

Item Number: 8
Application No: 20/00823/FUL
Parish: Nunnington Parish Council
Appn. Type: Full Application
Applicant: Nunnington Settlement Trustees
Proposal: Erection of 2no. detached three bedroom dwellings, erection of detached car port with associated parking and amenity areas following demolition of existing abattoir buildings
Location: Abattoir Rectory Lane Nunnington Helmsley North Yorkshire YO62 5UU
Registration Date: 5 October 2020
8/13 Wk Expiry Date: 30 November 2020
Overall Expiry Date: 26 November 2021
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Highways North Yorkshire	Recommends conditions
Yorkshire Water Land Use Planning	No objection
Building Conservation Officer	No objection to revised scheme
Nunnington Parish Council	The Parish Council held a meeting this evening and have no objections to the amended application, comments/queries made.
NYCC Natural Services	Recommends Condition
Ellie Hook AONB Manager	Recommends Conditions

Representations: Mr Paul Jackson, Mr And Mrs P Ainscough, Ms Karen Armstrong, Mr Dan Bulmer,

SITE:

The application site relates to a range of former abattoir buildings, overgrown land to the rear west of these buildings and surrounding paddock land to the south, totalling approximately 0.017 hectares accessed via Rectory Lane Nunnington, which is located to the east. The abattoir has been unoccupied since 2016. The paddock is described as such in the Design and Access Statement. This application has been submitted on behalf of Nunnington Estate.

The application site also lies to the rear west of Smiths Cottage and is adjoined by the domestic curtilage of other residential properties to the north, including West Barn, East Barn and Honeysuckle Cottage. Landscaping is present between the site and the rear amenity space of West Barn. The site slightly rises from east to west and is on higher ground than the properties to the north of the site.

The site is adjoined by open agricultural land to the west and south and landscaping is present along these boundaries. A public right of way runs to the western section of the agricultural land to the west and across the field to the south.

The site located within the Nunnington Conservation Area and within the Howardian Hills Area of Outstanding Natural Beauty (AONB). The majority of the site is located within the Development Limits of Nunnington including the former abattoir buildings, the land to the west and the access, as well as the paddock to the south east. However, the southern linear section of the site falls just outside the village development limits and therefore within land designated as the 'Wider Open Countryside.'

PROPOSAL:

This application seeks approval for the erection of 2no. detached three bedroom dwellings, erection of a detached car port with associated parking and amenity areas following demolition of existing abattoir buildings.

This originally related to the erection of 3no. properties, with the third proposed for inclusion within the paddock to the south east removed following concerns raised by the Building Conservation Officer. In an updated location plan, this paddock was also amended to form part of the 'blue line land' which confirms that this no longer forms part of the application site.

It is noted that whilst this has been considered as paddock land throughout this application, following it's description as such within the Design and Access Statement, following a discussion with James Bradley on behalf of the Applicant on the 10th December 2021, he advised this this has historically been rented as garden land associated with Smith's Cottage. Streetview images to indicate a clothesline and trampoline were provided. This is noted however as this section of land no longer forms part of the application site, the precise lawful use of this area of land is not of critical relevance in the determination of this specific application.

Additional amendments to the proposals, including amendments to parking layout and the increase of the red line land to the west were fully readvertised.

The property known as 'Plot 2' would be located with the principal elevation orientated eastwards at a distance of approximately 26 metres from the rear elevation of Smiths Cottage. This property and its extensive amenity space to the rear would all fall within the village development limits. Approximately 3.6 metres to the south east is Plot 1, this property would incorporate a principle elevation orientated northwards, as noted, the vast majority of this property and its rear amenity space to the west would fall outside village development limits.

Each property would span approximately 10 metres in length x 6.6 metres in width, with a two storey form with a front canopy porch and a single storey element to rear. The two storey form of each building would be constructed from stonework with pantiles.

The onsite parking provision would include two spaces for each of the dwellings including Smith's Cottage and 1 additional visitor space. The car parking for Plot 1 would be in the form of a car port. The car port would be constructed with stonework and pantiles.

The Agent has confirmed that no trees would be felled as part of this proposal and that a landscaping scheme (to include tree protection) would be provided if a condition were recommended.

PLANNING HISTORY:

The following planning application is considered most relevant:

16/01773/FUL: Erection of 2no. two bedroom dwellings with parking and amenity areas following demolition of existing abattoir buildings. Approved.

18/01009/73: Variation of condition 02 of approval 16/01773/FUL dated 12.04.2017 to add the parishes of Ampleforth and Byland with Wass to those classed as adjoining parishes

POLICIES:

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy
Local Plan Strategy - Policy SP2 Delivery and Distribution of New Housing
Local Plan Strategy - Policy SP4 Type and Mix of New Housing

Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP14 Biodiversity
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
Local Plan Strategy - Policy SP21 Occupancy Restrictions
National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS

On the original scheme for 3no. dwellings, consultation responses were received from/ on behalf of the occupiers of the following properties between the 15th October 2020 and the 5th November 2020; Ryemoor Cottage Rectory Lane (2 responses) Rectory Lane, West Barn, Moss Cottage, East Barn

These raised concerns over the following summarised points which Members can read in full on the Planning file:

- Partial location of development outside the defined development limits.
- Concern over loss of light and infringement on the Right to light, as well as impacts upon the privacy of adjoining properties.
- Scale and extent of development, including height impacting character of the area
- Impact upon the highly sensitive AONB landscape
- Impact upon Trees and lack of tree survey
- Impact of the proposed development on the Conservation area – including the undeveloped paddock and proposed demolition of the existing building on southern boundary.
- Concern over the principle of a dwelling in Plot 1 (the originally proposed dwelling in the paddock adjoining the highway, which was subsequently removed from the scheme.
- Protected species and the extents of the ecological survey site undertaken.

The Parish Council noted in a response dated 26th October 2020 that “*Nunnington Parish Council held a meeting on 21st October 2020 to discuss the application 20/00823/FUL for 3 three bedroom houses at the abattoir Rectory Lane Nunnington.*

As with the previous application in November 2016 Application 16/01773/FUL for 3 three bedroom properties, the Parish Council takes the same view as then, please see attached letters sent in 2016 and 2017.

Also this development is outside the boundary line. There is no public transport in the village, so residents will need their own cars, with 3 three bedroom dwellings there could be up to at least six cars plus the cars belonging to the residents of Smiths Cottage, the street is very narrow and sometimes is almost impassable with cars that already park on the street.

Residents are very concerned about being overlooked, particularly those who own houses directly above and directly below the development.

So with due consideration the Parish Council is of the opinion that 2 three bedroom dwellings would be better.”

The proposal was readvertised on the 8th April 2021 with amended plans and revised description to omit the proposed dwelling in the paddock to the south east.

It was confirmed in writing that the occupier of Ryemoor Cottage withdrew their objections, but some

clarity in certain aspects was sought. The occupiers of East Barn and West Barn continued to maintain their objection, raising concerns in relation to loss of light and overlooking, with loss of privacy raised as a concerns.

The proposal was readvertised on the 5th November 2021 due to a revised red line location plan to include a further area to the rear west as garden area to Plot 2. This also included other more minor amendments to the site parking provision and the carport, together with minor amendments to the porches.

The occupier of East Barn and West Barn confirmed in writing their original objections remained as outlined above. No further comments were received.

In an amended response dated 15th November 2021 the Parish Council noted *“The Parish Council held a meeting this evening and have no objections to the amended application but would you please confirm that it is within the area of village development, it is not very clear on the plans.” This confirmation was provided to the Parish Council who noted it would be provided to the parish councillors.”*

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development
- ii) Character, Form and Impact upon the Conservation Area and Area of Outstanding Natural Beauty.
- iii) Residential Amenity
- iv) Access and Highway Safety
- v) Other matters, including Consultation Responses

i) Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”

The development plan should be read as a whole, however Policy SP1 and SP2 of the Ryedale Plan - Local Plan Strategy provide the development Strategy for the district. Most development will be located in the more sustainable parts of the district. This is the market towns, and a limited number of larger villages which are identified as service villages. Nunnington is considered to form a ‘Non Service Village.’

Policy SP2 (Delivery and Distribution of New Housing) of the Ryedale Plan - Local Plan Strategy supports the principle of conversion and redevelopment of Previously Developed Land (PDL) and buildings within Development Limits, subject to Local Needs Occupancy. This proposal seeks to remove the buildings on the site that have been used as an abattoir for at least 50 years.

The Design and Access Statement confirmed that *“over recent months the Estate have surveyed their existing housing stock and identified that they have a lack of family properties within their portfolio for Estate Workers. The Estate owns 25 cottages in total, however the split is disproportionate with 10no. 2 bedroom properties, 7no. 3 bedroom properties, 5no. 4 bedroom properties and 3no. 6 bedroom properties. At present they have identified a need for 3 bedroom family dwellings. In undertaking such assessment, the Estate have already identified end occupiers who are waiting to move into family*

properties.” This confirmation of a lack of available accommodation for Estate staff is acknowledged.

It is clear that the site of the redundant abattoir which closed in early 2016 relates to previously developed land and the proposed siting of Plot 2 in this location is considered to accord with policy SP2, being the redevelopment of previously developed land, subject to the imposition of the Local Needs Occupancy Condition. Persons working at the Estate would be able to accord with the requirements of this condition.

In consideration of Plot 1, this would predominantly fall outside the village development limits, with the exception of the porch, the front garden area and a section of the car port being located just inside the limits. As noted the formerly included paddock to the south east is located within development limits.

- In principle, given the majority of this property would fall within land classified as ‘Wider Open Countryside’ under the Ryedale Plan, Local Plan Strategy, permission for a new built residential property should only be given in specific circumstances. These include:
- New build dwellings necessary to support the land-based economy where an essential need for residential development in that location can be justified.
- Conversion of redundant or disused traditional rural buildings and where this would lead to an enhancement to the immediate setting, for Local Needs Occupancy.
- Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and restricted to Local Needs Occupancy.
- Replacement dwellings

However, the totality of this proposal has been considered and as will be further discussed in the Section ii, in these exceptional circumstances it is considered that the application as a whole, which would achieve the removal of a redundant abattoir from a central village location has wider heritage benefit in terms of the character of the Conservation Area. This is considered a significant consideration in the balancing of discordance with the requirements of Policy SP2. This is subject to achieving of a high quality design (it is the view of Officer’s that this has been achieved, however this will be reviewed in more detail in the following sections.)It is considered that on balance, the approval of a dwelling in land which directly abuts the village development limits is acceptable, in these quite unique site specific circumstances. This would not provide any ‘precedent’ as every application is considered on its own individual merits and has been carefully considered. This would only be on the basis that the Local Needs Occupancy condition is applied and the Agent has agreed to this condition. It is noted that the LNO condition will be included in its original form as agreed with the Agent during a telephone call on the 10th December 2021 and not the amended version approved under the Section 73 application.

Furthermore, it is acknowledged that the buildings are intended to house estate staff and the point raised about the limited level of available 3 bedroom properties in the locality is acknowledged. It is considered that this will also help to support the land based economy.

It is also noted that the third property which was proposed within the paddock fronting the highway which subsequently removed from the scheme would itself have fallen inside development limits. The omission of this third property was agreed following an objection from the Building Conservation Officer who had serious concerns that the development of this paddock area would have had a harmful impact upon the Conservation Area. This and the retention of the traditional outbuilding to the south of this paddock have helped to address these serious concerns, although in principle a dwelling in this location would have accorded with Policy SP2.

It is considered that the currently proposed package of development for two dwellings is a compromise which on balance Officer’s consider to be supportable.

ii. Character, Form and Impact upon the Conservation Area and Area of Outstanding Natural Beauty.

Policy SP12 (Heritage) of the Ryedale Plan – Local Plan Strategy notes “*Designated historic assets and their settings, including Listed Buildings, Conservation Areas, Scheduled Monuments and Registered Parks and Gardens will be conserved and where appropriate, enhanced. Development proposals which*

would result in substantial harm to or total loss of the significance of a designated heritage asset or to the archaeological significance of the Vale of Pickering will be resisted unless wholly exceptional circumstances can be demonstrated. Proposals which would result in less substantial harm will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset.”

Policy SP13 (Landscapes) of the Ryedale Plan - Local Plan Strategy requires development proposals should contribute to the protection and enhancement of distinctive elements of landscape character that are the result of historical and cultural influences, natural features and aesthetic qualities including:

- *The distribution and form of settlements and buildings in their landscape setting*
- *The character of individual settlements, including building styles and materials*

In relation to the Howardian Hills AONB, Policy SP13 notes “*The natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced and the impact of proposals on the AONB, its setting or the setting of the North York Moors National Park will be carefully considered.*”

Policy SP16 of the Ryedale Plan - Local Plan Strategy states that *Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which:*

- *Reinforce local distinctiveness*
- *Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated*
- *Protect amenity and promote well-being.*

Policy SP20 Generic Development Management Issues of the Ryedale Plan - Local Plan Strategy notes that

- *New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses. It further notes that*
- *The design of new development will follow the principles established in Policy SP16.*

The Building Conservation Officer initially objected to the original 3 dwelling scheme in a comprehensive response dated 5th November 2020. This will be available in the annexing for review by members. The following excerpt is noted “*In my opinion the principle of developing the paddock will cause harm to the conservation area. The paddock makes a strong contribution to the conservation area by virtue of its green and undeveloped state and additional presence of hedges. The stone and pantile outbuilding also contributes to the character of the conservation area and its location within the paddock amplifies its rural contribution and the interrelationship between the two strengthens their positive contribution. The presence of an outbuilding immediately adjacent outwith the development site to the south and the outbuilding on the southern boundary of the abattoir site adds an additional quality to this group and their intervisibility and group impact is strong. In my opinion the development of the paddock will cause a harmful impact to the character of the conservation area. It will cause a high level of permanent change from an undeveloped green space to a developed site. I also object to the demolition of the outbuilding which will be harmful to the conservation area. In my opinion due to the high level of permanent change, the level of harm to the conservation area is on the high end of less than substantial.*

I have no objection in principle to the development of the abattoir site however I do object to the demolition of the traditional stone and pantile outbuilding on the southern boundary which makes a positive contribution to the conservation area and thought should be given to incorporating it into a proposal for re-development of the site.

Notwithstanding my lack of objection in principle to the development of the former abattoir, I do

however have objection to the design of the new buildings. This is a backland site on a former abattoir and in my opinion the domestic nature of the proposed dwellings does not reflect this site specific context which will likely be viewed from the PROW to the west. I also have strong concern that the domestic curtilages of the dwellings has not been clearly defined. In addition, the roof proportions of the dwellings is weak and does not reflect local vernacular.”

Following the omission of the proposed development of the paddock to the south east and the retention of the traditional stone and pantile building to the southern boundary, the Building Conservation Officer provided additional comments on the 15th April 2021 to note: *“Thank you for consultation on the revised drawings which have amongst others deleted the dwelling in the paddock which is welcomed. I do have concerns however regarding the demolition of the traditional outbuilding (internally within the site) which is clearly viewed looking down the access from the public highway. This was retained in the previously approved scheme and incorporated into the proposal. The outbuildings make a strong contribution to the character of the conservation area and their cumulative value in this instance strengthens their contribution. Its replacement with a carport with a gable width of c.5.5m and a length of c. 10m will be visually dominating and very prominent from the street. I also have concerns regarding a potential change of use of the roadside paddock into domestic curtilage.”* This was the traditional outbuilding within the site, not that along the southern boundary. Further reviewed plans were submitted which showed a much reduced carport (2spaces instead of 4) and to be completed in a traditional form with stonework. The revised location plan also clearly identified the extent of the rear domestic curtilage associated with both properties.

In their final comments dated 24th November 2021, Ryedale District Council’s Building Control Officer noted *“No objection. This addresses my previously identified concerns.”*

Mr John Wainright, on behalf of the Howardian Hills AONB Manager provided original comments in a response dated 29th October 2020 noted:

- 1) The principal public viewpoints of the site will be from the Public Footpath to the south and west side of the site and from Rectory Lane to the east side.*
- 2) There is no tree survey or tree protection measures included within the application. The existing hedgerow and trees to the west and south side of the site are important features that frame and screen views from the nearby Public Footpaths and contribute to local character and setting. Details to protect affected trees and hedgerows during construction could be conditioned, to BS5837.*
- 3) The submission does not provide details of external walling, boundary treatments, building materials and external finishes, details of hard landscaping and surfacing within the site. These details could be secured by condition, to protect local character and setting.*

Revised comments were received from Mr Wainright on the 20th April 2021:

On behalf of the Trustees and Manager of the Howardian Hills AONB, I have the following further comments and observations to make in relation to this application:

- The Applicant has submitted updated plans which now show two proposed dwellings on the site (former Plot 1 dwelling removed) and trees and outbuildings retained, which is welcome.*

It is unclear whether this plot is now to be retained as existing paddock or changed to garden curtilage. Plans seem to suggest a fence line to the west side of this plot, but boundary treatment and land use are generally unclear.

- My previous consultation comments email 29th October 2020 remain in relation to retention of existing trees and tree protection; and lack of detail for external walling, boundary treatments, building materials and external finishes, details of hard landscaping and surfacing.*

Protection of existing trees to be retained and use of external materials and detailing that are in keeping with nearby properties are important, to protect local character and setting. These could be secured by condition.

As noted, a supporting document was provided by the Agent dated 11th October 2021, which confirms the dwellings would be constructed of stonework and pantile and that *“As part of the application no trees will be felled, and the applicant is satisfied with the suggested pre commencement condition in relation to the protection of the trees. The boundary treatments will be a mix of hedgerows and fences but again the applicant is satisfied with a condition to deal with this element of the scheme.”*

In their final comments dated 19th November 2021, the AONB Manager noted *“I am largely happy with this revised design, with 2 dwellings rather than 3, reduction in car park spaces and retention of the trees and outbuilding. If the application is granted, I suggest the following conditions should be applied to protect the local character and setting:*

- *Use of appropriate materials and finishes for the walls and roofs and minimisation of hard landscaping*
- *That no trees will be felled and that the existing trees are protected*
- *Use of appropriate boundary treatments, sympathetic to the surrounding boundaries*
- *Retention of the character of the existing paddock.”*

It is considered appropriate that a condition to secure details of tree protection methodology to be agreed in writing with the LPA and to be installed prior to the commencement of any on site works, including demolition is appropriate. A condition to secure a site wide landscaping scheme, to indicate the retention of existing trees and hedgerows is also recommended. A further condition relating to details of boundary treatments is also recommended. It was noted above that the paddock area no longer forms part of the application site, however this may have an existing lawful use.

Additional conditions in relation to materials, samples, doors and windows, hard surfacing and lighting will also be recommended. A condition to seek details of existing and proposed levels is also considered appropriate.

It is acknowledged that these are two substantial 3 bedroom properties proposed and will introduce development partly into an undeveloped area to the southern of the site. However securing the removal of the abattoir building which is of late 20th Century construction and presently in a relatively poor state of repair, with an overgrown outdoor rear area is welcomed. It is considered that this presently detracts from the character of the Conservation Area.

The proposed dwellings are of a traditional form and design and incorporate the use of traditional materials. It is not considered that the scale of these proposed dwellings would result in visual harm. It is considered that the omission of the third building is a welcomed amendment to the original proposals.

The withdrawal of the original objections/concerns from the statutory consultees is noted and it is considered that subject to the relevant conditions, this proposal is appropriate in scale, form and design and will result in an enhancement to the character of the Nunnington Conservation Area.

iii. Residential Amenity

Policy SP20 of the Ryedale Plan, Local Plan Strategy - Generic Development Management Issues notes the following:

“Amenity and Safety

New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.”

This present scheme relates to a different layout to that approved the 2016 permission, which gave approval for 2no. storey properties running parallel to one another, with ridges oriented east-west in a

slightly more easterly position than the present location of the dwelling at Plot 2.

Concerns have been raised by the occupiers of East Barn and West Barn, residential dwellings which adjoin the site to the north in relation to amenity issues, including the perceived imposing height of the property near the boundary, together with loss of privacy. It was noted that there would be no objection to a single storey property by the occupier of West Barn and it was queried whether a sunlight assessment had been carried out to assess potential shadowing into the dwelling and garden of East Barn.

It is noted that these properties are situated on lower level land than the application site. However the nearest part of the two storey section of Plot 2 would be approximately 33.8 metres from the two storey section of the original building of East Barn, which is the closer of the two neighbouring properties. It is noted that East Barn has approval for a single storey rear extension spanning 4 metres from the rear of the property. Even taking this into consideration this would be a substantial distance between these properties, well in excess of normal 'back to back' distances, although in this instance, this would not be a direct 'back to back' arrangement. The proposed Plot 2 would be orientated so that the narrower side elevation would be orientated northwards. This would incorporate a span of approximately 6.6 metres and would incorporate no openings at first floor level. This would be conditioned to remain the case. It is also noted that this proposed dwelling would be situated between approximately 6.2-10 metres inset from the shared boundary with East Barn, c3.9m further inset than the present nearest section of building on site.

It is also noted that the 2016 approval incorporated a two storey property along the northern boundary, however this terminated approximately 4.25 metres further eastwards than the current proposal, in closer proximity to the residential curtilage of Honeysuckle Cottage. This current proposal, whilst positioned more westerly, is inset further south by approximately 3.2 metres. This previously proposed dwelling abutting the boundary would have had a ridge height of approximately 7.2 metres and an eaves height of 4.8 metres, with the ridge running east-west.

Therefore following careful review, it is not considered that this proposal would result in material amenity impacts, including material overshadowing. It is acknowledged that some shadowing may occur, particularly when the sun is low in the sky during the winter, but given the distances, this is not likely to be materially harmful. It was also noted that during the site visit undertaken at East Barn and West Barn in November 2020, that it appeared that the garden of East Barn was already in shadow from the existing boundary treatment to the south, as well as partially the rear of the dwelling. The side elevation of this proposed dwelling would present a relatively limited addition in the context of the overall rear boundaries of East Barn and West Barn. It was not considered a shadowing assessment was fundamentally necessary in this instance.

In addition to the removal of permitted development rights, which is considered appropriate in this Conservation Area location, it is considered appropriate to remove rights to install first floor level windows in the northern elevation of Plot 2. A condition in relation to boundary treatments is considered necessary, with a solution to preserve privacy, but prevent overbearing impacts on the adjoining properties considered necessary. Further planting will be sought as part of the aforementioned landscaping condition.

It is not considered that any other properties, including Ryemoor Cottage, Honeysuckle Cottage or Smiths Cottage would experience material harm by virtue of loss of amenity.

iv. Access and Highway Safety

The proposed scheme would incorporate 2no. spaces for Plots 1 and 2, 2no. spaces for Smith Cottage and an additional visitors parking space. On the 17th November, the NYCC Highways Officer confirmed that "Amended drawing No. P001 Rev. G has reduced the on-site parking provision to a level that is acceptable to the local highway authority." Appropriate conditions were recommended. The Highways Officer had previously raised concerns in regard to an over provision of parking.

v) Other Matters, including Consultation Responses

The NYCC Ecologist confirmed the following in their final response dated 9th November 2021: *“It’s difficult to follow the various changes to the application; bat surveys have been undertaken of the abattoir building and one outbuilding, as described in the Lobo Ecology report Update bat survey & bat emergence survey results dated September 2020. If any further buildings are to be demolished, these would need an assessment of bat roost potential. If no further buildings are proposed for demolition, all necessary ecological surveys have been completed.”*

It is noted that Page 50 of the Ecological Survey indicates the buildings surveyed. These include the two abattoir buildings and the adjoining abattoir outbuilding. These are the only buildings now proposed for demolition. The outbuilding to the south of the paddock will remain. It is therefore considered that this has been appropriately considered. The Ecologist’s comments continued: *“Neither the 2016 nor 2020 surveys detected protected species using the buildings surveyed. On the basis of the September 2020 survey, we would recommend a Condition to adhere to the Method Statement set out in section 7.2.1 to 7.2.5.3 of the Wold Ecology 2016 bat report, including the installation of two bat boxes as ecological enhancement. It is worth noting that additional guidance on lighting and habitat enhancement contained within the Method Statement is generic and should not be considered mandatory. We would also suggest an Informative that the applicant be mindful of the advice on nesting birds contained in sections 4.1.6 to 4.1.8 of the Lobob Ecology report..”* This will be controlled by condition.

Due to the historic use of the abattoir, it is considered appropriate to include the standard contamination conditions to prevent any impacts upon human health as a result of this proposed development. An appropriate condition will be recommended. This was also recommended as part of the previous approval.

Yorkshire Water have responded to confirm no observation based on foul water only being proposed to be drained to the public foul sewer on Rectory Lane and the surface water drainage being to soakaway.

To conclude, it is considered that the existing redundant and poor quality abattoir buildings do not make a positive contribution to the character and appearance of the village Conservation area and it is highly unlikely they will be brought back into use. The principle of residential development, subject to the imposition of the Local Needs Occupancy condition and other relevant conditions has been carefully considered above. It is concluded that Plot 2 accords wholly with Policy SP2 in terms of the redevelopment of previously developed land. On balance, due to the wider benefits, the proposed development of Plot 1 as part of this wider scheme can also receive Officer support in these site specific circumstances, due to the wider public benefits of the improvement of the Conservation Area setting together with the provision of accommodation considered necessary by the Local Estate that will be restricted by Local Needs Occupancy condition. It is considered that these benefits outweigh the partial conflict with the development plan which arises from the majority of Plot 2 being located outside of development limits.

RECOMMENDATION: Approval

- 1 The development hereby permitted shall be begun on or before .

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

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

Site Location Plan (Prompap)
Site Plan as Proposed (Drawing no. P001 Rev H)
Proposed Street View (Drawing no. P006-B Rev A)
Proposed plans and Elevations - Carport (Drawing no.P005 Rev C)

Proposed Plans and Elevations - Plot 1(Drawing no. P003 Rev B)
Proposed Plans and Elevations - Plot 1(Drawing no. P004 Rev B)

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

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

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

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

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

- 5 Notwithstanding the submitted details, prior to their installation, details of all windows, doors and garage doors and roof lights, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority. These shall be shown on a 1:10 scale drawing.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 Prior to any above ground construction of the dwellings full details of the materials and design of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter these shall be erected prior to the occupation of any dwelling to which they relate.

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

- 7 Unless otherwise agreed in writing with the Local Planning Authority, prior to its installation, full details of any lighting within the application site shall be submitted for the prior written approval of the Local Planning Authority.

Reason: To prevent inappropriate lighting in this village location and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 Unless otherwise agreed in writing with the Local Planning Authority, prior to any above ground construction of the dwellings hereby approved, plans showing details of a landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for the planting of any trees/shrubs and show any areas to be grass seeded or turfed and indicate the accurate positioning and canopy spread of all

existing landscaping to be retained. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs. All planting seeding and/or turfing comprised in the above scheme shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved in accordance with policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Prior to the commencement of the development a drawing showing the alignment for protective for the protection of those trees and hedgerows to be retained shall be submitted to the Local Planning Authority for approval in writing. The design of the protective fencing and its alignment shall be in accordance with BS 5837:2012 Trees in relation to demolish, design and construction - Recommendations, or a similar design agreed in writing with the Local Planning Authority. The approved fencing shall be erected prior to the commencement of the development including any demolition or soil stripping.

Reason: to ensure that the long-term health of the trees to be retained is not compromised as a consequence of development and in accordance with Policy SP13 - Landscapes - Ryedale Local Plan Strategy.

- 10 Unless otherwise agreed in writing with the Local Planning Authority, prior to its installation, full details of any hard surfacing within the application site shall be submitted for the prior written approval of the Local Planning Authority.

Reason: To prevent inappropriate lighting in this village location and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

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

Class A: Enlargement, improvement or alteration of a dwellinghouse

Class B: Roof alteration to enlarge a dwellinghouse

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

Class D: Porches

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

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Class G: Chimneys, flues, etc on a dwellinghouse

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

- 12 Unless otherwise approved in writing with the Local Planning Authority, no further doors, windows, or other openings shall be installed on the northern elevation of the property hereby approved at Plot 2 at first floor level.

Reason: To protect the privacy of adjoining properties and to comply with Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 The site shall be developed with separate systems of drainage for foul and surface water to the satisfaction of the approved Building Control Inspector.

Reason: In the interests of satisfactory and sustainable drainage in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

- 14 Unless otherwise agreed in writing with the Local Planning Authority, prior to the occupation of the dwellings, all surface water discharge shall be dealt with as follows:

1) The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology. If soakaways are feasible, surface water shall be directed to a soakaway in accordance with the British Standard requirements to the satisfaction of the approved Building Control Inspector.

If soakaways are not feasible, the prior written approval of the Local Planning Authority for an alternative means of surface water disposal must be sought with any approved scheme to be installed prior to the occupation of the dwellings.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP17 of the Ryedale Plan, Local Plan Strategy.

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

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

NOTE For the avoidance of doubt the approved drawing no. should be taken as P001 Rev. G.

- 16 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:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. The parking of contractors' site operatives and visitor's vehicles;
4. Areas for storage of plant and materials used in constructing the development clear of the highway;
5. Details of site working hours;
6. 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 Policy SP20 of the

- 17 Development shall not begin until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 18 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 19 Unless otherwise agreed in writing by the local planning authority, none of the dwellings shall be occupied (or the site shall not be brought into use) until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

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

Reason: To ensure that risks from land contamination to the future users of the land and

neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

- 21 Prior to the commencement of the development hereby approved precise details of existing spot ground levels and proposed finished ground floor levels measured in related to a fixed datum point shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to satisfy Policy SP20 of the Local Plan Strategy.

- 22 The dwellings hereby approved shall only be occupied by a person(s) together with his/her spouse and dependents, or a widow/widower of such a person, who:

- Have permanently resided in the parish, or an adjoining parish (including those outside the District), for at least three years and are now in need of new accommodation, which cannot be met from the existing housing stock; or
- Do not live in the parish but have a long standing connection to the local community, including a previous period of residence of over three years but have moved away in the past three years, or service men and women returning to the parish after leaving military service; or
- Are taking up full-time permanent employment in an already established business which has been located within the parish, or adjoining parish, for at least the previous three years; or
- Have an essential need arising from age or infirmity to move to be near relatives who have been permanently resident within the District for at least the previous three years

Reason: To satisfy the requirements of Policies SP2 and SP21 of the Ryedale Plan - Local Plan Strategy.

- 23 Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be undertaken in full accordance with Method Statement, set out in sections 7.2.1 to 7.2.5.3 of the Wold Ecology 2016 bat report, including the installation of two bat boxes as ecological enhancement.

Reason: In order to ensure that protected species are not harmed as a result of this development in accordance with Policy SP14 of the Ryedale Plan, Local Plan Strategy and the NPPF.

Informative: The Applicant should be mindful of the advice on nesting birds contained in sections 4.1.6 to 4.1.8 of the Lobob Ecology report.