

North York Moors National Park Authority

Parish: Whorlton

App No. NYM/2020/0710/FL

Proposal: demolition of former primary school buildings and construction of 9 no. principal residence dwellings with associated access, garages, parking, community car park and landscaping works

Location: Swainby and Potto Church of England Va Primary School, Claver Close, Swainby

Applicant: Brierley Homes Ltd
c/o Agent

Agent: Planning Potential
fao: Mr William Rogers, 14-15 Regent Parade, Harrogate, HG1 5AW,

Date for Decision: 02/12/2020

Extended to:

Director of Planning's Recommendation

Approval subject to the following condition(s):

- 1 The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
- 2 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified

The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Site location plan	BH19002-A-001 P1	16 September 2020
Proposed site plan	BH19002-A-054 P17	16 September 2020
Proposed street elevations	BH19002-A-220 P3	30 October 2020
2 Bed Dormer Bungalow	BH19002-A-104 P3	16 September 2020
2 Bed House	BH19002-A-106 P3	16 September 2020
House	BH19002-A-101 P7	16 September 2020
4 Bed House	BH19002-A-102 P7	30 October 2020
Plans & Elevations as proposed Garages & Car Ports	BH19002-A-058 P1	16 September 2020
Proposed external works plan	BH19002-A-055 P4	13 November 2020

or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.

Application Number: NYM/2020/0710/FL

- 3 The application properties hereby permitted, shall be used as principal residential dwellings (Class C3) and for no other purpose including any other use in Class C of the Schedule to the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The properties shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition. For the avoidance of doubt the property shall not be used as a single unit of holiday letting accommodation.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), no development within Schedule 2, Part 1, Classes A to H Schedule 2, Part 2, Classes A to C and within Schedule 2 Part 14 Classes A to I of that Order shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
- 5 No up-lighting shall be installed on the development hereby permitted. Any external lighting installed on the development hereby approved shall be of a style and luminance which minimises glare and light pollution. All bulbs should be shielded to prevent upward and minimise horizontal light spill and all lighting shall be installed to minimise its impact on neighbouring amenity. The lighting shall be installed in accordance with the above and shall be maintained in that condition in perpetuity.
- 6 No work shall commence on the construction of the dwellings hereby approved until a sample of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the Local Planning Authority. A sample panel showing the construction materials shall be at least 1 metre x 1 metre and show the proposed material, coursing, jointing, method of tooling (if necessary), bond, mortar, pointing technique. A palette of other materials to be used in the development (including roofing, water tabling, new lintels and cills, cladding and render if necessary) shall also be made available. The development shall be constructed in accordance with the approved sample(s), which shall not be removed from the site until completion of the development.
- 7 No work shall commence on the installation of any external windows or doors in the development hereby approved until detailed plans showing the constructional details and external appearance of all external windows, doors and frames (including glazing) have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. All windows/doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Application Number: NYM/2020/0710/FL

- 8 The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 9 External trickle vents shall not be incorporated into any new windows hereby approved and shall not be installed thereafter unless otherwise agreed in writing with the Local Planning Authority.
- 10 No work shall commence on the installation of any rooflights in the development hereby approved until full details have been submitted to and approved in writing by the Local Planning Authority. The rooflights shall be fixed or top-hung metal conservation style and shall be installed in accordance with the approved details and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 11 The guttering to the development hereby permitted shall be directly fixed to the stonework by means of gutter spikes with no fascia boarding being utilised in the development and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 12 The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
- 13 Except for the demolition of the existing building and investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
- 14 No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Application Number: NYM/2020/0710/FL

- 15 Except for the demolition of the existing building, there must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:
- details to ensure there are adequate visibility splays at the new vehicular access to the development
 - details to ensure there are adequate visibility splays at the new vehicular access to the community car park
 - measures to protect the visibility to the south east from the existing junction of Claver Close and High Street
- No part of the development must be brought into use until the visibility splays have been provided 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.
- 16 No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.
- The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
1. details of any temporary construction access to the site including measures for removal following completion of construction works;
 2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 3. the parking of contractors' site operatives and visitor's vehicles;
 4. areas for storage of plant and materials used in constructing the development clear of the highway;
 5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
 6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
 7. protection of carriageway and footway users at all times during demolition and construction;
 8. protection of contractors working adjacent to the highway;
 9. details of site working hours;
 10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
 11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
 12. measures to control and monitor construction noise;
 13. an undertaking that there must be no burning of materials on site at any time during construction;
 14. a detailed method statement and programme for the building works; and
 15. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Application Number: NYM/2020/0710/FL

- 17 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 or any subsequent Order, the garages shall not be converted into domestic accommodation without the granting of an appropriate planning permission.
- 18 The development hereby permitted shall not be brought into use until full details of the air source heat pumps to generate energy on site from renewable sources to displace at least 10% of predicted CO2 emissions have been submitted to and approved by the Local Planning Authority. The submitted details will be expected to demonstrate how the air pumps alone and cumulatively will not raise background noise levels by more than 3dba at the boundary of any nearby property. The approved details and measures shall then be completed prior to the occupation of the development hereby approved and shall be maintained in working order unless the prior written agreement of the Local Planning Authority has been obtained.
- 19 No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.
- 20 Except for the demolition of the existing building, no development shall be undertaken until a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 21 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
- 22 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "PROPOSED ENGINEERING PLAN" dated "28/08/2020". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 7810 and ensure that surface water discharges to the existing watercourse.

Application Number: NYM/2020/0710/FL

- 23 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.
- 24 Hours of construction and demolition activities shall be carried out between 08:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturday, and not at all on Sunday or Bank Holidays.
- 25 A construction management scheme shall be submitted to and agreed in writing with the Local Planning Authority before demolition and ground works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site impacting on existing noise sensitive premises*.

This is to include details of

- the siting of materials and machinery; staff welfare facilities; office location; staff/contractor parking,
- construction site traffic movements including deliveries,
- siting of any lighting provision, type and controls
- how dust emissions will be reduced, monitored and managed.
- Details of any piling to take place including duration and equipment type to be used.
- How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1: Noise
- In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed, and details submitted.
- Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.

*Noise sensitive premises are taken to be places where building occupants may be resting, sleeping, or studying, or spending recreational time.

- 26 During groundworks, any trenches or pits left open overnight must include a rough sloped ramp escape route (such as a timber board) for hedgehog or other small animals to escape and prevent becoming trapped
- 27 A CD sized hole should be left in each line of fencing to enable some movement of wildlife through the gardens and to enable each garden to have at least two possible entrances for hedgehog or other wildlife to use. The fences shall be maintained in this condition in perpetuity.

Application Number: NYM/2020/0710/FL

- 28 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
- 29 Prior to the commencement of the development hereby approved details of integral bat lofts and bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved detail and thereafter be so maintained in perpetuity. The scheme shall include the following:-
- 1 dwelling with an inbuilt bat loft of suitable size to provide compensation for the loss of a brown long-eared roost.
 - 2 dwellings with built in bat boxes
 - 2 dwellings with 2 x inbuilt swift box/nest space within the eaves at suitable elevations (swifts nest communally so more successful if more than 1 nest site on a building, should ideally be 4m+ off the ground)
 - 2 dwellings with swallow cups, house marten cups or other bird boxes (e.g. house sparrow terraces) included at suitable elevations
- 30 The development hereby approved shall be undertaken in accordance with the mitigation measures set out in the conclusions of the Tree Assessment Report prepared by Barnes Associates Ltd dated 05/01/2020
- 31 All hard and soft landscape works comprised in the approved details shall be carried out no later than the first planting season following the occupation of the buildings, or completion of the development, whichever is the sooner, or in accordance with a programme agreed by the Local Planning Authority. The approved landscaping scheme shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 32 Except for the demolition of the existing building, no work shall commence in preparation for the development hereby permitted until full details of the hardsurfacing to be utilised on the site have been submitted to and approved in writing by the Local Planning Authority, including a timetable to implement the proposed works. The hard landscaping works shall then be implemented in accordance with the approved details. The hard landscaping shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.
- 33 Prior to the commencement of the development hereby approved a geophysical survey shall be undertaken in order to provide information regarding any below ground archaeology. The results of the surveying and Desk Based Assessments shall be submitted to the Local Planning Authority in order to inform a programme of targeted excavation or by watching briefs, to be agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved programme of works.

Application Number: NYM/2020/0710/FL

- 34 Within 3 months of the development hereby approved being first brought into use, the community car park shall be completed and kept available for public car parking at all times.
- 35 Prior to the installation of any electric car chargers in the community car park hereby approved, details of the car chargers shall be submitted to and approved in writing by the Local Planning Authority. The car chargers shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity.
- 36 Prior to the first occupation of any dwelling in the development hereby approved, the developer shall submit to and have approved by the Local Planning Authority, a written scheme for the future management and maintenance of the car park hereby approved. The car park shall thereafter be managed and maintained in accordance with those approved details in perpetuity.

Informative(s)

- 1 We can inform you that a water main crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus. We will work with the developer to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We include this informative so that awareness is given to the presence of assets on site. For further information is available at <https://www.nwl.co.uk/services/developers/>

Reason(s) for Condition(s)

- 1 To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
- 2 For the avoidance of doubt and to ensure that the details of the development comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan, which seek to conserve and enhance the special qualities of the National Park.
- 3 In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2010 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan , which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.

Application Number: NYM/2020/0710/FL

- 4 In order to enable the Local Planning Authority to retain control over future alterations to the property in the interests of safeguarding the existing form and character of the building in line with Strategic Policies A and C of the North York Moors Local Plan, which seek to enhance and conserve the special qualities of the National Park and secure high quality design for new development.
- 5 In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 6-12 For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
- 13 In accordance with Policy CO2 of the North York Moors Local Plan and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.
- 14 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.
- 15 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.
- 16 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area.
- 17 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
- 18 In order to comply with the provisions of Policy ENV8 of the North York Moors Local Plan which seeks to ensure that new development contributes to reduce carbon emissions.
- 19 - 20 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- 21 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
- 22 In order to comply with the provisions of Policy ENV5 of the North York Moors Local Plan which seeks to mitigate the impact of flood damage to new development within areas at high risk from flooding and prevent additional flood risk to other properties.

Application Number: NYM/2020/0710/FL

- 23 To avoid pollution of watercourses and to comply with the provisions of Policy ENV7 of the North York Moors Local Plan, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.
- 24-25 In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 26 - 27 To ensure protection of a species protected under the Wildlife and Countryside Act and compliance with Strategic Policy H of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
- 28 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
- The Yorkshire and Humberside Pollution Advisory Council (YAHPAC) guidance document, Development on Land Affected by Contamination Technical - Guidance for Developers, Landowners and Consultants (Version 10.1 dated March 2020) may assist the developer in providing the correct information.
- 29 In order to comply with the provisions of Strategic Policy H of the North York Moors Local Plan which seeks to protect species protected under national and international legislation.
- 30 In order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
- 31 The trees within the vicinity of the site are of significant amenity value and every effort shall be made to protect them in accordance with Policy ENV1 of the North York Moors Local Plan which seeks to conserve and enhance the quality and diversity of the natural environment.
- 32 In the interests of the satisfactory appearance of the development and in order to comply with the provisions of Strategic Policy C of the North York Moors Local Plan which seeks to ensure that development proposals incorporate suitable hard landscaping details.
- 33 In order that any remains of archaeological importance can be adequately investigated and recorded before any development takes place on the site and to comply with Strategic Policy I and Policy and Policy ENV10 of the North York Moors Local Plan which seeks to conserve and enhance the historic assets and cultural heritage of the National Park.
- 34 In accordance with Policy CO2 of the North York Moors Local Plan and to ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Application Number: NYM/2020/0710/FL

- 35 In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
- 36 In accordance with Policy CO2 of the North York Moors Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Consultations

Parish Council – 3 November 2020 - Supported the amended design which includes smaller properties.

It was agreed that there was the need for the specification of a slow growing native species for the hedge which is to be planted.

The Parish Council will take over responsibility for the Electric Vehicle charging points at the car park and the Council's preference would be to futureproof the proposal with the provision of double-headed chargers. And the charge points should be in accordance with HM government draft guidance 'Electric Vehicle Charging in Residential and non-residential Buildings' (July 2019). A dedicated Mode 3 charger is essential to take advantage of smart charging and thereby the possibility of securing an income stream for the Parish Council to assist with future management and maintenance of the car park. It is assumed the electric supply for the chargers will be metered.

As the Parish Council has agreed to take on responsibility of both the car park and associated public green space on completion, we would also like to request a lump sum contribution from the developers towards future maintenance costs.

A resident noted that there were omissions on the planning application with an incorrect street layout, heights of buildings being inaccurately portrayed and not to scale and Plot 3 entering part of a conservation area. The need to ensure sympathetic building materials were used was commented on and the omission of plans for the four-bedroom property on the application. The Parish Council agreed to pass on these concerns.

Highway Authority – 5 November 2020 - No objections subject to conditions

Northumbrian Water – 28 October 2020 – No objections subject to conditions

Environmental Health – 20 October 2020. The Preliminary Contamination Risk (Phase 1) Assessment Report produced by arc environmental identifies potential contamination risks (made ground, on site fuel tank, marsh gas) and recommends further investigation. In light of this information the applicant is required to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk Assessment. If you are minded to approve the application then I would recommend conditions in order to secure the investigation and, have in place an appropriate remediation scheme to address any contamination identified on the site.

Application Number: NYM/2020/0710/FL

Environmental Health – Residential Services – 29 October 2020 - The proposed development is in close proximity to existing residential properties. The nature of the work from both demolition of the existing school buildings and the construction of the proposed dwellings has potential cause an impact on the amenity of such residents from noise and dust. I would recommend the inclusion of a construction hours condition and construction management scheme.

Particular concern about the likely impact on the amenity of some of the properties from the noise of the air source heat pumps. As the developer is proposing the installation of 9 Pumps the applicant would need to undertake a suitable noise assessment. I would request this assessment is undertaken and submitted prior to a decision being made.

20 November 2020 - Unfortunately the additional information is not sufficient to alleviate concerns regarding the potential impact from the noise of the ASHP, particularly on the plots identified. The data provided is just the raw data for the sound source, but also need to consider other factors such as background noise, reflections, barriers, what if they are all on at once etc, intermittency of the ASHP. The sound source level is only part of the picture.

The background noise level needs to be measured at the relevant locations and that's why we ask for a suitable noise assessment to be carried out, like BS4142. In Hambleton, we do have background noise levels below 40dBA, and as such, I require you to provide an assessment of how this relates to the environment that the pumps are in – by BS 4142 or other assessment criteria – and come to a conclusion. An increase of 3dBA above background is the lowest observed adverse effect level above which adverse effects on health and quality of life can be detected. Particularly, with regards to the ASHP proposed for the semi-detached properties of Plots 6 & 7; having two ASHP operating simultaneously in close proximity like that could increase the noise level up to 48dB, and this could be considerably higher than the background noise level.

I would recommend speaking to an acoustic consultant and seeking their advice.

North Yorkshire Police Designing Out Crime Officer – 26 October 2020 - From a designing out crime perspective, the overall design and layout of the proposed scheme is considered good.

W F Hogg, Scarth Wood Farm, 136 High Street, Swainby - 22 October 2020 – As the adjoining landowner we would prefer the fence between the school site and Scarth Wood Farm to be solid-6 feet high & not have the trellis top as indicated. This would match the fence of our neighbour between her property & the school site & help to maintain the privacy & security of what is a working farm.

Dr Simon Gibbon, 37 Church Lane, Swainby – 23 November 2020 - Support the provision of new housing this is inappropriate and a missed opportunity. The proposal does not address the Economic (commuter homes), Social and Environmental objectives of the NPPF. The buildings are not sustainable, rather than ensuring the houses achieve Passivehaus status, choice has been based on the need to adhere to a selective vernacular of Swainby, i.e. stone and pantiles, while totally ignoring other important elements of the vernacular i.e. terraced. In reality Swainby has a far more diverse vernacular. This area is rich in Arts & Crafts, so for example an Arts & Crafts crescent would not be out of place for the area.

Application Number: NYM/2020/0710/FL

The properties should be environmentally appropriate for 2020 not 2000, and they should still be environmentally appropriate for 2070 and beyond. Due to the inappropriate design of these houses, we can already see that they will have to be extensively retrofitted to meet minimal 2050 standards.

Swainby has minimal work, no school, no medical facilities, a post office only for 2 half days, a convenience store only open at weekends, buses between 8am-5pm 2 hourly 6 days a week, no entertainment beyond pubs, etc. so all residents will require cars. The provision of the car park will have little effect on parking in the High Street, as this is mainly by residents who will park outside their houses but adding to the perception that parking in Swainby is easy, it may well make the situation worse by attracting people to the village.

Rather than building a traditional car park, could the space not be used for an electric car sharing scheme. Additionally or alternatively it could be the site for a village electric minibus.

While installation of an air source heat will reduce reliance on fossil fuels there is no indication that the proposed houses are designed for air source heating, which would require considerably better insulation at a minimum.

The use of any other appropriate renewable energy measures appears to have been discounted due to aesthetics or ease of use. From the plans it looks like there will be little solar gain.

5 of the houses will be shaded for considerable parts of the day based and the mature trees will also lose large amounts of leaves in the autumn which will make the maintenance of the block paved roads either a major activity.



Application Number: NYM/2020/0710/FL



Application Number: NYM/2020/0710/FL

Background

This application relates to the former Swainby and Potto Primary School site comprising the former single storey school building and associated playground and school field. The school was closed in 2017 due to low pupil numbers and has no prospect of re-opening.

The site is located off Claver Close, to the rear of the High Street at the southern end of the village. It is surrounded on 3 sides by residential properties and on the fourth side by a working farm. The very eastern edge of the site is within the Swainby Conservation Area and the southern and western sides of the site are bounded by substantial trees.

This application seeks full planning permission to demolish the school building and construct 9 principal residence dwellings on the site along with a community car park.

The proposal would comprise 2 x detached three bed dwellings and 2 x detached four bed dwellings, a pair of semi-detached two bed dwellings and 3 x detached three bed dormer bungalows. Each dwelling would have a private garden and 2 car parking spaces.

The proposed dwellings comprise a mix of 1 ½ storey and two storey units with a mix of materials, primarily stone and clay pantile roofs, with two units being rendered. Rainwater goods will be black and supported on gutter spikes. Roofs will have stone kneelers and copings. Chimneys will be internal with the element on the roof being brick. Windows include a mix of casement and vertical sliding sash designs, with stone heads and cills. Driveways will be block paved rather than tarmac.

An extensive public consultation exercise with the local community has been undertaken and the scheme has been amended in accordance with pre-application consultations.

Main Issues**Local Plan****Strategic Policy A – Achieving National Park Purposes and Sustainable Development**

– this states that a positive approach to development will be taken where development makes sustainable use of resources, including using previously developed land wherever possible.

Strategic Policy C- Design - seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular; the siting, orientation, layout and density complement existing buildings; the scale, height, massing and form are compatible with surrounding buildings and not have an adverse impact upon the amenities of adjoining occupiers; sustainable design and construction techniques are incorporated; there is a good quality landscaping and planting scheme; local wildlife and biodiversity is enhanced; provision is made for adequate storage, cycling facilities and car parking are provided and the proposal ensures the creation of an accessible, safe and secure environment for all potential users.

Application Number: NYM/2020/0710/FL

Strategic Policy F - Climate Change Mitigation and Adaptation – states that new development will be expected to be resilient to and mitigate the effects of climate change. Where appropriate this will be achieved by requiring development to reduce the need for and makes efficient use of energy; use renewable energy; incorporate sustainable design and construction; facilitate carbon sequestration and storage in uplands and woodlands; facilitate appropriate coastal and flood protection works including natural flood management techniques to ensure resilient catchments and avoiding development in areas of flood risk; ensure and promotes the long term connectivity of important sites for biodiversity, or be compatible with the appropriate Shoreline Management Plan.

The test of the Policy explains that the effects of climate change will be one of the most significant factors influencing the future of the National Park.

Strategic Policy I - The Historic Environment - seeks to ensure that developments affecting the historic environment should make a positive contribution to the cultural heritage and local distinctiveness of the National Park and that development should conserve heritage assets and their setting in a manner appropriate to their significance, especially those assets which contribute most to the distinctive character of the area.

Strategic Policy L - Community Facilities – seeks to resist Development that would result in the loss of a community facility or would compromise its use, unless it can be demonstrated that the facility is no longer suitable or viable in that location or that it is no longer needed through application of the viability and marketing tests. It goes on to state that the provision of new health, sport, education and other community facilities will only be permitted within the main built up area of Helmsley or one of the Larger Villages where the facility is intended to serve both the immediate and/or the wider locality; within the main built up area of one of the Smaller Villages where the facility is intended to serve the immediate locality only; or in other locations, as an exception to Strategic Policy B, where there are no suitable sites in Helmsley or a Larger or Smaller Village.

Strategic Policy M - Housing – seeks to ensure the delivery of new homes to help meet the needs of local communities and be delivered through the development of sites allocated in the Helmsley Local Plan and in Policy ENV13, Environmental Enhancement Sites; through windfall development, including custom and self-build housing, on suitable small sites in listed settlements; through affordable housing schemes on rural exception sites and through proposals put forward in accordance with a Whole Estate Plan approved by the National Park Authority.

The Authority will support proposals for a variety of tenures, types and sizes of dwellings within the National Park, including accommodation for older people and those needing special facilities, care or support at home. Schemes will be expected to meet the need for smaller dwellings. Principal residence and affordable housing will be permitted on suitable small sites in Larger Villages;

Policy CO7 - Housing in Larger Villages – Sets out that in order to support the wider service function of Larger Villages, principal residence and affordable housing will only be permitted on suitable small sites within the main built up area of the village only, with proposals meeting the need for smaller dwellings, or as a conversion of an existing building

Application Number: NYM/2020/0710/FL

which lies within the main built up area and makes a positive contribution to the character of the settlement.

Supporting text to Policy CO8 states that to be considered a 'suitable site' sites should be *generally* be developed for no more than five dwellings. This scheme is for nine dwellings. However, this is a previously developed site and national planning policy promotes the reuse of such sites and efficient use of land. This, together with the design and layout respecting the form and character of the village argue are strong grounds for approval. The site is a rare opportunity to reuse brownfield land in the National Park, and applying the requirement for sites to be 'generally' of no more than five dwellings would not be an efficient use of land in this particular case.

This policy also requires smaller dwellings. This has been a matter of negotiation with the applicant and the proposal now offers a greater mix of sizes that that originally proposed.

Policy CO2 – Highways - only permits new development where it is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety; the external design and layout and associated surfacing works take into account, as appropriate, the needs of all users including cyclists, walkers, horse riders and users of mobility aids; and highway detailing, road improvements and street furniture are sensitive to the character, heritage, built form and materials of the area, the need to conserve and enhance biodiversity and are the minimum required to achieve safe access.

Policy CO3 - Car Parks – states that new parking facilities will only be permitted where it is the only way to solve existing identified parking problems; it will benefit the needs of both communities and visitors to the National Park; it uses an existing or previously developed site unless it can be demonstrated that no such suitable sites are available; and the scale, design, siting, layout, and surfacing do not have an unacceptable impact on the natural beauty, wildlife or cultural heritage of the National Park.

Policy ENV1 - Trees, Woodlands, Traditional Orchards and Hedgerows states that there will be a presumption in favour of the retention and enhancement of existing trees, woodland, traditional orchards and hedgerows of value on all developments.

Material Considerations

National Planning Policy

The National Planning Policy Framework (118c) requires that local planning authorities give substantial weight to the value of using suitable brownfield land within settlements for new homes. The site meets the definition of 'previously developed' or 'brownfield' land and it has been entered on the Authority's brownfield land register. Paragraphs 122 and 123 state that local planning authorities should support development that makes efficient use of land, and refuse applications that do not propose to so.

Officers consider that the requirement for 'substantial weight' to be given to this guidance (as well as making good use of an unused brownfield site) should be a significant factor in making the decision.

Application Number: NYM/2020/0710/FL

Loss of community facility

The school closed in 2017, when there were only 3 children remaining at the school, all of whom were year 6's (so no younger children). Any primary school age children the village now attend nearby schools.

It is accepted that there is no prospect of this school re-opening and it is considered that the scheme is in not contrary to Core Policy L

Residential Amenity

The layout and design of the proposed development has been designed in order to minimise impact on the amenities enjoyed by adjacent residential properties, in terms of privacy and outlook and it is not considered that the proposals will have a detrimental impact. The EHO has queried the noise from the proposed air source heat pumps; it is recommended that the submission of final details ensures there is no unacceptable noise impacts.

Design and materials

Claver Close comprises primarily dormer bungalows, with properties on the High Street being more traditional in character. The proposed dwellings have been designed to reflect this local character and range of materials and is considered to be in keeping with the character of the locality in terms of scale, design and material, in accordance with Strategic Policy C (Design) of the Local Plan.

Impact on Conservation Area

The site is mainly located outside of the Swainby Conservation Area and as such the main consideration is the impact on the setting of Conservation Area. The main issues are considered to be scale, views through the site and overall design detailing.

The site is located to the rear of the High Street however because of the sites location at the entrance to Claver Close (a modern cul-de-sac development) there are views from within the Conservation Area looking out to the backdrop of the Cleveland Hills beyond as well as glimpses through gaps in the streetscene through to the open green playing field. This view/backdrop will be lost as a result of the proposal, however within the context of the village (and Conservation Area) as a whole, this is one of the less significant sites to locate new development given its location which is well within the village confines, surrounded by existing housing development on 3 sides (with the fourth facing onto the neighbouring farmstead) and the fact that this is previously developed land (not a greenfield site). The harm caused is considered to be at the lower end of less than substantial however any harm requires clear and convincing justification and public benefit. This is considered to be the loss of a building which doesn't contribute to the character of the CA together with the social and economic benefits of the development whilst making effective (and appropriate) use of land. It is accepted that there will be the loss of the view, but this is considered to be outweighed by the public benefits in this instance.

Application Number: NYM/2020/0710/FL

Trees and Ecology

The proposed houses have been pulled away from the trees and are outside the root protection zones, other than the garages for plots 8 and 9 which encroach slightly, However, an arborist report has been submitted and the proposed works are not considered to cause significant harm.

In terms of bats and birds, it is proposed that roosting provision is made within the proposed dwellings.

Sustainable Development

The development proposes the use of air source heat pumps and the provision of electric car chargers, and whilst details of both are to be agreed by condition, it is considered that the scheme addresses renewable energy requirements.

Third Party comments

Concerns has been expressed that the plans are not accurate, in terms of levels and that a much more contemporary and passivhaus form of development would be more appropriate. Comments have also been made about the type of fencing.

Additional levels plans have been submitted and having considered the nature of this site, which is only very gently sloping, it is considered the plans accurately reflect the proposed development. In terms of design, it is considered that the design reflects the character of the area and the use of renewable energy is in accordance with NYM Local Plan ENV8; the Authority does not require new development to meet passivhaus standards.

The Parish Council has requested a commuted sum of money to offset future car park maintenance liabilities and for certain standards of electric car charging equipment, officers consider that if the Parish are willing to negotiate to take over the running of these facilities that they should negotiate that outside the scope of this permission. Otherwise the maintenance of the land will remain with the land owner.

The style of fencing has been amended following the comments received.

Conclusion

It is considered that the proposed development represents an appropriate re-use of the former school site, providing housing for permanent occupation and a much needed village car park, whilst being in keeping with the character of the locality and not causing harm to local amenities.

In view of the above, the proposal is considered to be in accordance with the NYM Local Plan policies outlined above, as well as other material considerations, and approval is recommended.

Application Number: NYM/2020/0710/FL

Pre-commencement Conditions

Condition(s) 16, 19, 25, 19 and 33 are pre-commencement conditions and have been agreed in writing with the applicant/agent.

Decision under the Temporary Scheme of Delegation

N/A

Explanation of how the Authority has Worked Positively with the Applicant/Agent

Approval (No Amendments Required)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.