

North Yorkshire Council
Community Development Services
Selby and Ainsty Area Planning Committee

20 NOVEMBER 2024

**ZC24/01119/FUL - FULL PLANNING APPLICATION FOR THE RESIDENTIAL
DEVELOPMENT OF 4NO. DWELLINGS FOLLOWING DEMOLITION OF EXISTING
BUILDINGS**

**AT
LOW LANE FARM, HIGH STREET, SPOFFORTH, NORTH YORKSHIRE**

**ON BEHALF OF
ARCHHAVEN ESTATES LTD.**

Report of the Assistant Director, Planning

1.0 Purpose of the Report

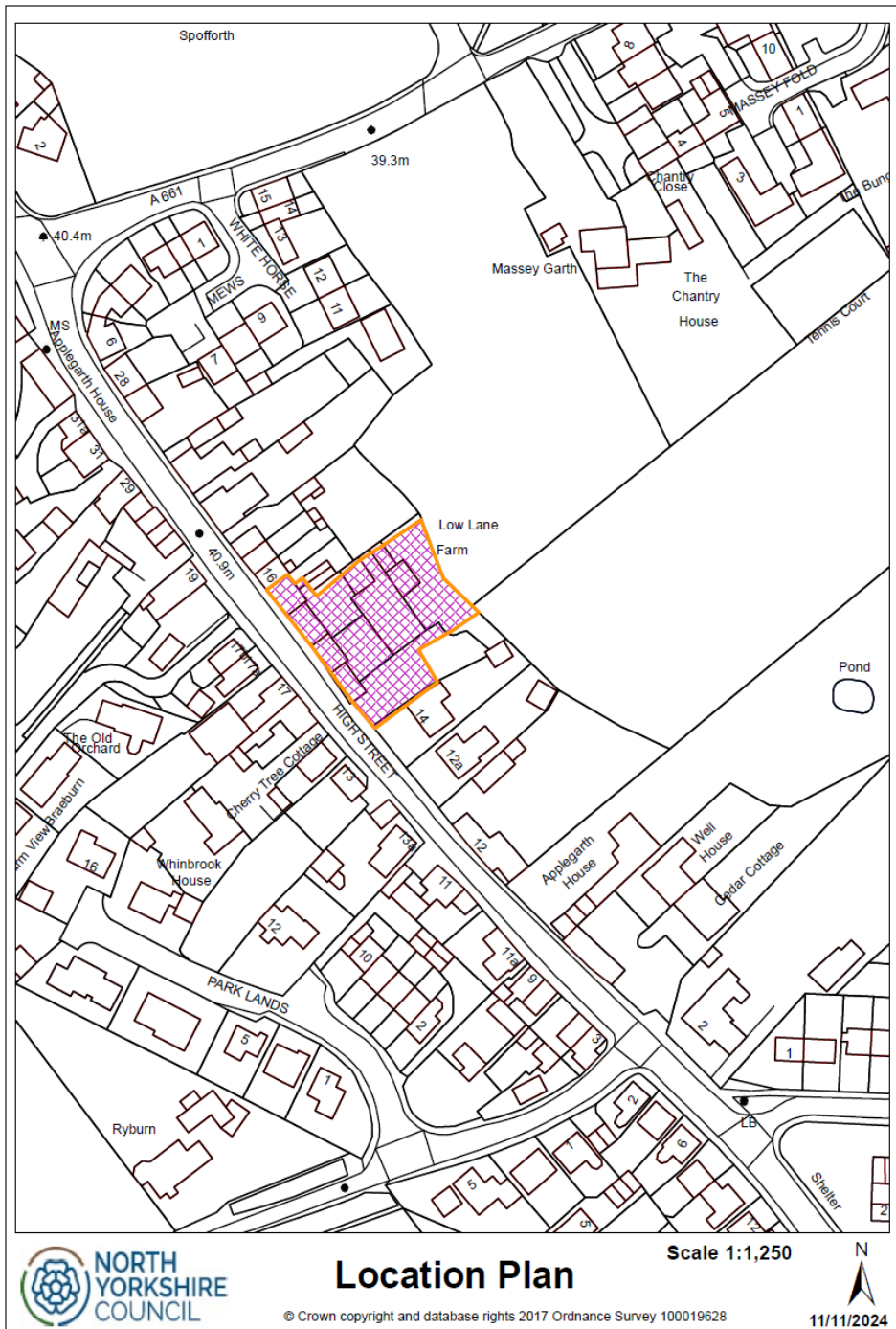
- 1.1 To determine a planning application for Development of 4no. Dwellings Following Demolition of Existing Buildings on Land at Low Lane Farm, High Street, Spofforth, North Yorkshire.
- 1.2 This application is brought to the Area Planning Committee because the Corporate Director of Community Development considers the planning application to raise significant planning issues.

2.0 EXECUTIVE SUMMARY

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

- 2.1. The application seeks full planning permission for the residential development of four dwelling houses following demolition of existing buildings on the site.
- 2.2. The site is located on High Street within the development limits of Spofforth, and within Spofforth Conservation Area. Low Lane Farm is a traditional late 18th and 19th century planned farmstead comprising linear ranges, byres, stables, and granary. The buildings are in a poor state of repair. The barns front High Street with vehicular access at the southern end of the site.
- 2.3. Policy GS3 of the Harrogate District Local Plan advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. The site is within the development limits of Spofforth and therefore, the principle of residential development is acceptable at this location.
- 2.4. The key issues in considering the proposed development are the impact on the character and appearance of the conservation area, impact on highway safety and impact on residential amenity.

- 2.5. The proposed development is in a sustainable location and, subject to the conditions proposed, officers consider the benefits of the proposed scheme in terms of housing provision, economic benefits and bringing a vacant site back into use outweigh the harm that will result from the loss of the existing buildings, which are Non-Designated Heritage Assets. The proposal will not have an unacceptable effect on residential amenity, or highway safety. The proposed development is acceptable in all other respects that are material to the consideration of the application, subject to the proposed conditions. The application should therefore be approved.



3.0 Preliminary Matters

commrep/2

- 3.1. Access to the case file on Public Access can be found [here](#):-
- 3.2. **See Appendix A for the proposed site layout plan.**
- 3.3. There are 7 relevant planning applications for this application which are detailed below.
- 3.4. **For further details on the history of the site see Appendix B.**

ZC23/04474/CON - Demolition of 3 no. agricultural buildings within the Spofforth Conservation Area. Refused 22.2.24.

23/00122/FUL - Erection of 4 dwellings and demolition of agricultural buildings. Refused 11.7.2023.

22/03003/FUL - Erection of 4 dwellings and demolition of agricultural buildings. Refused 10.10.2022.

23/00025/NREFPP (planning reference - 22/03003/FUL): Erection of 4 dwellings and demolition of agricultural buildings –Appeal Dismissed 06.10.2023.

22/00984/FUL - Erection of 4 dwellings and demolition of agricultural buildings. Withdrawn 22.07.2022.

21/00435/FUL - Erection of 2 No. dwellings following demolition of and partial demolition of existing buildings. Withdrawn 24.02.2022.

20/01808/FUL - Erection of 2 No. detached dwellings following demolition of and partial demolition of existing buildings within the Conservation Area. Withdrawn 24.02.2022.

4.0 Site and Surroundings

- 4.1. Located on High Street and situated within the designated heritage asset - the Spofforth Conservation Area, Low Lane Farm is a traditional late 18th and 19th century planned farmstead comprising linear ranges, byres, stables, and granary arranged to form a farmyard. The buildings are constructed in coursed local stone with dressings under pitched and gabled stone slate, pantile, corrugated and slate roof but are in a poor state of repair. The barns front High Street in Spofforth with vehicular access at the southern end of the site. The site is within the development limits of the village and the site area is approximately 707 square metres. The site is in Flood Zone 1 which is at the lowest risk of flooding.

5.0 Description of Proposal

- 5.1. The application seeks full planning permission for the residential development of four dwelling houses following demolition of existing buildings on the site. Two 2-

bedroomed and two 3-bedroomed properties are proposed. They will be constructed in natural stone, red brick, natural slate and pantiles. Plots 1 and 2 will front High Street and will follow the existing building line. Plots 3 and 4 will be at the rear, in a similar position to the existing barn.

- 5.2. Four garages will be provided in the single storey elements fronting High Street (accessed from the courtyard). An additional five parking spaces will be provided within the courtyard area, which will be finished in stone setts. A dedicated bin collection area and cycle storage will be provided within the communal area.
- 5.3. Each property will have an area of private amenity space that will be delineated by one metre high stone walls.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- The Harrogate District Local Plan 2014 - 2035 adopted 2020.
 - Minerals and Waste Joint 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.

Emerging Neighbourhood Development Plan

The Spofforth with Stockeld is an emerging neighbourhood 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
 - Residential Design Guide
 - House Extensions and Garages Design Guide
 - Heritage Management
 - Spofforth Conservation Area Character Appraisal

7.0 Consultation Responses

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

- 7.1. **Parish Council:** The Parish Council objects to the proposed development on the grounds set out below:
- 7.2. Although the new proposal comprises two and three-bedroom dwellings, it remains similar in principle to the previous applications (23/00122/FUL and 22/03003/FUL) that were refused. The Parish Council still see four dwellings crammed onto a very small site, resulting in a shared courtyard providing inadequate space for vehicles and access, with virtually no private space, particularly for plots 1 and 2. Clearly the Parish Council's concerns have not been addressed and the Parish Council can only reiterate earlier comments objecting to the overdevelopment of the site and failure to respect local distinctiveness.
- 7.3. The existing buildings form a significant group on Spofforth High Street in the Conservation Area. Historically the village comprised a collection of farm units most of which have already been redeveloped or lost. The Spofforth Conservation Area Appraisal identifies the group of buildings at Low Lane Farm as an 'area for enhancement'. Regrettably, the buildings have deteriorated significantly over the last year – props have been removed and roof coverings stripped off, implying an intention to speed up decay rather than to protect and retain the fabric.
- 7.4. This application shows demolition of the entire group with no respect for the history and context of our historic village, and the Parish Council strongly objects to the proposal.
- 7.5. **Street Frontage**
Demolition of all the small-scale buildings along the frontage will drastically change the rural character of the High Street, and the bulk of the new development, creating an extended terrace and a row of new garages, will present an inappropriate urban appearance.
- 7.6. **Existing Barn**
The loss of the principal barn has wider implications for the character and appearance of the Conservation Area. The replacement comprising semi-detached dwellings bears little relation to the existing building in scale, shape, profile, or appearance, and does not even follow the footprint of the existing barn.
- 7.7. **Road Junction**
The proposed new road junction will create a wide gap which is not in keeping with the existing street scene. Despite the loss of existing buildings to accommodate the new layout, there is still concern about achieving adequate sight lines, particularly given the proximity of the pedestrian crossing. It is also noted that the bus stop and a streetlight will be removed.
- 7.8. **Site Layout**
The space between the proposed buildings would be very restricted, resulting in overshadowing and overlooking one another and adjacent existing property. The hard-paved 'courtyard' would be congested with the anticipated 9 cars, plus bikes, bins, prams and other uses. As such the proposed layout would fail to provide adequate residential amenity for occupants and adjacent residents.

7.9. Parking

For this type of village housing, one parking space and a single garage for each house is clearly inadequate. Each house could have several cars, and there is no provision for deliveries or visitors' parking. There is no space for garden equipment storage or refuse bins so garages will inevitably become stores. Not only will vehicles cause congestion on the site, but they will be parked on the access road and on the busy main road at its narrowest point, having a detrimental impact on neighbouring property and on the highway.

7.10. Earlier proposals for this site had shown two houses and a degree of deference to the appearance and details of the existing buildings. More recent applications have tried unsuccessfully to accommodate four dwellings, but these were considered inappropriate for this sensitive site and were withdrawn or refused.

7.11. The current proposal shows a lack of appreciation of the local vernacular and the concerns of local residents. It would result in an over-intensive use of a small site and cause irreparable harm to the Conservation Area. Therefore, The Parish Council asks the Council to refuse this application.

7.12. **Division Member:** No comments received.

7.13. **NYC Highways:** No objection subject to conditions related to detailed road and footway plans, delivery of off-site highway works, visibility splays access, parking and turning areas and garage conversion to habitable rooms.

7.14. **NYC Ecologist:** No objection subject to conditions related to provision of bat and bird boxes and biodiversity net gain.

7.15. **NYC Environmental Health:** No objection subject to conditions related to land contamination, noise, hours of operation during the construction phase and provision for refuse storage and collection.

7.16. **NYC Conservation Officer:** The application represents the total loss of the traditional farm group (Non-Designated Heritage Assets - NDHAs), resulting in 'less than substantial harm' to the Spofforth Conservation Area, requiring the identified harm to be outweighed by public benefits arising from the scheme.

7.17. **Yorkshire Water:** No objection subject to conditions to control the details of foul and surface water drainage.

Local Representations

7.18. Eight representations have been received all objecting to the proposed development. The points raised are summarized below. Full copies of the comments received are available to view on the council's website.

* Harmful impact on the character of the conservation area and townscape;

* Harmful impact upon the amenity of adjoining houses;

- * Harmful Impact on wildlife and ecology;
- * Lack of renewable energy technology;
- * Harmful impact on foul and surface water drainage and flood risk;
- * Concerns about what materials would be used;
- * Poor design;
- * The proposal is Over-development and cramped;
- * Too many houses on a small site;
- * The buildings within the site have not been maintained or repaired for many years and have been allowed to fall into further disrepair by the developers;
- * The proposal will result in the loss of a fine stone building worthy of retention and if it can't be retained ought to be reconstructed on a like for like basis utilising the original stone and roofing material;
- * Harmful impacts on highway safety;
- * Inadequate parking and turning space provision;
- * Inadequate sight lines at proposed access;
- * The width of the proposed access is uncharacteristic and would be harmful to the conservation area;
- * Inadequate access for service and emergency vehicles is constrained;
- * Concerns that the access will be used to gain vehicular access to the land to the rear of the site for housing;
- * Noise and air pollution problems for future occupiers;
- * Lack of amenity space, bin storage space, natural light and ventilation for future occupiers;
- * New houses should be built in the local vernacular farm style;
- * The proposed demolition would be harmful to the character and appearance of the Spofforth Conservation Area while the new build element is flawed and does not offer appropriate public benefit.

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:

1. Principle of Development
2. Design and Impact on the Character of the Conservation Area
3. Residential Amenity
4. Highways Safety and Parking
5. Ecology
6. Land Contamination
7. Flood Risk and Drainage
8. Housing Allocation SP6
9. Sustainable Design
10. Housing Mix
11. Matters Raised in Representations
12. Planning Balance

10.0 ASSESSMENT

Principle of Development

- 10.1. The site lies within the development limits for Spofforth. In terms of the growth strategy set out in Policy GS2, Spofforth is identified as a service village. Service villages offer a range of basic services and community facilities and represent sustainable locations for development. The village has a shop, post office, two pubs, primary school, village hall, hairdressers and is on a main bus route.
- 10.2. Policy GS3 advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan.
- 10.3. It is therefore considered the proposed development is in a sustainable location where the principle of new residential development is supported by Local Plan policies.
- 10.4. Below is an assessment of the proposal against the other relevant policies of the Local Plan.
- 10.5. Design and Impact on the Character of the Conservation Area:**
- 10.6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that Local Planning Authorities, in carrying out their development control functions pay special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 10.7. In determining planning applications concerning the historic environment, Section 16 of the NPPF states 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.
- 10.8. NPPF paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 10.9. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.10. Paragraph 210 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

- 10.11. Paragraph 213 states that Loss of a building which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area
- 10.12. Local Plan Policy HP2 sets out the requirements for determining applications which would affect a heritage asset. Part C states the decision-making process should 'ensure that proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting'.
- 10.13. Local Plan Policy HP3 seeks to protect, enhance or reinforce those characteristics, qualities and features that contribute to local distinctiveness.
- 10.14. The barns are dated 19C and are referenced in the Spofforth Conservation Area Character Appraisal (SCACA) as an 'area for enhancement'. The appraisal states that Spofforth is an attractive village, and most of the buildings are in good condition. With regard to the application site, the appraisal states:

“The condition of the farm group, which abuts the road, arguably detracts from the character of the Conservation Area and could be restored and brought into use. It should be noted however, that buildings falling into disrepair is historically not unusual and is part of the long-term evolution of the landscape, as land management and the economy and society change. Buildings can become significant wildlife habitats and are also an important source of materials for recycling. Notwithstanding the disrepair of the buildings, the farm group makes an important contribution to the Conservation Area, indicative of former activity in the village.”

The barns are considered Non-Designated Heritage Assets (NDHAs) due to their vernacular design, surviving architectural fabric and features that contribute to the history and local distinctiveness of the village and Conservation Area, notwithstanding the condition of the buildings and the impact this has on the visual amenity of the area. Their loss would result in the loss of any significance embodied in the NDHAs, and their contribution to their surroundings would be lost. Their proposed demolition would also be harmful to the character and appearance of Spofforth Conservation Area (SCA). NYC Conservation Officer has determined that the harm would be 'less than substantial' and therefore, the requirements of NPPF paragraph 208 are engaged, whereby this harm should be weighed against the public benefits of the proposal. Whilst this harm would be 'less than substantial', this does not diminish the great weight that must be given to that harm and the preservation of the designated heritage asset (SCA).

- 10.15. The previous applications on the site, and particularly the appeal decision, are material to the consideration of the current proposal. In the appeal decision, the planning inspector found that:
- *“Plots 1 and 2 which front on to the road would be similar in appearance to the adjoining terrace and as such would not appear out of keeping with their*

surroundings. A section of the existing buildings would be demolished to provide a visibility splay at the entrance to the site. Nevertheless, the form and style of Plots 1 and 2 and the attached garages would be such that they would not harm the character and appearance of the SCA.”

10.16. The arrangement and appearance of plots 1 and 2 proposed under this application is very similar to the scheme considered at appeal and officers take the same view as the inspector - the form and style of Plots 1 and 2 and the attached garages would be such that they would not harm the character and appearance of the SCA.

10.17. In relation to plots 3 and 4 the inspector found that:

- *“Plots 3 and 4 to the rear of the site, however, are more problematic. Although the footprints of the dwellings would be smaller, they would be significantly bulkier than the barns that they would replace. Both plots would include Juliet balconies with significant amounts of glazing on their rear elevations which would not reflect the rural setting and character of the appeal site. Whilst I appreciate that some design features of the barns would be echoed in the proposed dwellings, I am not convinced that the dwellings would retain the character of the existing barns either through these features or their layout, nor have I been presented with compelling evidence that replacement buildings could not be built in style and form which better reflects their character and appearance. Consequently, I am not persuaded that the proposal would contribute to local distinctiveness or protect or enhance those features which contribute to the NDHAs special architectural or historic interest and make a positive contribution to the character and appearance of the SCA.”*

10.18. The current proposal has been amended to remove the two storey projecting gables and Juliet balconies from the rear elevations of plots 3 and 4. The form of the existing building is replicated with a single storey element on the northwest elevation and single storey elements on the southwest elevation, facing into the farmyard. Window openings have been amended to more traditional forms (vertical emphasis timber sliding sash for the most part) with the level of glazing reduced by the introduction of timber cladding to the lower halves of the majority of large openings. The overall result is a form and appearance which better reflects the character and appearance of the existing building. Officers consider that the form and appearance of plots 3 and 4, as now proposed would not harm the character and appearance of the SCA.

10.19. The proposed new builds include undulating rooflines and make reference to the form and size of openings in the farm buildings. The proposals include a materiality of local ‘Spofforth’ stone for walls, pantiles, natural slate, stone slates, aluminium rainwater goods, conservation rooflights, timber doors and “timber frame windows”. The scheme retains an integral farmyard form with new stone walls, and stone sets, which nods to the site’s farmstead character. Conditions are proposed to details of material and windows and doors.

10.20. The Inspector also found that:

- *“A Structural Inspection Report identifies that the buildings are in a poor state of repair and recommends demolition and rebuild. The appellant has further*

highlighted more recent collapses of the fabric of the buildings. I have, not however, been presented with any compelling evidence that it would not be possible to retain at least some of the structures or elements of them which contribute to their significance as NDHAs.” And that:

- *“The demolition of the existing buildings would lead to the loss of the NDHAs and as a result, the proposal, when considered as a whole would have a negative impact on the character and appearance of the SCA.”*

10.21. The current application also proposes the demolition of the existing buildings and would also lead to the loss of these Non-Designated Heritage Assets. In this case, however, further information has been submitted in relation to the structural stability of the buildings. This revised Structural Survey Report, dated 10.4.23 is an update/addition to the report issued in July 2022 and was not presented to the appeal inspector and was not, therefore, taken into consideration in the assessment of the proposal. This revised Structural Report was submitted in support of application reference 23/00122/FUL and was considered by the local planning authority (LPA) as part of the assessment of that application. It was accepted that the total loss of the barns was justified on the basis of the information contained in the revised Structural Survey. Since then, the buildings have further deteriorated and there is, therefore, no justifiable reason for the LPA to come to a different conclusion in relation to the demolition of the buildings.

10.22. The updated Structural Survey Report is more detailed, and conclusions are made after the inspection of the trial holes and checking the load capacity of the buildings. The report concludes that the buildings are in very poor condition with a number of significant structural defects. The existing masonry wall do not have any suitable foundation. Underpinning of the existing wall is not feasible due to the amount of made ground and very weak clay under the existing wall. The stone from the buildings will not meet the compressive strength required to re-use it in the construction of the proposed dwellings.

10.23. Having considered the submitted report and inspected the buildings on site and, taking into consideration the conclusion on the previous application in relation to demolition, officers consider that, on balance, a sufficiently robust case has been made for officers to conclude that the conversion and reuse of these buildings is not a viable option at this stage.

10.24. It is noted in the Spofforth Conservation Area Character Appraisal (Approved October 2008) (SCACC) that:

- *“The condition of the farm group, which abuts the road, arguably detracts from the character of the Conservation Area and could be restored and brought into use.” The SCACC goes on to say:*
- *“Notwithstanding the disrepair of the buildings, the farm group makes an important contribution to the Conservation Area, indicative of former activity in the village.”*

Since that assessment was made (16 years ago) the condition of these building has deteriorated further and, as set out above, it is now accepted that the restoration of these buildings is not a viable option at this stage.

10.25. In the checklist to Manage Change set out in the SCACC it states that, amongst other things regard should be paid to the following:

- *Development should not impinge on the form and character of Spofforth;*
- *Design should reflect the distinctive local architectural style;*
- *New buildings should follow the established building line;*
- *The repair and reuse of older buildings should be encouraged in the first instance rather than redevelopment.*

10.26. The scale and appearance of proposed development does not impinge on the form and character of Spofforth, being similar in scale and appearance to existing properties in the vicinity and with the scale and form of the existing buildings.

10.27. The design is not out of keeping with traditional properties in the village. Details of materials and window and door details can be controlled by condition.

10.28. The proposal maintains the existing building line along High Street and replicates the farmyard layout.

10.29. The repair and re-use of historic buildings is considered to be the most appropriate option and had been considered by the LPA. Regrettably, the condition of the buildings precludes this as a viable option in this case. It is therefore appropriate to consider redevelopment of the site.

10.30. The Parish Council have raised concern that the proposed new road junction will create a wide gap which is not in keeping with the existing street scene. The widening of the access into the site is necessary to accommodate adequate visibility splays and to adequately accommodate the level of traffic associated with the development. The width of the access will be approximately 5.7 metres and, whilst this is not typical of the access widths along High Street, it is considered the width of the new access is not at a scale where it would have a harmful impact on the character or appearance of the Conservation Area. It should be noted that neither the appeal inspector nor the Conservation Officer raised concerns about this aspect of the proposed development.

10.31. In the previous decision on the site (23/00122/FUL), it was noted in one of the reasons for refusal that the cumulative scale and nature of the proposed development and change of use, including the proposed domestic curtilages and domestic paraphernalia, would erode the agricultural character of the site and fail to respect local distinctiveness.

10.32. The impact of the proposed domestic curtilages and domestic paraphernalia would occur, to some degree, with any scheme, including conversion. The domestic curtilage to plots 3 and 4 is demarcated by the existing stone boundary wall, which is approximately 10.5 metres from the rear elevation of these properties, so the existing field boundary will not be affected. The garden area proposed is commensurate with

the scale of the proposed dwellings and will not appear as an incongruous encroachment into the open countryside in these circumstances. Additionally, a condition is proposed removing permitted development rights for the erection of outbuildings, so the local planning authority will have control over this in the future. In these circumstances, it is considered that the proposed domestic curtilages, and domestic paraphernalia associated with residential properties, will not have an unacceptable impact on the rural character of the area.

Conclusion in relation to Design and Character of the Conservation Area

10.33. The form, scale and design of the scheme now proposed is a significant improvement from that dismissed at appeal and that considered under the previous application on the site. Additionally, the scheme has been amended through the application process to improve the fenestration of the proposed dwellings and conditions are proposed to control the design details and materials. Subject to these conditions, it is considered that the proposed dwellings are of sufficient quality preserve the character of the Conservation Area. The scheme will also provide some improvement to the visual amenity of the area by bringing back into use a vacant site which has a semi-derelict appearance.

10.34. Nevertheless, it had been determined that the existing buildings make a positive contribution to the significance of the Conservation Area due to their vernacular design, surviving architectural fabric and features that contribute to the history and local distinctiveness of the village. In accordance with NPPF paragraph 213, their loss should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area

10.35. In this case officers have determined that their loss would result less than substantial harm and therefore, NPPF paragraph 208 is engaged, whereby this harm should be weighed against the public benefits of the proposal taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole. This assessment is carried out in the planning balance section of the report below.

10.36. Residential Amenity

10.37. Local Plan Policy HP4 (Protecting Amenity) requires no significant adverse impacts on amenity to arise from proposed development. The NPPF seeks a high standard of amenity for all existing and future users (para 130).

10.38. In the appeal decision the inspector found that:

- *“Plot 3 would face directly towards Plot 2 across the gardens of Plots 1 and 2. The Council’s Residential Extensions & Garages Supplementary Planning Document 2005 (SPD) sets out recommended separation distances between habitable room windows. Whilst the dwellings would be approximately 15 metres apart, the first-floor bedroom windows of Plot 3 would look directly over the gardens of Plots 1 and 2 at close quarters. Furthermore, the bedroom windows of Plot 2 would look directly over*

the garden of Plot 1. The living conditions of future occupiers of Plots 1 and 2 would be adversely affected with regard to privacy and overlooking as a consequence.”

- 10.39. The internal arrangement for plots 3 and 4 have been amended so that there are only bathroom and bedroom at first floor facing toward the bedroom windows and garden area of plots 1 and 2. Additionally, only the single storey element on the northwest side of plot 3 faces directly onto plot 2, with a separation distance of approximately 19.5 metres and a 1-metre-high stone wall between. The remainder of plots 3 and 4 face onto the proposed garages. Kitchen windows in plots 3 and 4 will be at an oblique angle to the ground floor windows in the rear elevation of plot 2, and there will be a 1 metre stone wall between. The separation distance between living room window of plot 2 and the kitchen window of plot 3 is approximately 14 metres (measured from the centre point of each window. To the kitchen window of plot 4 is approximately 16.5 metres.
- 10.40. The internal arrangements of the house on plot 2 have been amended so that the only first floor windows that directly overlook the garden area of plot 1 are to a bathroom and landing area.
- 10.41. A condition is proposed to require the first-floor bathroom and ensuite and landing windows in the rear elevation of plot 2 and the front elevation of plots 3 and 4 to be obscure glazed.
- 10.42. All four properties will have adequate private outdoor amenity space, bin and bike storage areas and access to two parking spaces (one garage and one space to the front of the garage). The Highways officer has confirmed that there is adequate manoeuvring space within the courtyard for vehicles.
- 10.43. The orientation and separation distances between plots 1 and 2, and plots 3 and 4 is sufficient to prevent any unacceptable levels of overshadowing between the properties.
- 10.44. In the above circumstances, it is considered the proposed development will result in acceptable levels of amenity for future occupiers.
- 10.45. The Inspector also considered that the two-storey gable of Plot 3 would be likely to have an unacceptable overshadowing effect on the external amenity space of No 18 High Street (to the northwest). The width of the gable, plus the two storey rear projection proposed under the appealed scheme was approximately 12 metres and was set approximately 1.5 metres from the boundary.
- 10.46. The scheme considered under 23/00122/FUL also showed a two-storey gable abutting the boundary with No 16 High Street but with the rear projection reduced to single storey.
- 10.47. The two-storey element proposed under the current scheme is approximately 7.5 metres in width and approximately 7 metres from the boundary with No. 16. This arrangement is a significant improvement from the schemes previously considered.

Additionally, there is an outbuilding to the rear of No. 16 that runs along the boundary and sits between the rear elevation of No. 16 and the proposed house on plot 3. In these circumstances, it is considered that any additional over-shadowing resulting from the proposed development will have no significant impact on the garden area of No. 16.

10.48. A first-floor landing window to plot 1 will look over the rear garden of No. 16, but a condition is proposed to ensure this is obscure glazed. The other windows in the rear elevation of plot 1 will face onto the existing outbuilding to the rear of No. 16. There will therefore be no unacceptable impact from overlooking resulting from the proposed development.

10.49. A ground floor study and bathroom window and first floor bedroom window face the boundary with No. 14 High Street (south of the site) with a separation distance of approximately 11.5 metres, but none face directly onto the gable of the property, which had one ground floor window. The existing boundary treatment to No. 14 will prevent any overlooking issues to the garden areas. The comings and goings at the proposed access will increase but the activity is away from the rear amenity space of No. 14 and will not be so intense as to cause any significant harm to the occupiers of No. 14 in terms of noise and disturbance.

10.50. In the above circumstances, the proposed dwellings will have no significant impact on the residential amenity of No. 14 High Street.

10.51. The properties on the opposite side of High Street are closer than is suggested in the adopted House Extensions and Garages Design Guide Supplementary Planning Document, but the guide does advise that smaller dimensions may be acceptable in areas of tight grain. That is the case here, and similar separation distance are replicated along on the High Street. This close-knit grain is part of the character of the village. In these circumstances the relationship with the properties on the opposite side of High Street is acceptable.

10.52. The Environmental Health Officer has recommended conditions to mitigate the impact of traffic noise on the proposed dwelling houses and noise impact from any plant associated with the houses. The officer has also recommended hours of operation during the construction phase to prevent unacceptable impacts on neighbouring properties. The proposed conditions have been incorporated below.

10.53. Subject to the proposed conditions, it is considered the proposed development complies with the requirements of local plan policy HP4.

10.54. Highways Safety and Parking

10.55. Policy TI3 states that development will be supported where it incorporates appropriately designed vehicle and bicycle parking.

10.56. NPPF paragraph 115 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

10.57. Each house will have two parking spaces (one of which is a garage) and dedicated cycle parking is proposed on site. A visitor parking space will also be provided.

10.58. NYC Highway Authority has no objection to the proposed development in terms of the impact on highway safety, the operation of the highway network or parking provision, subject to conditions proposed in relation to detailed plans of road and footway layout, construction of adoptable roads and footways, delivery of off-site highway Works, Construction Management Plan and to prevent garages being converted to habitable rooms.

10.59. The off-site Highway works are:

- Relocation of Lamp Column NY14 at High Street, Spofforth prior to construction
- Relocation of Bus Stop “Low Lane Farm” at High Street, Spofforth prior to construction
- Relocation of road gully and realignment of carriageway at High Street, Spofforth prior to construction
- Installation of pedestrian tactile crossing point at High Street, Spofforth prior to construction.

10.60. Subject to the proposed conditions, it is considered the proposed development is acceptable in terms of highway safety and parking provision.

10.61. Ecology

10.62. Local Plan policy NE3 (Protecting the Natural Environment) advises that proposals that protect and enhance features of ecological and geological interest and provide net gains in biodiversity will be supported.

10.63. The Bat and Nesting Bird Survey Report (Middleton Bell Ecology, June 2024) found that the buildings were in poor structural condition (some have collapsed) since they were surveyed in 2022 (also by Middleton Bell Ecology) and due to risks posed to pedestrians, some roof tiles have been removed from building 2A. Since the 2022 surveys, the deterioration of the buildings and removal of tiles, all buildings have been resurveyed and found that no bat roosts were found.

10.64. Mitigation for foraging bats can be achieved through the addition of 4 bat boxes and 4 swift boxes being implemented on site prior to first occupancy and a non-licensed method statement (tool box talk, ecological supervision etc.) as stated in the recommendations of the Bat and Nesting Bird Survey Report (Middleton Bell Ecology, June 2024) should be implemented by planning condition.

10.65. The Biodiversity Net Gain has been calculated using the statutory metric and the habitats on the on-site habitat baseline matches that of the UK Habitat Classification Plan – Existing as seen in appendix 2 (Middleton Bell Ecology, May 2024). The habitat creation consists of a vegetated garden and urban trees, resulting in a gain of onsite of 15.18%. The urban trees should be retained and maintained be secured via planning condition for a minimum of 30 years. A holly tree is proposed to be retained on site which is considered positive as it will be beneficial for breeding birds on site.

10.66. In the above circumstances, complies with the requirements of policy NE3.

10.67. Land Contamination

10.68. Local Plan policy NE9 (Unstable and Contaminated Land) states that proposals for the redevelopment or re-use of land known or suspected to be contaminated, and development or activities that pose a significant new risk of land contamination will be considered having regard to:

- A. The findings of a preliminary land contamination risk assessment;
- B. The compatibility of the intended use with the condition of the land; and
- C. The environmental sensitivity of the site.

10.69. Proposals that fail to demonstrate that the intended use would be compatible with the condition of the land, or which fail to exploit appropriate opportunities for decontamination will be resisted.

10.70. The Environmental Health Officer has assessed the supporting documents, in relation to land contamination, and has no objection to the proposed development subject to conditions to require the submission of a land Contamination Phase II Intrusive Site Investigation Report and the carrying out of any necessary remediation work identified in that report.

10.71. Subject to the proposed conditions, it is considered that the proposal complies with the requirements of local plan policy NE9.

10.72. Flood Risk and Drainage

10.73. Local Plan Policy CC1 advises that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere.

10.74. The proposal lie in Flood Zone 1 which is at the lowest risk of flooding.

10.75. Yorkshire Water has no objection to the proposal but has advised that if planning permission is to be granted, the conditions should be attached to control the details of foul and surface water drainage.

10.76. The proposed conditions have been incorporated below.

10.77. Subject to the conditions proposed by Yorkshire Water, the proposed development would not have an adverse effect on watercourses or increase the risk of flooding elsewhere and would, therefore, comply with local plan policy CC1.

10.78. Housing Allocation SP6

10.79. The access to the site is included within Housing Allocation SP6. The site requirement for SP6, set out in the local plan states that it should include a direct cycle and pedestrian link to High Street. The proposed development would not prevent this from happening as the route through to SP6 is along the site access road where there are no buildings or other structures. The applicant has shown a potential footpath like on the submitted site layout plan. The proposal would not, therefore prejudice the development of SP6.

10.80. The site requirements for SP6 are not directly relevant to the majority of this site because it is outside the allocated housing site.

10.81. Sustainable Design

10.82. Local Plan policy CC4 requires all developments to be designed to reduce both the extent and the impacts of climate change. All developments are required to reduce carbon dioxide emissions through the following sequence of priorities, as set out in the energy hierarchy:

- i. Energy reduction; then
- ii. Energy efficiency; then
- iii. Renewable energy; then
- iv. Low carbon energy; then
- v. Conventional energy.

10.83. A condition is proposed requiring the applicant to submit a report detailing how they comply with the requirements of this policy, for the written approval of the LPA. The development will be carried out in accordance with the approved details.

10.84. A further condition requiring the installation of electric vehicle charging points for each dwelling house is also proposed.

10.85. Subject to the proposed conditions, the proposed development will comply with the requirements of policy CC4.

10.86. Housing Mix

10.87. Local Plan policy HS1 seeks to ensure that housing developments deliver a range of house types and sizes which reflect and respond to the identified housing needs and demands of the district's households. It states that the proposed mix should make reference to the latest Housing and Economic Development Needs Assessment (HEDNA) and be informed by local assessments of housing need; detailed local

market assessments and the ability of the site to accommodate a mix of housing. The 2018 HEDNA advises that future housing in the district should be focused on delivering two and three bedroomed homes. As a guide, it suggests a mix of 30-35% two-bedroom, 45-50% three-bedroom and 20-25% four-bedroom homes would be appropriate.

10.88. The current application proposes two two-bedroomed houses and two three-bedroomed houses. The previous schemes proposed two three-bedroomed houses and two four-bedroomed houses. It is considered that the mix now proposed is sufficiently aligned with the requirements set out in the HEDNA and will deliver a range of house types and sizes that reflect and respond to the identified housing needs and demands of the district's households. The proposal therefore complies with the requirements of local plan policy HS1.

10.89. Matters Raised in Representations

- Demolition of all the small-scale buildings along the frontage will drastically change the rural character of the High Street, and the bulk of the new development, creating an extended terrace and a row of new garages, will present an inappropriate urban appearance.

Comment – The proposed street frontage will be similar in appearance to the adjoining terrace and as such would not appear out of keeping with their surroundings. This assessment is supported by the appeal decision.

- The loss of the principal barn has wider implications for the character and appearance of the Conservation Area. The replacement comprising semi-detached dwellings bears little relation to the existing building in scale, shape, profile, or appearance, and does not even follow the footprint of the existing barn.

Comment – The scheme has been amended to more closely reflect the form and footprint of the barn. Officers now consider the revised scheme is acceptable and will preserve the character of the conservation area.

- The proposed new road junction will create a wide gap which is not in keeping with the existing street scene. Despite the loss of existing buildings to accommodate the new layout, there is still concern about achieving adequate sight lines, particularly given the proximity of the pedestrian crossing. It is also noted that the bus stop and a streetlight will be removed.

Comment – The width of the proposed access has been considered and officers consider it will not have a harmful impact on the conservation area. NYC Highways consider the sightlines and proximity to the pedestrian crossing to be acceptable. The bus stop and streetlight will be relocated, at the expense of the applicant. This will be secured by condition 21 and by an agreement under section 278 of the Highways Act 1980.

- The space between the proposed buildings would be very restricted, resulting in overshadowing and overlooking one another and adjacent existing property. The hard-paved 'courtyard' would be congested with the anticipated 9 cars, plus bikes,

bins, prams and other uses. As such the proposed layout would fail to provide adequate residential amenity for occupants and adjacent residents.

Comment – All the dwellings have a reasonable area of outside amenity space and there is sufficient space for cars to park and manoeuvre. Sufficient space has been provided for bin storage. The impacts of overshadowing and overlooking have been considered and have been found acceptable. It is therefore considered that the proposal does not represent over-development of the site and would provide adequate residential amenity for occupants and adjacent residents.

- For this type of village housing, one parking space and a single garage for each house is clearly inadequate. Each house could have several cars, and there is no provision for deliveries or visitors' parking. There is no space for garden equipment storage or refuse bins so garages will inevitably become stores. Not only will vehicles cause congestion on the site, but they will be parked on the access road and on the busy main road at its narrowest point, having a detrimental impact on neighbouring property and on the highway.

Comment – NYC Highways have assessed the parking arrangements and have found the proposed number of spaces and manoeuvring space to be acceptable. Space has been provided for refuse bins and cycle storage, and there is adequate space available in the garden areas for the storage of garden equipment.

- The current proposal shows a lack of appreciation of the local vernacular and the concerns of local residents. It would result in an over-intensive use of a small site and cause irreparable harm to the Conservation Area. Therefore, The Parish Council asks the Council to refuse this application.

Comment – Officers consider that the revised design and layout is acceptable and will preserve the character of the conservation area and the amenity of neighbouring properties

- Harmful impact on the character of the conservation area and townscape;

Comment – As outlined above, it is considered the revised scheme will preserve the character of the conservation area.

- Harmful impact upon the amenity of adjoining houses

Comment - As outlined above, the revised window arrangements, form of the revised buildings and proposed conditions will result in a scheme that will not have an unacceptable impact on adjoining houses.

- Harmful Impact on wildlife and ecology;

Comment - NYC Ecologist has assessed the proposal and is satisfied that there will be no harmful impact on wildlife and there will be a net gain in terms of ecology.

- Lack of renewable energy technology;

Comment – A condition is proposed to require the applicant to demonstrate how the proposal will comply with the requirements of local plan policy CC4.

- Harmful impact on foul and surface water drainage and flood risk;

Comment – Yorkshire Water has no objection to the proposal subject to condition.

- Concerns about what materials would be used;
Comment – conditions are proposed that give the LPA control over the proposed materials.
- Poor design;
Comment – As set out above, it is considered that the design of the revised scheme is acceptable and that it will preserve the character of the conservation area.
- The buildings within the site have not been maintained or repaired for many years and have been allowed to fall into further disrepair by the developers.
Comment – As set out in paragraphs 10.21 and 10.22 above, it is acknowledged that the buildings are in a poor state of repair and officers have taken the view that it would not be viable to retain and convert them, on the basis of the supporting Structural Survey Report and a visual inspection of the buildings on site.
- The proposal will result in the loss of a fine stone building worthy of retention and if it can't be retained ought to be reconstructed on a like for like basis utilising the original stone and roofing material.
Comment - The form of the proposed dwellings has been amended to be more like the existing buildings on site. It is not a like for like replacement, but officers consider that the design is now acceptable. The structural report submitted in support of the application concluded that the existing materials on site are too degraded to use in the construction of the new dwellings. A condition is proposed requiring the applicant to reuse stone from the site for the proposed boundary walls.
- Harmful impacts on highway safety;
Comment - NYC Highways Officer has assessed the proposal and has not raised an objection on highway safety grounds.
- Inadequate parking and turning space provision;
Comment - NYC Highways Officer has assessed the proposal and has not raised an objection to the parking and turning arrangements.
- Inadequate sight lines at proposed access;
Comment - NYC Highways Officer has assessed the proposal and has not raised an objection to the proposed sight lines.
- Inadequate access for service and emergency vehicles is constrained;
Comment - NYC Highways Officer has assessed the proposal and has not raised an objection regarding access for service and emergency vehicles.
- Concerns that the access will be used to gain vehicular access to the land to the rear of the site for housing;
Comment – This application does not propose vehicular access to the land to the rear. If such an application is received by the LPA it will be assessed on its own merits.
- Noise and air pollution problems for future occupiers;

Comment – NYC Environmental Health Officer (EHO) has assessed the proposal and has suggested a condition to control noise. No concerns were raised about air pollution. The proposed dwelling will be subject to the same conditions, with regard to air pollution, as other existing dwellings on High Street and officers are not aware of any significant existing air pollution issues in this area.

- Lack of amenity space, bin storage space, natural light and ventilation for future occupiers;
Comment: Officers consider that all the dwellings have a reasonable area of outside amenity space and there is sufficient space for cars to park and manoeuvre. Sufficient space has been provided for bin and cycle storage. The houses have sufficient space around them to receive sufficient natural light. The EHO has not raised any concerns about ventilation. All houses have sufficient openings to ensure an adequate level of ventilation.
- New houses should be built in the local vernacular farm style;
Comment – as set out above it is considered that the design is now acceptable and will preserve the character of the conservation area.
- The proposed demolition would be harmful to the character and appearance of the Spofforth Conservation Area while the new build element is flawed and does not offer appropriate public benefit.
Comment – as set out above it is considered that the design is now acceptable and will preserve the character of the conservation area.

12. PLANNING BALANCE AND CONCLUSION

12.1 It has been found above that the development of the site for housing is acceptable in principle at this location.

12.2 Subject to the conditions proposed, the proposed development will not have a harmful impact on residential amenity or highway safety and the proposed housing mix is acceptable.

12.3 Issues of drainage, sustainable design, land contamination and ecology can be adequately controlled by condition.

12.4 It has also been found that subject to the conditions proposed, the proposed dwellings would preserve the character of the Conservation Area and that the scheme will provide some improvement to the visual amenity of the area by bringing a vacant site which has a semi-derelict appearance back into use.

12.5 Nevertheless, the loss of the existing buildings, which are Non-Designate Heritage Assets would result less than substantial harm and therefore, NPPF paragraph 208 is engaged, whereby this harm should be weighed against the public benefits of the proposal taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

The buildings make a positive contribution to the conservation area due to their historical interest which derives from their vernacular design, surviving architectural fabric and features and the contribution they make to the history and local distinctiveness of the village. They are indicative of former activity in the village. However, officers have accepted that the conversion or reuse of these buildings is not a viable option at this stage due to their state of repair and structural condition. There is, therefore, no realistic prospect of the existing buildings being brought back into use and, without a scheme for redevelopment, the site will remain vacant and in a semi-derelict state. Whilst acknowledging the historical interest of the buildings, the Spofforth Conservation Area Character Appraisal (SCACA) also acknowledges that the condition of the farm group arguably detracts from the character of the Conservation Area and suggests that they could be restored and brought into use. Since that assessment was made (16 years ago), the condition of buildings has deteriorated significantly, and officers now accept that there is no realistic prospect of the existing buildings being restored and brought back into use.

12.6 The proposal would provide public benefits in the form of the provision of four homes which would contribute towards meeting the housing needs of the district. Additionally, the proposed scheme would bring a vacant and semi-derelict site back into use, which will benefit the visual amenity of the area. There would be modest economic benefit during construction phase and the additional dwellings would contribute towards sustaining the existing services in the village.

12.7 Taking into consideration there is no realistic prospect of the existing buildings being brought back into use and the impact semi-derelict appearance of the site has on the character of the conservation area, it is considered that the benefits set out above outweigh the 'less than substantial harm' that would result from the loss of these Non-Designated Heritage Assets. The proposal should therefore be approved.

13.0 RECOMMENDATION

13.1 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 three years from the date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 – Approved Plans

The development hereby permitted shall be carried out in strict accordance with the following drawings:

Proposed Site Plan - Drawing Number 03 Revision J
 Proposed Plots 1 and 2 - Drawing Number 04 Revision G
 Proposed Plots 3 and 4 - Drawing Number 05 Revision I
 Access Proposals - Drawing Number 0001B

Reason: To ensure compliance with the approved drawings.

Condition 3 – Materials

Prior to their use, samples of the roof tiles, natural stone (including a stone panel showing proposed coursing and pointing), bricks and stone setts to be used in the construction of the dwellings, and courtyard surface hereby approved shall be made available on site for the written approval of the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and the sample stonework panel shall be retained on site during the period of construction of all external walls that are constructed in stone.

Reason: In the interests of visual amenity and to comply with Local Plan policies HP2 and HP3.

Condition 4 – Window and door frames

All window frames, doors and door frames (including garage doors) shall be in natural painted timber and shall be retained as such for the life of the development. Prior to their insertion, detailed sections at a scale of 1:5 through the window frames and doors be submitted to and approved in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Local Plan policies HP2 and HP3.

Condition 5 - Setback for windows

All new doors and windows shall be set back a minimum of 100mm from the external face of the walls to form reveals and shall be retained as such for the life of the development.

Reason: In the interests of visual amenity and to comply with Local Plan policies HP2 and HP3.

Condition 6 - Rooflights

Prior to the insertion of the rooflights, details of the specification of such rooflights, which shall be conservation type and fitted flush with the external surface of the roof, shall be submitted to and approved in writing by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Local Plan policies HP2 and HP3.

Condition 7 – EV Charging points

Electric vehicle Charging Points shall be provided to all dwelling houses hereby approved. For the avoidance of doubt, the proposed chargers shall be Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp).

Reason: To reduce both the extent and the impacts of climate change and to comply with the requirements of Local Plan police CC4.

Condition 8 – Verge and Facia Treatment

Details of the proposed verge and fascia treatment shall be submitted to and approved in writing by the local planning authority prior to any development above damp proof course level. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Local Plan policies HP2 and HP3.

Condition 9 - Broadband

Prior to occupation, all dwelling houses hereby approved shall be supplied with superfast fibre broadband with a minimum of 1 GB connection.

Reason: To comply with the requirements of local plan policy T15.

Condition 10 – Cycle Rack

Details of the proposed cycle rack shall be submitted to and approved in writing by the local planning authority. Thereafter the approved cycle rack shall be installed on site prior to the occupation of the dwelling houses.

Reason: In the interests of visual amenity, to comply with Local Plan policies HP2 and HP3 and to facilitate sustainable modes of transport.

Condition 11 – Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that Order with or without modification), no development permitted under Schedule 2, Part 1, Classes A, B, C, D and E and Schedule 2 Part 2 A other than any expressly authorised by this permission shall be carried out without the grant of further specific planning permission from the local planning authority.

Reason: In the interests of visual amenity and to comply with Local Plan policies HP2 and HP3.

Condition 12 – Bat and Bird Boxes

Four bat boxes and four swift boxes shall be installed on site on site prior to first occupancy in accordance with the recommendations of the Bat and Nesting Bird Survey Report (Middleton Bell Ecology, June 2024) and shall be retained thereafter.

Reason: To improve biodiversity on the site.

Condition 13 - Biodiversity

The development shall be carried out in accordance with the details set out in Appendix 3 (UK Habitats Classification Plan Proposed) of the Middleton Bell Ecology Report dated 7th, May 2024. The habitat creation consists of a vegetated garden and urban trees. The urban trees shall be retained and maintained for a minimum of 30 years.

Reason: To improve biodiversity on the site.

Condition 14 – Tree Root Protection

Tree root protection fencing and ground protection shall be implemented in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction - Recommendations around the Holly Tree to be retained in the northern corner of the site prior to the commencement of the development and shall be retained on site until the development is complete.

Reason: To protect retained trees during the construction phase.

Condition 15 – Energy Statement

Prior to any construction above damp proof course level, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall

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demonstrate how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions in accordance with Local Plan Policy CC4 and in support of the Harrogate Borough Council: Carbon Reduction Strategy (2018) (or any relevant strategies) and the Climate Change Act 2008. The development shall be completed in accordance with the approved Energy Statement.

Reason: To safeguard the environment and mitigate climate change in accordance with Policy CC4 of the Local Plan.

Condition 16 – Obscure Glazed Windows

The first floor windows to bathrooms and ensuites in the front (southwest) elevation of the houses on plots 3 and 4, and the first floor bathroom and landing window in the rear (northeast) elevation of the house on plots 1 and 2 shall be obscure glazed to level three or higher on the Pilkington Scale and shall be retained as such for the life of the development.

Reason: To prevent overlooking, In the interests of residential amenity.

Condition 17 - Hours of Work

The hours of work on site shall be controlled and restricted to:

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank or Public Holidays

Reason: In the interests of residential amenity.

Condition 18 – Existing Stone

The stone from the existing buildings shall be reclaimed and used in the construction of the boundary walls.

Reason: In the interests of visual amenity and sustainability.

Condition 19 – Highways

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

The development must only be carried out in compliance with the approved engineering drawings.

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Condition 20 - Highways

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

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

Condition 21 - Highways

No development shall commence on site until the following schemes of off-site highway mitigation measures has been completed:

- o Relocation of Lamp Column NY14 at High Street, Spofforth prior to construction
- o Relocation of Bus Stop "Low Lane Farm" at High Street, Spofforth prior to construction
- o Relocation of road gully and realignment of carriageway at High Street, Spofforth prior to construction
- o Installation of pedestrian tactile crossing point at High Street, Spofforth prior to construction

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Informative:

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Condition 22 - Highways

There must be no access or egress by any vehicles between the highway and the application site at Low Lane Farm until splays are provided giving clear visibility 43 metres measured along both channel lines of the major road from a point measured 2 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.

Condition 23 - Parking

No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users at Low Lane Farm have been constructed in accordance with the approved plans in. 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 24 – PD rights Garage conversion

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Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Condition 25 – 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:

- o details of any temporary construction access to the site including measures for removal following completion of construction works;
- o wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- o the parking of contractors' site operatives and visitor's vehicles clear of the highway;
- o areas for storage of plant and materials used in constructing the development clear of the highway;
- o measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- o details of the routes to be used by HGV construction traffic and pre and post construction highway condition surveys on these routes;
- o protection of carriageway and footway users at all times during demolition and construction;
- o protection of contractors working adjacent to the highway;
- o details of site working hours;
- o erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- o 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;
- o details of external lighting equipment;
- o details of ditches to be piped during the construction phases;
- o a detailed method statement and programme for the building works; and
- o 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.

Condition 26 – Land Contamination

Groundworks shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.

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

Condition 27 – Land Contamination

Where site remediation is recommended in the Local Authority approved Phase II

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Intrusive Site Investigation Report groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the local planning authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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.

Condition 28 - Land Contamination

Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning Authority Approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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.

Condition 29 - Land Contamination

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a land contamination Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

Informative: Topsoil Importation - Domestic Garden -

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.

Condition 30 - Noise

Before first occupation, the developer shall provide written evidence to the local planning authority to demonstrate that the following internal sound levels have been achieved in all plots:

- a) The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.
- b) The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

c) The LAFMax indoor shall not exceed 45 dB (more than 10 times) between 2300 and 0700hrs when readings are taken inside any bedroom in the development. If it cannot be demonstrated that the aforementioned sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the LPA. All works comprised within those further measures shall be completed and written evidence to demonstrate that the aforementioned sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: In the interests of residential amenity.

Condition 31 - Noise

If there is to be plant on site, such as Air Source Heat Pumps (ASHPs) such plant shall be selected so that they do not affect the residents of adjacent dwellings and should be effectively controlled so that the rating level of all such equipment does not exceed the background sound level at any time ("rating level" and "background sound level" are as defined in BS4142:2014+A1 2019). Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: In the interests of residential amenity.

Condition 32 - Drainage

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

Reason: In the interest of satisfactory and sustainable drainage.

Condition 33 – Drainage

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. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;
- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum (30)% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

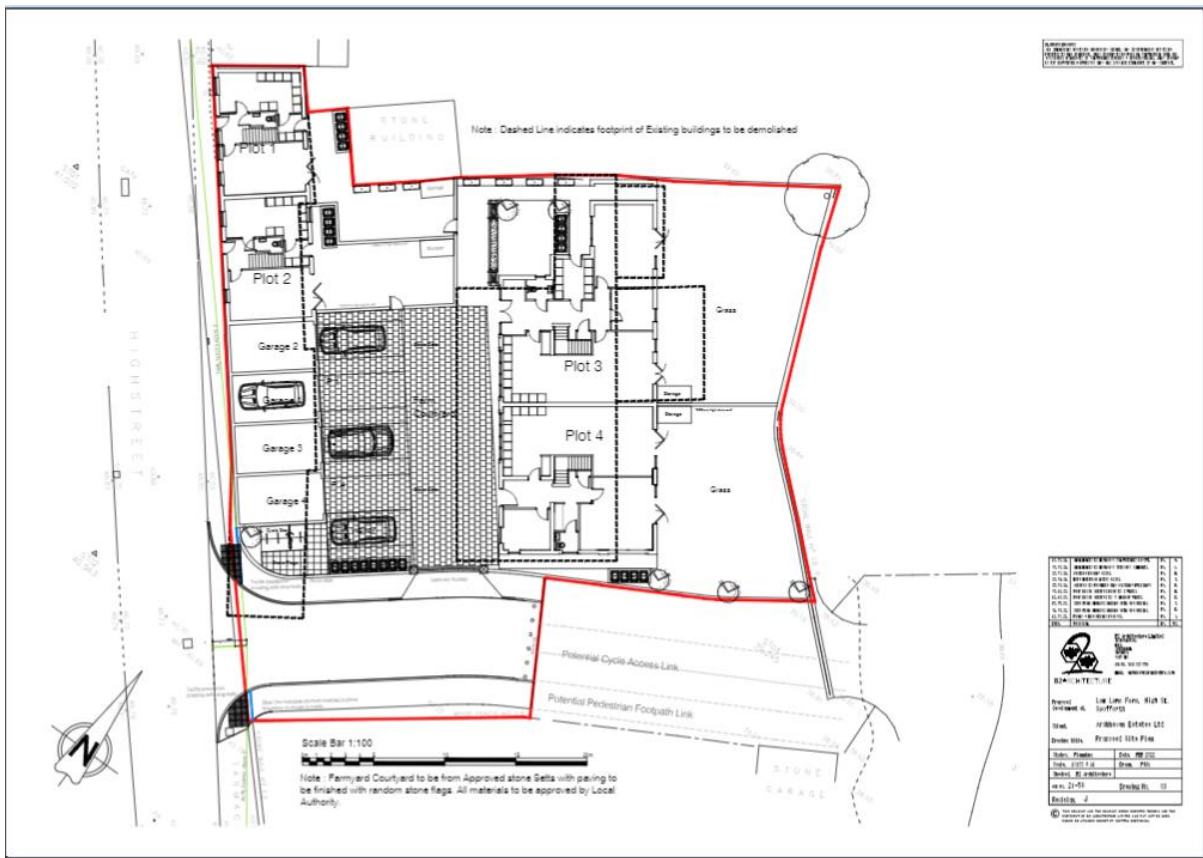
Condition 35 – Bollards

Prior to their installation, details of the proposed bollards shall be submitted to and approved in writing by the local planning authority. Thereafter, the approved bollards shall be installed prior to the occupation of the development and shall be retained for the life of the development.

Reason: In the interests of visual amenity.

Case Officer: Gerard.walsh@northyorks.gov.uk

Appendix A – Proposed Layout Plan



Appendix B – Site History

Proposals for the erection of 4 dwellings and demolition of agricultural buildings on the site have been considered by the LPA on two previous occasions and have been found to be unacceptable.

The first of these (22/03003/FUL) was also subject to an appeal, which was lodged on 08.04.23 and dismissed on 6.10.23.

Before the appeal was lodged, another application (23/00122/FUL) was submitted to the LPA on 20.01.23 and was refused on 11.7.23, while the appeal was still under consideration.

The reasons for refusal on 23/00122/FUL were:

1. The cumulative scale and nature of the proposed development and change of use including the proposed domestic curtilages and domestic paraphernalia would erode the agricultural character of the site and fail to respect local distinctiveness. The proposal would introduce four large two storey dwellings would single storey extensions, disrupting the hierarchy of the existing barns on the site. The proposed dwellings would be cramped within the site thereby creating an awkward layout. The proposed quantity and domestic style of the openings would be poor design. The proposal would result in substantial harm to the character and appearance of the conservation area. This harm would outweigh the associated public benefits of the proposal. The proposal would conflict with the requirements of the National Planning Policy Framework, Harrogate Landscape Character Assessment, Residential Design Guide, Farm Buildings Design Guide, Heritage Management Guidance and Spofforth Conservation Area Appraisal and Policies HP2 and HP3 of the Harrogate District Local Plan.

2. The site is within Housing Allocation SP6: Land at Massey Fold, Spofforth. The proposal would fail to meet Requirement 5 (designated heritage asset of the conservation area) of the SP6 Housing Allocation. The proposal would conflict with the requirements of Policy DM1 of the Harrogate District Local Plan.

The reasons for refusal on 22/03003/FUL were:

1 The proposal is for two three-bedroom dwellings and two four-bedroom dwellings. It would fail to deliver a range of house types and sizes that reflect and respond to the identified housing needs and demands of the District's households for delivering two and three bedroom homes. There is no robust evidence or justification to support a departure of this approach. The proposal would be contrary to guidance in the National Planning Policy Framework and Policy HS1 of the Harrogate District Local Plan.

2 The historic barns are non-designated heritage assets. The proposal would result in their total loss thereby creating substantial harm to the heritage assets. This would outweigh the proposed benefits. The proposal would conflict with the requirements of the National Planning Policy Framework, Heritage Management Guidance and Spofforth Conservation Area Appraisal and Policy HP2 of the Harrogate District Local Plan.

3 The proposed dwellings, by virtue of their form, layout, appearance, scale and siting would be detrimental to the visual amenity and character of the site and conservation area. They would result in overdevelopment of the site and fail to respect local distinctiveness. This harm outweighs the benefits of the proposal in this location. The proposal would conflict with the requirements of the National Planning Policy Framework and Residential Design Guide, and Spofforth Conservation Area Appraisal and Policies HP2 and HP3 of the Harrogate District Local Plan.

4 The proposed Plot 3 would cause significant overbearing and overshadowing to neighbouring property 16 High Street. The proposed bedroom windows of all plots would

cause significant overlooking to one another. The proposed dwellings would have insufficient separation distances and therefore would fail to preserve a reasonable standard of residential amenity for existing and future occupiers. The proposal would conflict with the requirements of the National Planning Policy Framework and House Extensions and Garages Design Guide and Policy HP4 of the Harrogate District Local Plan.

5 The site is within Housing Allocation SP6: Land at Massey Fold, Spofforth. The proposal would fail to meet Requirement 5 (designated heritage asset of the conservation area) of the SP6 Housing Allocation. The proposal would conflict with the requirements of Policy DM1 of the Harrogate District Local Plan.

The issues considered by the LPA under both 23/00122/FUL and 22/03003/FUL were:

1. Principle of Development
2. Design, Landscape and Visual amenity
3. Residential amenity
4. Highways
5. Ecology
6. Land Contamination and Air Quality
7. Flood Risk and Drainage
8. Housing Allocation

The appeal decision addressed the following matters.

- * Whether the proposal would preserve or enhance the character or appearance of the Spofforth Conservation Area (SCA);
- * Whether the proposed development would deliver an adequate mix of housing to meet local needs;
- * Whether the proposed development would provide adequate living conditions for future occupiers with regard to privacy and overlooking; and
- * The effect of the development on the living conditions of the occupiers of 16 High Street with regard to overshadowing.

In summary, the inspector found that:

- * The form and style of Plots 1 and 2 and the attached garages would be such that they would not harm the character and appearance of the SCA.
- * Plots 3 and 4 would be significantly bulkier than the barns that they would replace. Both plots would include Juliet balconies with significant amounts of glazing on their rear elevations which would not reflect the rural setting and character of the appeal site. The inspector was not convinced that the dwellings would retain the character of the existing barns either through these features or their layout. The inspector further considered that no compelling evidence that replacement buildings could not be built in style and form which better reflects their character and appearance had been presented. Consequently, the inspector was not persuaded that the proposal would contribute to local distinctiveness or protect or enhance those features which contribute to the NDHAs special architectural or historic interest and make a positive contribution to the character and appearance of the SCA.
- * The demolition of the existing buildings would lead to the loss of the NDHAs and as a result, the proposal, when considered as a whole would have a negative impact on the character and appearance of the SCA.

* The proposal would not provide an appropriate mix of market housing, contrary to Policy HS1 of the HDLP because of an over provision of four bed dwellings. The scheme was for 2 No. three bed dwellings and 2 No. 4 bed dwellings.

* The proposal would not provide acceptable levels of privacy for future occupiers because of overlooking to the garden areas of plots 1 and 2.

* The inspector found that it had not been adequately demonstrated that the proposal would not harm the living conditions of No. 16 High Street through overshadowing from the house proposed on plot 3.

* The inspector did not consider that the requirements Policy DM1 and HLP Housing Allocation SP6, set out in the HLP were directly relevant to the case. Therefore, its requirements were not determinative in the appeal decision.