10.36 In accordance with the Environment Act (2021) and the NPPF, Policy E3 is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.

10.37 A Biodiversity Net Gain Assessment has been submitted with the application (hereby referred to as 'the B.N.G.A'). Based on the results of a completed Biodiversity Metric (Version 4.0) Section 4 of the B.N.G.A. states that the proposals would result in a total net gain in Habitat Units of 0.64 (12.20%) and a net gain in Hedgerow Units of 2.80 (3377.98%). The B.N.G.A confirms that the biodiversity net gains would be achieved through enhancements both on site and off-site. Both on-site and off-site land is within the ownership of the applicant. As the B.N.G.A. shows that the proposals have the capability of providing a meaningful net gains in excess of 10% in relation to both Habitat and Hedgerow units, the proposals are considered to meet the expectations of Policy E3 of the Local Plan in terms of BNG, although if Members are minded to grant planning permission, it is recommended that planning permission should be subject to the prior completion of a Unilateral Undertaking (UU) that requires the applicant or successors in title to submit a BNG implementation plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years. The implementation and future management & maintenance requirements for on-site BNG can be secured through planning condition. Subject to the completion of the aforementioned UU and planning condition, it is considered that the proposed development would facilitate a meaningful and measurable net gain in BNG, in accordance with the relevant requirements of Policy E3 of the Local Plan.

Amenity

10.38 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development



and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.

- 10.39 Although the proposed site access would result in vehicles passing the rear of properties on Smithy Green and Baker Steet, the mature hedgerow along the eastern boundary of the site would provide an effective screen, negating any significant or unacceptable noise, lighting and disturbance issues emanating from passing traffic. The properties would be sited to the south of the two new dwellings to the north (Pasture House and Ryegrass House) Plots 1 and 2 would be sited adjacent to the southern boundaries of these two properties, although given the boundary definition, the single storey scale of the proposed dwellings and the separation distances of over 29m between the proposed properties and the rear elevation of the properties to the north, would ensure that there would be no significant or unacceptable amenity issues in respect of these properties. Overall, the proposed development will maintain acceptable levels of amenity, in accordance with Policy E2 of the Local Plan.

#### Flood Risk and Surface Water Drainage Management

- 10.40 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations):
- avoiding development in flood risk areas...(criterion a.);
  - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and
  - reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.41 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals):
- surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and
  - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)
- 10.42 A Flood Risk Assessment (23129-FRA-001 Rev.A) has been submitted with the application. This clarifies that the majority of the site (including the footprints and curtilage areas of the four bungalows) is within Flood Zone 1 (low flood risk) of the Environment Agency's Fluvial Flood Maps. The EA Flood Maps show that a small element of the north-western part of the application site would be within Flood Zone 2 (medium flood risk) The current EA Surface Water Flood Maps show no material surface water flood risk on the application site (although there are areas of low, medium and high Surface Water Flood Risk on the land to the west)
- 10.43 The FRA concludes that: 'the development could proceed without being subject to significant flood risk. Moreover, the development would not increase flood risk to the wider catchment area as a result of suitable management of surface water runoff discharging from the site.'
- 10.44 As residential ('More Vulnerable') development within Flood Zones 1 and 2, the Exception Test does not need to be applied. The proposals would locate the footprints and residential curtilages of all four properties within Flood Zone 1, outside of the sequentially-less-preferable area of the application site within Flood Zone 2 within which a section of the access track would be sited. The applicant has not submitted any information to show that potential alternative application sites fully within Flood Zone 1 have been considered in

accordance with the NPPF and Policy RM2 of the Local Plan requirements relating to the application of the sequential test. However, Officers consider that the nature, extent and impacts of the flood risk would be low for the development with all habitable and residential curtilage areas within FZ1 and only a small part of the proposed access track being within FZ2 with the FRA showing that a suitable Flood Warning and Evacuation Plan being achievable for the proposed development. This is considered by Officers to be an important material consideration and notwithstanding the lack of the application of the sequential test, one which would ensure that the proposed development would be subject to a relatively low risk of fluvial flooding with any impacts to property and persons acceptably mitigated through the scheme layout and flood emergency and evacuation measures.

- 10.45 The FRA concludes that the raising of floor levels in order for the development to resist floor risk is not required as the proposed dwellings would be located within FZ1. The FRA includes recommended site evacuation procedures and routes, although it states that the levels of any flood waters is unlikely to prevent egress and ingress from/to the site, particularly as there is an alternative pedestrian access in and out of the site (within) FZ1 via the existing route of the public footpath. If Members resolve to approve planning permission, it is recommended that a Flood Warning and Evacuation Plan is submitted and approved by condition. Subject to the provision of a detailed Flood Warning and Evacuation Plan, the risks to property and persons posed by both fluvial and surface water flooding are considered to be low.
- 10.46 In order to seek to address Members' previous concern regarding an alternative vehicular access into the site (to avoid FZ2), the agent has stated that he would be open to a condition requiring a temporary emergency access to be created adjacent to the route of the PROW onto Hornby Road. This would entail a moveable boundary structure that could be easily removed in time of emergency to allow temporary access into the site by emergency vehicles within FZ1. This is considered to be a reasonable and pragmatic solution to addressing this issue relating to flood risk and emergency access and it is recommended that a suitable condition is imposed if Members are minded to grant planning permission.
- 10.47 The application was also submitted with a Drainage Strategy Plan, although this has been subsequently amended by the agent seeking to address several issues raised by the LLFA including finished floor levels, access road levels and a more detailed exceedance flow indication. The DSP shows that surface water from the scheme would be discharged to the watercourse (ditch) along the frontage (northern boundary) of the site at a restricted rate of 1.4 l/s via a SUDS attenuation basin or tank.. A new headwall would be created into the watercourse. Foul drainage would be connected to the existing Yorkshire Water sewer directly to the west of the site. Having considered the proposed drainage scheme, the LLFA requested further information, clarification and amended details on specific matters. To this end, the agent has submitted a percolation report; revised hydraulic calculations; a Surface Water Drainage Maintenance and Management Schedule; and a revised Drainage Strategy Plan (Rev. P2) The revised DSP (P2) altered the design of the SuDS to accommodate a 1-in-100 year (plus 45 per cent allowance for climate change and a 10 per cent allowance for urban creep), and a restricted flow rate of 1.4l/s. The LLFA acknowledged that the attenuation amendments accounted for the aforementioned climate change and urban creep allowances, while also confirming that the Percolation Report shows that soakaways are unsuitable due to the presence of shallow groundwater, therefore the principle of discharge to watercourse is acceptable in relation to the Drainage Hierarchy.
- 10.48 The LLFA were reconsulted on the amended DSP (P4) which has sought to address the LLFA's outstanding concerns, and a further LLFA response has been submitted providing their 'final closing comments', confirming that the proposed dwellings would be located outside of flood risk areas because they would be located in a topographically higher part of the site. The LLFA also acknowledged that the submitted FRA includes flood-risk mitigation,

including the provision of a Flood Evacuation Plan and raised Finished Floor Levels. The LLFA have confirmed that should the development be built as per the proposed design (including the imposition of the recommended mitigation measures within the FRA and the provision of a suitably-sized culvert over the watercourse, the proposed development should not increase flood risk on or off the site.

#### Highway Impacts

- 10.49 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
  - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
  - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
  - appropriate provision for parking is incorporated...(criterion g.)
- 10.50 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.51 A new access onto Hornby Road is proposed to serve the proposed development. This will result in the removal of a section of hedgerow to provide the access and the requisite visibility splays. The provision of the access would require the building over and culverting of the watercourse along the northern boundary of the proposed development. As the watercourse is within the public highway, the works required to achieve the access can be agreed through a section 278 agreement. All four proposed plots are generous and an appropriate level of on-site parking would be achieved for the proposed development. The LHA has been consulted on the application and have raised no objections to the proposals, subject to conditions. Overall, the proposed development is considered to meet the relevant requirements of Policy IC2 and E1.
- #### Impact on the Public of Way (Public Footpath)
- 10.52 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space...in order to support the health and well-being of local communities, stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that:
- the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.); and
  - opportunities for enhancement through the addition of new links to the public rights of way network and/or the provision of new facilities have been fully explored and, where reasonable and viable, incorporated into the proposal (criterion i.)
- 10.53 Policy IC2 (Transport and Accessibility) states that the Council will...secure a safe and efficient transport system and secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all, where it is demonstrated that (*inter alia*): it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way (criterion c.)

- 10.54 Policy E4 (Green Infrastructure) that the Council will seek to protect existing green infrastructure, secure improvement to its safety and accessibility...by requiring development proposals to (*inter alia*): take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)
- 10.55 The public footpath (10.8/2/1) runs in a north-south direction through the application site. While there are two public footpaths routed through the site, it is the aforementioned PROW that would potentially be most affected by the proposals. The revised site layout would ensure that the current route of the PROW would be physically unaffected by the proposed development, and there is no requirement for the PROW to be diverted.
- 10.56 Both the PROW Team and The Ramblers have raised concerns about the potential encroachment of into the public footpath of the proposed hedgerows to the boundaries of plots two, three and four, thus potentially reducing the width of the PROW below 3 metres. An appropriate management and maintenance for the public open space and BNG (including the hedgerows adjacent to the route of the public right of way) would need to be secured by condition.
- 10.57 If planning permission is granted, it is also recommended that an informative is imposed that informs the application of the need to ensure that the PROW remains temporarily and permanently unobstructed.

#### Impact on Trees and Green Infrastructure

- 10.58 Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor.
- 10.59 An Arboricultural Method Statement and Tree Constraints Plan has been submitted with the application. The documents confirm that the mature oak tree within the site (subject to a TPO) would be retained and can be adequately protected during the construction of the proposed development. Such planning permission be granted the proposed tree protection measures detailed within the AMS shall be required to be undertaken by condition.
- 10.60 The proposed landscaping scheme and planting would enhance the quality of the landscaping within the site and thus enhance the qualities of the green infrastructure corridor. Overall, the proposals would meet the requirements of Policy E4 and E7 of the Local Plan.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 It is considered that the principle of this, small scale, bungalow development is supported by policy S5 and HG5 as the development is adjacent to the existing built form of the settlement and is not harmful to the character of the settlement nor the character of the countryside surrounding the settlement.

- 11.2 The proposed development will provide 4 bungalows, on the edge of the settlement, of a size and form for which there is a demonstratable need. This is given moderate weight within the planning balance.
- 11.3 Although the proposed development would result in less than substantial harm to a non designated heritage asset (i.e. ridge and furrow features within the site) this harm would be outweighed by the public benefits of providing smaller single storey properties as explained above.
- 11.4 The proposed development is considered acceptable in terms of highway safety, Biodiversity Net Gain, ecology, tree protection, PROW, amenity and landscape/village setting impacts, meeting the relevant Local Plan policy is considered that the proposed development is otherwise in accordance with relevant Local Plan policies and as such the proposed development is recommended for approval.
- 11.5 Part of the proposed access to the development is within Flood Zone 2 of the Environment Agency's Flood Maps. No sequential test has been undertaken on behalf of the applicant, and as such the development would be contrary to the NPPF and Policy RM2 of the Local Plan and the NPPF. However, the given the small amount of the access that is within Flood Zone 2, the relatively low level of any flood water which should still permit vehicular ingress/egress and the approval of mitigation measures, including a flood evacuation plan and provision of a emergency access (both recommended to be approved by condition), the flood risks associated with the development are considered to be low and considered acceptable, and given a modest negative weighting within the overall planning balance, a harm that would be outweighed in the overall planning balance due to the positive public benefits of the scheme referred to above.
- 11.6 Considering the overall planning balance, it is recommended that planning permission (subject to conditions) is approved.

## 12.0 RECOMMENDATION

- 12.1 It is recommended that planning permission is **GRANTED**, subject to:
- i. The conditions recommended below.
  - ii. The prior completion of a suitable Unilateral Undertaking signed by the applicant requiring the submission of a BNG Implementation Plan as well as a BNG Management and Maintenance Plan to maintain the off-site BNG for a minimum period of 30 years.

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

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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered received by the Local Planning Authority on 04.08.2023; 06.10.2023, 23.01.2024, and 15.05.2024 unless otherwise approved in writing by the Local Planning Authority:

- a. Site Location Plan (SK07 Rev.B)
- b. Amended Technical Plan (SK02 Rev.J)
- c. 2 Bedroom Elevations Plan (SK202)
- d. 3 Bedroom Elevations Plan (SK302)
- e. Proposed Elevations Plan (SK06)

f. Amended Drainage Strategy Plan (23129-DR-C-0100 Rev.P4)

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

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

Reason: In the interests of highway safety and to comply, with Policy IC2.

4. There must be no access or egress by any vehicles between the highway and the application site until:

- a. Full technical details relating to the bridging or culverting of the watercourse which lies between the application site and the adjacent highway have been approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- b. Any amendments to the ditch have been undertaken in accordance with the details approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.

5. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number SK02 Rev.J. 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.

6. The development shall not be brought into use until the access to the site has been set out and constructed in accordance with the "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and the following requirements:

- i. that part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 30.
- ii. Details of any measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works shall accord with the approved details

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

7. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the

permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

- a. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site;
- b. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
- c. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway;
- d. Contact details for the responsible person (site manager / site office) who can be contacted in the event of any issue.
- e. A photographic and / or video record of the condition of that part of Hornby Road which lies adjacent to the site plus a distance of 100 metres on each approach. The survey should include the carriageway, footways and grassed verges and will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity.

8. 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.

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

Reason: In the interest of satisfactory and sustainable drainage.

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

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

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

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

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

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

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

Reason: In order to ensure that the site and finished floor levels are appropriate in terms of the character of the area and the amenity of neighbouring occupiers to accord with the requirements of Policy E2 of the Local Plan.

14. Prior to commencement of the development hereby approved a Biodiversity Net Gain (BNG) Implementation & Maintenance Plan for the on-site BNG shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity based on the results of the small sites biodiversity metric 4.0 or the latest version of the metric if superceded. The Implementation & Maintenance Plan shall detail how the on-site BNG will be managed and maintained for a minimum period of 30 years. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that the development achieves the appropriate level of on-site Biodiversity Net Gain in accordance with Policy E3 of the Local Plan.

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

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings, in accordance with Policies E1 and E2 of the Local Plan.

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

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



17. Prior to the occupation of the development hereby approved, a Biodiversity Enhancement and Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Unless demonstrated not to be feasible, the Plan shall as a minimum incorporate and provide details of the recommended ecological mitigation, compensation and avoidance measures and enhancement recommendations within Section 6 the submitted Ecological Impact Assessment (Version 2; July 2023) and a timetable for their undertaking. The development shall be undertaken in accordance with the details and timetable of the approved Biodiversity Enhancement and Management Plan.

Reason: To ensure that a suitable Biodiversity Enhancement and Management Plan is approved and appropriate ecological mitigation and enhancements are implemented on site in accordance with policies S1 and E3 of the Local Plan.

18. A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

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

Reason: This condition is imposed in accordance with the NPPF as the site is of archaeological interest and the Local Plan policies S1, S7 and E5.

19. Prior to the first occupation of any of the dwellings hereby approved, a Flood Warning and Evacuation Plan (FWEP) shall be submitted to and approved in writing by the Local Planning Authority based on the recommendations included within the submitted Flood Risk Assessment (23129-FRA-001 Rev.A) The FWEP shall:

- a. state how occupants will be made aware that they can sign up to the Environment Agency Flood Warning services;
- b. state how occupants will be made aware the plan itself;
- c. provide details of how occupants should respond in the event that they receive a flood warning, or become aware of a flood;
- d. state the measures that will be implemented to provide appropriate refuge, as well as safe and efficient evacuation for occupiers, in a flood event; and
- e. provide details of any flood mitigation and resilience measures designed into the scheme post-permission additional to those secured at planning application approval stage.

The approved Flood Warning and Evacuation Plan shall be implemented on first occupation of the premises hereby approved and carried out in accordance with the approved details for the lifetime of the development.

Reason: To ensure that a strategy is in place that will reduce the risk to occupiers in the event of a flood, given that part of the site is within Flood Zone 2, in accordance with the NPPF and Policies RM2 of the Local Plan.

20. Details of an emergency vehicular access into the site from Hornby Road and fully within Flood Zone 1 of the Environment Agency's Flood Maps shall be submitted to and agreed in writing by the Local Planning Authority. The details shall include, but not necessarily be limited to, the width of the access, any new surfacing materials and details of a removable boundary definition that can be replaced in situ once emergency access and egress is no longer required. The approved emergency vehicular access shall be completed prior to the first occupation of any of the dwellings hereby approved and shall thereafter remain available for its intended use without any permanent or temporary obstruction.

Reason: To ensure that emergency vehicular access to the development is possible within Flood Zone 1, in accordance with Policies E2 and RM2 of the Local Plan.

21. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. The details of the surface water drainage works, including attenuation features and design, shall be based on the drainage design principles within the submitted Flood Risk Assessment and the amended Drainage Strategy Plan (Rev. P4), including:

- i. Surface water to be discharged to watercourse at a pumped rate of discharge not to exceed 1.4 litres per second.
- ii. confirmation that the scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.
- iii. Details of any pumping solution.
- iv. the submission of a detailed maintenance and management regime for the surface water drainage scheme and for the culvert. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal, and to ensure appropriate maintenance for the lifetime of the development, in accordance with Policies RM2 and RM3 of the Local Plan.

22. The development shall be constructed and completed in accordance with the finished floor levels, access road and site levels as per the approved

Reason: For the avoidance of doubt and to ensure that any flood risk issues remain low, in accordance with the NPPF and Policy RM2 of the Local Plan.

23. All hedgerows within the development hereby approved shall be managed and maintained throughout the lifetime of the development in order to ensure that a minimum three metres width is maintained at all times for the route of the public footpath which runs through the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the width of the public footpath is maintained and not encroached upon by the hedgerows within the development for the benefits of maintaining the enjoyment and amenity of users, in accordance with the relevant parts of Policies E4, IC2 and IC3 of the Local Plan.

**Target Determination Date:** 29.12.2024

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