



## Agenda

**Meeting** Skipton and Ripon Area Planning Committee

**To:** Councillors Nathan Hull (Chair), Andy Brown (Vice-Chair), Barbara Brodigan, Robert Heseltine, David Ireton, David Noland and Andrew Williams.

**Date:** Tuesday, 3 March 2026

**Time:** 1.00 pm

**Venue:** Ripon Town Hall, Market Place, Ripon HG4 1DG

### Business

1. **Apologies for absence**
2. **Minutes of the meeting held on 3 February 2026** (Pages 3 - 6)
3. **Declarations of interests**  
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
4. **HGT22/03438/FULMAJ - Erection of 46 dwellings, new vehicular access from Swinton Road, public open space and landscaping with associated foul and surface water drainage infrastructure at fields to north and south of Swinton Road, Masham, North Yorkshire on behalf of Loxley Homes (Masham) Ltd., trustees of the Swinton Heirs Trust, trustees of Williams Fund, Broadacres Housing Association and Mulberry Homes Yorkshire Ltd.** (Pages 7 - 56)  
Report of the Head of Development Management – Community Development Services.
5. **Any other items**  
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
6. **Date of next meeting**  
Tuesday, 7 April 2026 at 1pm.

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. You may be interested in [subscribing to updates](#) about this or any other North Yorkshire Council committee.

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at public meetings. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Anyone wishing to record is asked to contact the Democratic Services Officer (details below) prior to the start of the meeting.

**Contact Details**

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Monday, 23 February 2026

## North Yorkshire Council

### Skipton and Ripon Area Planning Committee

Minutes of the meeting held on Tuesday, 3 February 2026 commencing at 1.00 pm.

Councillor Robert Heseltine in the Chair plus Councillors Andy Brown, Robert Heseltine, David Ireton and David Noland.

Officers present: Andrea Muscroft, Development Management Team Manager, Natasha Jovanovic, Senior Planning Officer, Kate Lavelle, Solicitor and Vicky Davies, Senior Democratic Services Officer .

Apologies: Councillors Nathan Hull (Chair) and Barbara Brodigan.

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**Copies of all documents considered are in the Minute Book**

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#### **187 Apologies for absence**

Apologies for absence were received from the Chair Councillor Nathan Hull and Councillor Barbara Brodigan. The Vice-Chair, Councillor Andy Brown took the Chair.

#### **188 Minutes of the meeting held on 2 December 2025**

The minutes of the meeting held on 2 December 2025 were confirmed and signed as a correct record.

#### **189 Declarations of interests**

There were no declarations of interests.

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#### Planning Application

The Committee considered a report of the Head of Development Management – Community Development Services relating to determine a planning in principle application. During the meeting, officers referred to additional information and representations which had been received. In considering the report of the Head of Development Management – Community Development Services , regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee granted in accordance with the recommendation in the report, this was because the proposals is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below.

#### **190 ZA25/27387/PPP - Permission in principle for the development of up to nine dwellings at land off Old Lane, Cowling, BD22 ONW on behalf of the Bailey family.**

Considered –

Before the report was presented to Committee, the Vice-Chair, Councillor Andy Brown declared that as he had called-in the application he felt that, for transparency, he should hand over the Chair to another Member and Councillor Robert Heseltine was invited to chair the meeting.

The Head of Development Management – Community Development Services asked Members to determine an application seeking in principle approval for residential development. The scope of the permission would be limited to location, land use and amount of development. Other matters would be considered at the technical details consent stage.

The proposal was for up to a maximum of nine dwellings and had been brought to Committee following a request from the Division Member, due to the site bordering countryside on two of the four sides and on a quiet road heading out onto high moorlands. The Division Member noted that it was not immediately obvious how the site complied with the relevant local plan policies.

Donna Robinson spoke against the application.

Michael Gordon spoke as agent in support of the application.

During questioning and debate, concerns were raised about highway safety, pedestrian access, density calculations, potential cumulative development, drainage, sustainability measures, and the practical implications of the “permission in principle” process. It was acknowledged that many issues could only be resolved at the technical-details stage, and that refusal at this point would risk being overturned at appeal due to the housing-supply shortfall. Representations were heard from an objector and the applicant’s agent, after which the committee resolved that the proposal should be approved in principle, with the expectation that key matters such as access, pedestrian safety, drainage, ecological impact and sustainability would be fully addressed when the detailed application is submitted.

Officers agreed to include two informatives regarding safe pedestrian and cycle routes that are adequately lit and to explore opportunities for on-site renewable energy generation and energy storage solutions.

The decision –

That planning permission in principle be GRANTED.

Voting record –

A vote was taken and the motion was declared carried with 2 for and 2 abstentions.

## **191 Any other items**

There was no any other items of business.

**192 Date of next meeting**

Tuesday 3 March 2026 at 1pm.

The meeting concluded at 2.23 pm.

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## North Yorkshire Council

### Community Development Services

#### Skipton and Ripon Area Planning Committee

3 MARCH 2026

**HGT22/03438/FULMAJ – ERECTION OF 46 DWELLINGS, NEW VEHICULAR ACCESS FROM SWINTON ROAD, PUBLIC OPEN SPACE AND LANDSCAPING WITH ASSOCIATED FOUL AND SURFACE WATER DRAINAGE INFRASTRUCTURE**

**AT FIELDS TO NORTH AND SOUTH OF SWINTON ROAD, MASHAM, NORTH YORKSHIRE**

**ON BEHALF OF LOXLEY HOMES (MASHAM) LTD, TRUSTEES OF THE SWINTON HEIRS TRUST, TRUSTEES OF WILLIAMS FUND, BROADACRES HOUSING ASSOCIATION AND MULBERRY HOMES YORKSHIRE LTD**

#### Report of the Head of Development Management – Community Development Services

##### **1.0 Purpose of the Report**

- 1.1 To determine a planning application for 46 dwellings, new vehicular access from Swinton Road, public open space and landscaping with associated foul and surface water drainage infrastructure on land north and south of Swinton Road, Masham.
- 1.2 This application is to be presented to the Planning Committee as it is a sensitive site and raises significant material planning issues. Furthermore, Councillor Felicity Cunliffe-Lister has an interest in the land as owner of Swinton Park.

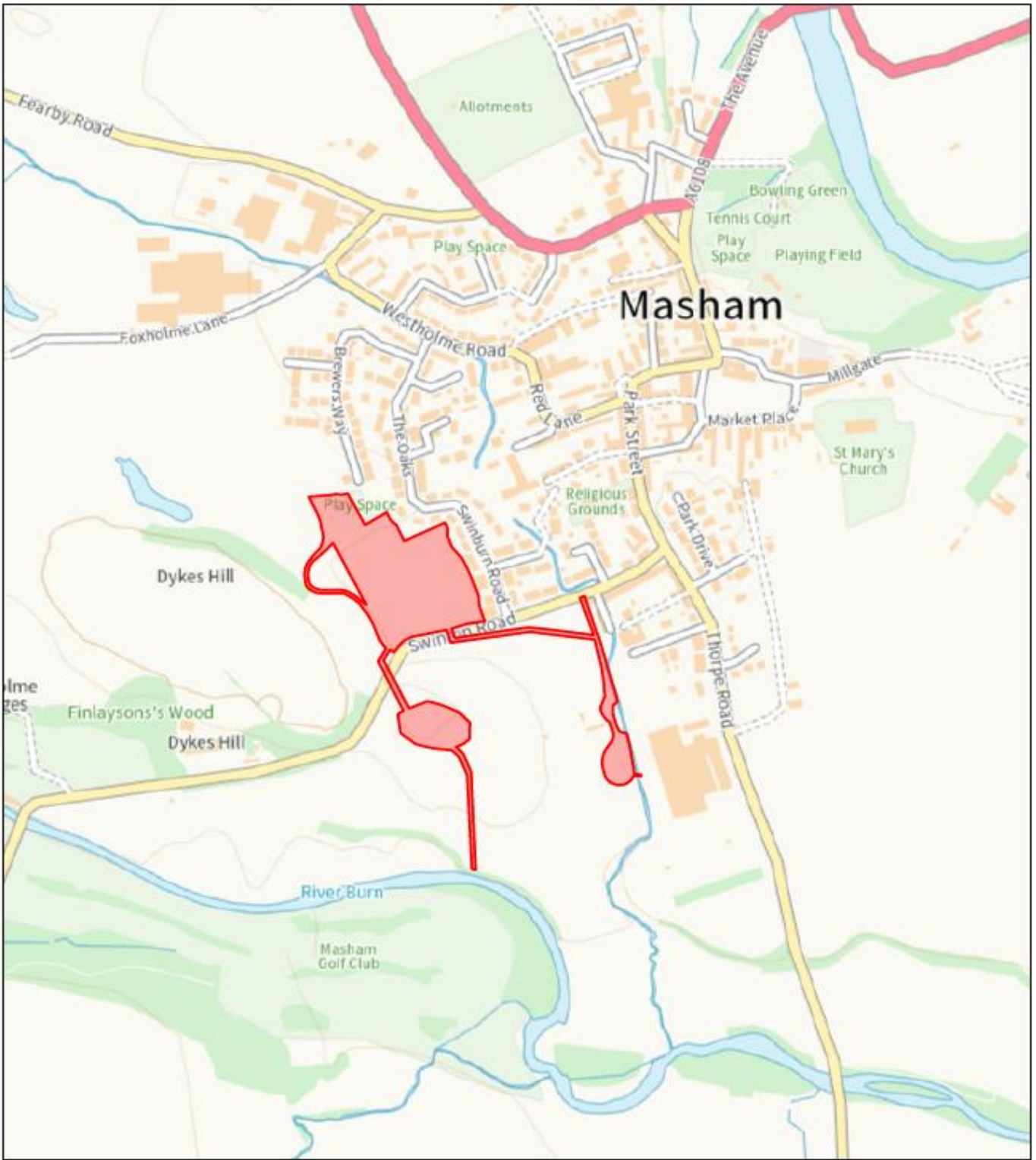
##### **2.0 EXECUTIVE SUMMARY**

**RECOMMENDATION: That members are MINDED TO GRANT planning permission subject to receiving outstanding comments from the Council's Tree Officer, the conditions listed below and prior completion of a S106 agreement with terms as detailed in Table 1 with the decision and imposition or amendment of conditions as a result of the outstanding comments delegated to the Head of Development Management.**

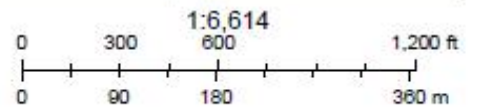
- 2.1. The application seeks full permission for the development of 46 dwellings on land to the north and south of Swinton Road, Masham. The land to the north of Swinton Road contains the main area of built development and is allocated for housing in the adopted Harrogate District Local Plan as Site Reference: M8. Housing development is therefore acceptable in principle. The associated foul and surface water drainage infrastructure is contained on land south of Swinton Road.
- 2.2. The proposal has undergone revisions since first submission in respect of site layout, detailed design, house typologies, housing mix, highways and flood risk and drainage. These matters are now sufficiently resolved to make the scheme acceptable. Tree matters are outstanding at the time of drafting this report. A verbal update will be given at the Planning Committee meeting.

- 2.3. The scheme would make a positive contribution to delivering housing on an allocated site, including affordable homes, and those that are accessible and adaptable. When taking account of the council's housing land supply at 2.2 years, there is not such significant harm created by the development that would outweigh the benefits provided by the scheme.
- 2.4. Having regard to the overall planning balance, the proposed scheme complies with the overarching objectives and policies of the local development plan and national planning requirements and thus it represents sustainable development. It is therefore recommended that members be minded to approve, subject to final comments from the Tree Officer, conditions and completion of a S106 Agreement.

# Map



2/20/2026, 4:34:01 PM



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. The application was submitted in September 2022 proposing 48 dwellings on land to the north of Swinton Road with proposed drainage infrastructure on land to the south of Swinton Road. Officers at the time raised concerns principally in respect of layout, housing mix, design, landscape, highways, flood risk and drainage, ecology / biodiversity and tree matters.
- 3.3. Lengthy negotiations have taken place with officers and four rounds of statutory and public consultation have taken place following revisions made to the scheme during the course of the application. The scheme for consideration now comprises 46 dwellings, new vehicular access from Swinton Road, landscaping, and public open space on land to the north of Swinton Road with the main drainage infrastructure contained on land to the south of Swinton Road.
- 3.4. A fifth round of public consultation is currently underway expiring 26 February. The principal reason for this is to ensure that the full list of applicants has been correctly advertised. There have been minor changes to Site Layout and Landscape Plans since the previous round of public consultation was carried out in September 2025 as well as updated transport, drainage and ecology information. The changes made to plans are non-material and seek to make corrections and the updated documentation seeks to clarify matters raised by consultees. No substantive or material changes have been made to the proposed development as a result of these latest submissions.

#### **Other Related Sites**

- 3.5. There is another site identified in the Local Plan allocated for mixed use purposes on land at Westholme Road, Masham, Site Reference M11. Outline permission was granted in April 2018 for up to 60 dwellings, construction of commercial units and informal public open space (Application reference 17/01057/OUTMAJ) and the subsequent detailed Reserved Matters Application for 48 dwellings was granted in April 2022 (21/01414/REMMAJ as amended by 23/00172/DVCMAJ in August 2023) and in March 2022 for the commercial element (21/01632/REMMAJ). The development is complete. This site adjoins the far northern boundary of the subject application site.

### **4.0 Site and Surroundings**

- 4.1. The application site is located on the south-western side of Masham and extends to a total of 3.24 hectares of which 2.139 hectares is located north of Swinton Road (the main development area) and 1.12 hectares located south of Swinton Road. All the land is used for agricultural grazing. An electricity power line runs from north to south across the site. Existing access to the northern area is from Swinton Road through a farm gate in the south-west corner.
- 4.2. The northern area is bound by the tree-lined Swinton Road to the south; by the rear gardens of Nos. 1 to 43 Swinburn Road comprising a mix of bungalows and two

storey houses, the Council owned open space and play area 'The Oaks' and Nos. 42 to 46 The Oaks to the east; and by the residential element of the mixed use M11 allocated site to the north. Open field adjoins the western site boundary.

- 4.3. The site slopes downwards from north to south and from west to east with the lowest point being in the south-eastern corner adjacent to the rear boundary of No. 1 Swinburn Road. The level difference across the site from north to south is approximately 11m and about 5m from west to east.
- 4.4. Notable natural features on the northern area are the mature trees and hedgerow along the Swinton Road boundary, with trees along both sides of Swinton Road protected by Tree Preservation Orders.
- 4.5. The southern area is subdivided into large paddocks by mature tree / hedge boundaries running north to south between Swinton Road and the River Burn. There is a small group of agricultural buildings accessed along an unmade track from Swinton Road located close to the industrial buildings on Thorpe Road. Access to the remaining fields within the southern area is across the open grassland and field gates.
- 4.6. The application site is located outside of Masham Conservation Area and there are no listed buildings within the immediate vicinity of the site.
- 4.7. The site falls within Flood Zone 1 and is at the lowest risk of flooding in terms of fluvial flooding.

## **5.0 Description of Proposal**

- 5.1. This application seeks full planning permission for the development of 46 dwellings including a new access point from Swinton Road, creation of on-site public open space, landscaping and associated drainage infrastructure. The application was originally submitted for 48 dwellings but was subsequently reduced following design and layout changes.
- 5.2. On the northern area of the site, the scheme comprises a mix of two storey semi-detached and detached houses. Off-street parking, cycle storage and electric vehicle charging points are proposed for each dwelling.
- 5.3. Public Open Space (circa 0.442 hectares) would be provided towards the northern end of the site where a new pedestrian path and gate is proposed to connect to the adjacent council-owned open space / playground ('The Oaks'). An amenity space (circa 0.189 hectares) is proposed at the southern end of the main development area to provide further opportunities for recreation and informal play. Total public open space would be 0.631 hectares or 30% of the main development area.
- 5.4. A new vehicular and pedestrian access into the development area would be constructed on the north side of Swinton Road. This will necessitate the removal of one tree and a section of hedge fronting Swinton Road.

- 5.5. Off-site surface water and foul drainage infrastructure, including SUDS basin and standing water pond with meadow grassland and semi-improved grassland, would be provided on the southern area of the site.

## **6.0 Planning Policy and Guidance**

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is the Harrogate District Local Plan 2014-2035, adopted March 2020.

### Emerging Development Plan – Material Consideration

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

- 6.4. A Masham Neighbourhood Plan is currently being prepared. Again, no weight can be attached to the document at this stage as it is at an early stage of preparation.

### Guidance - Material Considerations

- 6.5. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing SPD 2021
- Providing Net Gain for Biodiversity SPD 2021
- Provision of Open Space and Village Halls SPD 2021
- Harrogate Landscape Character Assessment 2024
- Landscape Design Guide 2023
- Protecting Dark Skies in Nidderdale AONB SPD 2024
- Masham Conservation Area Appraisal 2008

- 6.6. A consultation exercise by Central Government is currently underway on a new draft of the National Planning Policy Framework (NPPF). Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and represents no material change relevant to the determination of this application, no more than negligible weight should be given to the suggested changes.

## **7.0 Consultation Responses**

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

- 7.2. **Parish Council:** Object on the basis that the revisions do not address any of the reasons that the Parish Council objected to the original application and subsequent revisions. Significant flooding concerns remain.

Original concerns raised: Flooding; Additional pressure on Masham sewerage works; Increased traffic; Highway safety given current speeds / visibility on Swinton Road; Pressure on local infrastructure; Red brick material is out of character; Amenity issues.

- 7.3. **NYC Arboriculture:** Objections raised due to incursions into Root Protection Areas and removal of a number of trees. Awaiting further comments on revised plans and documents.
- 7.4. **NYC Archaeology:** No objections.
- 7.5. **NYC Conservation:** No comments received.
- 7.6. **NYC Ecology:** Queries raised regarding BNG / habitat classifications but following revisions, no objections subject to conditions.
- 7.7. **NYC Education:** Confirmed that no developer contribution would be sought towards education facilities.
- 7.8. **Environment Agency:** No objections, recommend ecology condition.
- 7.9. **NYC Environmental Protection:** No objections, subject to conditions for construction, unexpected contamination and air source heat pumps.
- 7.10. **NYC Estates:** Consent needed for the proposed link to the adjacent The Oaks open space / playground.
- 7.11. **NYC Highways:** Following revisions, no objections subject to highway conditions and S106 monies.
- 7.12. **NYC Highways – Footpaths:** No objections.
- 7.13. **Health & Safety Executive:** No objections
- 7.14. **NYC Housing:** Following revisions, no objections.
- 7.15. **NHS Integrated Care Board:** Commuted sum required towards healthcare.
- 7.16. **NYC Landscape:** Following revisions, no further comments to make.
- 7.17. **NYC Lead Local Flood Authority:** Following revisions, no objections subject to condition requiring compliance with drainage documents.
- 7.18. **MOD Safeguarding Team:** No objections.
- 7.19. **NNL Joint Advisory Committee:** No objections. Recommend lighting condition.
- 7.20. **NYC Head of Parks:** No objections but makes comments.
- 7.21. **Police Liaison Officer:** No objections but makes comments.
- 7.22. **NYC Open Space Team:** Commuted sums required for public open space and village hall.

- 7.23. **Northern Powergrid:** No objections. Recommends Informatives to safeguard apparatus and rights of access.
- 7.24. **NYC Planning (Minerals and Waste):** No objections
- 7.25. **NYC Urban Design:** Following revisions, no further comments to make.
- 7.26. **Yorkshire Water:** No objections, recommends drainage conditions.

#### Local Representations

- 7.27. 48 local representations have been received to date over the five rounds of consultation undertaken. Comments have also been received from the Chair of Masham Swifts Conservation Community Project and from the Governing Body of Masham Church of England Primary School. A summary of the comments is provided below, however, please see website for full comments.
- 7.28. Objections:
- Disproportionate scale of development
  - Site is outside development limits
  - Loss of greenfield agricultural land
  - Land use conflict with active livestock operations
  - Density is too high / house too tightly packed
  - Lack of smaller affordable homes
  - Proposal favours larger market homes
  - Lack of open space on site
  - Lack of on-site play provision
  - Loss of rural landscape character
  - Impact on local character and heritage assets
  - Impact on lynchets
  - Loss of privacy to neighbouring residents
  - Generic design of the housing is poor
  - Materials are out of keeping and character
  - Swinton Road is narrow with bad bend close to access point
  - Poor visibility along Swinton Road
  - Traffic speeds along Swinton Road
  - Increased vehicular traffic and congestion
  - Exacerbate parking problems in locality
  - Pedestrian footpaths on Swinton Road are inadequate
  - Lack of public transport infrastructure
  - Impact on air quality due to traffic increase
  - Maintenance of drainage systems
  - Exacerbate existing flooding problems
  - Lack of capacity of existing sewerage network
  - Loss of protected trees
  - Loss of biodiversity / doesn't meet BNG 10% gain
  - Impact upon wildlife
  - Who will manage and care for new trees to be planted
  - Need for biodiversity enhancements including use of swift nest bricks
  - Impact on local infrastructure
  - Lack of sustainability: No EV charging, solar panels

- Link to existing play area should not be a cycle link
- Introduction of new residents to adjacent noise related farming activities
- Disruption and nuisance during construction
- Potential subsidence to properties on Swinburn Road
- Further housing is not needed
- Fails to comply with Masham Local Development Plan

7.29. The Governing Body of Masham Church of England Primary School neither supports nor objects to the proposal but wishes the potential impact on the school must be considered in the determination of this proposal.

7.30. Further representations received will be reported verbally at the Planning Committee meeting.

## **8.0 Environment Impact Assessment (EIA)**

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

## **9.0 Main Issues**

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

- Principle and Housing Land Supply
- Compliance with Site Requirements
- Mix and Tenure
- Design and Layout
- Heritage
- Landscape and Trees
- Ecology and Biodiversity
- Highways and Access
- Flood Risk and Drainage
- S106 Matters
- Other Matters

## **10.0 ASSESSMENT**

### Principle and Housing Land Supply

10.1. Section 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Harrogate District Local Plan was adopted by the former Harrogate Borough Council on 4 March 2020.

10.2. As the extant Harrogate District Local Plan is now more than five years old, the housing provision figure set out in Policy GS1 is no longer valid. The annual housing requirement for the former Harrogate area is now 1046 homes, as derived from the Government Standard Method. Including the relevant 5% buffer, the five-year supply requirement is 5492. Based on the most recent data (from the 2024/2025 monitoring period), there is a demonstrable deliverable supply of 2408 homes over a five-year period. This translates to 2.2 years of housing supply when measured against the five

year supply requirement. Therefore, paragraph 11(d) of the NPPF (i.e. the presumption in favour of sustainable development) is engaged for applications involving the provision of housing.

- 10.3. Paragraph 11(d) states that where there are no relevant development plan policies, or that policies which are most important for determining the application are out of date, planning permission should be granted unless:
- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 10.4. Footnote 7 of the NPPF sets out those areas where policies can provide a strong reason for refusing the development proposed. These include habitat sites and / or designated Sites of Special Scientific Interest; Green Belt, Local Green Space, a National Landscape or National Park; irreplaceable habitats; designated heritage assets; and areas at risk of flooding. The Environment Agency (EA) plans indicate that the site is at a low risk of fluvial flooding but there is an elevated risk of surface water flooding at the south-eastern corner of the main development area where surface water run-off from the surrounding hills collects. This is discussed in the Flood Risk and Drainage section of this report.
- 10.5. It is important to note that the engagement of the presumption in favour of sustainable development does not negate the overall planning balance exercise undertaken as part of the usual decision-making process. Policy requirements must not be overlooked due to the lack of a five year housing supply. They should be applied to understand conformity or non-conformity, to establish any degree of harm which will need to be considered in the overall balancing exercise.
- 10.6. In the context of the five year housing supply, it is important the existing Local Plan allocations and other well-designed proposals in sustainable locations are brought forward. The Local Plan makes allocations of land and sets development limits to meet the housing needs of the district. Sites that are identified as allocations in the Local Plan are those that best deliver the council's growth strategy.
- 10.7. Local Plan Policy GS2 sets out a settlement hierarchy to direct development to those locations considered to be the most sustainable. Policy GS3 advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. The northern area of the site lies within the development limits for Masham.
- 10.8. Masham is identified as a Local Service Centre in the settlement hierarchy where land will be allocated to deliver new homes to support the service role of the centre. Local service centres within the district provide a good range of local employment, shops and services for their rural hinterland. Allocations of land are made to ensure

these centres continue to thrive. They represent sustainable locations for development.

- 10.9. The northern area of the site is allocated for housing under Policy DM1 of the Local Plan, site reference M8: Land north of Swinton Road, Masham. The principle of housing development on the site is therefore considered to be acceptable.

Compliance with Site Requirements

- 10.10 Policy DM1 lists the site requirements that any development of the site should meet.

<b>Site Requirement: M8</b>	<b>Application Response to Requirements (Officer Opinion)</b>
<p>Built form density should vary across the site, with lower density in the western portion to aid transition to open countryside and retain some views out of the site.</p>	<p>Larger semi-detached and detached houses sited along western boundary with smaller units located in central and eastern parts of the site.</p> <p>Gaps in between houses created by internal road layout and adjoining gardens which allow views out of the site in addition to unobstructed views westwards from the areas of public open space.</p>
<p>Design should reinforce the characteristics, qualities and features that contribute positively to local distinctiveness;</p> <p>Seek opportunities to contribute positively to the approach to the nearby conservation area in order to enhance / better reveal its significance.</p>	<p>Detailed design respects local vernacular. Use of brick and reconstituted stone walling with York stone cills, headers and kneelers generally reflective of materials used locally.</p> <p>A landscaped amenity space is provided along the site frontage which together with the retention of most of the mature trees along Swinton Road would provide an appropriate approach towards the conservation area. All areas of built development on site sit adjacent to existing housing to ensure no impact on the fabric or setting of the conservation area.</p>
<p>Design and layout should protect the amenity of residents of Nos. 5-11 Swinburn Road:</p> <ul style="list-style-type: none"> <li>- ensure its not overbearing; and</li> <li>- does not result in undue loss of privacy or light.</li> </ul>	<p>No resultant overlooking or loss of privacy between new and existing housing adjoining the site. Rear to rear distances are circa 21m and buffer planting is provided outside gardens at the rear of Nos. 5-11 Swinburn Road to</p>

	provide screening to ground floor windows.
<p>Provide open space on site. Where appropriate, priority to be given to types of recreational green space that will mitigate pressure on designated habitats;</p> <p>Consideration of providing small SUDS wetland and associated planting in the south-east and open space / planting adjacent to the northern site boundary and off-site play area.</p>	<p>Public open space provided on northern part of site. This will contain pathways to allow circular walking routes and access to all parts of the site.</p> <p>Open green amenity area provided on southern side which will allow for further recreational opportunities.</p> <p>Internal pathways and circulation routes will ensure easy access to all areas within the site and connections to adjoining existing development.</p>
<p>Retain protected trees along southern boundary and mature trees within the site.</p> <p>Loss may be unavoidable to access the site but any loss should be compensated for with new native tree planting.</p>	<p>Trees within site boundaries to be retained and protected during construction, with the exception of three trees to be lost to create the main access point.</p>
<p>Retain mature trees close to the eastern site boundary along with tree and hedgerow planting along the northern site boundary;</p> <p>Enhance the planting on the northern site boundary with new native species; Introduce new native hedgerow and well-spaced native tree planting along the western boundary to mitigate landscape impacts.</p>	<p>New tree planting is proposed along boundaries with hedgerow enhancement to boundaries (where required) as well as new native tree planting and hedgerow within the site.</p>
<p>Provide vehicle, cycle and pedestrian access from Swinton Road;</p> <p>Extend the footway on the north side of Swinton Road from Swinburn Road to the site entrance.</p>	<p>Vehicle, cycle and pedestrian access proposed from Swinton Road. New footway provided on north side of Swinton Road to connect to Swinburn Road.</p>
<p>Provide cycle and pedestrian access from the site to The Oaks / Swinburn Road via the play area to the north-east of the site.</p>	<p>Pedestrian footpath connection is proposed from the site to link to the existing play area and ginnel leading to The Oaks / Swinburn Road.</p>

- 10.11. Notwithstanding the site requirement for a cycle and pedestrian access to The Oaks / Swinburn Road, a pedestrian footpath rather than a formal cycle and pedestrian footway is considered more appropriate. A footpath that is also suitable for cyclists would need to be wider than a pedestrian footpath which could prove problematic for tree retention with the path running through root protection areas of mature trees. It would be visually detrimental to the Public Open Space (POS) by having a wide pathway running through the space. It is not the case that the pedestrian footway could not be used by cyclists, but they would need to dismount and walk with their cycles. Officers noted during a site visit that there is a gate at the entrance to the ginnel leading from The Oaks / Swinburn Road to the play area and so cyclists would need to dismount when using this path in any event.
- 10.12. The indicative yield for the M8 allocation is 49 units. At 46 units, the proposal is close to the potential number of units stated in Policy DM1. Supporting text Paragraph 10.2 of Policy DM1 advises that the number of homes can be higher or lower than the indicative yield, taking into consideration such matters as mix, density and design. The original application submission was for 48 dwellings but this was revised during the course of the application to provide a more appropriate site layout allowing for better spacing and a more staggered plot arrangement with provision of a greater amount of open amenity areas.
- 10.13. Taking into account the areas of the site given over to public open space, the net site development area is 1.50 hectares which, at 46 dwellings, results in a density of 30.6 dwellings per hectare. Policy HS1 of the Local Plan advises that new housing development will be expected to achieve a minimum net density of 30 dwellings per hectare. As such, the proposal meets the requirements of Policy HS1, thereby making the most effective use of the land while making a satisfactory response to the site's location at the edge of the settlement.
- 10.14. As an allocated site, the principle of residential development fully accords with the overarching objectives set out in Policies GS2 and GS3 concerning the Council's housing growth strategy. Furthermore, the proposal would meet the site-specific requirements and objectives for the M8 allocation as set out in Policy DM1.

#### Housing Mix and Tenure

- 10.15. Local Plan Policy HS1 states that developments should seek to deliver a range of house types and sizes that respond to the identified needs and demands of the district's households. The mix should be informed by local market assessments (including Housing and Economic Development Needs Assessment) as well as locality and ability of the site to accommodate a mix of housing.
- 10.16. Local Plan Policy HS2 requires 40% affordable housing on all qualifying greenfield developments, subject to viability. On-site provision is expected for all major developments comprising 10 or more dwellings.
- 10.17. The proposed housing mix and tenure is set out below.

Unit Size	Total	% Mix	M4(2/3)
<b>Affordable</b>			
1-bed	3	17%	M4(2)
2-bed	8	44%	M4(2)
3-bed	5	28%	M4(2) + M4(3)
4-bed	2	11%	M4(2)
<b>Sub Total</b>	<b>18</b>	<b>100%</b>	
<b>Market</b>			
1-bed	0	0%	
2-bed	10	36%	M4(2)
3-bed	13	46%	M4(1) + M4(2)
4-bed	5	18%	M4(1) + M4(2)
<b>Sub Total</b>	<b>28</b>	<b>100%</b>	
<b>Overall Mix</b>			
1-bed	3	7%	
2-bed	18	39%	
3-bed	18	39%	
4-bed	7	15%	
<b>Grand Total</b>	<b>46</b>	<b>100%</b>	

- 10.18. The proposed housing offer is weighted towards 2 and 3-bedroom homes both in the market and affordable tenures which is preferable. The Housing and Economic Needs Assessment (May 2025) advises that market housing across the district is dominated by the larger 3-plus bedroom homes, and therefore the inclusion of a good proportion of smaller 2-bed houses is welcome to ensure a range of unit sizes would be available.
- 10.19. Policy HS1 requires 25% of the market homes to be built to be accessible and adaptable to achieve M4(2) of Building Regulations. 18 of the 28 market homes (10 x 2-bed, 5 x 3-bed and 3 x 4-bed) would be M4(2) compliant and therefore the scheme would deliver a high proportion of market homes that can be adapted to meet the changing needs of future households.
- 10.20. 18 (40%) affordable homes are proposed on-site in accordance with Policy HS2. These would be a mix of social rented (13) and shared ownership (5) equating to a 70:30 split. The Council's Housing Officer has confirmed that the affordable housing mix is considered to be acceptable.
- 10.21. Policy HS2 requires affordable dwellings to be built to be accessible and adaptable with 10% built as wheelchair accessible to achieve M4(3) accessibility standards. All the proposed affordable dwellings would be accessible and adaptable, with two of the affordable homes (Plots 20 and 21) designed to be built as wheelchair accessible.
- 10.22. A further objective of Policy HS2 is to ensure affordable homes are integrated within the development and visually indistinct from the market homes. The distribution of affordable units is shown on the Proposed Site Layout (Dwg No. PL200 Rev AN). The

affordable homes would have market homes located either side and they are distributed across the site. There are no cul-de-sacs that comprise just affordable housing units.

- 10.23. It is noted that all the affordable units would be in the form of semi-detached houses whereas the market offer comprises a mix of semi-detached and detached properties. However, the majority of market homes are semi-detached (18 out of 28) and they are of a comparable size in terms of gross internal area to their affordable equivalents. As such, the affordable homes are relatively indistinguishable from the market properties. The Council's Housing Officer is satisfied with the affordable distribution across the site. The affordable housing will need to be secured by S106 Agreement.
- 10.24. Local Plan Policy HS5 requires that all new market and affordable homes meet the Nationally Described Space Standards (NDSS). The NDSS is an important tool when assessing the quality of new homes to ensure that an adequate amount of internal space is provided based on the level of occupancy. The standards are expressed as a minimum and should be exceeded where possible to demonstrate that a scheme offers a high standard of internal accommodation.
- 10.25. The proposed dwellings exceed minimum space standards. The rooms are of a regular shape to aid their use and built-in storage is provided. All homes, irrespective of tenure, are dual / triple aspect to ensure compliance with National Design Guide requirements relating to natural light and ventilation. The proposal therefore accords with Policy HS5 and would provide a good standard of internal accommodation.
- 10.26. Each dwelling is provided with private outdoor amenity space with garden sizes exceeding the recommended sizes specified in the Council's Landscape Design Guide. The layout and orientation of properties has been designed to ensure there would be no loss of privacy or mutual overlooking between main habitable windows across the development.

#### Design and Layout

- 10.27. Local Plan Policy HP3 sets out expectations for well-designed schemes. Developments should incorporate high quality building, urban and landscape design that protects, enhances, or reinforces those characteristics, qualities and features that contribute towards local distinctiveness. This includes respecting the spatial qualities of the local area such as scale, appearance and visual relationship and views, building density and context, and the contribution of the natural environment.
- 10.28. The NPPF places great importance on the creation of healthy and safe communities and the creation of high-quality buildings and places. The National Design Guide also provides guidance on how well-designed places can be achieved,
- 10.29. Following lengthy negotiations, changes have been made to the site layout to create one that Officers considers provides a better arrangement of dwellings that allows for more on-site open space to be provided with enhanced landscaping. The small reduction in unit numbers from 48 to 46 dwellings and plot re-alignment has allowed

for greater gaps between houses and more staggered plot arrangements. House types have also been amended to provide better treatment to corner plots.

- 10.30. The site layout is centred round the main spine road which extends northwards through the site with shared surfaces and private drives located off the central spine. This provides a clear internal road hierarchy which would see the use of contrasting materials on the shared surfaces to add visual interest and aid movement and legibility across the site.
- 10.31. One of the more recent changes requested by the Council's Urban Design Officer is the provision of a footpath to connect the road network in the south-western corner to the main spine road to the north. A footpath is now provided alongside Plot 35 which is welcome as it enhances permeability and creates a stronger visual connection through the site. The footpath has necessitated the re-orientation of plots and their private drives on this western side, opening up a view from within the site towards the landscaping and mature trees along Swinton Road.
- 10.32. One of the key areas for discussion has been the western edge and its rural interface. One of the site requirements is that density is lower at this edge and the development retains some views out of the site. The application site has a sensitive edge of settlement location and it is important that the transition from built development to rural surroundings is carefully managed. As originally submitted, all the dwellings along this side were sited close to the boundary edge with most having their gable elevations facing out over the countryside. This would present as a hard edge in views and was therefore not considered appropriate.
- 10.33. The site layout now contains larger detached and semi-detached properties on the western side which, aside from the far northern plot (Plot 46) have their main rear elevations facing outwards. The houses are set back from the boundary and hedging is proposed for the full length of the western boundary. This would help towards providing a softer setting.
- 10.34. The internal road layout arrangement provides breaks between the groups of houses and the areas of public open space to the north and south of the site will allow for uninterrupted views westwards across the open countryside. Notably, 46% of the length of the western boundary would be 'open' as compared with the eastern edge condition where the 92% of the length of this boundary is taken up with dwellings.
- 10.35. The main area of public open space is provided at the far northern end of the site which would sit adjacent to the existing open space / play area which would provide a soft landscaped edge to the existing play area / open space. There is a further amenity area provided along the southern Swinton Road frontage. The spaces would not contain any formal play area given the existing play area to the north and the proposed footpath connection to the existing facility. However, the on-site open amenity areas would provide the opportunity for recreation, walking and informal play. These spaces would be passed to a management company for future management and maintenance. This will be secured by S106 Agreement.

- 10.36. The house types have been amended to ensure there are no 'blank' side elevations at key corner locations to ensure visual interest and that all internal routes, parking and public open spaces are overlooked.
- 10.37. The site layout includes a proposed landscaped and planted area along the eastern site boundary to the rear of Plots 1, and 18 to 21 where existing properties on Swinburn Road (Nos. 5-11) have buildings close to this shared boundary. This would ensure there is no significant harm to residential amenities for existing residents and future occupiers of the new plots. The applicant has advised that in the future it may be an option that this area of landscaping could be given over to form enlarged gardens for the residents at Nos. 5-11 Swinburn Road. However, this would be a private matter and not a matter for consideration for this application.
- 10.38. All properties to the eastern boundary have been positioned to maximise separation distances with dwellings on Swinburn Road. There would be a minimum 21m separation between main rear elevations and 12m between main and secondary elevations.
- 10.39. A variety of house types are proposed. The proposed materials comprise a mixture of brickwork, reconstituted stone, concrete double roman and plain tiles with stone cills, heads and kneelers. Such materials are broadly reflective of those used locally, noting that there is 1960 / 70s housing adjacent to the site. Details, including samples of the proposed materials, would need to be secured by condition to ensure the quality of the scheme is as expected.
- 10.40. Boundary treatments have been revised by removing close-boarded timber fencing from prominent public vantages and replacing them with hedges and boundary walls. The proposal confines timber fencing to rear gardens.
- 10.41. Parking comprises a mix of garages, frontage and side parking. Parking spaces to the front are broken up with landscaping to ensure the street is not dominated by rows of cars.
- 10.42. Following revisions to the scheme, the Urban Design Officer has confirmed there are no further comments to make on the scheme.
- 10.43. The Police Architectural Liaison Officer previously raised queries to do with security and the lack of clear demarcation between plot frontages and the public realm. Officers consider this issue is satisfactorily addressed in the latest site layout plans.
- 10.44. A further issue raised by the Liaison Officer concerns the landscape buffer provided to the rear of Nos. 5-11 Swinburn Road and that developers should avoid creating buffer spaces between existing and new back gardens. However, officers consider this buffer is required to protect amenities. Appropriate planting can be provided to deter access.
- 10.45. In summary, Officers consider that the revised design and layout represent an improvement as compared with the original submission and the concerns of officers have been addressed where possible. It is considered that the proposal accords with

the requirements of Policy HP3 of the Local Plan, Section 12 of the NPPF and the National Design Guide.

#### Heritage

- 10.46. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a conservation area.
- 10.47. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.48. Paragraph 212 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 215 goes on to advise that where a development proposal will lead to less than substantial harm to significance of an asset, this harm should be weighed against the public benefits of the proposal. This advice is reiterated in Policy HP2 of the Local Plan. A Heritage Statement has been submitted in support of the application which considers that the proposal would have a neutral impact which would not cause harm to the significance of heritage assets. There are public benefits resulting from the application.
- 10.49. The Council's Conservation Officer was consulted on the proposal but no comments have been made.

#### *Impact upon Masham Conservation Area and Listed Buildings*

- 10.50. The Council's Masham Conservation Area Appraisal provides guidance in relation to the conservation area and its listed buildings. The main development area located on land to the north of Swinton Road is sited some distance away from the conservation area which lies to the east focusing on the historic central part of Masham, extending over open land towards the River Ure. As such the proposed housing site would not affect the fabric of the conservation area. In terms of setting, there is existing housing on Swinburn Road and eastwards along Swinton Road which separates the main development area and Masham Conservation Area.
- 10.51. The Conservation Area Appraisal does however identify an existing significant hedge / field boundary along the application site's boundary as well as an area of prominent woodland along this stretch of Swinton Road. These features make an important contribution to the approach to the conservation area. The scheme would retain the hedging and all the trees along the Swinton Road frontage with the exception of one tree and a section of hedgerow to accommodate the new access into the site.
- 10.52. The land to the south of Swinton Road where the proposed drainage infrastructure would be located adjoins the far south-western corner of the conservation area where the conservation area appraisal identifies a key view across the field. This land also contains landmark trees and strategic field boundaries.

- 10.53. The proposed drainage infrastructure has been amended to ensure that hedges and tress would be unaffected. There would be no built form of development on this land (noting that there are a cluster of agricultural buildings already present on the site). As such, the proposal would not result in a significant change to the setting of this part of the conservation area.
- 10.54. There are no listed buildings within proximity of the application site with the nearest one being the Methodist Church located more than 220m from the site. Views towards the church would be unaffected. As such, the proposal would preserve the setting of the church.
- 10.55. To conclude, it is acknowledged that any development on the site has the potential to represent a change to the setting of heritage assets, in particular the approach to Masham Conservation Area. It has been demonstrated that there would be limited intervisibility between the main development area and heritage assets and the scheme would retain the important trees and hedging to the site frontage as well as provide a large landscaped area to the front of the site to ensure the scheme makes a positive contribution on the approach to Conservation Area. As such, any impact or harm to the setting of heritage assets would be at a low level and is outweighed by the public benefit of delivering housing, including affordable housing.

#### *Archaeology*

- 10.56. The Heritage Statement notes the presence of a scheduled ancient monument within the town, namely the Market Cross located within the marketplace but this is located more than 430m from the application site.
- 10.57. The Council's Archaeology Officer has commented that there is some evidence for the development of lynchets in the north-western field and the scheme will have an impact on these medieval features. Lynchets are land management features that were developed to provide level terraces to allow cultivation on sloping ground. Such features are common in landscapes surrounding medieval settlements such as Masham. They are of greater value when they form part of an extensive landscape that can be modelled and interpreted. In this case, the lynchets are part of a group of similar features that can be seen in the various steeply sloping fields to the west and south of Masham.
- 10.58. No objections are raised, but the Archaeology Officer advises that the impact of the proposed development on this transitional landscape should be considered when making a balanced planning decision. This is discussed in the Landscape section of this report.
- 10.59. It is considered the proposal is in accordance with Policy HP2 of the Local Plan and Section 16 of the NPPF.

#### Landscape and Trees

- 10.60. Local Plan Policy NE4 seeks to protect, enhance or restore the landscape character of the district. Development proposals should protect and/or enhance the character, appearance and local distinctiveness of the landscape (Criteria B) and proposals that

would be harmful or detrimental to the character of the local and wider landscape should be resisted (Criteria E).

- 10.61. The site contains no environmentally significant sites, but the Nidderdale National Landscape lies approximately 1.3km south-west of the site. Paragraph 189 of the NPPF advises that development within the setting of National Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 10.62. There are no Public Rights of Way (PROW) within the site but there are several footpaths within 20m. Footpath 15.89/21 runs east-west along Foxholme Lane to the north of the site, joining Footpath 15.89/3/3 running north-south along Finlaysons Wood. This connects to Footpath 15.89/10/1 which runs along the River Burn to the south of the application site.
- 10.63. Views looking north and south are screened by intervening hedgerow and trees, obstructing views from the site. Views west are more open, looking across neighbouring arable farmland. Views east are obstructed by neighbouring residential areas.
- 10.64. The site sits within Landscape Character Area 41: River Ure Corridor (Charlcot to Aldburgh Hall). The Council's Landscape Character Assessment advises that key sensitivities are that its rural character is sensitive to further change and that the setting of Masham is also sensitive to change and development has impacted upon approaches to the town. A Landscape and Visual Impact has been submitted (August 2023) to support the proposed development.
- 10.65. Section 245 (Protected Landscapes) of the Levelling-up and Regeneration Act 2023 (LURA) amends the duty on relevant authorities in respect of their functions which affect land in National Landscapes. Relevant authorities must now 'seek to further' the statutory purposes of Protected Landscapes. This replaces the previous duty on relevant authorities to 'have regard to' their statutory purposes. The duty also applies to functions undertaken outside of the designation boundary which affects land within the Protected Landscape. Natural beauty, special qualities, and key characteristics can be highly dependent on the contribution provided by the setting of a Protected Landscape. Aspects such as tranquillity, dark skies, a sense of remoteness, wildness, cultural heritage or long views from and into the Protected Landscape may draw upon the landscape character and quality of the setting. Functional connectivity is also important where there are flows or close interconnection between the Protected Landscape and its setting. The Nidderdale National Landscape Joint Advisory Committee advises that the topography of the site is such that it is effectively screened from views out of the NNL and that the NNL is not readily visible from this edge of Masham. However, a condition regarding lighting design is recommended to avoid harm to the dark night sky status of the NNL. As such, there would be no adverse visual or landscape impact on the NNL or its setting arising from the development and the proposal complies with the special duty applying to Protected Landscapes.

- 10.66. The Council's Landscape Officer initially raised queries over the LVIA principally to do with the fact that no suitable assessment had been made of the impacts on the landscape character of the proposed drainage elements. Furthermore, no viewpoints had been included from Footpath 15.89/3/3 which could have views into the site.
- 10.67. With regards to the requested visual viewpoint from PROW to the west of the site, the applicant has confirmed that this area lies outside the zone of visibility as it is screened by existing topography and vegetation. The Landscape Officer has since acknowledged this, and no further information is needed. The Council's Highways Footpath Officer has not raised any objections to the proposed development.
- 10.68. In terms of the landscape impacts of the proposed drainage strategy, although no addendum to the LVIA has been undertaken to provide a formal visual assessment of the drainage infrastructure, the drainage strategy has been amended and further information submitted to address matters raised in respect of landscape and trees. The changes are described in a Supplementary Drainage Note (dated 5 November 2025) and include:
- Amendment to the ditch to avoid the loss of a hedgerow;
  - Drainage connection points have been aligned to avoid potential impacts on trees on Swinton Road;
  - Drainage pond south of Swinton Road has been relocated to avoid impact on existing trees;
  - Design of the ditch to the west of the main development area has been revised to improve its alignment with the natural topography of the land and away from the proposed road layout.
- The Note includes examples of grassed shallow drainage ditches to show how they typically appear. The ditch would be very shallow and potentially less intrusive as compared with managing surface water via underground piping.
- 10.69. The overall approach to the design of the drainage strategy is to ensure it follows and integrates with the natural topography. The proposed cut-off ditch to the west of the main development area has been designed to redirect surface water from the sloping field away from the proposed dwellings. The alignment would follow the existing contours of the field to ensure disruption to landscape is minimised.
- 10.70. In order to retain existing hedgerow along the ditch route, a culvert is introduced between the two sections, maintaining landscape integrity while allowing field access. No trees or shrubs are proposed along the alignment of the ditch as introducing such vegetation would be inconsistent with the character of the existing field environment. The basin itself would have a 150mm layer of topsoil and seeded to encourage vegetation growth. The affected land would be reinstated with grass cover and meadow planting. Intervening hedgerow and trees would limit visibility.
- 10.71. The Landscape Officer has reviewed the further information submitted and has confirmed there are no further landscape comments to raise. No specific comments were made regarding lynchets but this is an allocated site where housing development would be expected to come forward.

- 10.72. An important element of the landscape design is the retention of as many trees and hedges as possible, whilst appreciating that this is a site allocated for housing. As such, some loss to existing planting is inevitable especially where access to the site must be created.
- 10.73. The Landscape Masterplans show the proposed landscape strategy for the site. On the main development site the western and northern site boundaries would have new hedge and tree planting with existing boundary vegetation to be enhanced wherever needed to help integrate the development and soften views. This is one of the key site requirements for the allocation. Planting within the development would comprise of native and ornamental species thereby ensuring a range of tree types and sizes to suit the spaces. Hedges and shrub planting is proposed to plot boundaries on street frontages and wherever possible. The proposed planting would help to soften street frontages and help assimilate the scheme into its surroundings.
- 10.74. The proposed areas of public open space would include footpaths to connect them to the main internal road network. As noted earlier, a formal pedestrian footpath connection is proposed to link the northern public open space through to the adjacent existing The Oaks open space and playground.
- 10.75. The Council's Parks Team have raised no objections but request further details on the landscaping plans and footpath routes through the open spaces. A condition is recommended requiring the submission of a detailed planting scheme and hard landscaping details, including alignment of the footpaths within the amenity areas. A management and maintenance plan for the areas of public open space and landscape buffer adjacent to Nos. 5-11 Swinburn Road will be secured by S106 agreement.
- 10.76. The proposed link to the existing play area is welcome as it is one of the allocation site requirements. However, it would need to be discussed with the Council's Estate Team as the Council owns the open space and playground. The Estate Team have not raised any objections to the principle of such a connection but wish to discuss the detail of the connection such as path alignment and construction design. As such, consent from the Council will be needed, separate to planning permission. Officers recommend that the details of path, including its alignment and point of access to the adjacent open space can be secured by S106 Agreement.

#### *Trees*

- 10.77. Local Plan Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement. New development should be designed to ensure a satisfactory relationship between buildings and trees. Proposals that would result in the loss of, or damage to ancient or veteran trees or trees that are subject to a tree preservation order will not be permitted unless there is an overriding need for the development that outweighs the loss or harm (Criteria A). Paragraphs 187 (b) and 193 of the NPPF also recognises the importance of trees, including ancient or veteran trees, to the natural environment.

- 10.78. The site contains trees that are protected by Tree Preservation Order (TPO) as well as veteran trees and noteworthy trees that can be described as 'landmark' trees along the north and south sides of this stretch of Swinton Road and towards the northern boundary of the main development area. There is a large veteran tree (T8) located adjacent to the rear garden of No. 39 Swinburn Road which is particularly prominent in views.
- 10.79. The Council's Tree Officer reviewed the original application submission and raised objections to the proposal. The principal concern was to do with incursions into root protection areas (RPAs) of trees shown to be retained. Furthermore, the RPAs for the trees along the site frontage were not representative of site conditions. Incursions into RPAs are only acceptable if there is an overriding planning justification and new areas can be created to offset the loss of rooting areas. Overriding justification includes to gain access to the site. The use of 'no-digs' was noted but this was not supported as the development should be amended such that no works would be permitted within RPAs.
- 10.80. The submitted tree appraisal included proposed felling of a number of trees which the Tree officer did not support. The identified veteran tree (T8) required a larger RPA and the proposed drainage infrastructure on land to the south of Swinton Road could result in flooding to rooting areas of trees and potential premature loss.
- 10.81. The proposal has since been subject to significant revisions including the set back of dwellings from the main site frontage to allow for a landscaped amenity area to be provided along the site frontage. Footpaths that were previously shown to be within RPAs have been removed and the drainage works to the south have been revised, including relocated basin to take account of existing trees and hedgerows. Revised Arboricultural Assessment (Rev B), Method Statement (Rev B) and Tree Protection Plans have been submitted in support of the changes and to address the previous concerns raised.
- 10.82. One tree (T12) and sections of hedgerow (Section 6) along the northern side of Swinton Road would need to be removed to facilitate access into the main development area. A section of defunct hedge (Section 11) would be removed within the main development area. These are categorised as Grade 'C' Rating. In addition, it is recommended that tree (T14) sited along the Swinton Road frontage should be removed as it is in decline with ash dieback and therefore rated Grade 'U'. There is a small group of trees (Group 3) along the northern boundary of the main development area that would also need to be removed. Again, these have been categorised as Grade 'C'. A tree (T39) would be lost to create the new drainage pond.
- 10.83. There is a fallen trunk from one of the veteran protected trees (T2) along the northern boundary of the main development area. Standing and fallen dead wood are important features and so a deadwood pile has been created in close proximity to T2.
- 10.84. As discussed above, compensatory tree and hedgerow planting are proposed to offset the loss required to facilitate the development. The new trees would be positioned to ensure they can reach full maturity without requiring regular or major pruning works.

- 10.85. At the time of drafting this report, final comments from the Tree Officer are outstanding. A verbal update in respect of tree matters will be provided at the Planning Committee meeting. In the meantime, it is recommended that condition(s) are in place requiring details of the measures to protect existing trees to be retained.
- 10.86. The proposed development would necessitate the removal of protected trees but this would facilitate access into the main development site as well as remove a tree in decline. The site is allocated for housing development and as such it is considered there is an overriding need for the development that would outweigh the loss of the trees in accordance with Policy NE7 of the Local Plan. The majority of trees and hedgerow, including the identified veteran trees, would be retained with the development in place. As such, the proposal is considered to accord with Local Plan and NPPF policies.

#### Ecology and Biodiversity

- 10.87. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 of the Local Plan requires proposals to protect and enhance features of ecological and geological interest. Major developments should avoid any net loss of biodiversity. The application was submitted well before the 12 February 2024 when mandatory biodiversity requirements were introduced and so the local plan requirement for 'no net loss' is applicable here.
- 10.88. The application is supported by a Biodiversity Enhancement Management Plan (dated March 2022) and Ecological Impact Assessment (dated August 2023). More recently, a Biodiversity Impact Assessment (February 2026) and updated Biodiversity Net Gain (BNG) Metric have been submitted to take account of revisions and comments made by the Council's Ecology Officer during the course of the application. The updated reports have been informed by more recent surveys and site walkover surveys.
- 10.89. The application site is not covered by any designation for nature conservation reasons. There are two national statutory designations located within 2km which is Mar Field Fen Site of Special Scientific Interest (SSSI) and Nidderdale National Landscape, located approximately 1km north and 650m west respectively. In addition, there are two Sites of Importance for Nature Conservation (SINC) within 2km of the site, namely Marfield Gravel Pit (1.17km north) and River Ure (1.6km south-east). Due to the localised nature of the works within the main development area, direct impacts to these sites would be negligible.
- 10.90. The Ecological Impact Assessment concluded that the site is of relatively moderate ecological value, with the main value lying within the boundary mature trees and hedgerows. The surrounding wooded area, scrub, tree line, hedges and watercourse provide a variety of habitats for protected species to move through the area.
- 10.91. The removal of two Ash trees (T12 and T14) are assessed as having low and negligible potential for roosting bats. However, absence can never be guaranteed, and the Ecology Officer recommends a precautionary approach is taken and soft

felling technique should be implemented under the watch of an ecological clerk of works.

- 10.92. The surrounding habitat has the potential for badgers to move through the site prior to or during works. As such, an additional site walkover should be undertaken no earlier than three months of works commencing on site. Findings should be reported to the Local Planning Authority.
- 10.93. The presence of Great Crested Newts (GCN) in the locality is noted. The applicants have indicated they wish to pursue a District Level Licence for GCN which requires a certificate from Natural England. It is preferred for this to be provided prior to determination of the planning application but this matter can be satisfactorily addressed by condition to ensure no works commence before a certificate is provided. The lack of a certificate at this stage would not of itself be a reason to refuse planning permission.
- 10.94. A Construction Ecological Management Plan (CEcMP) is recommended to be secured by condition. This should include pre-commencement surveys of mobile species, timing of works, protection of retained habitats and methods to control invasive species.
- 10.95. The proposal would include a number of ecological enhancements including provision of bird and bat boxes, installation of hedgehog gaps within boundary treatments and log piles to act as refugia for a range of species within areas of open space. Such measures can be secured by condition.
- 10.96. Bespoke compensation is proposed for the removal of fallen deadwood from beneath tree T2, a veteran tree. Deadwood logs have been replaced beneath the tree and a long-term monitoring and management plan is proposed that includes the creation and maintenance of deadwood habitats to ensure a continuous supply. A condition is recommended to this effect.

#### *Biodiversity*

- 10.97. In terms of existing habitat, the existing (pre-development) site provides for 12.09 habitat units, 1.79 hedgerow units and 0.97 watercourse units.
- 10.98. In assessing BNG, impacts along the drainage route, including impact to Swinney Beck (watercourse units) should be assessed. Although the beck is located offsite to the east, the 10m riparian zone is within the site boundary.
- 10.99. The main development area comprises grassland fields separated by a defunct hedge and hedges and mature trees along the northern and southern boundaries. There is an area of marsh / marshy grassland towards the south-western corner.
- 10.100 The drainage works area to the west of the main development comprises grassland fields. Habitats in the drainage area to the south of Swinton Road include a series of poor semi-improved grassland fields separated by hedgerows, a pond and scattered trees.

- 10.101 All habitats within the main development area would be lost, including the grassland fields, the defunct hedge (H11) and area of marshy grassland. In addition, a small section of hedgerow (H6) and a tree (T12) along the Swinton Road frontage would be lost to gain access into the site. As noted earlier, another tree (T14) within the hedge (H6) would be lost due to ash dieback.
- 10.102 Areas of grassland would be lost to create the drainage swales and the full extent of the existing pond and grassland would be lost as well as a H14 and a tree (T39) to create the new drainage pond.
- 10.103 The proposed development would include new and enhanced landscaping, tree planting, use of flood-tolerant grassland mixes and retention of most hedgerows and trees. With these in place, the completed development would achieve 15.05 habitat units, 2.57 hedgerow units and 1.57 watercourse units. This equates to a 24.52% net gain in habitat; 43.76% net gain in hedgerow and 63.17% net gain in watercourse units. As such, the proposal exceeds the Local Plan policy requirement to ensure no net loss of biodiversity and meets Paragraph 187 (d) of the NPPF of minimising impacts on and providing net gains for biodiversity.
- 10.104 In addition, bespoke compensation is proposed for the removal of fallen deadwood from beneath tree T2, a veteran tree / irreplaceable habitat is proposed. Deadwood logs have been replaced beneath veteran tree T2. There will be the implementation of a long-term monitoring and management plan that includes the creation and maintenance of deadwood habitats to ensure a continuous supply. A condition is recommended to this effect.
- 10.105 In summary, the proposal would meet the Local Plan Policy NE3 requirement to ensure there would be no net loss of biodiversity as well as providing net gains for biodiversity in accordance with paragraph 187(d) of the NPPF. The on-site BNG is significant due to the complexity of the habitats created and the inclusion of high and medium distinctiveness habitats. As such, there is a need for a Habitat Management and Monitoring Plan (HMMP) which can be secured by condition.

#### Highways and Access

- 10.106 Policy T11 of the Local Plan requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Policy T13 states that development will be supported where it incorporates appropriately designed vehicle and cycle parking.
- 10.107 Paragraph 115 of the NPPF advises that in assessing sites, it should be ensured that safe and suitable access can be achieved for all users (criteria b). Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe (paragraph 116, NPPF).
- 10.108 The application is supported by a Transport Assessment (Ref. 21117) which has been updated in line with changes made to the scheme (latest version is dated 14 November 2025).

- 10.109 In terms of the existing highway network, that part of Swinton Road closest to the application site is variable in width with a narrow footway along its southern side. Along the northern edge, there is a verge which is heavily vegetated with a mix of large mature trees and shrubbery. The road is derestricted as it passes the site, reducing to 30 mph adjacent to the eastern end of the site close to the junction with Swinburn Road.
- 10.110 The principal vehicle and pedestrian access to the main development area (i.e. north side of Swinton Road) would be via a new priority T-junction off Swinton Road. The site access would have 7.5m radii kerbs, be 5.5m wide with footways either side. Visibility splays of 2.4m x 43m would be provided at the site access to conform to Manual for Streets. The Local Highway Authority has confirmed these are acceptable.
- 10.111 The access arrangements would involve reducing the speed limit from 60 mph to 30 mph from a point on Swinton Road westwards of the site so that traffic speeds would be restricted outside of the site. The LHA has confirmed this will require a Traffic Regulation Order (TRO) and the fees associated with funding its preparation and introduction must be secured by S106 Agreement.
- 10.112 The internal road network is to be constructed to adoptable standards with the main central spine road offered for adoption under Section 38 of the Highways Act. Swept path analysis has been undertaken to demonstrate that a refuse vehicle and/or large car can satisfactorily access and egress the site. The turning heads provided internally allow a refuse vehicle to turn around within the site and the private roads and driveways leading off the central spine road also provide sufficient turning space as well as room for large vehicles to pass on another within the site.
- 10.113 In terms of drainage, the LHA note that the existing unmade track to be used to provide vehicular access to the proposed drainage infrastructure on land to the south of Swinton Road would need to be extended and upgraded to facilitate operational access for Yorkshire Water. These access improvements must be secured through a separate Section 184 commercial licence application, but a planning condition is also recommended to ensure final details are submitted to show the access arrangements and location of maintenance parking.
- 10.114 The LHA is satisfied that the proposal meets the required standards in terms of highway design and junction visibility to ensure a safe and suitable access can be provided and that the service arrangements are adequate for the needs of the development.
- 10.115 In terms of pedestrian and cycle connectivity, pedestrian and cycle links would be constructed via the new access point off Swinton Road. A new 2m wide footway is proposed eastwards which would tie into the existing link along Swinton Road which would facilitate access towards Masham facilities, including nearby bus stops. There is an additional footpath running through the amenity space at the southern end of the site which would open onto the new footway along Swinton Road.
- 10.116 A pedestrian link is also proposed from the public open space at the northern end of the site which would connect to the existing adjacent playground / open space and

beyond to The Oaks residential estate. This additional pedestrian link through to Swinburn Road and along Westholm Road / Red Lane would provide an alternative option for residents of those plots situated on the northern side of the development. As noted earlier, this northern link can be used by cyclists but they would need to dismount to access Swinburn Road / The Oaks.

- 10.117 A local representation has been made about the planned cycle link path connecting to the footpath that runs alongside the children's play area. A concern is raised that the existing footpath is used by pedestrians and parents with prams and is not wide enough and is unsuitable for cyclists. Officers agree with this and confirm that the footpath proposed would be designed for pedestrians rather than specifically one to accommodate cyclists.
- 10.118 The nearest bus stop is located on Market Place which is 650m away from the site. This serves multiple bus routes including routes 138, 144 and 159 providing access to key destinations including Ripon and Richmond as well as the surrounding villages.
- 10.119 Off-street parking is provided for all the plots. The parking spaces across the site accord with the Council's minimum parking standards. Nine visitor parking spaces are provided towards the centre of the development.
- 10.120 Electric vehicle charging points would be installed at each property and cycle storage provided by way of a garage or shed for those plots without a garage.
- 10.121 The LHA recommend that a Travel Plan is required to ensure that the development is as sustainable as possible and to enable future households to embrace the credentials of sustainable travel. The Travel Plan can be secured by condition.
- 10.122 The Transport Statement includes analysis on the potential impact of the development on the local highway network. The proposed development is predicated to generate no more than 30 two-way trips in the AM and PM peaks. The LHA advise that the traffic generated by the site is well within the normal daily functions in traffic flows that could be expected on Swinton Road and the surrounding local highway network. As such, the impact of the traffic generated by the site is therefore considered to be negligible.
- 10.123 The LHA has recommended conditions in respect of road construction details, visibility splays, parking and construction management plan. A S106 contribution will be needed to contribute towards the recommended TRO. With these in place, it is considered that the proposed development meets the requirements of Local Plan Policies TI and TI3 and paragraph 115 of the NPPF.

#### Flood Risk and Drainage

- 10.124 Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flooding elsewhere and to ensure there is no increase in surface water flow rate, giving priority to sustainable drainage systems where possible. Development will only be permitted where it has an acceptable low risk of being affected by flooding when assessed through sequential testing against the most up to date flood risk maps.

- 10.125 Paragraph 175 of the NPPF advises that the sequential test should be used in areas to be at risk now or in the future from any form of flooding. Paragraph 177 goes on to say that having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding, the exception test may have to be applied.
- 10.126 A Flood Risk Assessment and Surface Water Management Strategy (Rev B, dated 1 December 2021) accompanies the application. This should be read alongside more recent drainage information submitted comprising a Drainage Note (dated 5 November 2025) and suite of drainage plans submitted in August and November 2025. This latest information has been made in response to queries raised by the Lead Local Flood Authority (LLFA) during the course of the application.
- 10.127 The site lies within Flood Zone 1 with low probability of flooding from rivers. The risk of surface water flooding is low across the site however there is an area to the south-east corner of the site where surface water run-off from the hillside areas to the north and west of the development area collects. The (LLFA) confirms there is an overland flow route which crosses the site to this area from the north-west. Mapping information indicates that this flow route intercepts the area of surface water flooding / ponding on the site and then flows to both Swinney Beck and the River Burn.
- 10.128 Paragraph 180 of the NPPF advises that where planning applications come forward on allocated sites there is no need to apply the sequential test as this will have been applied at the plan making stage. However, the Exceptions Test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan making stage, or if more recent information about existing or potential flood risk should be taken into account. The Exceptions Test provides a method of managing flood risk while allowing necessary development to occur.
- 10.129 PPG: Flood Risk and Coastal Change provides further guidance on this matter. It states that where a development proposal is in accordance with a Local Plan allocation it should not be necessary to repeat the Exception Test unless elements of the development that were key to satisfying the test at the plan making stage have changed or the understanding of current or future flood risk has changed significantly. In this case, the site is within Flood Zone 1 and although there is a higher risk of surface water flooding at the south-eastern corner this can be mitigated to ensure any residual risk is low. It is therefore considered that the Exceptions Test would not need to be reapplied and it is demonstrated that the proposal meets the requirements of the NPPF in respect of steering new development to areas with the lowest risk of flooding.
- 10.130 Ground investigations have shown that the disposal of surface water via soakaway is not viable. As such it is necessary for surface water to be discharged via nearby watercourse, the nearest one being Swinney Beck which runs to the east of the site and southwards before joining the River Burn.

- 10.131 There are no surface water sewers or combined sewers within or close to the development site. Yorkshire Water advise that the Statutory Sewer Map shows public foul water sewer infrastructure recorded to cross the site.
- 10.132 The proposed drainage strategy is designed to manage surface water in two ways: the management of existing surface water; and the management of surface water produced as a result of the proposed development.
- 10.133 In terms of managing existing surface water overland flows, the proposal is shown on the Off-Site Drainage Plans. It is proposed to divert surface water from the surrounding slopes by way of a new cut-off ditch located to the west of the main development area, which would intercept and redirect water flow that currently drains onto the site, thereby preventing pooling and improving site conditions. The ditch would then have a formal connection crossing under the public highway to land on the south side of Swinton Road to an existing pond which would be enlarged as part of the works to form a temporary storage basin. The pond would then have a swale to channel any overflow from this, restricted to greenfield run-off rates, to Swinney Beck.
- 10.134 The submitted Management and Maintenance Schedule advises that maintenance of the basin and associated swale would be undertaken by a designated management company whose responsibilities would include preventing the accumulation of silt within the basin and swale.
- 10.135 The proposed strategy for managing surface water direct from the proposed development area is shown on Drainage Strategy Sheet 1 (Dwg No. 23369-DR-C-0100 Rev P5) and Sheet 2 (Dwg No. 23369-DR-C-0101 Rev P3). Surface water management from the development would be directed underground to a proposed attenuation basin located south-east of Swinton Road. Sewers within the development site plus the outfalls and basin would be adopted and managed by Yorkshire Water via a Section 104 Agreement. However, the developer would be responsible for managing the infrastructure until final adoption.
- 10.136 Following receipt of the updated drainage plans received in August and November 2025, the LLFA have advised that the proposal demonstrates a reasonable approach to the management of surface water on site. A condition is recommended requiring that the development be built in accordance with the drainage documents and plans submitted which include restriction of flow rates, allowance for climate change and urban creep accordance with detailed maintenance and management regimes.
- 10.137 In terms of foul water drainage, it is proposed that foul water from the development would discharge into the public foul sewer in Swinburn Road. Due to the potential inconvenience and disruption caused by roadworks to connect to this sewer, and possible level issues, the connection would be downstream on the land south of Swinton Road at a new hydrobrake manhole.
- 10.138 Yorkshire Water have raised no objections subject to conditions to require the development to be carried out in accordance with the submitted drainage strategy. In addition, a condition preventing construction in the relevant area(s) of the site to

commence until details of the measures in place to protect public sewerage infrastructure have been submitted and approved.

10.139 The Environment Agency (EA) have raised no objections to the proposal.

10.140 In summary, the proposed development with the proposed development would not increase the risk of flooding elsewhere with the proposed drainage strategy incorporating sustainable drainage systems. With the recommended conditions in place, the proposal complies with the requirements of Policy CC1 of the Local Plan and the relevant provisions of the NPPF.

#### Land Contamination

10.141 Phase 1 and Phase 2 Site Investigations Reports have been submitted together with a Gas Assessment. These have been reviewed by the Council's Environmental Health Officer (EHO) who advises that given the site's historical use for agriculture and grazing, no site remediation is required and only a watching brief for visible or odorous contamination is recommended.

10.142 The submitted Gas Assessment found that carbon dioxide and methane would not be an issue for future residents with the category of the site being 'green' with no requirements for gas protection measures.

10.143 The EHO recommends a condition requiring submission of a remediation strategy in the event that contamination not previously identified is encountered. Furthermore, an Informative is required to ensure that topsoil taken onto the site for the purposes of forming a domestic garden is certified as suitable for use.

#### S106 Legal Agreement

10.144 The following Heads of Terms have been agreed with the applicant for this application.

<b>Table 1</b>		
<b>Category / Type</b>	<b>Contribution</b>	<b>Amount</b>
Affordable Housing	40% on site provision	18 dwellings: 3 x 1-bedroom M4(2) 8 x 2-bedroom M4(2) 5 x 3-bedroom M4(2) + M4(3) 2 x 4-bedroom M4(2)  13 Social Rented: Plots 5, 6, 15, 16, 20, 21, 29, 34, 35, 36, 37, 42 and 43  5 Shared Ownership: Plots 3, 4, 28, 26 and 27

Off-Site Public Open Space and Village Hall Enhancements	Total Off-Site Open Space Provision comprising: Bellfield Gardens Allotments The Oaks St. Mary's Cemetery Masham Recreation Ground The Oaks  Masham Town Hall  Total Off-Site Provision	£105,557.25  £4,376.87 £19,326.79 £17,340.75 £20,333.33  £44,179.51  £88,511.32  £194,068.32
On-Site Open Space Provision and Management	Maintenance Payment: To the Council or to a Management Company as financial security for ongoing maintenance of on-site open space for 10 years  Public Open Space Management Plan	£31,922.45  To be submitted for approval. The POS will be managed and maintained by a management company.
Health	To fund works at Masham Surgery and/or contribute towards new development for Primary Care Network.	£53,658.00
Biodiversity Net Gain	BNG Monitoring Fee	£3,040 required for monitoring and reporting at various stages.
Highways	Contribution towards the Traffic Regulation Order for extending 30 mph speed zone on Swinton Road	£5,000.00
New Pedestrian Footway	Provision of new footway and gate to connect to the The Oaks open space / playground	Details of the path and point of access to be agreed including timing for completion.
S106 Monitoring Fee	Monitoring fee to cover the costs of monitoring	£441 paid on completion of S106 Agreement

	commencement of development.	
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- 10.145 The representation from the Governing Body of Masham Primary School is noted however the Council's Education Team (Strategic Planning, Children and Young People's Service) have advised that no developer contribution could be sought towards education facilities.
- 10.146 Policy TI4 of the Local Plan requires developers to make reasonable on-site provision and/or off-site provision, and/or contributions towards infrastructure and services in order to cater for the needs generated by the development. Table 1 above sets out the S106 contributions required for this development.
- 10.147 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

## **OTHER MATTERS**

### Energy

- 10.148 The NPPF requires that all development proposals are in line with the Government's zero carbon buildings programme. Policy CC4 of the Local Plan requires developments to make the fullest contribution to reducing greenhouse gases. The submitted Energy Report (dated June 2024) sets out the measures proposed in line with the energy hierarchy: energy reduction; energy efficiency; and renewable energy.
- 10.149 The layout has been designed to maximise a north-south orientation whereby dual aspect dwellings enable views, good daylighting and cross ventilation. The dwellings would be designed to include high levels of insulation, reduce heat loss, have high performance glazing and be fitted with energy efficient lighting and white goods. All dwellings will be provided with highly efficient Air Source Heat Pumps and electric vehicle charging points. Conditions are required to cover the heat pumps and charging points.

### Minerals and Waste

- 10.150 The Council's Minerals and Waste Team advise that the site is within a Minerals Safeguarding Area and falls under the following exemption criteria:

'Applications for development on land which is already allocated in an adopted local plan where the plan took account of minerals and waste safeguarding requirements, or, in the case of an emergency local plan allocations, where the Minerals and Waste Planning Authority has raised no safeguarding concerns during consultation on the emerging plan allocation.'

10.151 Furthermore, there are no active quarry sites or waste facilities within 500m of the application site and no sites have been proposed for allocation of minerals or waste activities in the Minerals and Waste Joint Plan within that 500m zone.

#### Overhead Lines and Cables

10.152 Overhead power cables run north to south across the site. These are proposed to be taken underground as part of the development works.

10.153 Northern Powergrid have no objections to the development providing that their statutory rights are not affected and that rights of access to apparatus for maintenance, replacement or renewal works are not affected. An Informative is recommended to this effect.

#### Health and Safety Executive / Ministry of Defence

10.154 The HSE is a statutory consultee for certain developments within the Consultation Distance of Major Hazard Sites / pipelines. The fields to the south of Swinton Road which would contain the proposed drainage infrastructure are within a consultation zone of a major hazard site, namely the l'Anson Bros pet food and animal feeds site on Thorpe Road.

10.155 The HSE has confirmed that they do not advise, on safety grounds, against the granting of planning permission in this case.

10.156 The application site occupies the statutory safeguarding zone(s) surrounding the RAF Leeming. In particular, the aerodrome height, technical birdstrike safeguarding zones surrounding the aerodrome and is about 12km from the centre of the airfield. The MOD Safeguarding Team have reviewed the application and confirmed there are no safeguarding objections.

#### Equality Act 2010

10.157 Under Section 149 of the Equality Act 2010, Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

10.158 The design of the scheme and its layout is considered to have a positive effect on persons with protected characteristics. For example, pavements are sufficiently wide to accommodate wheelchair users and baby / children pushchairs, the on-site public open space is accessible and overlooked and provides opportunities for interaction between people and the scheme includes dwellings that meet accessible and adaptable standards. It is therefore concluded that the above legislation is not prejudiced by the proposal.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The site falls within development limits for Masham which is identified in the Local Plan as a Local Service Centre where land will be allocated to deliver new homes to support the centre's service role. Policy DM1 allocates the land to the north of Swinton Road for housing, namely Allocation M8. The principle of residential development on this site accords with the Local Plan allocation and is considered to be acceptable in principle.
- 11.2. Matters relating to layout, design, landscape, flood risk and drainage, and highways have been amended to address concerns raised by officers, statutory consultees and local residents. Final comments from the Council's Tree Officer are outstanding and a verbal update on tree matters will be provided at the Planning Committee meeting.
- 11.3. As the Harrogate Local Plan is now more than 5 years old and the housing land supply is less than 5 years, Paragraph 11(d) of the NPPF is consequently engaged for applications involving the provision of housing i.e. the presumption in favour of sustainable development. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (Paragraph 11(d) ii).
- 11.4. The benefit of providing 46 homes, including affordable housing, on an allocated site makes a positive contribution to housing delivery. Subject to confirmation from the Council's Tree Officer, with conditions and planning obligations in place, it is considered there would be no adverse effects created by the development that would significantly and demonstrably outweigh the social and economic benefits of the scheme. As such and in accordance with NPPF Paragraph 11(d) the application is recommended for approval.

## **12.0 RECOMMENDATION**

- 12.1 That members are MINDED TO GRANT planning permission subject to receiving outstanding comments from the Council's Tree Officer, the conditions listed below and prior completion of a S106 agreement with terms as detailed in Table 1 with the decision and imposition or amendment of conditions as a result of the outstanding comments delegated to the Head of Development Management.

### **Recommended conditions:**

#### **Condition 1 Time Limit**

The development hereby permitted shall be begun on or before 3 years from the date of the granting of this consent.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

#### **Condition 2 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following approved plans:

PL205 Rev I Proposed Site Location  
 PL1012 Rev B Development Site Areas Incl Principle Views  
 PL200 Rev AM Proposed Site Layout  
 PL201 Rev A Roof Pitch Locations  
 PL1013 Rev A Dwelling Materials  
 PL210 Rev K External Proposed Levels  
 PL211 Rev D Proposed Site Sections  
 PL212 Rev A Proposed Site Sections  
 PL213 Rev A Proposed Site Sections  
 PL300 Rev F Healey House Type  
 PL301 Rev B Healey House Type  
 PL302 Rev B Healey House Type  
 PL311 Rev F Leyburn House Type  
 PL320 Rev D Bedale House Type  
 PL321 Rev A Bedale House Type  
 PL322 Rev – Bedale House Type  
 PL335 Rev D Harrogate House Type  
 PL336 Rev – Harrogate House Type  
 PL340 Rev B Ilkley House Type  
 PL341 Rev A Ilkley House Type  
 PL356 Rev A Henley House Type  
 PL357 Rev E Henley House Type  
 PL360 Rev G Colton / Barton House Type  
 PL361 Rev A Henley House Type  
 PL362 Rev – Colton / Barton House Type  
 PL380 Rev D Masham House Type  
 21056-CO-LP-0-00 Rev 15 Landscape Plan Key  
 21056-CO-LP-0-01 Rev 15 Landscape Plan 1 of 3  
 21056-CO-LP-02 Rev 15 Landscape Plan 2 of 3  
 21056-CO-LP-03 Rev 15 Landscape Plan 3 of 3

Reason: In order to ensure that the development is carried out in accordance with the approved drawings.

**Condition 3 Tree Protection**

Notwithstanding the details provided in the submitted Arboricultural Method Statement (dated January 2026), no phase of the development hereby approved, including demolition or enabling works, shall be carried out until a detailed Arboricultural Method Statement (AMS), a Root Protection Area Plan, and alternative construction / protection measures required to address conflicts that cannot be designed out have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the approved AMS shall be implemented in full prior to any works taking place and during construction. No trees shown to be retained will be felled, pruned or otherwise impacted without the written approval of the Local Planning Authority. Tree

protection measures, including protective fencing, must remain in place until all development subject of this permission is completed.

Reason: In the interests of general amenity and in accordance with Policy NE7 of the Local Plan.

#### **Condition 4 Construction Management Plan**

No development for any phase of the development hereby approved 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 approved 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 of 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. highway dilapidation survey of existing carriageway for construction routing, accesses and off-site highway work;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate;
12. means of minimising dust and 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;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling / disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during construction phases;
19. a detailed method statement and programme for the building of works; and
20. contact details for the responsible person (site manager / office) who can be contacted in the event of an issue.

Reason: In the interests of public safety and amenity and in accordance with Policies TI1 and HP4 of the Local Plan.

**Condition 5 Road and Footway Layout**

Except for investigative works, no excavation or other groundworks or the depositing of materials 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 aspect 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.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Road Safety Audit prior to the commencement of works on site.

The development must be carried out in accordance with the approved engineering drawings.

Reason: To secure an appropriate highway construction to an adoptable standard in the interests of highway safety, the amenity and convenience of all highway users and in accordance with Policies TI1 and HP4 of the Local Plan.

**Condition 6 Visibility Splays**

There must be no access or egress by any vehicles between the highway and the application site at Swinton Road until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety and in accordance with Policy TI1 of the Local Plan.

**Condition 7 Adoptable Roads and Footways**

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 by the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users and in accordance with Policies T11 and HP4 of the Local Plan.

### **Condition 8 New Private Access or Verge Crossing**

The development hereby approved must not be brought into use until the access to the site at Swinton Road has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing off the highway verge and/or footway must be constructed in accordance with the details submitted to the Local Planning Authority. The details should include but not be limited to the following requirements:

- Any gates or barriers must be erected a minimum distance of 10m back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- That part of the access extending 10m into the site from the carriageway of the existing highway must be at a gradient not exceeding 1/30.
- Provision to prevent surface water from the site / plot discharging onto the existing or proposed highway.
- The final surfacing of any private access within 5m of the public highway must not contain any loose material that is capable of being drawn onto the existing or proposed public highway.
- Measures to enable vehicles to enter and leave the site in forward gear.

The development must be carried out in accordance with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of highway users in accordance with Policy T11 of the Local Plan.

### **Condition 9 On-Site Drainage**

The development hereby permitted shall be constructed in accordance with the following submitted designs and documents:

- Construction Drainage, Ref. 23369-DR-C-0111 Rev P1, dated July 2023
- Drainage Strategy (1 of 2), Ref. 23369-DR-C-0100 Rev P5, dated July 2023
- Drainage Strategy (2 of 2), Ref. 23369-DR-C-0101 Rev P3, dated July 2023
- Offsite Drainage Works, Ref. 23369-DR-C-0103 Rev P7, dated July 2023
- Offsite Drainage Works Sheet 2, Ref. 23369-DR-C-C0107 Rev P1, dated July 2023
- Cut-off Ditch Plan, Ref. 23369-DR-0105 Rev P3, dated March 2024
- Cut-off Ditch Sections, Ref. 23369-DR-C0106 Rev P3, dated March 2024
- Surface Water Drainage Maintenance and Management Schedule Ref. 233

The flowrate from the site shall be restricted to a maximum flowrate of 3.1 (three point one) litres per second for the surface water drainage. A 40% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme

shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

The discharge rate for the overland flow cut-off ditch and attenuation basin shall be restricted to the greenfield runoff rate of 24.8 (twenty-four point eight) litres per second.

Reason: To ensure that the development is built to the submitted drainage design, to prevent increased risk of flooding, to ensure the provision of adequate and sustainable means of drainage in the interests of amenity and in accordance with Policy CC1 of the Local Plan.

#### **Condition 10 Sewerage Infrastructure Protection**

No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid out within the site boundary have been implemented in full in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The details shall include, but not exclusive to, the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public sewer network and in accordance with Policy CC1 of the Local Plan.

#### **Condition 11 Highways Drainage Access**

Details of the access improvement works, including extension of the access, to allow operational access to the attenuation basin by statutory undertaker(s) must be submitted to and approved in writing by the Local Planning Authority. The upgrade and extension works must be undertaken in accordance with the approved details and completed prior to first occupation of the development hereby approved.

Reason: In order to provide safe and operational access by statutory undertaker(s) to the necessary infrastructure and in accordance with Policies TI1 and CC1 of the Local Plan.

#### **Condition 12 Unexpected Land Contamination**

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority or (b) the Local Planning Authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the Local Planning Authority.

Reason: To ensure the risks from land contamination to 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 risks to workers, neighbours and other offsite receptors in accordance with Policy NE9 of the Local Plan.

### **Condition 13 Travel Plan**

Prior to the first occupation of the development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include:

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the Travel Plan;
- a commitment to delivering the Travel Plan objectives for a period of at least 5 years from first occupation of the development; and
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

The development must be carried out and operated in accordance with the approved travel plan. Those parts of the Approved Travel Plan that are identified therein as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non car modes of transport in accordance with Policy TI1 of the Local Plan.

### **Condition 14 Parking**

No dwelling shall be occupied until the related parking facilities, including on-street visitor bays and cycle storage facilities have been constructed in accordance with the details shown on Proposed Site Layout (PL200 Rev AN). Once created, these parking areas and cycle storage facilities must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles and cycles in the interests of safety and general amenity of the development and in accordance with Policy TI3 of the Local Plan.

### **Condition 15 Electric Vehicle Charging**

Electric vehicle charging points shall be installed for all dwellings hereby approved as shown on Proposed Site Layout (PL200 Rev AN). The charging points shall be of

Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). The development shall not be brought into use until the associated charging points are installed and are operational. The charging points shall be retained thereafter.

Reason: To safeguard the environment and mitigate climate change in accordance with Policies CC4 and TI4 of the Local Plan.

**Condition 16 External Materials**

Before any work commences above damp proof course level in the development hereby permitted, samples of those materials which shall be based on the Dwellings Materials Plan (PL1013 Rev A) shall have been made available on site for inspection by, and the written approval of, the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the materials used conform to the amenity requirements of the locality in accordance with Policy HP3 of the Local Plan.

**Condition 17 Landscaping**

No development above slab level shall take place until a detailed scheme for hard and soft landscaping, including the planting of trees and/or shrubs, the alignment of footpaths through the areas of public open space, and the use of surface materials has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the submitted Landscape Plans ((21056-CO-LP-0-00, 01, 02, 03 Rev 15) and shall specify materials, species, tree and plant sizes, numbers and planting densities, method of planting protection and support, timing of implementation of the scheme, including any earthworks required, and details of measures for management and maintenance. Thereafter the landscaping shall be implemented in accordance with details as approved by the Local Planning Authority and retained for the life of the development.

Reason: In the interests of visual amenity and in accordance with Policies HP3, HP4 and NE4 of the Local Plan.

**Condition 18 Landscape Retention**

In the event of failure of any trees or shrubs planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policies HP3, HP4 and NE4 of the Local Plan.

**Condition 19 Boundary Treatments**

No development above slab level shall take place until details of the boundary treatments to the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall accord with the principles established by the submitted Landscape Plans ((21056-CO-LP-0-00,

01, 02, 03 Rev 15). The approved boundary treatments must be implemented in accordance with the approved plans and thereafter retained.

Reason: In the interests of visual amenity and in accordance with Policy HP3 of the Local Plan.

**Condition 20 External Lighting**

Prior to first occupation of the development hereby approved, details of an external lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location, number and specification of the lighting with details of the intensity of illumination and predicted lighting contours. The lighting shall be designed to not spill onto hedgerows and trees and to avoid harm to the dark night sky status of the Nidderdale National Landscape. The lighting scheme shall be implemented in accordance with the approved details and maintained and retained for the lifetime of the development.

Reason: In the interests of general amenity and in accordance with Policies HP4, NE3 and GS6 of the Local Plan.

**Condition 21 Construction Ecological Management Plan**

A Construction Ecological Management Plan (CEcMP) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, including site preparation and clearance works.

The CEcMP must be drawn up following a walkover survey by an ecologist which should be carried out no earlier than 3 months prior to the commencement of works to provide updated survey information of mobile species, including badgers. The CEcMP must be informed by the findings of the walkover survey and the recommendations and mitigation measures detailed in the Ecological Impact Assessment (R3 dated 21/08/2023) and (but not restricted to):

- A. A Reasonable Avoidance Measures Statement (RAMS) which should be kept on site to be adhered to and available for all site managers;
- B. Details of pre-works inspection for nesting birds for works to be carried out in the bird nesting season (March – August inclusive);
- C. Works to be carried out outside of the bird nesting season (March – August inclusive) other than those works agreed with the Local Planning Authority under Criteria B;
- D. Works to removal of trees T2 and T14 soft felling technique is implemented under an ecological clerk of works;
- E. A suitably sensitive lighting scheme to be adhered to during construction to ensure the least amount of disturbance to wildlife;
- F. Specification for root protection areas fencing for around the trees or shrubs or planting to be retained;
- G. Measures to control any invasive non-native species that may come to light during the course of the walkover survey.

Works must subsequently be undertaken in strict accordance with the approved CEcMP and a copy of the CEcMP must be retained on site and made available to site managers and operatives throughout the course of construction.

Reason: To protect the wildlife and ecological interests of the site in accordance with Policy NE3 of the Local Plan.

**Condition 22 District Level Licence**

The development hereby permitted shall not commence until a counter-signed Impact Assessment and Conservation Payment Certificate and licence issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity to go ahead. Thereafter the development shall be carried out in strict accordance with the approved details.

Reason: To safeguard a protected species (Great Crested Newts) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended) and Policy NE3 of the Local Plan.

**Condition 23 Deadwood Habitats Management Plan**

The development hereby permitted shall not commence until a long-term management plan that includes the creation and maintenance of deadwood habitats for veteran tree (T2) has been submitted to and approved in writing by the Local Planning Authority. The plan shall be prepared in accordance with the recommendations set out in Futures Ecology Response Note (dated 15 September 2025). Thereafter the development shall be carried out in accordance with the approved details.

Reason: to ensure the creation and maintenance of deadwood habitats and their continuous supply for ecological protection and mitigation in accordance with Policy NE3 of the Local Plan.

**Condition 24 Protection of Mammals**

Any excavation or trenches must be covered overnight during all phases of construction works, unless ramps have been provided to enable trapped mammals to climb out of trenches or excavations.

Reason: In order to protect mammals from becoming trapped in accordance with the requirements for ecological protection and mitigation in accordance with Policy NE3 of the Local Plan.

**Condition 25 Ecological Enhancement**

Prior to the commencement of the development hereby permitted, a species Mitigation and Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan should show the type, number and locations of the features required for the mitigation, compensation and enhancement of species affected by the development in line with the measures detailed in the Ecological Impact Assessment (R3, dated 21/08/2023) and Biodiversity Impact Assessment (FE405/BIA01, January 2026).

Reason: In order to ensure the development enhances wildlife and biodiversity in accordance with Policy NE3 of the Local Plan.

**Condition 26 Biodiversity Net Gain**

The development hereby permitted shall not commence until a Habitat Management and Monitoring Plan (HMMP) prepared in accordance with the Biodiversity Net Gain Calculation 4.0 Rev A (dated January 2026) and the suite of Landscape Plans (21056-CO-LP-0-00, 01, 02, 03 Rev 15) has been submitted to and approved in writing by the Local Planning Authority.

The HMMP shall include:

- a non-technical summary;
- the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- the planned habitat creation and enhancement works to create or improve habitat to achieve no net loss of biodiversity;
- the management measures to maintain habitat for a period of at least 30 years from the completion of the development;
- the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority following the written approval of the establishment of the habitats by the Local Planning Authority;
- provision for securing the remediation of any shortcomings in meeting the projected targets contained within the Biodiversity Net Gain Calculation 4.0 Rev A (dated January 2026).

Reason: In the interests of preserving and enhancing biodiversity and ensuring no net loss in accordance with Policy NE3 of the Local Plan.

**Condition 27 Habitat Creation**

Within 12 months of first occupation of the development hereby permitted:

- the habitat creation and enhancement works set out in the approved HMMP have been completed: and
- a completion report evidencing the completed habitat enhancements has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of preserving and enhancing biodiversity in accordance with Policy NE3 of the Local Plan.

**Condition 28 Habitat Maintenance**

The created habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: In the interests of preserving and enhancing biodiversity in accordance with Policy NE3 of the Local Plan.

**Condition 29 Habitat Monitoring**

Monitoring reports shall be submitted to the Local Planning Authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: In the interests of preserving and enhancing biodiversity in accordance with Policy NE3 of the Local Plan.

**Condition 30 Air Source Heat Pumps**

The air source heat pumps hereby permitted shall comply with the Microgeneration Certification Scheme Planning Standards (MCS 020) or any standards revoking and re-enacting those standards with or without modification. The rating noise level of all such equipment should not exceed the background sound level at any time. 'Rating level' and 'background sound level' are as defined in BS 4142:2014+A1 2019 Methods for Rating and Assessing Industrial and Commercial Sound) and/or its subsequent amendments.

Reason: To safeguard the environment and mitigate climate change as well as protecting residential amenities in accordance with Policies CC1 and HP4 of the Local Plan.

### **Condition 31 Fibre to the Premises Broadband**

All dwellings hereby approved shall have Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds provided prior to occupation. Where it is demonstrated that this is not viable a download connection of 30Mbps and provision of suitable ducting capable of carrying fibre cables from multiple providers.

Reason: To ensure appropriate broadband access and in accordance with Policy T15 of the Local Plan.

## **INFORMATIVES**

### **Traffic Regulation Order**

To make the proposal acceptable to the Local Highway Authority, a Traffic Regulation Order is required. This is governed by legislation outside the planning process and administered by the Local Highway Authority. Consequently, you should not commence your permitted works until details of the Traffic Regulation Order have been submitted to the Local Highway Authority. The approved details will be required to undergo the legal process required, including any public consultation, at the developer's expense. Subject to the successful completion of this legal process, the measures will be implemented at the developer's cost.

### **Other Permissions required from the Highway Authority**

Applicants are reminded that in addition to securing planning permission, other permissions may be required from North Yorkshire Council. These additional permissions can include but are not limited to: Agreements under Section 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006; permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders ((Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

### **Cables and Overhead Lines**

Ground Cover must not be altered either above or below Northern Powergrid cables or below overhead lines. In addition, no trees shall be planted within 3m of existing underground cables or 10m of overhead lines. Northern Powergrid apparatus is legally covered by a wayleave agreement, lease or deed or alternatively provided under the Electricity Act 1989. Should any alteration / diversion of Northern

Powergrid's apparatus be necessary to allow the development to take place, budget costs can be provided by writing to Network Connections, Alix House, Falcon Court, Stockton on Tees, TS18 3TU Tel: 0800 0113433

### **Topsoil Importation**

If any topsoil is taken onto site for the formation of a domestic garden, it should be certified as suitable for a domestic garden. This should be validated through sampling once on site.

### **Ecological Enhancement (Condition 25)**

**Bat Boxes:** should be positioned at eaves level on south elevations (usually south, south-east or south-west) or at least 4m above ground. Away from artificial light sources to ensure that bats would not be prevented from accessing the artificial roosting sites by high light levels. Specifications for lighting to be used would be useful to compare with good practice as set out in BCT/ILP's Guidance Note 08/23 Bats and Artificial Lighting at Night. The box must be sheltered from strong winds.

**Birds / Swifts:** Swift boxes installed on site at least 4m above ground. The provision of full shading is essential for built-in nestboxes in south-east and west facing nestboxes. Without shading, positions between northwest and northeast are the best option. Swift bricks could be clustered in multiples on the most suitable elevations, under advice of an ecologist.

Small-hole boxes are best placed 1-3m above ground on tree trunks, but avoid sites where foliage obscures the entrance hole – a clear light path is important.

Refugia's to be placed on site: Ideally within areas of retained vegetation, out of view and with no access to the general public (and dogs).

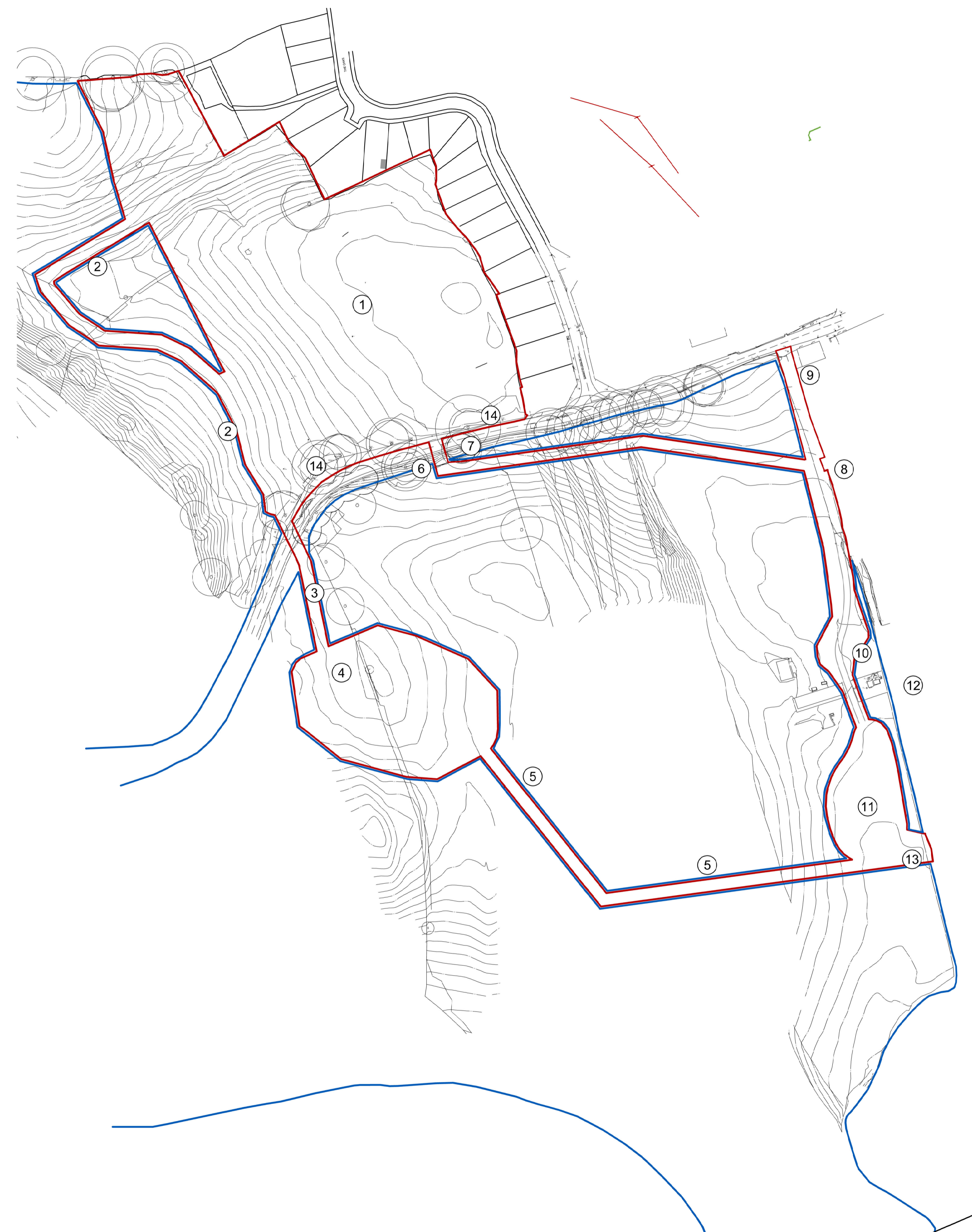
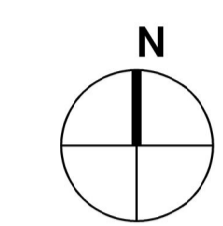
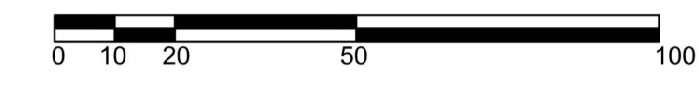
### **S106 Agreement**

The development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act.

**Target Determination Date:** 31 March 2026

**Case Officer:** Helen Goulden [helen.goulden@northyorks.gov.uk](mailto:helen.goulden@northyorks.gov.uk)

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- OTHER LAND OWNED BY THE APPLICANTS
- APPLICATION SITE

Southgate House  
 Pontefract Road T: +44 [0] 1132 008 900  
 Stourton F: +44 [0] 1132 008 901  
 Leeds E: admin@metgeoenvironmental.com  
 West Yorkshire W: www.metgeoenvironmental.com  
 LS10 1SW

Station	Easting	Northing	Level
B1	422104.935	490392.459	89.566
B2	422033.405	490454.867	93.260
B3	422092.141	490400.768	89.786
M1	422104.330	490391.618	89.551
M2	422247.096	490435.493	85.249
M3	422318.483	490453.767	85.216
S1	422096.604	490445.008	88.276
S2	422030.168	490539.613	93.368
S3	422286.921	490364.792	84.658
S4	422355.664	490335.805	83.504
S3X	422330.168	490456.915	84.564
S4X	422208.346	490408.225	87.663

Station	Easting	Northing	Level
M1	422104.330	490391.618	89.551
M2	422247.096	490435.493	85.249
M3	422318.483	490453.767	85.216
S1	422096.604	490445.008	88.276
S2	422030.168	490539.613	93.368
S3	422286.921	490364.792	84.658
S4	422355.664	490335.805	83.504

- SITE NARRATIVE:**
1. MAIN DEVELOPMENT SITE AREA
  2. 1m DEEP CUTOFF DITCH FOR HILLSIDE FLOW DIVERSION.
  3. PROPOSED SW CONNECTION FOR CUTOFF DITCH TO EXISTING FLOODED AREA.
  4. ADDITIONAL FLOOD HOLDING AREA.
  5. PIPED SURFACE WATER DRAINAGE TO WATER COURSE.
  6. PROPOSED FOUL AND SURFACE WATER OUTFALLS FROM DEVELOPMENT SITE.
  7. AREA FOR ELECTRICITY POLE CONNECTION FROM U/G TO EXISTING ABOVE GROUND CABLES.
  8. PROPOSED FOUL MANHOLE CONNECTION TO EXISTING SEWER.
  9. LINE OF EXISTING FOUL SEWER.
  10. EXISTING FIELD ACCESS TRACK UPGRADED AND EXTENDED TO PROVIDE ACCESS FOR Y.W TO HYDROBRAKE.
  11. ADOPTABLE DRY BASIN
  12. EXISTING WATERCOURSE
  13. HYDROBRAKE CONNECTION TO WATERCOURSE.
  14. GENERAL WORKS TO EXISTING TREES AND BOUNDARIES BETWEEN DEVELOPMENT SITE AND ROAD EDGE.

UNLESS STATED OTHERWISE, THE DESIGNS SHOWN ARE SUBJECT TO DETAIL SITE SURVEY AND INVESTIGATIONS AND/OR APPROVAL OF THE RELEVANT VARIOUS LOCAL AUTHORITY OFFICERS, STATUTORY UNDERSTAKERS, FIRE OFFICERS AND ENGINEERS. THEY ARE PROJECT AND SITE SPECIFIC.

THIS DRAWING SHOULD NOT BE SCALED FROM.

ALL DIMENSIONS SHOULD BE CHECKED ON SITE.

ANY DRAWING ERRORS OR DISCREPANCIES SHOULD BE REPORTED TO VAUGHAN ARCHITECTURE LTD

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<b>DRAWING STATUS</b>			
DRAWN BY:	NJV		
SCALE:	1:1250 @ A1		
DATE:	190921		
H	RED LINE AMENDED FOR DRAINAGE	111125	NJV
T	HOUSING LAYOUT OMITTED	230126	NJV

**A1**

**LOXLEY HOMES - MASHAM - PROPOSED RED LINE**

LEEDS  
LEICESTER  
PONTEFRACT

**Loxley Homes**

**CLIENT** Loxley Homes  
**PROJECT TITLE** LAND NORTH OF SWINTON ROAD MASHAM (SITE MB)  
**DRAWING TITLE** PROPOSED SITE LOCATION

**PROJECT NO.** VAD.20.41  
**DRAWING NO.** PL205  
**REVISION** 1

**VAUGHAN ARCHITECTURE**

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