

**Item Number:** 8  
**Application No:** 22/00052/OUT  
**Parish:** Helmsley  
**Appn. Type:** Outline  
**Applicant:** Ms Hannah Dunsdon  
**Proposal:** Erection of 2no. dwellings and access (Outline application. Site area 0.175ha).  
**Location:** Land off Linkfoot Lane, Helmsley, North Yorkshire  
  
**Registration Date:** 10 January 2022  
**8/13 Wk Expiry Date:** 4 March 2022  
**Overall Expiry Date:** 4 March 2022 (extension of time requested until the 13 May 2022)  
**Case Officer:** Ian Irwin **Ext:**

**CONSULTATIONS:**

<b>Local Highway Authority</b>	<p>Responded on the 9 February 2022 and confirmed that <i>‘The Local Highway Authority considers the proposed access arrangements to facilitate access to the proposed erection satisfactory subject to the trimming back of bushes/ hedge line to facilitate the required visibility of X 2.4 metres back into the access by 90 metres in both directions along the A170’.</i></p> <p>A further response was received on the 26 April 2022 requesting additional conditions related to new accesses, and a construction management plan to be attached also to any grant of permission.</p>
<b>Lead Local Flood Authority (LLFA)</b>	<p>Responded on the 24 February 2022 and the 21 April 2022 and confirmed that the scheme was ‘minor’ and as such they had no comments to make upon the proposed development.</p>
<b>Ecology</b>	<p>Responded on the 23 February 2022 and confirmed that any loss of hedgerow would need to be compensated for either on or off-site by incorporating new, native species hedgerow. It was also noted that nesting birds are protected under the Wildlife &amp; Countryside Act 1981 (as amended) so any removal of hedgerow, shrubs or dense vegetation should be completed outside of the bird breeding season (March to August) or after a competent person has first confirmed that no nesting birds are present. A further response, provided on the 2 March 2022 stated that <i>‘Taking account of the location of the site and the absence of features which might suggest protected species could be present, I don’t think we would ask for a Preliminary Ecological Appraisal in this instance....However, the applicant needs to consider how they would deliver net gains for biodiversity in line with the requirements of the NPPF. Natural England’s small sites metric (<a href="http://naturalengland.org.uk">The Small Sites Metric - JP040 (naturalengland.org.uk)</a>) provides a useful tool for establishing what this might involve. This can be resolved at the detailed planning application stage but the applicant should be aware that this will be a requirement and may wish to seek professional advice’.</i></p>
<b>Yorkshire Water</b>	<p>Were consulted on the 23 February 2022. No response was received.</p>
<b>Helmsley Town Council</b>	<p>Responded on the 22 February 2022 and confirmed ‘no comment’ in relation to the application.</p>

Due to one objector considering the description of the development was not clear, the application was re-advertised and given a new description. The original description read ‘Erection of 2no.dwellings ( Site area 0.175ha)- approval sought for access) and was changed to read ‘Erection of 2no. dwellings and access (Outline application. Site area 0.175ha). Any further responses received from consultees or Members of the public are noted within the relevant parts of the report.

**Representations received:**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Order) 2015 Section 15(4) which state that the following notice shall be given by a Local Planning Authority: a) by site display in at least one place on or near the land to which the application relates; or b) by serving the notice on any adjoining owner or occupier. In this case a site notice was erected in the vicinity of the site on the 21 January 2022. Additionally, 10 neighbour notification letters were issued. Due to the change in description, each of these neighbours was re-consulted.

Three responses were received in total. One queried whether their own parking arrangements would be affected by the proposal. The second objected to the scheme, and mistakenly believed that the proposal was for access only, with no residential housing proposed. The objection confirmed that in their view, Linkfoot Lane is used a thoroughfare to Helmsley and has been subject to various traffic calming measures, increased signage and a traffic light crossing to assist with traffic flow and issues surrounding speeding. It was suggested that increasing the number of access points for two households would contribute to the existing volume of traffic and cause ‘*difficulties*’ along with posing a ‘*danger to the public and motorists entering and existing Linkfoot Lane*’. The proposed driveways in proximity to the existing access to Linkfoot Close would in the view of the objector cause additional traffic management issues, potential dangers to walkers, motorists and cyclists.

It was further noted that the existence of traffic lights caused traffic to gather during busy periods and this scheme would contribute to these build ups, which cause pollution and nuisance. Additionally, it was suggested that the development would not be in accordance with the Local Plan, as it was noted the ‘*ambition to reduce emissions and move to more sustainability, the addition of driveways that caused further traffic pile-up, pollution and support of additional road vehicles would seem counter-intuitive to policy*’. Additional concerns over visibility, noise, disturbance and loss of amenity would occur and that the site is overgrown and would not meet objectives of the Helmsley Local Plan, which seeks to provide sufficient land to provide a mix to provide a mix of housing which meets existing and future needs whilst safeguarding and enhancing the landscape of the National Park and retaining the historic character of the town including the setting of Duncombe Park Estate, Helmsely Castle and the North York Moor National Park. Finally, concerns related to the site being a ‘wild grazing area’ were noted and that this area was now a habitat for birds and wildlife of Helmsley. It was considered that a full environmental and sustainability assessment of adding accessing points and the destruction of existing hedgerows and habitats was suggested as necessary to determine the application.

A further objection raised concerns that visibility splays could not be maintained on land that is not owned by the developer.

As a consequence of the re-consultation another additional comments objection to the application were received from a previous objector. This suggested that an access already existed to the site from Ashdale Road and consequently the proposed accesses are unnecessary. It was also considered that the creation of these accesses would create ‘traffic management issues relating to turning and additional traffic’. Specific concern was raised in relation to visibility levels also. Concerns were also raised that the A170 was subject to a number of speeding vehicles. In relation to the two proposed dwellings, concerns were raised related to loss of privacy and overlooking, loss of green space and a need for the site to have sufficient space for vehicles to turn around within the site.

## **BACKGROUND:**

The application is to be determined by Planning Committee as an objection has called the application in on material planning grounds.

## **SITE:**

The site subject of this application is presently a piece of ‘greenfield’ land albeit it is in a poorly maintained visual state. It is 0.175ha in size and is almost rectangular in shape. The site is located within Helmsley and as such there are residential properties in the vicinity of the site. The nearest of these are the following. ‘Linfitt’ immediately adjacent to the West, the Helmsley Methodist Church, also immediately adjacent to the West of the site as well as the following other properties. Number 44 ‘The Limes’ is located immediately to the East whilst Number 46 ‘The Limes’ is immediately to the South. Cherry Tree House immediately to the South-West. The remaining homes comprising the ‘Limes’ are located beyond these properties to the South and East.

The A170 is immediately to the North of the site. Beyond that, immediately to the North is a residential housing estate known as Linkfoot Close. Orchard House is also beyond the A170 to the North-West.

## **PROPOSAL:**

The proposal before the Local Planning Authority is an outline proposal for two dwellings, along with access. All other aspects (those that are defined as reserved matters) would, by definition be ‘reserved’. The applicant has submitted a site plan with one, suggesting independent access points for each of the proposed properties. Beyond that, there is no details provided in terms of design and scale of the proposed properties as well as intended building materials, landscaping etc. as to be expected by such outline applications.

## **HISTORY:**

00/00357/OUT – Residential Development – approved 15 May 2000

91/00320/OLD – Erection of dwelling and formation of new access – approved 16 January 1992

88/00330/OLD – Erection of two detached dwellinghouses at land off Linkfoot Lane – approved 6 June 1988.

## **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 Development Plan for the determination of this particular application comprises the following:

### **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 SP4 Housing Type and mix of New Housing;

Local Plan Strategy – Policy SP12 Heritage;

Local Plan Strategy – Policy SP13 Landscapes;

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.

## **Other Material Considerations**

### **National Planning Policy Framework (NPPF)**

Chapter 2 – Achieving Sustainable Development  
Chapter 4 – Decision making  
Chapter 5 – Delivering a sufficient supply of homes  
Chapter 6 – Building a strong, competitive economy  
Chapter 11 – Making effective use of land  
Chapter 12 – Achieving well-designed places  
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 – Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

### **National Planning Practice Guidance (NPPG)**

#### **Helmsley Plan (2015)**

Policy SD1 - Presumption in favour of Sustainable Development;  
Policy H1 – New Residential Development;  
Policy H2 – Windfall Development;  
Policy H9 – Design;  
Policy H10 – Renewable Energy and Sustainable Building;  
Policy H11 – Green Infrastructure;  
Policy H13 – Open Space Provisions.

## **Main Considerations**

- **Principle of the development;**
- **Design and Character of the Area;**
- **Landscape Impact;**
- **Highways Safety and Access;**
- **Drainage and Flood Risk;**
- **Amenity;**
- **Ecology/Biodiversity.**

### **Principle of the development**

Policy SP1 of the Ryedale Local Plan, entitled ‘General Location of Development and Settlement Hierarchy’ confirms the Council’s approach to the type of development considered appropriate for locations across the district. The site is noted to be located within Helmsley which is considered as a ‘Local Service Centre’ within the aforementioned plan. Given this status, the settlement is expected to be subject to *‘Limited housing growth to address local employment and housing and community requirements’*.

As a Local Service Centre, Helmsley falls within the second highest level of the settlement hierarchy which are considered as market towns. The principal of the settlement hierarchy is to try and ensure that development is distributed appropriately, to locations with appropriate infrastructure and additionally to ensure that the rural nature of the district, particularly those locations lower down the hierarchy, is maintained.

Policy SP2 entitled ‘Delivery and Distribution of new housing’ sets out the districts aim in terms of housing delivery and importantly, the areas where they wish to see housing schemes come forward. In areas defined as Local Service Centres, sites to be considered sources of housing, are confirmed as following, *‘Housing Land Allocations in and adjacent to the built up area, Conversion and redevelopment of Previously Developed Land and buildings within Development Limits, Replacement*

*dwelling, Sub-division of existing dwellings, Infill development (small open sites in an otherwise continually built up frontage), 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3, Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate and 100% Rural Exception Sites outside of and on the edge of Development Limits in line with Policy SP3 along with, Change of use of tourist accommodation (not including caravans, cabins or chalets) where appropriate’.*

Helmsley has a development plan (the ‘Helmsley Plan’) of its own which includes Policy H2 entitled ‘Windfall Development’. It states, *‘Proposals for new residential development on sites located within the defined Development Limit will be supported where the site comprises a small infill gap and/or fulfils the relevant policy requirements set out in the Ryedale Local Plan Strategy or North York Moors Core Strategy and Development Policies Document. Particular regard will be had to the following features in the consideration of windfall residential schemes in Helmsley:*

- *Ensuring that proposals conserve those elements which contribute to the historic character of Helmsley, especially the burgage plots and other important open spaces within the town;*
- *The setting of the town’s built heritage including Duncombe Park and Helmsley Castle; and*
- *Important open views to the countryside. Residential development outside the defined Development Limit for Helmsley will be restricted to those of an essential or exceptional nature as set out in the relevant policies contained in the Ryedale Plan: Local Plan Strategy or North York Moors Core Strategy and Development Policies Document’.*

This policy recognises that some such sites could become available throughout the plan period and in this case, the site is considered to represent a small infill site and is within the settlement development limits. It is therefore considered that not only is the site within a settlement considered suitable for such development type, but additionally and importantly, it also complies with the criteria set out in the Local Plan. The site is considered a small, open site, but importantly, located on an existing built up frontage.

Given these circumstances, in regard to the principle of the development, the scheme is considered to accord with both the Helmsley and Ryedale Local Plan, specifically policies SP1, SP2 and Policy H2 of the Helmsley Plan and can be supported.

### **Design and Character of the Area**

Policy SP16 entitled ‘Design’ states that *‘to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings’.* In addition, Policy SP20 entitled ‘Generic Development Management Issues’ requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

Policy H9 of the Helmsley Local Plan entitled ‘Design’ confirms that *‘All new development should respect the existing settlement character, patterns and layouts and the principles of building design to ensure that the historic character and local distinctiveness of the built environment is maintained and the landscape of the National Park is conserved and enhanced. Opportunities within the Conservation Area which enhances its significance will be supported’.*

Policy H10 is entitled ‘Renewable Energy and Sustainable Building’. It confirms that *‘Proposals for new residential development should demonstrate that they have been designed to reduce the need for energy consumption and that the buildings utilise energy more efficiently. Proposals that generate renewable energy and/or low carbon sources of energy will be supported where they do not harm the character of Helmsley.’*

*All proposals for non-residential development above 1000sq metres must demonstrate that it meets the highest BREEAM standard (or its successor that is feasible and viable on site)’.*

Chapter 12 of the NPPF, entitled ‘Achieving well-designed places’ states at Paragraph 126 that, *‘good design is a key aspect of sustainable development’.*

The application site is noted to be part of a wider residential area. Presently, it is a piece of grassland, with a number of properties in proximity to it along with the A170 to its North.

As an outline application, no details are provided in terms of potential design and accordingly, such matters, as 'reserved' as they are, would be assessed upon the submission of such an application were this outline proposal approved. The application is noted to be for two dwellings and whilst the design details cannot be considered at this stage, there is no reason to doubt that an appropriate scheme could be made for the site in terms of materials, fenestration, scale (size of the properties) etc. The application form indicates the intention to use natural stone and pantiles. Such will be established and confirmed at the 'reserved matters' stage.

However, it is considered prudent to ensure that were this application approved, a condition restricting the permission to no more than two dwellings, would be appropriate. Such is therefore drafted in the suite of draft conditions below.

The objection raised against this application suggests concerns with regard to the impact the development would have on the designated Conservation Area. It can be confirmed that the site is neither within or adjacent to this designated part of the town and consequently there are no concerns with the scheme in this regard.

Because this is an outline application, full details of the design and materials to be used in the development, were it approved at this stage, would be provided at the Reserved Matters stage. The development will then have to consider the relevant policies and ensure it seeks to accord with them to have the ability to be supported at an officer level. However, that is for a later stage in the determination process and not relevant at this outline part of the process. In terms of renewable energy and sustainable building related to Policy H10 of the Helmsley Plan, we have no details as to how the houses would ensure compliance with this policy. However, it would be for the applicant to demonstrate this at the Reserved Matters stage should they so wish (for example with the inclusion of solar panels etc.) but in any event any new home must be constructed in accordance with building regulations which require a minimum efficiency in terms of their 'sustainability'.

The proposed access points are standard for such types of development and are considered to reflect the local area. There are no detrimental visual impacts considered relative to the proposed accesses. Accordingly, there are no significantly detrimental impacts in terms of design nor the character of the area and as such, the scheme is considered acceptable.

### **Landscape Impact**

Policy SP13 entitled 'Landscapes' requires that proposed development protects and enhances the quality, character and value of Ryedale's diverse landscape. It is recognised that in this case, the site is not located in an area with any landscape designation. The site is located within Helmsley, adjacent to various existing residential dwellings and the A170.

Policy H8 of the Helmsley Plan is entitled 'Important Open Views and Spaces'. The policy states, '*New development should respect the views, vistas and skylines that are influenced by the town's key historic buildings including All Saints Church, the Feversham Arms Memorial, the Town Hall, Duncombe Park and its Parkland, the remaining burgage plots to the west of Church Street/ Castlegate and the long distance views of the town which play an important role in the character of the town and the setting of the North York Moors National Park*'.

In that context, a scheme proposing essentially 'more of the same' albeit in a very small scale, could not be seen to have any significant landscape impacts. The site is not located within any landscape designation and given it is well within the development limits set by the Local Plan, it is not considered that the proposed development would or could be considered harmful.

Whilst the specific scale of the properties that would be proposed for the site would be detailed at a reserved matters stage there are no significant concerns at this stage. The residential scheme would be

seen in the context of its immediate residential setting and it is likely it would be comfortably assimilated into the local landscape. Nevertheless, as an outline application, no formal consideration of this aspect of this scheme can be given and so therefore, at this stage, there are no landscape concerns with this proposal and accordingly, the scheme is presently considered to accord with Policy SP13 and would not be contrary to Policy H8 of the Helmsley Plan.

### **Highways Safety and Access**

Policy SP20, entitled ‘Generic Development Management Issues’ states that “*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*”.

Paragraph 111 of the NPPF affirms that ‘*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’.

It is recognised that usually, access is a ‘reserved matter’ in outline applications unless either it is considered absolutely necessary by the Local Planning Authority that such is included (it is not in this case) or if the applicant wishes to include it as is the circumstance in relation to this application. The applicant proposes two independent vehicular access points. One for each proposed dwelling.

The accesses suggested have been considered by the Local Highway Authority. They have raised no highway safety or congestion concerns but have requested conditions be attached in relation to access and visibility splays. Such would be required to have details submitted prior to the commencement of any development, were this application approved.

The concerns raised by objectors related to highway safety are noted (and referred to earlier in this report). These referred to several specific matters but were noted to refer to in part concerns related to the potential impact two additional accesses would have upon road safety.

The local knowledge is useful but in itself it is not enough to demonstrate that such would be so significantly harmful that the scheme as proposed should be refused. Perception of impacts are understood, whether these be positive or negative. However, in planning terms, it is important that when considering any impact, it is whether such is demonstrable. In this instance, whilst the concerns raised are noted to be that the scheme would result in harm, these are not demonstrated.

Both the Local Plan and the National Planning Policy Framework require that development would not result in detrimental road safety impacts or indeed congestion. Whilst the concerns of the objector are noted in this case, the Local Highway Authority does not concur. In such a circumstance, it is considered that the application could not reasonably be refused in light of this professional, highway engineer assessment given the facts of the case. It is recognised that the Local Highway Authority have been consulted once again in relation to this scheme and requested some additional conditions, not originally sought, be attached were this application granted planning permission. Such are included within this report as draft conditions.

Another concern raised, relates to the scheme not being ‘sustainable’ as it would result in further traffic movements being generated. Thus the application would be contrary to the sustainability aims of the Local Plan. Again, whilst these concerns are noted, they cannot be reconciled by officers.

Sustainability relates to more than just car usage. Indeed the hierarchy of settlements is based on various factors and one is aimed at making the district more sustainable by directing development to settlements where local services are available in relative close proximity to where people live – hence why there is far less principle support for development in the open countryside.

The scheme proposed is located within a Local Service Centre, Helmsley, which is within the second highest level of the settlement hierarchy. Essentially, this means that this is precisely the type of

location where development would principally be supported in terms of sustainability.

Finally, the concerns raised in terms of visibility splays being maintained when the developer does not own all the land are also noted. However, the land to which these accesses is proposed is owned by the Local Highway Authority. They would not agree to the proposed access points were there any concern and whilst future development can and may change the local area, the application is determined upon its own merits, not upon what 'could be'. The visibility splays are considered achievable by the Local Highway Authority and as such they can be established. The longer term insurance that they will be remain in place in this instance is because the Local Highway Authority would not seek to compromise those splays – in the same way that the access to Linkfoot Lane is made onto the A170 and was through the highway verge, owned by the County Council. It is a very common occurrence and there is no concern in the viability of the proposed access points in terms of visibility splays given the Local Highway Authority response.

The concerns related to speeding vehicles on the A170 are not planning matters and are to be dealt with by the Police – the question related to any development is whether it would exacerbate highway safety and/or congestion issues. The Highway Authority have offered no objection in relation to these matters.

Accordingly, the scheme is considered to be acceptable in highway terms. The Local Highway Authority response is noted and ultimately it is considered that the proposal accords with both the Local Plan, specifically Policy SP20 and the NPPF and can be supported.

### **Drainage and Flood Risk**

Policy SP17 'Managing Air Quality, Land and Water Resources' confirms what and how development proposals should manage surface and waste water.

Chapter 14 of the NPPF entitled 'Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 159 that, *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'*.

The site subject of this application is not in an area of high risk to either surface or river flooding and it is noted that both the Lead Local Flood Authority and Yorkshire Water were consulted upon the application.

The Lead Local Flood Authority have confirmed that they have no comments to make whilst Yorkshire Water have not provided a response. It is considered prudent to ensure that any waste and surface water drainage schemes are separated whilst the formal connection to the wider sewage network would be for the applicant to arrange with Yorkshire Water privately.

It is considered prudent to include a condition on any approved scheme to require foul and surface water to be dealt with by separate systems. This will ensure proper management of surface and foul water on site. Officers are of the view that accordingly, given the site is at very low risk of flooding there are no demonstrable, significant detrimental impacts likely in terms of drainage and flood risk were this scheme approved and developed.

Consequently, the application is considered to accord with Policy SP17 of the Local Plan and the NPPF and therefore merits support.

### **Amenity**

Policy SP20 entitled 'Generic Development Management Issues' has a specific section entitled *'Amenity and Safety'*. It states that *'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’.*

Criterion ‘f’ of Paragraph 130 of the NPPF states that decisions should ensure that development *‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.*

The nearest residential properties have been noted earlier in this report. However, for ease of reference they are confirmed to be the following – Linfitt’ immediately adjacent to the West, the Helmsley Methodist Church, also immediately adjacent to the West of the site as well as the following other properties. Number 44 ‘The Limes’ is located immediately to the East whilst Number 46 ‘The Limes’ is immediately to the South. Cherry Tree House immediately to the South-West. The remaining homes comprising the ‘Limes’ are located beyond these properties to the South and East.

The A170 is immediately to the North of the site. Beyond that, immediately to the North is a residential housing estate known as Linkfoot Close. Orchard House is also beyond the A170 to the North-West.

The objection received in relation to the application also specifically raises amenity as a concern. Amenity cannot be fully considered as we do not know the scale and type of housing that is proposed. However, the general concern that this scheme coming forward would somehow create such detrimental impacts upon local amenity is difficult to reconcile. The built environment is essentially based upon buildings being in proximity to one another – particularly residential development. This ultimately creates the settlements of the district. To refuse an application on the basis that such would occur in this case, is not a view that officers could support.

Notwithstanding, it is difficult to assess, in full, what amenity impact would occur given the specifics of the properties that could be erected on site if permission was granted is not yet know – which the objector could not do either in the absence of this information. Nevertheless, the notion of two dwellings being constructed and occupied on site can be considered in principle as to whether the impact upon amenity would be harmful.

The site is considered to be of sufficient size to accommodate two dwellings and thus a reserved matters application will be able to ensure appropriate separation distances from nearest existing properties is achieved. Whilst the specific detail can be assessed at that stage, the site is not considered likely to result in residential development any closer in proximity to neighbouring properties than what exists presently in the locality.

In such circumstances, at this stage then there are no concerns in relation to amenity and there is no reason to doubt that at the Reserved Matters stage a scheme could be produced that would be acceptable. There is therefore no concerns in relation to Policy SP20.

### **Ecology/Biodiversity**

Policy SP14, entitled ‘Biodiversity’ states *‘Biodiversity in Ryedale will be conserved, restored and enhanced by:*

- *Co-ordinated and targeted activity by public, private, voluntary and charitable organisations to support the implementation of the Yorkshire and Humber Biodiversity Strategy and Delivery Plan; the Ryedale Biodiversity Action Plan and the Howardian Hills Area of Outstanding Natural Beauty Management Plan Providing support and advice to landowners to encourage land management practises that support the objectives, priorities and targets of these plans and strategies*
- *Minimising the fragmentation of habitats and maximising opportunities for the restoration and enhancement of habitats and improving connectivity between habitats through the management of development and by working in partnership with landowners and land managers*
- *Maintaining, creating and improving ecological networks and Green Infrastructure routes to assist the resilience of habitats and species in the face of climate change*
- *Supporting, in principle, proposals for development that aim to conserve or enhance*

*biodiversity and geodiversity through the prevention of loss of habitat or species and the incorporation of beneficial biodiversity features*

- *Requiring a net gain in biodiversity to be provided as part of new development schemes*
- *Resisting development proposals that would result in significant loss or harm to biodiversity in Ryedale Encouraging the use of native and locally characteristic species in landscaping schemes*

*Investment in the conservation, restoration and enhancement of biodiversity in Ryedale will be targeted at –*

- *The landscape-scale projects identified in the Yorkshire and Humber Biodiversity Delivery Plan which are wholly or partially within Ryedale:*
- *Howardian Hills Area of Outstanding Natural Beauty and Western North York Moors Belt*
- *North York Moors Grassland Fringe*
- *Vale of Pickering*
- *West Wolds*
- *Lower Derwent Valley*
- *Yorkshire Peatlands*
  
- *The habitats and species identified in the Ryedale Biodiversity Action Plan including those habitats which are particularly distinctive in the following areas:*
- *Ancient woodland in the Howardian Hills*
- *Species rich grassland, a traditional feature of strip fields around Ryedale's villages*
- *Marsh wetland in the Vale of Pickering*
- *Fen meadows in the Howardian Hills*
- *Floodplain swamps in the Derwent Floodplain and streamside swamps in the Howardian Hills and Wolds Chalk grassland on the Wolds*
- *Acid grassland at the foot of the Wolds; southern edge of the Vale of Pickering and Howardian Hills*
- *Limestone grassland in the Howardian Hills*
- *Ponds in the Vale of Pickering and at Flaxton*
- *Dry wooded valleys along the Fringe of the Moors*
- *Wet woodland in the Vales of Pickering and York; the Howardian Hills*
- *Wood pasture and Parkland associated with large country houses*
- *Heathland remnants in the Howardian Hills and southern Ryedale*

*In considering proposals for development –*

- *Proposals which would have an adverse effect on any site or species protected under international or national legislation will be considered in the context of the statutory protection which is afforded to them. Proposals for development which would result in loss or significant harm to:*
- *Habitats or species included in the Ryedale Biodiversity Action Plan and priority species and habitat in the UK Biodiversity Action Plan*
- *Local Sites of Nature Conservation Importance or Sites of Geodiversity Importance*
- *Other types of Ancient Woodland and Ancient/Veteran Trees*

*will only be permitted where it can be demonstrated that there is a need for the development in that location and that the benefit of the development outweighs the loss and harm. Where loss and harm cannot be prevented or adequately mitigated, compensation for the loss/harm will be sought. Applications for planning permission will be refused where significant harm cannot be prevented, adequately mitigated against or compensated for.*

*Loss or harm to other nature conservation features should be avoided or mitigated. Compensation will be sought for the loss or damage to other nature conservation features which would result from the development proposed.*

*Protected sites, including internationally and nationally protected sites and Sites of Importance for Nature Conservation are identified on the adopted Proposals Map’.*

Policy H11 of the Helmsley Plan is entitled ‘Green Infrastructure’. It states that *‘All development proposals within the Plan area should require a net gain in biodiversity and for green infrastructure networks to be enhanced where possible. This will provide opportunities for activity and relaxation and should include the expansion and enhancement of green infrastructure assets. Where there is existing green infrastructure this should be protected.*

*The development briefs in Appendix 1 set out the opportunities of the allocated sites in linking with these green infrastructure networks. Development proposals on non-allocated ‘windfall’ sites should address opportunities to link with and enhance green infrastructure networks where possible and in proportion to the scheme. ‘Windfall’ development proposals will not be expected to provide Green Infrastructure where a meaningful contribution cannot be made due to the absence of available greenspace’.*

Chapter 15 of the National Planning Policy Framework (NPPF) entitled ‘Conserving and enhancing the natural environment’ confirms the national guidance on such matters. Paragraph 174 states that *‘Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*

The County Ecologist has been consulted on this case and it is noted that an objector considers the site to be of ecological value as a ‘wild grazing area’ and requiring formal assessment to ensure no significantly detrimental impacts upon the ecology of the area.

The site is recognised to be a greenfield site although it appears rather poorly maintained. It is not within or close to any designated area. The County Ecologist has confirmed that in taking account of the absence of any features that may suggest the presences of protected species a preliminary ecological appraisal is not necessary. In the determination of its duties, Local Planning Authorities must carefully consider what information they require from applicants. Information should be based on whether such is necessary to assist in the determination of the application. In this case, given the site specifics and the County Ecologist opinion, the submission of an ecological assessment prior to the determination of this application is not considered necessary in this case.

The views that the site is a wild grazing area is noted. However, there is no formal or informal designation attributed to the site. Whilst it may be of value to some local residents, the site cannot be given any weight in the planning balance in terms of its ecological value. Nevertheless, officers recognise the site has some although undefined value from an ecological perspective.

The County Ecologist has recommended that the applicant should demonstrate a net biodiversity gain by submitting details prior to the commencement of any works on site. Equally, any hedgerow lost (which would be necessary to facilitate two access points) should be compensated for. That will require

a landscaping scheme too, which would be subject to an appropriate planning condition – again, for details to be submitted prior to commencement of any works on site.

Overall, in terms of the ecology/biodiversity of the site, this scheme is not considered to detrimentally impact upon the value the site has in regard to these matters. The development is not considered contrary to the development plan, Helmsley neighbourhood plan as well as the NPPF and in addition, through the appropriate imposition of conditions, the development could ensure that the site achieves a net biodiversity gain.

Accordingly, the scheme is considered to comply with the Local Plan in terms of ecology and biodiversity.

### **Conclusion**

The site history is recognised but has no weight in the planning decision given that there is no extant permission in place. Nevertheless, based upon the material considerations relevant the scheme is considered acceptable. The site is located within existing development limits and upon a site that complies with the plan in terms of it being part of an existing built up frontage and being a small infill site.

As an outline application the development cannot be assessed in terms of the scale, design and visual appearance of the proposed properties. However, these are issues that can be considered at the ‘Reserved Matters’ stage. It is considered that the scheme, if approved, should be subject to the conditions detailed below. These will ensure that the scheme is not only acceptable, but controls the development to no more than two dwellings.

The scheme is considered to accord with the development plan, Helmsley Neighbourhood plan and the NPPF and is recommended for approval.

**RECOMMENDATION:** **Approval** subject to the conditions recommended below being imposed and included on any subsequent decision notice.

### **Conditions**

1. The development permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

2. An application for approval of all reserved matters, design, layout, landscaping and scale shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990.

### **Approved Plans**

3. The development hereby approved shall be carried out in accordance with the application detail and accompanying drawings as submitted and hereby approved:
  - i. Location Plan, dated November 2021;
  - ii. Proposed Access Plan, dated July 2021.

Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.

**Prior to commencement**

4. Prior to the commencement of the hereby approved development, a report should be submitted detailing the biodiversity value of the site and its value following development of two dwellings upon it. The report should demonstrate how the site will achieve a net biodiversity gain. Once the report is approved it shall be implemented in full.

Reason: In the interests of the amenity and ecology of the area and to comply with Policy SP14 of the Ryedale Local Plan.

5. Prior to the commencement of the development a plan shall be submitted to the Local Planning Authority for approval detailing visibility splays of 90 metres in both directions, set 2.4 metres back into the site from the proposed access points. Once approved, the accesses shall remain maintained for their purpose for the duration of the development.

Reason: In the interests of highway safety and to comply with Policy SP20 of the Ryedale Local Plan.

6. Prior to the commencement of the hereby approved development, plans shall be submitted to demonstrate that the accesses will be constructed in accordance with highway standard design. Additionally, it shall also be demonstrated that:

- Plans showing proposed provision to prevent surface water from the site/plot discharging onto the existing highway.
- The final surfacing of any private access within 2 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in a forward gear.

Once approved these details shall be implemented in full and adhered to for the lifetime of the development.

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

7. Prior to the commencement of the development, details of a Construction Management Plan shall be submitted to the Local Planning Authority for written approval. The plan shall include the following

- i. Details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii. Information pertaining to the restriction on the use of any access for construction purposes;
- iii. Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iv. The parking of contractors' site operatives and visitor's vehicles;
- v. Areas for storage of plant and materials used in constructing the development clear of the highway;
- vi. Details of site working hours;
- vii. Details of the measures to be taken for the protection of trees; and
- viii. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue occurring related to highways.

Reason: In the interests of highway safety.

### **Prior to Occupation**

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling constructed as part of this approved development. The landscape management plan, once approved, shall be strictly adhered to.

Reason: In the interests of the amenity of the area and to ensure that completed landscaping is of an appropriate standard and to comply with Policy SP13 of the Ryedale Local Plan.

### **Ongoing Conditions**

9. No demolition or construction works shall take place outside the hours of:

07:30-18:00 Monday to Friday;  
09:00-13:00 Saturday; and

No Activity on Sundays or Bank Holidays

Reason: In the interests of the amenity of the area and to comply with Policy SP20 of the Ryedale Local Plan.

10. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution and to comply with Policy SP17 of the Ryedale Local Plan.

11. There shall be no vehicular access to or egress from the site other than via the approved access points.

Reason: To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety and to comply with Policy SP20 of the Ryedale Local Plan.

12. No vegetation clearance works shall take place during the bird breeding season (1 March to 31 August (annually) inclusive). Where works must take place during this period all vegetation should first be checked by a suitably qualified ecologist.

Reason: In the interests of the Ecology of the area and to comply with Policy SP14 of the Ryedale Local Plan.

13. The hereby approved development shall comprise of no more than 2 dwellings.

Reason: In the interests of the amenity and visual amenity of the area and to comply with Policies SP1, SP2 and SP20 of the Ryedale Local Plan.

14. Any gates or barriers must be erected a minimum distance of 2 metres back from the carriageway of the existing highway and must not be able to swing over the existing highway.

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

### **Note to Developer**

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.
2. Any wastewater assets intended for adoption by Yorkshire Water shall be subject to the applicant and developer liaising with them to ensure the process progresses in line with their procedures.
3. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_\\_ind\\_est\\_roads\\_\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%20C%20highways%20and%20pavements/Specification_for_housing___ind_est_roads___street_works_2nd_edition.pdf) .

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.