

Item Number: 14
Application No: 21/01594/FUL
Parish: Ampleforth Parish Council
Appn. Type: Full Application
Applicant: Mr and Mrs Weston
Proposal: Erection of a 4no. bedroom replacement dwelling and detached garage/garden store with associated parking and landscaping following demolition of existing dwelling
Location: Becksides Cottage Thorpe Lane Ampleforth YO62 4DL

Registration Date: 15 December 2021
8/13 Wk Expiry Date: 9 February 2022
Overall Expiry Date: 28 January 2022
Case Officer: Ellie Thompson **Ext:** 43326

CONSULTATIONS:

Ampleforth Parish Council
Sustainable Places Team (Environment-Agency Yorkshire Area)
Flood Risk
Ellie Hook AONB Manager
Public Rights Of Way
NYCC Natural Services Comments
Hambleton District Council
Vale Of Pickering Internal Drainage Boards
Tree & Landscape Officer
Sustainable Places Team (Environment-Agency Yorkshire Area) Comments
Highways North Yorkshire Recommends Conditions
Ellie Hook AONB Manager Comments

Representations: Mrs Angela Wardale,

SITE:

The site is situated at the end of a long, tree-lined access track, off of Thorpe Lane, to the south of Ampleforth. The property is within the Howardian Hills Area of Outstanding Natural Beauty, and is within Flood Zone 3. The site is also very close to the District Council's boundary with Hambleton District Council.

Historically, the site was once part of the Thirsk to Malton Railway Line. The former Ampleforth Station stop was located approximately 300 metres to the east. It is probable that a dwelling of some form has been present on the site since the time of the construction of the railway. The existing building on the site is referred to as historically being a terrace of three railway cottages.

The site is situated in a relatively isolated position, with the closest neighbouring property (Thorpe Hall) being located approximately 300 metres to the east. The site sits on slightly sloping land with a shallow gradient, with the levelled areas corresponding with the positioning of the former railway track. The property is close to Thorpe Beck, which runs along the immediate southern boundary of the site. There are public rights of way to the north and south of the site, where some distant views of the property may be achieved. There is also an un-adopted road (Colley Broach Road), which runs to the south of the property and Thorpe Beck.

The existing property is constructed from brick and is of a traditional design and form, and is situated at the southern side of the levelled (former railway track) area, where the land begins to slope down in

a southerly direction. As such, the existing building occupies a prominent forward position within the site. The existing building has an overall ridge height of approximately 7 metres, and a footprint of approximately 121.9 square metres.

The wider site is currently in a poor state of disrepair. It is understood that previous owners had started to clear the site, and had removed large amounts of planting including several mature trees, and dug down into the rising land to the north. There are also several piles of rubble present on the site.

There is an extant permission on this site for the erection of a replacement 4-bed dwelling with detached garage, together with undercroft to the house and entrance gates (app no. 20/00068/FUL). This previous permission could still be lawfully implemented at the site.

PROPOSAL:

This application seeks permission for the erection of a 4no. bedroom replacement dwelling and detached garage/garden store with associated parking and landscaping, following demolition of existing dwelling.

The new dwelling is proposed to be sited at the northern side of the site, on the existing gravelled track, with its rear elevation set against the rising land to the north. It is proposed as a modern, contemporary design with a flat-roof form, and a long, linear footprint. The majority of the dwelling will be single-storey in scale, with a central two-storey section. Living accommodation is proposed in the eastern section of the building, with service space and bedroom accommodation in the western single storey and two storey sections. A stone colonnaded canopy is proposed to the south of the building, running the length of the bedroom accommodation.

The dwelling is proposed to be constructed from light coloured brick with stone colonnades, with some panels of dark stained vertical timber cladding, under a flat, round washed pebble roof. The fenestration detailing is proposed to be large, plain sections of thermally efficient glazing.

The height of the single storey section of the dwelling is proposed to be approximately 3.5 metres; however the overall height of the two-storey section of the dwelling is proposed to be approximately 7 metres. The dwelling will have an overall length of approximately 37 metres. The overall footprint of the entire new dwelling, including the covered walkway/colonnade to the southern elevation, is approximately 288.2 square metres.

The proposed garage and store building are proposed to be located on the north eastern side of the proposed dwelling on a detached footprint, but connected by a flat-covered walkway area, leading to the principle access to the house. It is proposed to be constructed from materials to match the main dwelling, and will also feature a contemporary, flat-roof form. The overall height of this part of the building will match the dwelling at approximately 3.5 metres, and the footprint of this building will be approximately 48.3 square metres.

The new dwelling is proposed to be built to incorporate high standards of energy efficiency with Passivhaus measures including, solar gain, high specification insulation, high performance glazing, air tightness and mechanical ventilation and heat recovery. The design of the new dwelling includes a colonnade on the front (southern) elevation of the dwelling, in order to provide some solar shading during the day as well as serving to mitigate light pollution during the evening. The new dwelling is also proposed to feature a roof mounted solar photovoltaic array and will utilise either a ground source or air source heat pump.

Foul sewerage is proposed to be dealt with by means of a bio digester and surface water drainage will be to a soakaway.

The proposal also includes a landscape strategy for the site to help to integrate the house into the landscape, to enhance the setting of the house and to increase biodiversity. In response to initial comments from the AONB Manager, additional planting has been included in the landscaping proposals, to replace trees and vegetation removed by the previous owners, and to provide screening from the Colley Broach Road.

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The relevant Development Plan policies for the determination of this application are:

The Ryedale Plan - Local Plan Strategy (2013)

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 SP13 Landscapes
Local Plan Strategy – Policy SP14 Biodiversity
Local Plan Strategy – Policy SP15 Green Infrastructure Networks
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy – Policy SP17 Managing Air Quality, Land and Water Resources
Local Plan Strategy – Policy SP18 Renewable and Low Carbon Energy
Local Plan Strategy – Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues

Material Considerations

National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS:

A brief summary of the position of statutory and non-statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report. All consultation responses are available for Members to view in full on the public access webpage, and referred to in the report accordingly. The application has undergone one full consultation processes, with a second, additional consultation with the AONB Manager following the receipt of a revised landscaping plan.

Ampleforth Parish Council has been consulted on this application although no response has been received. The Public Rights of Way Officer, Hambleton District Council, the Vale of Pickering Drainage Board, and the Tree and Landscape Officer were consulted, but did not respond to the consultation.

Third Party Objection

One objection has been received from a member of the public. A summary of their representation is as follows:

- Design; brutalist appearance; the first floor element should be removed.
- Impact of new building on the Landscape; on old parkland of Newburgh estate and Howardian Hills AONB. Proposed development does not accord with the Ryedale Plan 2013 as it will not ‘protect the scenic natural beauty of the AONB’.

- Issues with the Visual Impact Assessment; views and experience of AONB from Colley Broach Road for walkers and cyclists and horse riders not adequately addressed; the building will be in full view of the public.
- The first floor suite will allow one family to ‘take advantage’ of the beauty of the landscape whereas the general public aren’t allowed the same privilege.
- Trees: the site was previously fully screened by mature trees, with only woodland being visible from Colley Broach Road. The previous owner removed the trees and ‘degraded’ the land to push through development. The previous application should not have been granted permission.
- The remaining trees are narrow and have been stripped back, and do not offer any coverage or screening.
- Cumulative effects: if this development is passed it may set a precedent for similar developments which bring urban modernity on a large scale into the countryside.

AONB Manager

The Howardian Hills AONB Manager was consulted on the application, and confirmed that she does not wish to object to the application, as the site is currently in a poor condition and a plan to improve it is appropriate. Furthermore, she confirmed that the current proposal is preferable to the previous application (20/00068/FUL) from both a landscape and environmental perspective, as it is more appropriate in scale, and more suited to the plot, topography and historical context of the site. The AONB manager also confirmed the use of renewable technology, environmental construction techniques and low level external lighting are welcome objectives. However, the AONB Manager has raised some concerns with the proposed development, which are summarised below:

- This part of the AONB is more sparse and remote in comparison to other areas within the AONB, which is reinforced by the lack of a classified road running through this part of the valley. The proposed dwelling would be of a size and scale to create a significant visual presence, particularly from Colley Broach Road. The LVIA conclusion underestimates the importance of Colley Broach Road to local residents and visitors for walkers and cycling.
- No proposals have been submitted for the immediate entrance into the site.
- The flat-roof, cubic design makes no reference to its location within the AONB, or the character or style of other buildings in the area. The first floor section is a significant factor in the visual impact of the proposal.
- The tone and colour of the materials do not reflect the use of brick in the current building, but do fit well with other buildings in the area. However stone would be preferable to brick.
- Concern around protected species
- daylight glare leading to bird strikes resulting from glazed sections of upper storey.
- Light pollution from glazing at night within dark area of AONB.

The AONB Manager suggested the following amendments to the proposed design:

- Removal of the upper storey
- Increased use of stone instead of brick
- Increased screening

The AONB Manager also recommended conditions covering the following, should planning permission be granted:

- A detailed planting scheme to be submitted for approval to ensure sufficient screening from Colley Broach Road and to include requirements for future maintenance.
- Inclusion of compensatory arrangements for nature such as bat boxes, bird boxes etc,
- The entrance from the public road, to ensure appropriate design of any walls, entrance gates, etc.

- The external materials used, to ensure they have the correct tone and colour
- The lighting, to ensure no additional light pollution.

Following these comments, a revised landscaping scheme was submitted and the AONB Manager was re-consulted. The manager reiterated that she does not wish to object to the proposed development and confirmed that she was 'pleased a revised planting scheme has been provided to provide additional screening of the property'. Notwithstanding this, the AONB Manager has reiterated and maintained concerns relating to the design and impact of the development, and suggests that the design would still benefit from some changes to fit well within, conserve and enhance the AONB landscape. This includes the removal of the first floor section and an increased use of stone instead of brick. They also recommended the following conditions should planning permission be granted:

- A requirement for the latest version of the planting scheme to be delivered to ensure sufficient screening from Colley Broach Road, and to include requirements for future maintenance
- Inclusion of compensatory arrangements for nature such as bat boxes, bird boxes etc, to be integrated into the building and in the surrounding land
- To ensure appropriate design of any walls, entrance gates, etc at the entrance from the public road
- To ensure the external materials used have the correct tone and colour
- To restrict external lighting and to ensure no additional light pollution

Ecology

The NYCC Ecologist has been consulted, and has requested a detailed Method Statement for the mitigation methods in relation to the bat roosts be provided prior to the determination of the application. He has also recommended that the mitigation methods outlined in the Ecological Assessment be conditioned, with an additional condition to request further details around the new woodland and hedgerow planting; such as species selection and aftercare methods.

Environment Agency

The Environment Agency has been consulted on this application and has recommended two conditions.

Local Highway Authority

The Local Highway Authority has been consulted and has recommended two conditions.

PLANNING HISTORY:

20/00068/FUL: Planning permission was granted for the demolition of existing three bedroom dwelling and attached double garage and erection of a four bedroom replacement dwelling and detached 4no. bay garage with gym and store, undercroft to house together with timber entrance gates and 1.8 metre high stone wall at the site entrance from the public highway.

20/00099/FUL: Planning permission was granted for the erection of general purpose domestic outbuilding/machinery storage outbuilding for Beckside Cottage.

APPRAISAL:

The main considerations relating to this application are as follows:

- i) Principle of the Development
- ii) Design
- iii) Landscape Impact
- iv) Ecology
- v) Flood Risk
- vi) Impact on Neighbours
- vii) Fall-Back Position
- viii) Other Issues: Highways and Access Arrangements

Principle of the Development

Policy SP1 (General location of Development and Settlement Hierarchy), establishes the spatial approach of the development plan and general location of development. It states that in the open countryside development will be restricted to that which is necessary to support a sustainable, vibrant and healthy rural economy and communities.

In relation to new dwellings, Policy SP2 (Delivery and Distribution of New Housing) builds on this. Policy SP2 is supportive in principle of replacement dwellings in the open countryside and makes no further policy caveats; in terms of any occupancy conditions or any parameters around the scale or massing of the replacement dwelling. Policy SP2 requires no further tests or justification for the demolition of the building, and there are no heritage considerations around the retention of the building.

As such, it is considered that the proposed replacement dwelling in this location is policy compliant, and is acceptable in principle.

Design

The new replacement dwelling is proposed to be of a modern, contemporary design, and has been designed to reflect the character and topography of the surrounding landscape and the site context. . As a single dwelling in the landscape, a dwelling on the site is not out of character with the surrounding landscape character and an existing dwelling is already present on the site.

Whilst dwellings in much of the surrounding landscape are of a traditional local vernacular, the use of contemporary design approach in this location is considered to be acceptable in principle. Whilst the use of a contemporary design aesthetic may result in buildings which do not suit individual taste, well designed contemporary building can ensure that new buildings feel rooted in their location and can, through imagination and creativity enhance the experience and appearance of a place. The context of a site and the key elements which make a buildings aesthetic – such as its proportions and materials are all integral to successfully connecting contemporary design in a place.

The new dwelling is proposed to be sited at the northern side of the application site, with its rear elevation set against the rising land to the north. It is proposed to be sited within an existing area of hardstanding, and so will not encroach further into the softer, green parts of the site which is considered to be appropriate.

The dwelling is proposed to have a simple, linear footprint, which reflects the historic nature and physical form of the site as a disused railway line. As proposed the simple block form, position and orientation of the proposed building draws on the linear elements (the former railway line) which are part of the context of the site.

The new dwelling is proposed to have a simple, flat-roof form, which will have a strong, modern appearance. The majority of the building is proposed to be single-storey, and it is considered that the

flat-roof form of the building, together with its siting against the rising land to the north, will result in a relatively low-profile presence. The building will not break the skyline above the land to the north, or the surrounding trees and woodland.

While the central, two-storey section of the dwelling will be higher and more visible than the single-storey part of the building, the overall height of this part of the building will be no higher than the existing dwelling on the site. Further to this, the two-storey section of the dwelling measures approximately 8.5 metres in depth, and 11.4 metres in width; and so as such, this part of the dwelling will be smaller in scale than the two-storey section of both the existing dwelling on the site, and the previously approved replacement dwelling, approved under application no. 20/00068/FUL.

The new dwelling is proposed to be constructed from light coloured brick and stone, with some panels of dark-stained timber cladding, under a round washed pebble flat roof. In addition, large, plain fenestration detailing is proposed. These materials have a natural finish and are considered to be suitable in providing a contemporary rural vernacular that will help to connect and root the building in a rural landscape. The palette of materials and their natural tones will complement each other and together with the form and proportions of the building will connect the building in the landscape in a 'light touch' way. It is considered that the building will not appear dominant in the landscape but will appear connected and integral to it.

The siting, scale, form and proportions of the proposed buildings are considered to be appropriate for the size of the site, its topography and features. It is considered that the building, together with key elements of the landscaping strategy, is designed to respect the context provided by its surroundings and therefore it is considered to comply with Policy SP16 (Design) of the Local Plan Strategy.

If members are minded to approve the scheme, a condition is recommended to request and agree samples of the materials. On this basis, the proposed development is considered to comply with Policy SP16 (Design) of the Ryedale Local Plan Strategy and the NPPF.

The AONB Manager has made some comments in relation to the proposed materials, stating that stone would be preferable to brick in this location. While stone is a predominant material for traditional buildings within the landscape and for village settlements such as Ampleforth, it is not considered that a predominant use of stone would be necessary or appropriate in this instance. Firstly, as outlined above the site is part of a disused railway line, and the existing building on the site was constructed as three railway cottages. Historically, brick is the predominant material that has been used on railway buildings, particularly those in a rural setting. The use of brick on other buildings along this disused railway line can be seen on the (now converted) station buildings in Gilling and Hovingham. Historically, stone would have reserved for station buildings of a higher status. As a result, the use of brick on a replacement dwelling in this location will reflect this railway context of the site in a modern way, and it is considered to be appropriate in this instance. In addition, a light, buff coloured brick has been proposed, to reflect the tone and colour of the stone used in the locality. It is considered that when viewed from public vantage points (such as along Colley Broach Road), the overall appearance and colour of the building will not appear significantly different to one constructed from stone.

Some concern has also been raised in relation to the potential for light pollution and bird strikes as a result of the expanses of glazing included within the design. It is considered that the proposed colonnade will help to mitigate light spill and glare. The landscape planting to the front of the proposed dwelling will also help to mitigate light pollution arising from within the dwelling. It should be noted that the existing dwelling has historically had a glazed conservatory to its southern elevation and light spill from the property would have occurred historically.

An environmental strategy has been submitted alongside the application, detailing the aim for the development to be an environmentally friendly and energy efficient building. It is understood that the applicant intends to construct the new dwelling in line with Passivhaus standards and principles with high performance insulation and air tight glazing and a renewable energy system. The proposed plans

indicate that solar panels will be installed on the roof of the dwelling, and either a ground source or air source heat pump will be installed. In addition, the applicant also intends to improve biodiversity at the site by restoring the landscape at the site as outlined above, as well as reinstating the pond and creating meadow and wildflower areas. The design of the proposed covered colonnade walkway on the building will provide solar shading during the day, while mitigating light pollution at night.

The energy efficiency and renewable energy measures are a benefit of the proposal and the proposed development is considered to comply with Policy SP18 of the Ryedale Local Plan Strategy.

Landscape

The site is located within the Howardian Hills Area of Outstanding Natural Beauty, which is a nationally protected landscape. Paragraph 176 of the NPPF requires that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”.

Policy SP13 (Landscapes) of the Local Plan Strategy aims to ensure that the natural beauty and special qualities of the Howardian Hills Area of Outstanding Natural Beauty will be conserved and enhanced and is supportive of proposals which do not detract from the natural beauty and special qualities of the nationally protected landscape.

As outlined earlier in the report, the building on the site is a poor state of disrepair and the site has sparse, eroded appearance within the landscape, following significant groundworks and the removal of mature trees and planting which were carried out by previous owners. As part of this application, the applicants are seeking to restore the site, repair its appearance and assimilate it back into the landscape through the proposed replacement dwelling and a detailed landscaping strategy.

The application is supported by a Landscape and Visual Impact Assessment (LVIA). The LVIA confirms that the landscape value in this location is judged to be high in view of it being a nationally protected landscape and notes that the proposed development will be confined to the existing site boundary which is wholly associated with a domestic residential dwelling and its associated curtilage.

The LVIA has been prepared in accordance with the methodology and approach endorsed by the Landscape Institute and it focusses on the effects of the proposal on landscape character, together with visual effects on individual receptors.

The site lies within the Howardian Hills National Character Area. Key characteristics of the landscape include for example: a complex landform of ridges, hills and valleys with undulating landform in the south and west; extensive woodland; tranquillity; rectangular field patterns and a dispersed settlement distribution. The LVIA has considered the landscape character in terms of the national character area and in terms of the more detailed Howardian Hills Landscape report which was prepared in the 1990's to support the Howardian Hills Management Plan.

In terms of the landscape character of the site, the LVIA notes that the site is located within the valley bottom with a dilapidated property within its boundary. The landscape surrounding the site is heavily wooded rolling countryside which is sparsely populated. Isolated development is part of the prevailing landscape character and the replacement dwelling would not alter that. The LVIA notes that the landscaping proposals are common to the surrounding landscape and would help to integrate the development into its landscape setting and will help to reverse the neglected and degraded condition of the site. The LVIA concludes that overall the proposal would have a moderate beneficial impact on landscape resources and landscape character.

The proposed development would not conflict with prevailing landscape character. The site is a developed site in the landscape and, in general, the landscaping proposals include significant native tree and shrub planting which would not conflict with prevailing landscape character. It is noted that the LVIA concludes that the landscaping proposals are common to the surrounding landscape.

However, whilst the landscaping proposals include significant native tree and shrub planting, they also propose the planning of an array of ornamental tree species, which are not specifically commented upon in the LVIA. Officers are of the view that if members are minded to approve the application, this should be subject to a condition to agree the planting details including species, to ensure that the landscaping details as a whole, are acceptable in terms of prevailing landscape character. A suitably worded condition will be included on the late pages following consultation with the Tree and Landscape Officer.

The LVIA notes that due to the position of the site in the landscape, it is not widely visible. A Zone of Theoretical Visibility has been used to identify viewpoints from which the visual effects of the proposed development have been assessed. The LVIA concludes that from a number of viewpoints on Thorpe Road and Yearsley Moor Bank, there will be no change in the view to the site due to intervening topography and vegetation. It concludes moderate beneficial visual effects from viewpoints from the public footpath at Low Lions Lodge and on Colley Brown Road. This conclusion relates to the fact that the proposed development will address the degraded state of the existing building and the wider site.

The LVIA acknowledges that the ‘visual receptor value’ from Colley Broach Road is judged to be high, but states that:

“In terms of magnitude of change the existing house is seen in this view and the proposed development will also be clearly visible but occupy a slender profile on the disused railway track which is clearly identifiable as a horizontal feature in this view. The materials used in its construction will be muted and recessionary in nature and the colonnade effect will reduce the impact of the glazing. Both existing and proposed trees will help to soften the impact and assist in its integration into the site. A building of limited architectural merit in a neglected state surrounded by a landscape in poor condition will be replaced by a building of contemporary high quality design consolidated by an improved landscape setting. The field behind will continue to act as a neutral backdrop. A value of minor beneficial is recorded for magnitude of effect which translates into a value of moderate beneficial for significance of effect.”

These points are reiterated from a view point further to the west, however the statement makes the point that due to the land to the north and the surrounding trees, the proposed new dwelling will not break the skyline in this location.

In commenting on the application, the AONB manager is of the view that the proposal will be visible from the Colley Broach Road and that the LVIA underestimates the importance of the road to local residents and visitors for walking and cycling. The AONB manager has requested that the latest landscaping proposals should be subject to a condition to ensure sufficient screening from this road and to include requirements for future maintenance.

The AONB manager has confirmed she has no objection to the proposal, as it will result in this part of the landscape being restored, and the revised proposed design of the dwelling is preferable to what was granted permission under application no. 20/00068/FUL. She has also confirmed that the additional planting as indicated on the revised landscaping plan was welcomed.

However, as noted in the design section above, the AONB manager is of the view that further changes to the design, including the removal of the upper storey and the increased use of stone rather than brick would fit well within, conserve and enhance and meet the planning policies which apply to the nationally protected landscape. It is unclear whether the concerns relate to the architectural style of the proposed dwelling or the fact the upper storey will be visible although the AONB manager has not objected to the contemporary style of the proposed building. Members are aware that there is a two storey building on the site which is visible from public vantage points. The applicants have confirmed that they wish to retain the upper storey section of the building and the brick / stone combination of materials.

The scale of the proposed building is not considered to conflict with the scale of other isolated buildings within the AONB landscape. Members will also be aware that the use of contemporary architecture within nationally protected landscapes is not something which conflicts, in principle, with the statutory requirements of the designation or local planning policies.

It is considered that in its current state, the house is in a state of disrepair and the wider site is in a degraded and neglected condition. At present, the site is considered to detract from the natural beauty of the protected landscape. In the view of Officers, the proposal will address the degraded condition of the site. It will not result in an unacceptable visual impact and will not conflict with the prevailing landscape character. As a whole, it is considered that the proposal will enhance the appearance of the site within the AONB. The proposal is not considered to be harmful to the natural beauty and special qualities of the protected landscape. In this respect, the proposal is considered to be acceptable in terms of Policy SP 13 (Landscapes) of the Local Plan Strategy.

Ecology

Until recent years, the site was heavily wooded, with previous owners undertaking some felling and site clearance. The site includes an existing pond and is immediately to the north of Thorpe Beck.

A comprehensive ecological appraisal has been submitted with the application. It notes that the development will result in the loss of a day roost used by Pipistrelle bats. NYCC's ecologist has confirmed that this loss can be mitigated by standard measures – in this case the proposed installation of an integrated bat box. The ecologist has confirmed that subject to mitigation, the proposed development would meet the favourable conservation status test in the legislation. The proposed mitigation would need to be undertaken under licence from Natural England. The ecologist has confirmed that in order for the Council to have confidence in the measures proposed, an Outline Method Statement would need to be agreed prior to determination. The applicant is in the process of collating this statement, and as such if members are minded to approve the application, it would be subject to the provision of a satisfactory Outline Method Statement.

The ecological appraisal proposals a range of ecological mitigation and enhancement measures. These include: enhanced native woodland planting; the planting of a new boundary hedge; pond and stream buffer strips; measures to prevent the spread on (non-native) monbretia; log piles within the woodland; x3 integral swift boxes and open sided fly in area for swallows and x5 woodland bat boxes.

NYCC's Ecologist has recommended a condition to ensure that these measures are adhered to and to require further details (location, species selection, planting and after care) to be agreed. The Ecologist also recommends an informative to draw attention to advice on Badgers contained within the ecological appraisal report.

On the basis of the above , the impact on protected species will be mitigated and the proposal will result in biodiversity enhancement in accordance with Policy SP14 (Biodiversity) of the Local Plan Strategy.

Flood Risk

The site is located within Flood Zone 3 and a flood risk assessment (FRA) has been provided. As the application is for a replacement dwelling at the site, the sequential test is passed on the basis that the development proposed cannot be located elsewhere.

The Environment Agency has been consulted and has recommended a condition to ensure that the mitigation methods outlined within the FRA be complied with and to ensure that finished floor levels are set no lower than 66.03 m above ordnance datum, to reduce the risk of flooding. The EA has also recommended a condition to prevent the raising of ground levels in areas of the site below the 1:100 plus 30% climate change level, to ensure no loss of flood storage and to prevent the displacement of flow elsewhere.

The Lead Local Flood Authority was also consulted, but confirmed they did not wish to comment on the application as it is not a major development.

On the basis of the above, the proposed development is considered to be acceptable in term so flood risk and is considered to comply with Policy SP17 of the Local Plan Strategy.

Impact on Neighbours

The application site is located in an isolated position at the end of a long access track. The new dwelling will be situated approximately 300 metres away from the closest neighbouring property to the east (Thorpe Hall). Due to this distance and the intervening woodland planting, it is not considered that the proposed development will result in any detrimental impacts on neighbouring amenity, in terms of loss of light, loss of privacy or overbearing effects. On this basis the proposed development is considered to comply with Policy SP20 (Generic Development Management Issues).

Fall-Back Position

As previously referenced, there is an extant permission on this site for the erection of a four bedroom replacement dwelling and detached 4no. bay garage with gym and store, which could still be lawfully implemented on this site.

The previous application also included an undercroft to the house, together with timber entrance gates and 1.8 metre high stone wall at the site entrance from the public highway. This previously approved scheme was significantly different from what is now proposed. The approved dwelling was sited forward within the site to the southern edge of the existing track, and involved the construction of a large 'shelf' into the landscape, to allow for a large raised patio area and undercroft storage beneath. The approved dwelling is of a more traditional design and is almost entirely two-storey in scale. The approved scheme did not include an explicit energy efficiency or renewable energy measures. In addition, it did not include the comprehensive landscaping proposals which are integral to the proposed scheme.

Although the proposed scheme employs a modern design approach rather than a traditional one, the proposed building is a reduced mass and scale and has a significantly reduced footprint. (The proposed scheme has a footprint of 270 m² as opposed to the approved scheme's footprint of 775m².

Officers are of the view that the proposed scheme , through its contemporary design aesthetic, simple form and reduced mass, material palette and landscaping strategy has a 'lighter touch' impact than the approved scheme and is of a higher quality of design and better design solution for this location. It would be significantly less visually obtrusive within the landscape, and would be more beneficial to the landscape, biodiversity and environment than the previously approved, extant scheme.

The AONB manager has confirmed that in her view, *"This new design is preferable to the previous application (20/00068/FUL) from both a landscape and environmental perspective as it is at a more appropriate scale and sited better within the plot, with a smaller floorplan and linear form more suitable for the plot size and shape, immediate topography, and in the historical context of its support role to the (now disused) railway line"*.

Other Issues: Highways, Access Arrangements

The Local Highway Authority have been consulted on this application and have raised no concerns with the proposal, but have recommended two standard conditions for the development.

Some comments have been received in relation to the proposed access arrangements at the site, such as walls and gates adjacent to Thorpe Lane. Unlike the previously approved scheme, this application does not include any proposals for access arrangements, and as such none have been considered. The AONB manager has requested that these details should be the subject of a condition. However, it is understood from the applicant's agent that any proposals for access arrangements (e.g. gates) would be subject to a future application, should members be minded to approve the current application.

Conclusion

The proposed development is considered to be of architectural merit which has been designed around the environment, landscape and historical context of the site. The development will result in the restoration of the site and with appropriate planting and landscaping, it is considered that the scheme will be a benefit to the character and appearance of the landscape in this location. Furthermore, the new dwelling is proposed to be an energy efficient, environmentally friendly property, which is considered to be appropriate for a new, contemporary dwelling.

The proposed development is considered to comply with policies SP1, SP2, SP13, SP14, SP15, SP16, SP17, SP18, SP19 and SP20 of the Ryedale Local Plan Strategy and the NPPF. On this basis, approval is recommended subject to the following conditions and the submission of a satisfactory outline method statement covering bat roosts. Members should note that a proposed landscaping condition will be included in the late pages following consultation with the Tree and Landscape Officer.

RECOMMENDATION: **Approval** subject to the following conditions:

- 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 plans:

- Site Location Plan, drwg. no. AL(0)01 Rev A (Scanned to file on 20.12.2021)
- Proposed Site Layout Plan, drwg. no. AL(0)20 Rev B (Scanned to file on 20.12.2021)
- Proposed East and West Elevations, drwg. no. AL(0)31 Rev B (Scanned to file on 20.12.2021)
- Proposed North and South Elevations, drwg. no. AL(0)30 Rev B (Scanned to file on 20.12.2021)
- Proposed Ground Floor Plan, drwg. no. AL(0)21 Rev B (Scanned to file on 20.12.2021)
- Proposed First Floor Plan, drwg. no. AL(0)22 Rev B (Scanned to file on 20.12.2021)
- Proposed Roof Plan, drwg. no. AL(0)23 Rev B (Scanned to file on 20.12.2021)
- Proposed Sections AA and BB, drwg. no. AL(0)40 Rev B (Scanned to file on 20.12.2021)
- Proposed Sections CC, drwg. no. AL(0)41 Rev B (Scanned to file on 20.12.2021)
- Proposed Mitigation Plan, drwg. no. EWE/2609/02 Rev O (scanned to file on 20.12.2021)
- And substantially in accordance with the submitted landscape strategy proposals BANYGD21.02a.04

Reason: For the avoidance of doubt and in the interests of proper planning. Also be compliance with Policies SP13, SP16 and SP20 of the adopted Ryedale Plan - Local Plan Strategy.

- 3 Prior to works of above ground construction, details and samples of all materials to be used on the exterior of the buildings that are 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 SP13, SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

4 *Landscaping Condition – to follow*

5 Prior to the commencement of the development hereby approved, tree protection methods shall be carried out at the site in accordance with the submitted Tree Protection Plan no. BANYL21.05 Rev01 unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect the existing trees at the site during construction, in accordance with Policy SP13 (Landscapes) and to comply with the requirements of Policy SP20 (Generic Development Management Issues) of the Ryedale Plan- Local Plan Strategy.

6 The proposed ecological mitigation and enhancement measures detailed in the submitted Ecological Assessment (undertaken by Mab Environment and Ecology dated November 2021) shall be adhered to and thereafter maintained and retained at the site.

Reason: To satisfy the requirements of The Wildlife and Countryside Act 1981 (as amended,) The Conservation of Habitats and Species (Amendment) Regulations 2017 and policy SP14 (Biodiversity) of the adopted Ryedale Plan - Local Plan Strategy.

7 Prior to their installation, details in terms of the siting, level of luminosity, hours/method of operation, height/positioning and type of external lighting shall be submitted to and approved in writing by the Local Planning Authority. No external lighting shall be installed within the application site without the prior written approval of the Local Planning Authority. The agreed external lighting shall be retained for the lifetime of the development.

Reason: To ensure that the level of illumination is appropriate and reflective of nocturnal character of this part of the Howardian Hills AONB, in accordance with the requirements of Policies SP13 (Landscapes) and SP16 (Design) and SP20 (Generic Development Management Issues) of the adopted Ryedale Plan - Local Plan Strategy.

8 The development shall be carried out in accordance with the submitted flood risk assessment (ref 2020/2069 RevB - dated November 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 66.03 metres above Ordnance Datum (AOD)

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, In accordance with Policy SP17 of the adopted Ryedale Plan - Local Plan Strategy.

9 There must be no raising of ground levels in areas of the site below the 1:100 plus 30% climate change level.

Reason: To ensure that there is no loss of storage, and that flood flows are not displaced onto others, in accordance with Policy SP17 of the adopted Ryedale Plan - Local Plan Strategy.

- 10 No dwelling must be occupied until the related parking facilities 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 adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

- 11 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. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
2. The parking of contractors' site operatives and visitor's vehicles;
3. Areas for storage of plant and materials used in constructing the development clear of the highway;
4. Details of site working hours;
5. Details of the measures to be taken for the protection of trees; and
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 and to comply with Policy SP20 of the Ryedale Local Plan Strategy.

- 12 Notwithstanding the provisions of Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), development of the following class 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 E: The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse or the maintenance, improvement or other alteration of such a building or enclosure.

Reason: To protect the amenity of the area and the character and appearance of the landscape in accordance with Policies SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 Unless otherwise agreed in writing with the Local Planning Authority, all foul water shall be appropriately drained to a biogas treatment plant as per the application details to the satisfaction of an approved Building Control Inspector. If this cannot be provided satisfactorily, the LPA must be advised and prior written approval for another method of foul water disposal agreed in writing.

Reason: To ensure that no foul discharges take place until proper provision has been made for their disposal and to satisfy the requirements of Policies SP17 and SP19 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVE(S)

- 1 You are advised to ensure that works to the existing building are undertaken outside of the bird nesting season, or it has been established, and recorded, that no nesting birds are present.
- 2 The Ecological Assessment recommends the installation of 10 bird boxes. This should be discretionary as nest boxes are not always beneficial in wooded landscapes, and may simply benefit competitive and adaptable species at the expense of less common and more specialised ones. You are advised to discuss this further with your ecologist.
- 3 Attention is drawn to section 6.6.2 of the submitted Ecological Assessment, and the presence of Badgers and Badger setts within the site. Should any future widening of the access track or works to the adjacent banks be required, further survey will be required to assess any likely impact on the badger sett.