

North Yorkshire Council
Community Development Services
Thirsk and Malton Area Planning Committee

19 December 2024

**ZB24/01340/FUL - Construction of 8 dwellings and garages, formation of new
access and associated works**

At Land West of Owlwood House, West Lane, Stillington, North Yorkshire

On Behalf of Ambleside Homes

**Report of The Head of Development Management– Community Development
Services**

1.0 PURPOSE OF THE REPORT

- 1.1 To determine an application for full planning permission for the construction of 8 dwellings and garages, the formation of a new access and ancillary works.
- 1.2 This application is requested to be determined by the Area Planning Committee following a referral by Cllr Taylor due to the proposal conflicting with the Hambleton Local Plan and due to public interest in the proposed scheme.

2.0 SUMMARY

RECOMMENDATION:

- 2.1 That members be minded to **GRANT** planning permission subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act to secure affordable housing provision on site and a commuted sum towards off site provision of affordable housing, highway assessment of proposed highway improvements, highway improvement works and subject to the conditions set out in Section 12 of this report.
- 2.2 The site is located approximately 40m to the west of Stillington, in the open countryside. Stillington is defined as a Service Village within the Local Plan. The proposed scheme is for eight dwellings, with four of those being single- or one-and-half-storey (i.e. “bungalows”), with the mix comprising the following: 1 no. one-bedroomed unit, 4 no. two-bedroomed units, 2 no. three-bedroomed units, 1 no. four-bedroomed unit. The proposed works include ancillary development and the creation of a new access to the west of the existing field access, which will be closed up.
- 2.3 The provision of affordable housing and non-compliance with Policies S5, HG4 and HG5 and how this impacts the proposal in terms of this site’s suitability for the siting of residential development is one of the main considerations, paying heed in particular to the impact on the character and appearance of the surrounding area and the requirement for affordable housing within Stillington. Matters relating to design and landscaping, in addition to technical matters such as highway safety and drainage are also important material planning considerations.

ZB24/01340/FUL

14/10/2024



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3.0 PRELIMINARY MATTERS

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

[Planning Documents](#)

Planning history

3.2 Application site:

18/00490/OUT - Outline application (all matters reserved) for the construction of four detached dwellings (self-build plots) – REFUSED.

17/00606/OUT - Outline application (all matters reserved) for the construction of a detached dwelling – WITHDRAWN.

Deferral Update

3.3 This application was deferred at the planning committee on 24 October 2024 so that officers could enter into discussions with the agent to clarify matters that had been raised by members.

3.4 These matters were: highway safety, neighbour amenity and protection of an oak tree to the north west corner of the site.

3.5 Information has subsequently been provided by the agent seeking to address these issues, which are discussed below:

3.6 An amended site plan has been provided showing the provision of a footpath link between the site and the village. The proposed footpath also allows access to Stillington from The Shippons and is largely situated within the site, limiting the visual impact of the path. The route makes use of the existing field access to the south-east of the site, before running across the road and joining the existing footpath to the south of West Lane. Incorporated within the new route are various safety measures, such as tactile paving, dropped kerbs and a personnel gate.

3.7 Further to the above, the proposal also now incorporates the extension of the 30mph zone, moving the relevant signage a further 130m west along West Lane.

3.8 The above measures have been drawn up following initial consultation with the Highways Authority and it is proposed that this be secured via a Section 106 Legal Agreement. A separate licence would be required from the Highways Authority to allow any works within the public highway to be carried out. The applicant is advised of this by informative.

3.9 In response to concerns relating to the presence of a first-floor window within the eastern gable-end of Unit 1, amended plans have been submitted. The amended plans have removed the window from the proposal. The recommended condition 20 subsequently seeks to control any potential future development which may otherwise be permitted development on the site.

3.10 A public consultation in respect of the amended plans is currently being carried out which expires on 17 December 2024. This has been undertaken with original neighbours consulted, those neighbours who made representations on the planning application and the Highways Authority. Any additional representations received will be reported to members of the planning committee on the late papers/update list and/or verbally at the meeting and be considered accordingly.

- 3.11 Condition 2 has been updated to reflect the submission of amended drawings. The section 106 requirements table at paragraph 10.35 has been updated to reflect the proposed highways improvements, including funding of a highways assessment, funding for the construction of a section of footpath outside of the site and funding for moving of the 30mph zone signage.
- 3.12 Officers are currently giving consideration to the protection of the Oak tree on the site by undertaking a tree preservation order assessment.
- 3.13 Matters set out in the late papers/update list to members for the October planning committee meeting have been incorporated into this officer report.
- 3.14 It is not considered that the information supplied following deferral of this application has meaningfully affected the officer recommendation. It is deemed that the proposal remains broadly policy compliant and that the documents supplied address the concerns set out by the planning committee at the October Planning Committee Meeting.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is located approximately 40m to the west of Stillington, in the open countryside. Stillington is defined as a Service Village within the Hambleton Local Plan. The proposed location of the development is within agricultural land to the east of Stillington. The site consists of a parcel of land formerly used for arable farming and which has been divided from a field to the north. The parcel of land subject to this application measures approximately 0.54ha and is sited to the north of West Lane, which is a classified (C) road. The site is not within Stillington's Conservation Area, which is 40m to the east, ending at Townend Pond.
- 4.2 There are well-established hedgerows (with occasional gaps) to the eastern, western and southern site boundaries, whilst the northern boundary consists of a post-and-rail fence. To the immediate west of the site is residential land, as is the case to the east, whilst the land to the north is agricultural.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 The application relates to the siting of eight dwellings within the above-described parcel of land. The units consist of 1 no. one-bedroomed unit, 4 no. two-bedroomed units, 2 no. three-bedroomed units, 1 no. four-bedroomed unit with two of those units forming part of the affordable housing provision. The proposed tenure for the affordable units has one unit being offered as a discount market property and another for social rent. The proposed units would be constructed in brick and pantile and would include a variety of form and scale in order to give the impression of a converted former farmstead.
- 5.2 The access associated with the site is proposed to be relocated from the east of the site to the west to provide greater visibility to vehicles entering and exiting the site. Landscaping within the site itself and to the minor infill to the site boundaries is also proposed.
- 5.3 The application is submitted with a Design, Access and Planning Statements; Preliminary Ecological Appraisal; Heritage Assessment; Percolation Test; Tree Survey; Biodiversity Net Gain report.

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 Hambleton Local Plan (adopted February 2022).

Emerging Development Plan - Material Consideration.

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

Guidance - Material Consideration

- 6.4 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance

7.0 CONSULTATION RESPONSES

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

Initial Consultation

Consultees

- 7.2 Parish Council – Objects:

- Development should not be built on greenfield land.
- There has been a 30% increase in properties in the village in the last seven years.
- There have been issues regarding utilities and access to the doctor's surgery in the village.
- Resident's safety would be compromised due to lack of footway connection and having to cross a busy road.

- 7.3 Highway Authority – No objection. Conditions and informatives provided.

- 7.4 Environmental Health – No objection.

- 7.5 Yorkshire Water – No objection:

No objection. Have provided conditions and approve of the applicant's intention to drain surface water via soakaway.

- 7.6 MoD RAF - No safeguarding objections.

- 7.7 Foss IDB – Comments and condition provided.

- 7.8 Rural Housing Officer - Comments provided as set out below:

“This is a full planning application and the proposed scheme would be required to provide 30% affordable allocation on 8 homes – this will result in a requirement for 2.4 affordable homes. Within the current application there are plans for 2 affordable units, therefore we would also require 0.4% commuted sum, secured via a 106 agreement.”

“I have been advised that currently the developer is looking at 1 social rent and one discount market sale. My advice at this stage would be to consider both properties for social rent and to speak to registered providers who already have stock in the area.”

“Both affordable units on the scheme conform to NDSS, however they are considerably smaller than the market homes of the same bed size on the development.”

“Whilst the mix on the affordable housing is not policy compliant, given the number of units on the scheme this would be acceptable.”

“The highest demand is for 1 and 2 beds and we would expect any application to address this need, which this application does.”

“Using secondary data derived from the latest census information, there is an estimated affordable housing need of 8 properties per annum in Stillington itself.”

“We would support the delivery of 2 affordable units and 0.4% commuted sum on this application.”

Local Representations

Initial Consultation:

- 7.9 31 representations have been received. Of these representations 9 are in support and 22 are objecting. A summary of the comments is provided below, however, please see website for full comments.

Objections:

- The site is a green belt area.
- There is already fast traffic coming through the village.
- The site will be noisy and dusty through the construction period.
- Development will block out existing views and landscape.
- Since 2016, Stillington has seen an increase of nearly 24% (including the allocation to the south of South Back Lane).
- The proposal will set a precedent for ribbon development.
- The development will open up potential for agricultural land to be developed along North Back Lane.
- The development has the potential to drastically alter the nature and qualities of the village.
- Concern over number of vehicles interacting with busy road close to a corner.
- No footpath between site and village.
- Water, doctors and sewerage system in village at capacity.
- Would negatively impact local wildlife.
- The proposal does not represent “infill”.
- The Shippons is outside of the built form.
- The site is part of the countryside.
- The development is high density when viewed against adjacent development.
- A similar application on the site was refused in 2018.

- The proposal would result in an oppressive and overbearing impact on Oakwood House and would impact on privacy in garden.
- The development would be harmful to the character and appearance of the countryside and Conservation Area.
- Potential noise impacts from residents of the proposed dwellings.
- The ecological assessment is for another location.
- Additional housing is not required in the area.
- The development would result in a build-up of traffic on High Street.
- Concerns relating to loss of village character/impact on strip fields.
- Layout allows future development to the north of the site.
- No mention of Historic Environment Search having been undertaken.
- Potential for archaeological remains.

Neutral:

- If approved, there will be a need for a surfaced footpath and street lighting between the site and the village.
- Amendments to the 30mph zone may be required.
- Development will not overly impact the village.
- Affordable homes form part of the development.
- Proposed development is well-contained within the site boundaries.
- Concerns about precedent of agricultural land being used for development.

In support:

- The proposal is in a suitable location.
- It will help to support the village shop.
- Would like to see installation of a footpath between the site and the village.
- Would like materials to be similar to The Shippons [to the west of the site].
- The layout is good.
- Would like to see more housing to attract more families.
- Affordable housing will be beneficial to the community.
- Hedges will be retained and will benefit from additional planting.
- Allows for a wide range of eventual occupants.

8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

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

9.0 MAIN ISSUES

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

- Principle of development
- Housing mix
- Impact upon the character and appearance of the site and wider countryside
- Impact upon the amenity of neighbouring properties
- Highway safety
- Drainage

- Green infrastructure
- Heritage matters
- Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1 Stillington is identified within the settlement hierarchy in Policy S3 as a Service Village and so is considered to have the ability to support sustainable development due to the concentration of services and facilities within the village. However, the site is considered not to be adjacent to the built form of the settlement, with Townend Pond forming a break between the main built form of the settlement and the development beyond. This is consistent with Policy S5, where the built form is described as “the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them”, which does not describe the site. Further, S5(c) identifies edge of settlement land which relates more closely to the countryside as falling outside of the built form. It is therefore considered that the site is set within the open countryside.
- 10.2 As a result of the above, the policy cannot be assessed against Policy HG5, which requires windfall development to be set either within a settlement or adjacent to the built form. The assessment of the scheme must therefore be made against Policy HG4.
- 10.3 HG4 relates to housing exceptions, i.e. proposed development found outside of identified settlements and within the open countryside. This includes fully affordable schemes adjacent to the built form of a settlement, homes for rural workers, replacement dwellings and proposals for Paragraph 80 dwellings, subdivision of an existing dwelling, and optimum viable use of a heritage asset. None of the above apply to this scheme and it is therefore considered that the proposal does not benefit from the support of HG4.
- 10.4 As the site is within a rural parish and is for the provision of more than four houses, it is required by Policy HG3 that an affordable housing allocation of 30% is provided within the scheme. As the proposal is for eight dwellings, the amount of affordable housing required within the site is calculated at 2.4 dwellings. The supplied design and access statement identifies two units as affordable, with the tenure being split between a unit for discounted sale and the other for social rent. The remaining .4 will consist of associated contributions.
- 10.5 HG3(c) asks that a mix of affordable tenure is provided, though due to the scale of the proposed development, it is not possible to achieve the mix outlined within the policy. HG3 identifies intermediate housing (such as discount market dwellings) as the lowest priority form of affordable housing, though this is balanced by the inclusion of a unit for social rent, which is given the highest priority. As a result, it is considered that HG3(c) has been met to the extent that can be expected from a scheme of this size.
- 10.6 Current figures taken from housing relating to affordable housing within the Easingwold sub-area reveal that there is a significant requirement for one- and two-bedroomed units, with a shortfall of 112 one-bedroomed units and 68 two-bedroomed units. Further, there has not been an approval including affordable units within Stillington proper since 2014.
- 10.7 The affordable units are set next to each other at the eastern perimeter of the site, contrary to HG3(d), though this may be due to the scale of the proposal and the particular design constraints of the development (the scheme has been designed as a faux-farm conversion). Despite this, the design and materials are to be the same employed within the remainder of

the development and so will be externally indistinguishable from other units, in accordance with HG3(e).

- 10.8 It has been relatively uncommon to receive a development of such scale as to require affordable housing within Stillington and so there has been a dearth of affordable units within the settlement, a pattern which has been reflected in the Housing figures for the wider Easingwold sub-area. Despite the positioning of the affordable units towards the periphery of the site, it is considered that the development is providing a policy-compliant mix of tenures in a settlement which has seen no affordable housing for a decade and which helps to address a shortfall in affordable 1-bedroom and 2-bedroom units within the sub-area. As such, it is considered that significant weight can be applied in this instance to the inclusion of affordable housing.

Housing Mix

- 10.9 HG2 requires that a housing mix in terms of size, type and tenure is provided, in accordance with the Council's Housing and Economic Needs Assessment (HEDNA), Strategic Housing Market Assessment (SHMA) and successor documents (e.g. the Housing SPD). Four of the proposed dwellings are to be one storey or one-and-a-half storey and therefore can be classified as "bungalows". The proposed mix of three two-bedroomed bungalows and a single three-bedroomed bungalow would, in a broad sense, meet the requirements of the Housing SPD. The SPD does identify a need for bungalows within the former Hambleton district, and at Para. 3.8 specifies that the need for two-bedroomed units is more pronounced, stating that three-bedroomed units will be supported "where they meet an identified need". However, a need for three-bedroomed units has not been identified within the supplied material.
- 10.10 Additionally, support for the development of bungalows is dependent on their scale, with Para. 3.8 identifying a need for "smaller accommodation" and it is also anticipated in the SPD that three-bedroomed units will be "of an appropriate size". The bungalows within the scheme are relatively large, with each unit being in excess of 65% beyond NDSS, which is contrary to the wording of the SPD. However, the two-storey houses within the scheme are largely compliant (being below 40% beyond NDSS), with the only exception being the large unit to the rear of the site (which is 105% beyond NDSS).
- 10.11 Whilst it is acknowledged that the above does not represent an ideal mix in terms of scale, there is an acknowledgement that the proposal includes an appropriate mix in terms of bedrooms, with the majority of the development consisting of two-bedroom and three-bedroom units, consistent with the requirements of the SPD.
- 10.12 The proposed dwellings are all NDSS compliant, in accordance with HG2(g).
- 10.13 As a result of the above, the degree to which the scheme accords with HG2 is not total. For instance, elements such as housing mix and the provision of two-bedroomed bungalows offer compliance with the Housing SPD to a large extent, the impact of which is diminished somewhat by the scale of some of the dwellings, which does not appear to accord exactly with the aims of the SPD. However, the proposed scale of a number of the units is not considered to outweigh the general compliance with the policy and it is considered that, on balance, Policy HG2 is met in this case.

Impact on Character and Appearance of the site and wider countryside

- 10.14 The NPPF at Paragraph 135(c) asks that developments are sympathetic to local character, including the surrounding built environment and landscape setting. This is carried through into Policies E1 and E7 of the Local Plan. Policies E1(a) and E1(b) ask that developments respond positively to their context and draw inspiration from their surroundings and that they respect and contribute positively to local character, identity and distinctiveness.
- 10.15 The proposal is arranged to suggest that the development originated as a farm conversion, with a variation in building form throughout the site to suggest varying former uses for the buildings (barns, worker's cottages, etc.). The relatively simple forms and designs of the units help to support this approach, with the limited and irregular glazing employed within the single-storey units being consistent with those found in barn conversions. The proposed use of brick and pantile would be consistent with the local vernacular and the details of these, in addition to windows, etc. could be controlled via condition.
- 10.16 The faux-farm conversion effect is also expressed in the layout, where Units 5 and 6 create a farmyard-style space. The layout also respects the informal build-line set by Owlwood House to the east, with the southern row of dwellings remaining level with this, whilst also keeping the build line to the north which was set by the barn conversions (The Shippons) to the west. Building in depth to the degree proposed within this application is not generally encouraged, particularly within a strongly linear settlement such as Stillington, however framing the development as a conversion of an agricultural unit helps to respond to the site context. Further, the site has been designed to allow some degree of interplay with The Shippons, bolstering the illusion of being a former agricultural site and allowing the mitigation of any harm cause to the local character through the depth of the development.
- 10.17 Due to its position adjacent to the highway and at a main throughfare into and out of the settlement, the site will be visually prominent. Policy E7 seeks to ensure that a development will "protect and enhance the distinctive character of settlement...by ensuring that the development is appropriate to, and integrates with, the character and townscape of the surrounding area". It has been discussed above the means by which the proposed layout seeks to integrate with its surroundings, and this is further assisted by the use of single-storey development throughout the site and the preservation of a gap within the centre of the site, both of which allows for views "through" the development. Further, the site is relatively loosely developed, with a density (of 15 dwelling per hectare – approx. half the national average of 31) does not necessarily urbanise the edge-of-settlement location.
- 10.18 The landscaping scheme incorporates a reasonable visual buffer to the south in the form of retaining the existing hedge, which will allow for screening of the development, and this will be further improved by the establishment or retention of hedgerow around the entire perimeter of the site. The use of planting will help to soften the visual impact of the development somewhat and the sporadic siting of trees, rather than the planting of a bank, ensures that the planting will not intrude on the open quality of the surrounding landscape.
- 10.19 It is considered that the visual impact on the local area and impact on the character and appearance on the countryside will be managed to a large degree by the proposed layout, form and landscaping. Despite the intrusion into the countryside, the approach to the layout and design of the site, in conjunction with the landscaping and retained visual

permeability of the scheme, help to limit the impact on the character and appearance of the area. The proposed incorporation of a footpath is largely within the site with a very short length extending into the countryside of which it is considered that there would be minimal harmful impact.

- 10.20 The proposed development pays sufficient regard to the character and appearance of Stillington and the open countryside and is considered to be in accordance with Policies S1, S5, E1, E7.

Amenity

- 10.21 The site is not within proximity of any building which is considered to be a potential source of noise, odour, light or pollution. Additionally, the proposed units are not considered to be so close to each other as to cause overbearance or issues of privacy and each unit has adequate private amenity space. The site is sufficiently distant from neighbouring properties as to not result in any neighbour amenity concerns.
- 10.22 Comments have expressed a concern relating to the impact on privacy within Owlwood House's garden area. Owlwood House benefits from a large amount of amenity space and the bulk of views from Units 1 and 2 will be oblique, limiting impact on privacy to a large extent. Further, Unit 1 does not have any side windows within the eastern elevation, which can be maintained via condition.
- 10.23 The Environmental Health team do not have any concerns regarding the site and whilst the Council's Scientific Officer has identified several items of note they have no objections to the scheme, provided that any grant of planning permission is adequately conditioned.
- 10.24 The proposal is therefore considered to accord with Policy E2.

Highway Safety

- 10.25 There is provision of parking within the proposal. The number of spaces that have been allocated to each dwelling are sufficient to accord with NYC Highways parking standards for properties in a rural area.
- 10.26 The Highways Authority have been consulted and have provided conditions and informatives based on the vehicular access. As detailed in Paragraphs 3.6 to 3.8 of this report, amended plans showing details of the highway safety measures (including a footpath and an altered, enlarged 30mph zone) have been provided, based on early consultation with the Highways Authority. The Highways Authority have been formally consulted on the amendments but have not yet formally provided a consultation response. The Highways Authority consultation response will be updated to members via the late papers/update list or report verbally to members at the planning committee meeting. However it is considered that the broad visibility splays available to the crossing points and the extension of the 30mph zone would not harm existing or proposed highway safety.
- 10.27 It is considered that the application meets the requirements of Policy IC2.

Drainage

- 10.28 A percolation test has been provided as part of the submission which demonstrates the suitability of the site for drainage via soakaway. It is considered that a suitable drainage scheme can be achieved via imposition of a condition. A representation has made

reference to flooding within the site, but the site is not within a fluvial flood zone and is not in an area of identified risk from surface water flooding. The proposal would not have an adverse impact on the quality of the water resources or surface/groundwater in the area and is therefore consistent with Policies RM1, RM3 and RM5.

Green Infrastructure

- 10.29 The site is within the Howardian Hills Green Corridor. The proposal would have a mild positive impact on existing green infrastructure – the field is currently in agricultural use and so its ecological value is relatively limited whereas the proposed landscape buffer and planting will provide a small increase in biodiversity and viable habitats. As such, it is consistent with Policy E4.
- 10.30 A BNG assessment was provided with the submission which demonstrated a 10.75% gain in habitat units. An ecological report did not identify any priority habitats or species within the site and provided recommendations which could be used within conditions. Whilst the Preliminary Ecological Assessment is titled “Land North of South Back Lane, Stillington” the map at Fig. 1 clearly shows the proposed site and so it is considered to relate to the application.

Heritage Matters

- 10.31 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The NPPF requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset. Policy E5 also requires the loss or harm to a designated heritage asset to be weighed within the planning balance.
- 10.32 The site is within 40m of Stillington's Conservation Area, which incorporates Townend Pond to the east. It is considered that the limited, largely single-storey form of the development, the proposed and existing screening and the visual intervention between the two sites provided by Owlwood House mitigates any potential visual impact that the scheme may have on the Conservation Area.
- 10.33 Whilst the proposal incorporates a portion of field which is laid out in a historic strip-field pattern, this will remain mostly legible, with the northern boundary hedge the only obfuscation of the historical land pattern. Historic England's Aerial Archaeology Mapping Explorer has been consulted to check for identified archaeological details relating to the site but did not return any information which suggests that the site is not of any particular archaeological value.
- 10.34 Given the lack of immediate visual impact on the Conservation Area, it is considered that the proposal will have a neutral impact on the heritage asset, resulting in no harm and is therefore compliant with Policies S7 and E5.

S106 Legal Agreement

- 10.35 Whilst a draft legal agreement has not been submitted it has been agreed with the applicant that the affordable housing provision would be required to be secured via a S106 agreement. The following Heads of Terms are considered to be appropriate for this application:

<u>Category/Type</u>	<u>Contribution</u>	<u>Amount and Trigger</u>
Affordable Housing	2 dwellings, 1 for social rent 1 for discount market sales	Affordable housing scheme/Transfer Linked to phased occupation.
Monitoring	S106 Monitoring	£500 index linked, prior to occupation.
Highways Improvements	Provision of highways assessment, pedestrian footpath and crossing, relocation of speed signage	Amount to be determined, linked to phased occupation.
Commuted Sum	0.4 of an affordable unit (1 bed, 2-person dwelling – 50m ²).	To be calculated/Linked to phased occupation.

- 10.36 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

Other Matters

- 10.37 There have been references to the quality of the land with regard to its agricultural grading and capacity to support the growing of crops. Government mapping suggests that the field falls within an area of Grade 3 land, though without identifying a sub-grade within the Grade 3 classification. Though Policy S5 suggests that Grade 3a land should not ideally be built upon, this relates to “significant development”. Whilst there is no definition of “significant development” within the Local Plan, it is reasonable to assume that this refers to major applications, which this application is not. As such, there is no conflict with Policy S5 in this regard.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 It is considered that the proposed development accords with the requirements of Policies HG2, HG3, S7, E1, E2, E3, E4, E5, E7, IC2, RM3 and RM5. The design, layout and form of the proposal would not harm the character and appearance of the surrounding area and it will be able to accommodate appropriate mitigation of any ecological impacts resulting from the development of the site. Further, no undue harm is considered to be caused to surrounding residents and the potential for negative residential amenity impacts on any future residents in minimal.
- 11.2 However, the proposal does not accord with Policies S1, S3, S5, HG4 or HG5. The proposal is set outside of the built form of an identified settlement and is not considered to be adjacent to a settlement’s built form and so is classified as being in the open countryside. Paragraph 84 of the NPPF states that decision makers should “avoid the development of isolated homes in the countryside” unless a number of exceptions are met, which they are not in this case. It is therefore considered that the site represents unsustainable development in the countryside under the terms set out within the Local Plan and the NPPF.

- 11.3 Despite the above, however, the relationship between the site and Stillington is relatively strong and, whilst this would not normally be sufficient to outweigh non-compliance with the above policies, weight can be given to the provision of affordable housing within the scheme. As Stillington has not benefitted from any additional affordable units since 2014 and, given the significant requirement for one- and two-bedroom units within the Council's affordable housing demand for the Easingwold sub-area, the weight that can be apportioned to this aspect is significant. Additionally, it is held that the highway improvements would increase highway safety in the area and link a number of existing dwellings (The Shippons) to the settlement, increasing the sustainability of those houses.
- 11.4 As the scheme would result in the provision of two affordable units and is deemed to be designed in such a manner as to limit wider harms to the character and appearance of the settlement, Conservation Area and wider countryside, it is considered that the planning balance is weighted in favour of support on this occasion.

12.0 RECOMMENDATION

- 12.1 That members be minded to **GRANT** planning permission subject to the applicant entering into a legal agreement under section 106 of the Town and Country Planning Act to secure affordable housing and highway improvements and subject to the imposition of the below listed conditions:

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 drawings numbered 3992/PD/01, 3992/PD/03 Rev. C., 3992/PD/12 Rev. A., 3992/PD/04 Rev. A, 3992/PD/05, 3992/PD/06, 3992/PD/07, 3992/PD/08, 3992/PD/09, 3992/PD/10, 3992/PD/11, 3992/PD/13 received by the Council on 08.07.24, 31.10.24 and 05.12.24 unless otherwise approved in writing by the Local Planning Authority.

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, S7, E1 and E5.

3. No above ground construction work shall be undertaken until details of the materials to be used in the external surfaces of the approved structures and hard 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 the interests of the visual amenity of the area in accordance with Local Plan Policies E1 and E5 and to ensure that the proposal does not contribute to existing drainage issues in accordance with Policy RM3.

4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels

shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

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.

5. There must be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of Highway Safety in accordance with Policy IC2.

6. 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:

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iii) the parking of contractors' vehicles;
- iv) measures to manage the delivery of materials and plant to the site including the routes and timings of deliveries and provision of loading/unloading areas;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) details of site working hours;
- vii) a detailed method statement and programme for the building works; and
- viii) 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 in accordance with Policies E2 and IC2.

7. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:

- The crossing of the highway verge must be constructed in accordance with the approved drawing 3992/PD/03 Rev. C and Standard Detail number A1.
- Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing highway.
- The final surfacing of any private access shall not contain any loose material that is capable of being drawn on to the existing public highway.

All works must 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 in accordance with Policy IC2.

8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved drawing reference 3992/PD/03 Rev. C. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development in accordance with Local Plan Policy IC2.

9. 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 of the development in accordance with Local Plan Policy IC2.

10. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved 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 in accordance with Policy E2.

11. Prior to development, a detailed remediation scheme (if required by a Phase 2 assessment) to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 E2.

12. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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 E2.

13. 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 E2.

14. There shall be no external lighting installed until full details of the proposed lighting scheme have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of neighbour amenity and to assess the landscape impact of the proposal in accordance with Policies E2 and E7.

15. Prior to development, measures (including protective fencing, etc.) to protect the existing hedges and trees within the site shall be submitted for approval to the Local Planning Authority. The approved scheme shall then be carried out in the approved manner for the duration of the works.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

16. All existing hedges and trees shall be retained, unless shown on the approved drawings as being removed. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.

Reason: To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7.

17. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the structure(s), whichever is the sooner, unless a landscaping scheme received and approved by the Local Planning Authority has been carried out in addition to any required Biodiversity Net Gain planting.

Reason: In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan Policies E1, E3 and E7.

18. Prior to the commencement of development, a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published

version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the requirements of Policy E3 are met in full.

19. Construction activities which are audible beyond the site boundary, including deliveries, ground works and earth movements, shall be restricted to the following days and times:

- 08:00 – 18:00 Monday to Friday
- 08:00 – 13:00 Saturday

Construction shall not be undertaken on a Sunday or a public holiday.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution in accordance with Hambleton Local Plan Policy E2.

20. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwellings or buildings nor shall any structure be erected within or on the boundary of the curtilage of the dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

Reason: In order to ensure the character and appearance of the development does not harm that of the open countryside and to prevent any development which would impact the amenity of neighbouring properties in accordance with Local Plan Policies S1, E1, E2 and E7.

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

The drainage scheme shall not be implemented until details of the implementation and adoption of the drainage system have been submitted to and approved in writing by the local planning authority.

Reason: In the interest of satisfactory and sustainable drainage, in accordance with Hambleton Local Plan Policies RM1 and RM3.

22. 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) in accordance with Local Plan Policies RM1 and RM3.

23. The details set out in Part 6.3 of the Preliminary Ecological Appraisal (PEA) Survey Report (Written 12.04.24), submitted to the Council on 08.07.24, shall be carried out in accordance with the recommendations of the ecologist.

Reason: In order to limit impact on wildlife and habitats within the site in accordance with Local Plan Policies E3 and E4.

Informative:

1. NYC Highways - Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

Target Determination Date: 30th September 2024.

Case Officer: Mr Connor Harrison, Connor.harrison@northyorks.gov.uk