

Meeting: Richmond (Yorks) Area Constituency Planning Committee

Members: Councillors Caroline Dickinson, Bridget Fortune, Heather Moorhouse (Vice-Chair), Stuart Parsons, Karin Sedgwick, Steve Watson and David Webster (Chair).

Date: Thursday, 13th April, 2023

Time: 10.00 am

Venue: Civic Centre, Stone Cross, Rotary Way, Northallerton DL6 2UU

Members of the public are entitled to attend this meeting as observers for all those items taken in open session. Please contact the named democratic services officer supporting this committee, details at the foot of the first page of the Agenda, if you have any queries.

This meeting is being held as an in-person meeting that is being broadcasted and will be available to view via the following link: [Richmond \(Yorks\) ACC Committee Meeting via Teams](#). The meeting is also 'hybrid', which enables people to attend the meeting remotely using MS Teams. Please contact the named democratic services officer supporting this committee if you would like to find out more.

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Agenda

1. Apologies for Absence

2. Declarations of Interests

All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

3. Public Questions and Statements

Members of the public may ask questions or make statements at this meeting if they have given notice to Louise Hancock of Democratic Services (contact details at the foot of page 1) by midday on Wednesday, 5 April 2023. Each speaker should limit themselves to 3 minutes on any item. Members of the public who have given notice will be invited to speak.

If you are exercising your right to speak at this meeting, but do not wish to be recorded, please inform the Chairman who will instruct anyone who may be taking a recording to cease while you speak.

4. **23/00407/FUL - Full Planning Permission for the siting of a statue at Treadmills, Crosby Road, Northallerton for North Yorkshire Council** (Pages 3 - 10)
Report of the Corporate Director – Community Development Services
5. **22/02555/OUT - Outline Planning application for the development of up to 88 dwellings (as amended) on land at Blind Lane, Aiskew** (Pages 11 - 42)
Report of the Corporate Director – Community Development Services
6. **22/00565/OUT - Outline Planning application with all matters reserved except for access, for proposed storage and distribution units (Use Class B8) totalling 107,640 sq. ft in size at Scotch Corner Caravan Park** (Pages 43 - 70)
Report of the Corporate Director – Community Development Services
7. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
8. **Date of Next Meeting**
Thursday, 11 May 2023 – Mercury House, Richmond

Members are reminded that in order to expedite business at the meeting and enable Officers to adapt their presentations to address areas causing difficulty, they are encouraged to contact Officers prior to the meeting with questions on technical issues in reports.

Agenda Contact Officer:

Louise Hancock, Democratic Services Officer
Tel: 01609 767015
Email: louise.hancock@northyorks.gov.uk

Monday, 3 April 2023

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

13 APRIL 2023

23/00407/FUL - Full Planning Permission for the siting of a statue at Treadmills, Crosby Road, Northallerton, for North Yorkshire Council

Report of the Corporate Director – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the siting of a statue on land at Treadmills, East Road, Northallerton.
- 1.2 This matter is brought to Planning Committee as the former Hambleton District Council is the applicant.

2.0 Executive Summary

RECOMMENDATION: That planning permission be GRANTED subject to conditions listed below.

- 2.1. The application details the siting of a corten steel statue at the former prison site, now known as Treadmills, on East Road in Northallerton.
- 2.2. The site is located between the recently completed cinema and the adjacent listed tenement block, which formed part of the prison complex.
- 2.3. The principle of this type of public art is considered generally accepted in this urban location.
- 2.4. The main determining issues are considered to be; the potential for impact on heritage assets and the provision of good access for all.
- 2.5. It is considered that the proposed development will assist in the interpretation of the heritage assets and will provide a positive focal point for the development, helping to anchor the site when viewed from the Zetland Street approach, from the town centre. The development will have no harmful impact on heritage assets and sufficient space remains around the proposals in order to ensure good access for all.

23/00407/FUL

13/04/2023



NORTH YORKSHIRE COUNCIL
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3.0 Preliminary Matters

- 3.1 Access to the case file on Public Access can be found here:- view file <https://planning.hambleton.gov.uk/online-applications/>
- 3.2 This application is brought to the Richmond (Yorks) Area Planning Committee in accordance with the scheme of delegation as the applicant is the former Hambleton District Council, now North Yorkshire Council.
- 3.3 Discussions have taken place with regard to the implications and specific siting of the statue in order to arrive at the chosen location.
- 3.4 There are two main relevant planning applications for this application which are detailed below.
- 3.5 15/02538/PND 05.01.2016 Granted. Prior Notification for the demolition of the unlisted parts of former prison and boundary wall
- 3.6 18/01849/FUL, Erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses, amended by plans and additional information received by Hambleton District Council on 22nd October 2018, approved 04.12.2018.

4.0 Site and Surroundings

- 4.1 The site is located east of East Road, on the edge of Northallerton Town Centre and approximately 15m from the defined retail area. Planning permission was approved in 2018 for the erection of cinema (Use Class D2) with 3 food and beverage units at ground floor (Use Classes A3 and/or A4 and/or A5). Erection of 3 retail units (Use Class A1). Change of use and conversion of existing buildings from prison to office space (Use Class B1a), 4 residential units (Use Class C3), 2 retail units (A1) and 2 food and beverage units (Use Classes A3 and/or A4 and/or A5), including alterations and extensions. Associated public realm and landscaping including new civic square, car parking, servicing areas and new vehicular and pedestrian accesses.
- 4.2 The site is also on the boundary of the Northallerton Conservation Area.

5.0 Description of Proposal

- 5.1 This application seeks full planning permission for the siting of a statue which comprises a pair of figures standing on the footway between the cinema and the

listed tenement building. The figures are to be completed in corten steel and are slightly larger than life size at 2.6m in height.

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 planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise.

Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

- Hambleton Local Plan, adopted February 2022
- Minerals and Waste Joint Plan, adopted 2022

Guidance - Material Considerations

6.3 Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide

7.0 Consultation Responses

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

7.2 Town Council: No comments received.

7.3 Highways: No objections to the proposed development

7.4 MOD Safeguarding: No objections.

Local Representations

7.5 One representation has been received following the expiry of the 10 day re-consultation period, objecting to the proposal for the following reason as summarised below:

- It would be more appropriate to have a museum built on the site of the prison as a reminder of the site's former use.
- The appropriateness and historic accuracy of the statue is questioned.
- The proposed statue would be situated on the edge of East Road where there is the possibility of injury due to the proximity to the road (alternative locations within Northallerton are suggested.)

8.0 Main Issues

8.1 The key considerations in the assessment of this application are:

- Principle of development
- Impact on heritage matters and design
- Highway Safety
- Residential Amenity

9.0 Assessment

Principle of Development

9.1 Application site is located within the urban built form of Northallerton where the principle of this type of development is supported.

9.2 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, sexual orientation.

9.3 The application has the potential to limit the available width of the pavement for users of prams, pushchair and wheelchairs and as such their specific requirements need to be addressed. This matter is set out in the highways and access section of the report.

Heritage matters and design

9.4 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.

9.5 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.

9.6 The site is located adjacent to the Northallerton conservation area but not within it. The development has the potential to impact on the setting of the conservation area. The application site is also immediately adjacent to one of the grade II listed buildings associated with the former prison site. In this case the tenement which now forms the Campus site facing onto East Road. On this basis the development has the potential to impact on the setting and as such the significance of this listed building.

- 9.7 The statue has been designed to build on the interpretation of the history of the site. The proposed figures represent a former child convict and a warder from the prison, seeking to tell part of the story of the prison.
- 9.8 The scale, form and materials used in the proposed development are considered to be appropriate in terms of the significance of the listed buildings and the setting of the conservation area. The proposed development is considered to result in no harm to the significance of either of the identified heritage assets.
- 9.9 Policy E1 of the Local Plan seeks that all development be of a high quality of design and respond to the requirement of locally distinctive design.
- 9.10 The starting point for this art work stems from the history of the site and is heavily informed by the social history of the prison. The proposals are relatively simple in form and are carried out in a robust material.
- 9.11 It is considered that the requirements of policy E1 are met.

Highways and Access

- 9.12 Policy IC2 requires that all development provide a safe and satisfactory means of access. The Highway Authority has been consulted on the application. The main issue is a question of whether or not the development results in an unacceptable restriction to the width of the footway in this location such as to result in an unacceptable impediment.
- 9.13 In assessing this matter consideration must be given to all users of this environment including those with wheelchairs or pushchairs along with those with sight or other mobility impediments.
- 9.14 The location of the figures remains clear of the footway which runs along the east side of East Road. The proposals then sit roughly centrally between the cinema building and the listed tenement building. This is the thoroughfare into the public square enclosed by the listed buildings and the cinema. Between the figures and the cinema there remains a 2m gap and between the figures and the tenement a 3m gap is retained.
- 9.15 It is considered that the separation distances allow for an acceptable remaining width of thoroughfare for all users, including consideration of the Equalities Act 2010.
- 9.16 The Highway Authority has raised no objections to the proposed development and it is considered that the development meets the requirements of policy IC2.

Amenity

- 9.17 Policy E1 seeks to ensure that all development results in a satisfactory level of amenity. In this case the development is not in close proximity to residential properties although the amenity of all nearby occupiers should be considered.
- 9.18 The proposed development is not lit and is not considered to raise any significant amenity issues in the vicinity of the application site.

10.0 Planning Balance and Conclusion

- 10.1 The site is located in an urban environment in a public space and as such the principle of development in this location is supported.
- 10.2 The main issues are the potential for harmful impact to the significance of designated heritage assets and the loss of accessible width of paving into the public square to the east of the application site.
- 10.3 It is concluded that the development results in no harm to the significance of heritage assets and in consultation with the Highway Authority results in no harm in terms of highways matters.
- 10.4 The development will result in a high-quality element of public art which will further the interpretation of the listed prison buildings.
- 10.5 The proposed development is recommended for approval.

11.0 Recommendation

- 11.1 That planning permission be **GRANTED** subject to conditions listed below:

Recommended conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason

To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 13271-3(09)20 and 21 and CGIPO1; received by Hambleton District Council on 21st and 28th February 2023.

Reason

In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the relevant policies of the Hambleton Local Plan.

Case Officer: Peter Jones

Target Determination Date: 25.04.2023

Date of Meeting: 13.04.2023

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North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

13 APRIL 2023

22/02555/OUT - Outline planning application for the development of up to 88 dwellings (as amended) on land at Blind Lane, Aiskew

At: Old Hatchery, Blind Lane, Aiskew

For: Tony Gillman (Blind Lane Land Limited)

Report of the Corporate Director – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for outline planning application for the development of up to 88 dwellings (as amended) on land at Old Hatchery, Blind Lane, Aiskew.

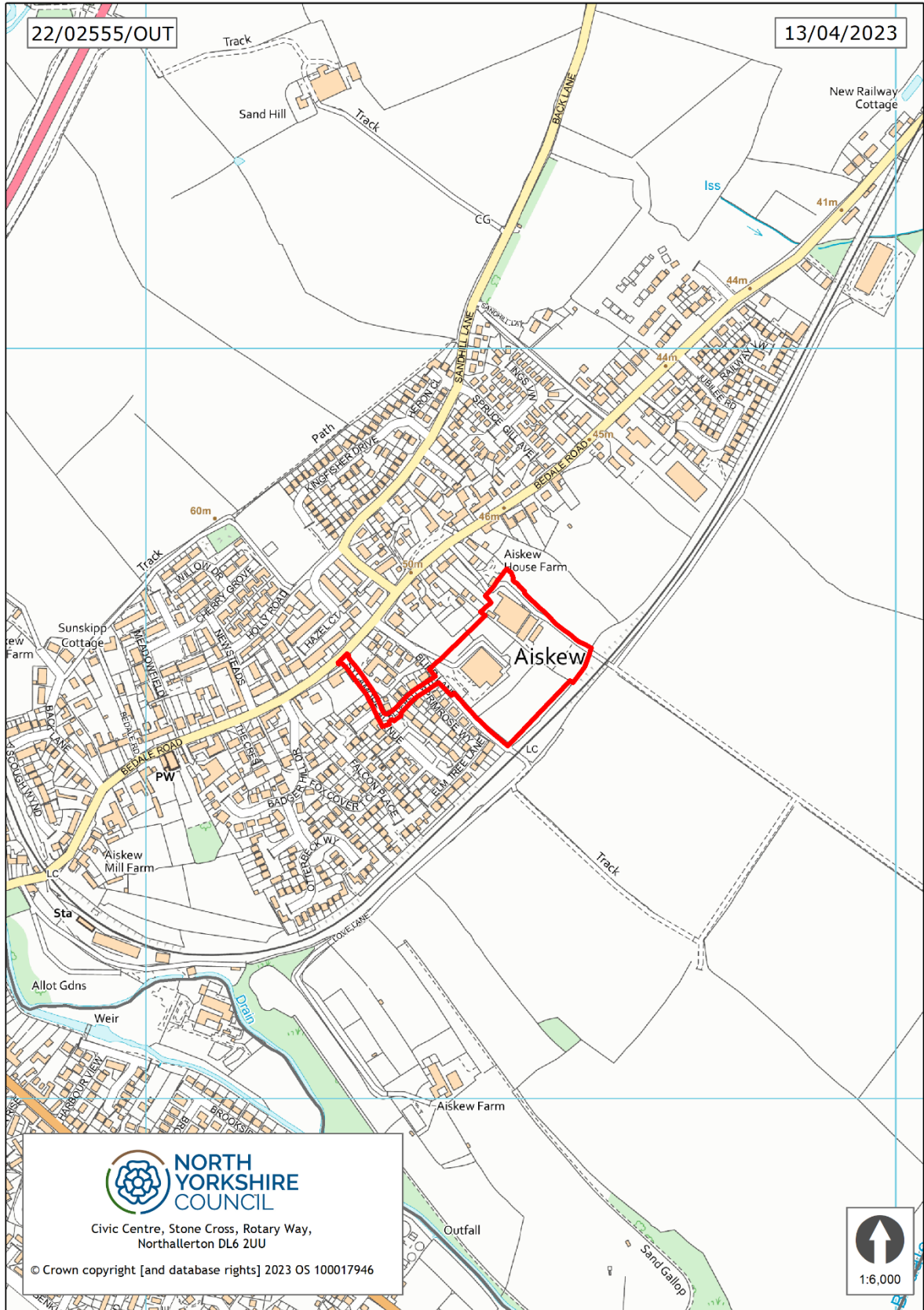
2.0 Executive Summary

RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and completion of a S106 agreement with terms as detailed in Table 1.

- 2.1 The application seeks outline planning permission for a residential development of up to 88 units (as amended). The only 'reserved matter' for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for consideration as part of subsequent 'approval of reserved matters' application(s) if this outline application is approved. It is proposed that the main access be taken from the west through the neighbouring development via Bluebell Way. Emergency and further pedestrian access is to be taken from Blind Lane.
- 2.2 The 2.73ha application site is located on the south east side of Aiskew – south of the A684 and north of the Wensleydale Railway. The site features a number of agricultural and commercial buildings previously used as a piggery and hatchery respectively.

22/02555/OUT

13/04/2023



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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
https://documents.hambleton.gov.uk/PublicAccess_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DC&FOLDER1_REF=22/02555/OUT
- 3.2. During the course of the application, an amended indicative layout plan has been submitted (Rev.T) along with relevant updates to a number of the accompanying statements and assessments to reflect this amended layout. The revised indicative layout plan shows the removal of the existing manure heap from the eastern corner of the application site following the successful purchase (on behalf of the applicant) of this land. This has allowed this part of the application site to be integrated within the proposed developable area of the residential development, with a resultant increase in the indicative number of units from 83 (as shown on the originally submitted indicative layout plan) to 88.
- 3.3. As shown on the amended indicative layout plan (Rev.T), this increase in developable area would potentially facilitate a different road layout and orientation of properties resulting in a better amenity (privacy/overlooking) relationship between dwellings within the proposed development and the approved care home development on land immediately to the north of the site. The revised indicative plan also shows a potentially new position for the SuDS basin within the southern corner of the site. Environmental Health and local residents have been reconsulted on the aforementioned amended indicative layout plan and assessments/statements.
- 3.4. It should be noted that the revised indicative layout plan (Rev.T) only shows 87 residential plots. An additional plot is proposed on land outside of the 'land-edged-red' of the current application (labelled as plot 80 on the revised indicative layout plan), but is part of a separate planning application (22/00958/FUL) for a single dwelling that has yet to be determined by the Local Planning Authority.
- 3.5. The following planning history is considered relevant.
- 81/0144/FUL - Extension to Existing Chicken Hatchery - GRANTED
 - 87/0188/FUL - Alterations to Two Existing Bungalows - GRANTED
 - 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink - GRANTED
 - 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – GRANTED

- 20/02882/OUT - Outline planning application with access considered for the development of up to 88 dwellings – REFUSED (on 12.08.2022) The Council have been subsequently notified that the applicant has lodged an appeal with the Secretary of State. There were four reasons for refusal:

1. There remains uncertainty about the adoption of Bluebell Way and as such the proposed access to the site. This is considered to result in potential harm to amenity resulting from the use of Bluebell Way and resultant road safety and maintenance issues. It is considered that it has not been demonstrated that an appropriate and safe form of access can be provided. As the development is not capable of being accommodated by the existing infrastructure and doubts over its future provision, the proposed development is considered to fail to accord with the requirements of policy S1, IC1 and IC2 of the adopted Hambleton Local Plan and the requirements of the NPPF.

2. There remains uncertainty about the adoption of drainage in the vicinity of Bluebell Way and as such the connection of the application site to the Yorkshire Water adopted network. This is considered to result in potential harm to amenity through the lack of the provision of sustainable drainage. It is considered that it has not been demonstrated that an appropriate and sustainable form of drainage can be provided. As the development is not capable of being accommodated by the existing infrastructure and doubts over its future provision, the proposed development is considered to fail to accord with the requirements of policy S1, IC1 and RM1 and RM3 of the adopted Hambleton Local Plan and the requirements of the NPPF.

3. It is considered that the design of the Blind Lane Crossing with the access from Bluebell Way is contrived and results in an unacceptable form of crossing. The road forms an insufficiently wide route down Blind Lane for the reasonable use of agricultural traffic. Additionally, the increase in the gradient of Blind Lane is unacceptable as it is likely to increase risk for road users, in particular during icy winter conditions. The proposed development is considered to fail to accord with the requirements of policy S1, IC1 and IC2 of the adopted Hambleton Local Plan and the requirements of the NPPF.

4. It is considered that the proximity of the muck store on site, in the absence of a plan for its removal (noting that it is not in the control of the applicant, results in a harmful impact on the amenity of the occupiers of the proposed development. The proposed development fails to accord with the requirements of policy E2 which seeks to protect amenity. By virtue of the agent of change principle the proximity of the muck store is likely to prejudice the lawful use of the store through the potential creation of a Statutory Nuisance and as such fails the test of the NPPF.

NB - Within the submitted Planning Statement and other certain application documents, the agent has sought to address the four reasons for the Council's refusal of the previous outline application for up to 88 dwellings (ref. 20/02882/OUT) on this site in August, 2022. These reasons and the agent's attempts to address them are considered within the following paragraphs of this report, with the exception of reason 4 which has effectively been resolved as a result of the revised indicative layout and removal of the manure store.

Adjacent sites:

- 22/00958/FUL - Full planning application for the construction of 1 no. dwelling (Plot 79), extension to the amenity space for Plot 80 and biodiversity improvement works associated with Reserved Matters Approval in relation to 20/02882/OUT – Yet to be determined.
- Land To The South Of 28 Bedale Road 14/01228/FUL - Construction of 41 no. dwellings, provision of access and associated landscaping – Granted
- Land To Rear Of 28 – 34 Bedale Road 11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping – Granted
- The Bungalow, Blind Lane (to the north of the site) 18/02032/FUL - Demolition of all existing site structures and construction of a care home facility (as amended) – Granted (December, 2018) A section 73 application was approved in April, 2021 to increase the capacity of the care home.

4.0 Site and Surroundings

- 4.1. The 2.73ha application site is located on the south east side of Aiskew – south of the A684 and north of the Wensleydale Railway. The site features a number of agricultural and commercial buildings previously used as a piggery and hatchery respectively. The applicant indicates that part of the hatchery site is occupied by a tenant for storage and food processing and the piggery which has been vacant for a number of years is now semi-derelict and overgrown.
- 4.2. The site is split in two by a mature leylandii hedge/tree line with the piggery buildings to the north and the hatchery to the south. An area of open space lies to the south. Existing access can be gained firstly from Blind Lane via an unadopted road, secondly via a shared track between 54 and 56 Bedale Road and thirdly from the south over the Wensleydale railway line. A public right of way runs along the western boundary of the site linking Bedale Road to Love Lane through Blind Lane.

5.0 Description of Proposal

- 5.1 The application seeks outline planning permission for a residential development of up to 88 units. The only 'reserved matter' for approval at this stage is access. The remaining matters, i.e. appearance, landscaping, layout and scale would be for consideration as part of subsequent 'approval of reserved matters' application(s) if this outline application is approved.
- 5.2 It is proposed that the main access be taken from the west through the neighbouring development via Bluebell Way. Emergency and further pedestrian access is to be taken from Blind Lane with consideration having been given to the proposed care home facility layout.
- 5.3 Within the submitted Planning Statement and other certain application documents, the agent has sought to address the four reasons for the Council's refusal of the previous outline application for up to 88 dwellings (ref. 20/02882/OUT) on this site in August, 2022. These reasons and the agent's attempts to address them are considered within the following paragraphs of this section of the report.

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:
- Hambleton Local Plan – February 2022

Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:
- National Planning Policy Framework (NPPF) (July 2021)
 - National Planning Practice Guidance (PPG)
 - Housing SPD (adopted in July 2022)

7.0 Consultation and Re-consultation Responses

Re-consultation

- 7.1 A 10 day re-consultation exercise was undertaken on 01.03.2023 of Environmental Health, neighbours and any other local residents who submitted representations of part of the original consultation exercise (described below as 'local representations'). The representations received are summarised below, however, please see website for full comments:

- 7.2 Environmental Health (EH) - EH have confirmed that they have 'nothing to add' in relation to the amended plans/documents and that their previous comments remain valid.
- 7.3 Local Representations – Four representations have been received following the expiry of the 10 day re-consultation period, all objecting to the proposals:
- Potential risk to pedestrians, property and parked vehicles if Blind Lane is used by HGVs during the construction phase of the development.
 - Visibility issues and safety issues associated with the proposed crossing of Blind Lane and the access from Bluebell Way; no further changes/improvements are proposed to the access arrangements (within the amended plans/documents)
 - Risk that delivery vehicles and bikes will attempt to access the site via Blind Lane.
 - New residential development in Aiskew is continuing without the appropriate public amenities to support it and the development will put additional pressure on existing local services.
 - The proposals (including within the Travel Plan) for sustainable travel are not realistic.

Original Consultation

- 7.4 The following consultation responses have been received in relation to the application as originally submitted and have been summarised below:
- 7.5 Parish Council: Have confirmed that as there has been no substantial change to the proposals (as per the previous outline application), their comments remain the same.
- 7.6 Ward Member(s): No representation(s) received.
- 7.7 Local Highway Authority: No objections subject to conditions.
- 7.8 North Yorkshire County Council Footpaths Team (PROW) – The PROW note that there is a PROW within or adjoining the application site boundary and confirm that if the proposed development will physically affect the Public Right of Way permanently in any way an application to the Local Planning Authority for a Public Path Order/Diversion Order will need to be made under S.257 of the Town and Country Planning Act 1990. If the proposed development will physically affect a Public Right of Way temporarily during the period of development works only, an application to the Highway Authority for a Temporary Closure Order is required. Where public access is to be retained during the development period, it shall be kept free from obstruction and all persons working on the development site must be made aware that a Public Right of Way exists and must have regard for the safety of Public Rights of Way users at all times.
- 7.9 Ramblers – No response received.

- 7.10 Yorkshire Water Services (YWS) – YWS have recommended conditions requiring details and information regarding the surface water drainage works; a requirements for the site to be developed with separate systems of foul and surface water drainage; and a restriction on buildings, obstructions and landscaping over or within 3m either side of the centre line of the public sewer that crosses the site.
- 7.11 Local Lead Flood Authority (LLFA) – The LLFA have recommended that surface water run-off rates are recalculated at Greenfield rates, and that any approved surface water scheme demonstrates that the surface water drainage system is designed in accordance with NYCC SuDS Design Guidance and taking into account the recommendations within the LLFA’s representation.
- 7.12 Natural England – No response received.
- 7.13 Yorkshire Wildlife Trust (YWT) – No response received.
- 7.14 Network Rail (NR) – NR recommend conditions in relation to drainage, boundary fencing, method statements, soundproofing and landscaping.
- 7.15 Wensleydale Railway – No response received.
- 7.16 North Yorkshire Police Designing Out Crime Officer (NYP)– It is noted that the Design and Access Statement does not contain any information regarding crime and disorder reduction measures (despite Designing Out Crime Reports having been provided by them in relation to the previous outline application) NYP have made the following comments/observations in relation to the current proposals (as summarised below):
- (a) The layout has moved the location of the proposed emergency access slightly (as compared to the previous outline application), although this would have no adverse impact in relation to Designing Out Crime.
 - (b) It should be ensured that any subsequently agreed landscape proposals include defensible planting to the exterior of the rear boundaries of the two plots with rear gardens adjacent to the public open space.
 - (c) general recommendations/advice regarding the provision of defensible space for each property (to be incorporated as part of any subsequently approved detailed landscaping, boundary and layout plans/details)
- 7.17 MOD Safeguarding – Confirm that the application site is 2.48km from the centre of RAF Leeming and occupies the statutory safeguarding zones surrounding the airfield, including the aerodrome (15.2m) height zone, and the technical and birdstrike safeguarding zones. Having reviewed, the application documents, the MOD have confirmed that they have no safeguarding concerns.
- 7.18 Environmental Health (EH) – Note that both the noise and odour assessments have been submitted with the application which suggest that, subject to appropriate mitigation, that satisfactory residential amenity can be achieved. The also note that the odour assessment suggests that on occasion odour from the manure heap (located on adjoining land) may be evident from the site. It is recommended that if

planning permission is granted, it will be necessary to secure appropriate mitigation measures by condition.

- 7.19 NHS North Yorkshire CCG – No response received.
- 7.20 NYCC Principal Archaeologist – No response received.
- 7.21 HDC Housing Services - Local Plan policy HG3 requires that 30% of the homes are affordable, this translates to 26 homes with a commuted sum for the balance of 0.4. HG3 also requires a mix of tenures for the affordable homes: one third affordable rent; one third social rent; and one third intermediate affordable home ownership. Local Plan policy HG2 requires that a range of house types and sizes is provided. These should be in line with Table 3.1 in the Council's Housing Supplementary Planning Document (SPD).
- 7.22 Local Representations - 22 local representations have been received, objecting or raising concerns to the proposals. A summary of the comments is provided below, however, please see website for full comments:
- Concerns remain regarding the appropriateness of the proposed access to the site from Bluebell Way, including concerns over its width, visibility and the impact of additional traffic movements on residential amenity and on-road parking, the environment (including air quality) and pedestrian and driver safety (including a potential increase in accidents, particularly in icy conditions)...An alternative access point via Blind Lane would represent a better access solution and should be considered.
 - Lack of detail within the application regarding construction traffic and their proposed movements/routing.
 - Only minor alterations have been made to the outline application that was previously refused by the Council in August, 2022 (20/02882/OUT) and the sewage and flooding issues have not been properly addressed.
 - The roads within the surrounding area (i.e. Sycamore Avenue and Bluebell Way) remain unadopted by North Yorkshire County Council (as the Local Highway Authority) raises issues about street light provision.
 - The application site is not within/part of any housing allocation within the Hambleton Local Plan...does Aiskew need more housing?
 - Impact on the safety of users of the public footpath.
 - The proposed development will put an additional load on utilities, including the sewage system which is already struggling to cope.
 - The proposed development will raise additional amenity issues for local residents, including additional noise.
 - The proposed development will put additional strain on local services and facilities, including schools, dental surgery and GP services.
 - The site experiences surface water issues after periods of heavy rainfall.
- 7.23 Publicity - Site notices have been posted adjacent to the site on Blind Lane and in Bluebell Way.

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:
- Housing Policies Overview (and the Principle of Development)
 - Affordable housing
 - Housing mix
 - Housing adaptability and Nationally Described Space Standards (NDSS)
 - Highway safety, accessibility, permeability and connectivity
 - Impact on the Public Right of Way network
 - Design
 - Climate change and carbon savings
 - Amenity
 - Crime, anti-social behaviour and Secured by Design
 - Designated Heritage impacts
 - Impact on Archaeology (a non designated Heritage Asset)
 - Flood risk and surface water drainage
 - Water supply and foul drainage
 - Contamination and pollution
 - Aerodrome safeguarding
 - Ecology and Biodiversity Net Gain
 - Trees, hedgerows and Green Infrastructure
 - Open Space
 - Section 106 Agreement

10.0 Assessment

Principle of Development

- 10.1 The Hambleton Local Plan includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2: Strategic Development states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.
- 10.2 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy (including the aforementioned housing targets) will be achieved through development that has already happened, existing commitments (i.e. extant planning

permissions) and a series of allocated sites. Sufficient allocated sites within the Local Plan will meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy HG1 (Housing Delivery) sets out the specific site allocations.

- 10.3 The application site was formerly allocated within the Hambleton LDF (Site Allocations DPD) for residential development, split between two separate but adjoining/linked allocations: BH2 and BH3. Allocation BH3 contained the western (the hatchery) part of the application site as part of a larger allocation of 5.8ha, which was granted planning permission and has been partly built out. Allocation BH2 (1.1ha) consisted of the eastern (piggery) element of the current application site. The LDF was replaced as the development plan upon the adoption of the Hambleton Local Plan in February, 2022. It is important to clarify that no part of the current application site is part of any allocation within the Hambleton Local Plan.
- 10.4 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Hambleton plan area. The main focus of housing growth will be in the plan area's Market Towns, including Bedale and Aiskew.

Housing Windfall Development (Policy HG5)

- 10.5 Although the overall housing target within the plan period is expected to be achieved through a mixture of already completed schemes, existing commitments and site allocations, the Local Plan also makes provision for additional 'housing exceptions' (HG4) and 'windfall' sites (HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy of S3. The relevant policies of the Local Plan refer to the 'built form' of the settlement when assessing the location and sustainability of housing development on non-allocated, potential 'exception' and 'windfall' sites. It is noted that there is no suggestion within the supporting planning statement that the application would constitute a housing exception by virtue of HG4, although the proposals are assessed below with regards to the requirements of HG5 as a potential housing windfall scheme.
- 10.6 Policy HG5 (Windfall Housing Development) supports so-called 'windfall' housing development on unallocated sites within or adjacent to defined settlements in two general scenarios:
- (i) on sites within the 'main built form' of a defined settlement, and
 - (ii) on sites adjacent to the 'built form' of Service, Secondary and Small Villages.
- 10.7 As Bedale with Aiskew is a Market Town, only criterion (i) would potentially be applicable. Policy S5 (Development in the Countryside) provides the definition of the 'built form' for the purposes of the policies of the Local Plan as 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', and for clarity provides a number of exclusions.
- 10.8 The application site forms part of a swathe of largely open greenfield land to the south of Bedale Road in Aiskew. Historically, this land would have been part of the wider countryside and agricultural land which extended to the edge of the buildings

that front onto the southern side of Bedale Road. However, much of this land has been developed in the late Twentieth and Twenty-First Century with residential estates to the south-west and commercial and further residential development to the north-east. This has left this swathe of land adjoined on three sides by built development, while the southern edge is defined by the Wensleydale railway line which provides a visual demarcation between the majority of the existing southern built edge of the settlement and the wider countryside beyond.

- 10.9 Although the aforementioned green swathe of land generally lacks buildings and with the exception of trees has an open, undeveloped character, the application site is the exception to this as it contains two ranges of buildings which are sited relatively close to the surrounding residential development, particularly when the care home development granted planning permission on the land immediately to the north of the site is also taken into consideration.
- 10.10 The buildings on site constitute approximately 40 per cent of the area of the application site. The former hatchery building in particular is non-agricultural in appearance with a more commercial vernacular. As such, it is considered that the application site and its buildings relate more closely to the existing settlement than to the countryside to the south of Aiskew and overall is considered to be within the main built form of the settlement.
- 10.11 For sites within the main built form of a settlement, Policy HG5 states that housing development will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The application site is not protected or safeguarded for its environmental, historic, community or other value or otherwise allocated/designated for any other type of development. The proposed development would therefore comply with Policy HG5 of the Hambleton Local Plan.

Affordable Housing

- 10.12 Policy HG3 (Housing Requirements) requires all developments involving the provision of new market housing to provide 30 per cent affordable housing for schemes involving 10 or more units. The application documents confirm that it is the intention for the development would provide 30 per cent affordable housing provision. This would be secured through a Section 106 agreement should outline permission be granted. This would equate to 26 on-site units and a commuted financial contribution to account for the remaining 0.4 of a unit.
- 10.13 HG3 also requires a mix of tenures for the affordable homes: one third affordable rent; one third social rent; and one third intermediate affordable home ownership. The precise mix would be agreed as part of any Section 106 agreement should outline permission be granted.

Housing Mix

- 10.14 Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where: (f) 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as

identified in the SHMA...having regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing’.

10.15 The Council’s Housing SPD is underpinned by the findings/conclusions of the SHMA and HEDNA. Having regard to Policy HG2, the Housing SPD states that there is an expectation that all housing development will provide a mix of dwelling sizes that accords with the ranges set out in table 3.1 of the Housing SPD (provided below), although it is worth noting that the percentages for one and two bed affordable accommodation have been adjusted from those recommended in the SHMA (2016) to account for need and demand. The expected market and affordable housing mix of table 3.1 is reproduced below:

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	40-45%	40-45%	0-10%
Affordable	20-25%	50-60%	10-20%	0-5%

10.16 The expected housing mix reflects the Council’s objective of increasing the number of two and three bedroom homes, improving options for smaller families and couples and allowing older people to downsize. The mix for affordable housing is intentionally weighted towards one and two-bedroom houses reflecting the demand for, and turnover of, one-bedroom homes in this sector and statutory homeless responsibilities of local authorities, although it is recognised that the need for affordable housing of different sizes will vary by area at a more localised level and over time, therefore the housing mix range should be taken into consideration alongside details of households currently on the Home Choices Housing Register in the local area and the stock and turnover of existing properties. Paragraph 3.6 of the Housing SPD is clear that any development proposals that do not reflect the expected housing target mix (as detailed in the table above) will be required to justify any alternative proposed housing mix for the site. As identified within the SPD and the supporting text of the Hambleton Local Plan, Hambleton has a very low proportion, and overall shortage, of bungalows within its housing stock.

10.17 As an outline application, the precise housing mix would be subsequently agreed through the discharge of a planning condition, however the agent has supplied an indicative mix with the current application which he is indicated is proposed to be taken forward as part of any reserved matters submission and discharge of conditions application, should outline permission be granted. Although the market housing mix falls short of the expectations of table 3.1 of the Housing SPD in terms of the provision of single bed and two bed properties, the overall housing mix is considered to be an appropriate one, with the on-site affordable housing providing four much needed affordable, single bed quarter houses. The fact that the proposals are delivering several smaller-scale bungalows on site also has to be given reasonable weight in consideration of the housing mix. The Planning Statement confirms that 87 per cent of the dwelling on site are proposed to be between 1-3 beds. Overall, the development is considered to be able to provide an appropriate housing mix, in accordance with Policy HG2 of the Hambleton Local Plan.

Housing adaptability and Nationally Described Space Standards (NDSS)

- 10.18 In order to help achieve the Council's aim of creating sustainable and inclusive communities, Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty (criterion a.). HG2 also states that the Council will support housing development where all homes meet the NDSS (criterion g). It is stated within the Addendum Design and Access Statement that all house types would be designed to meet the NDSS. If the application is approved, it is recommended that conditions are imposed to require the layout and design (to be agreed at reserved matters stage) to comply with NDSS and for the internal layouts to provide and facilitate adaptations. Therefore, subject to the imposition of the recommended NDSS compliance condition above, it is considered that the development would comply with the relevant NDSS and house adaptability requirements of policy HG2 of the Hambleton Local Plan.

Highway safety, accessibility, permeability and connectivity

- 10.19 Policy IC2 states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that: the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.); the need to travel is minimised and that walking, cycling and the use of public transport are maximised (criterion c.); highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.) Adequate provision for servicing and emergency access is to be incorporated (criterion f.), and appropriate provision for parking is incorporated...(criterion g.)
- 10.20 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it: promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through, putting people before traffic, and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.) The site is within convenient walking distance of several local services and amenities, including the petrol station with convenience store to the north east, approximately 10 minutes walking distance to the north-east of the site, while Bedale town centre is approximately a mile away to the south-east with a pedestrian link along Bedale Road. Furthermore, regular bus services operate from bus stops located along Bedale Road, the closest being approximately a 3 minute walk from the site.
- 10.21 One of the reasons for refusal of previous outline application 20/02882/OUT is specifically addressed within the submitted Planning Statement. The agent refers to the fact the Local Highway Authority had no objections to the access to the site (i.e. via Bluebell Way) during the consideration of the previous outline application, and it

is important to confirm that they are supportive of the application and its access arrangements (subject to conditions) in relation to the current application. The Planning Statement also refers to the 'significant safeguards' that would be in place to ensure that the roads within the adjacent Linden Homes development are completed to adoptable standards prior to the proposed development being brought into use. These include:

(a) recommended conditions requiring the access to the site at Bluebell Way to be constructed in accordance with the LHA's 'Specification for Housing and Industrial Estate Roads and Private Street Works' with the access being formed to give a minimum carriageway width of 5.5m.

(b) Clarify that Linden Homes have entered into Section 38 (highways) and Section 104 (drainage) agreements that commit it to constructing the roads and drainage to an adoptable standard and to ultimately seek legal adoption. The Section 38 and 104 agreements signed by Linden Homes include bonds that allow the Highway Authority/Yorkshire Water to step in and complete the outstanding works at the developer's cost should they not be completed in a timely manner.

- 10.22 Since the refusal the gradient of Blind Lane has been reduced and the crossing point with Bluebell Way adjusted to ensure that the development does not result in a width restriction greater than that which exists at present. The junction, as in the refused scheme is still designed with raised kerbs and bollards with a geometry to prevent right and left turns on and off blind lane, but without restriction to Blind Lane traffic. Recent updates provided by the applicant have informed the Council that progress has been made with regards to the adoption of the roads and related sewers within the aforementioned adjacent residential development, and further details and clarification in this regard will be provided to Members as part of the subsequent Committee Update List. In summary, it is considered that there are sufficient and appropriate safeguards in place to ensure that the access to the site can be achieved without any unacceptable highway and amenity issues being caused by the proposed development. Overall, the proposals are considered to be in accordance with policies IC2 and E1 of the Local Plan.

Impact on the Public Right of Way network

- 10.23 Criterion (h) of Policy IC3 states that a proposal will be supported where it is demonstrated that the routes of any rights of way and their associated amenity value will be protected, or where this is not possible, diverted with no loss of recreational or amenity value.
- 10.24 There is a public right of way (public footpath) that runs along Blind Lane from Bedale Road crossing the railway line to the south of the site and then turning westwards along Love Lane. The PROW Team have recommended that an informative is added to the decision notice clarifying the relevant processes to be followed should the development physically affect (both permanently and temporarily) the PROW. While concern has been expressed by some local residents regarding potential safety issues with the proposed access to the site across Blind Lane and the public footpath, the LHA and PROW have not raised any issues/concerns in this regard, and the proposed crossing (subject to appropriate construction specifications) is not considered to affect the safety or enjoyment of users of the PROW.

Design

- 10.25 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.
- 10.26 The application is for outline permission, with details of the appearance and landscaping of the development to be agreed (if outline permission is approved) at reserved matters stage. The indicative layout plan shows that the development can accommodate a range of different house types and designs, which would add variety to the appearance of the development. Overall, there is no reason to conclude that the design, materials and detailed landscaping for the development can't achieve a high quality development that takes into account local influences, context and distinctiveness, or to make efficient and effective use of the 2.73ha site.

Climate Change and Carbon Savings

- 10.27 Policy S1 (Sustainable Development Principles) supports development that (inter alia) takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (part g.) This is taken further by part k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations.
- 10.28 The proposals are for outline planning permission so the layout of the site and the design, materials, installations and orientation of buildings would need to be agreed at reserved matters stage to ensure that all practicable and viable opportunities are taken to incorporate carbon savings, energy efficiency measures and micro renewable energy generation, while making prudent and efficient use of natural resources. If outline permission is approved, it is recommended that a condition is imposed that requires details of these matters to be submitted as part of any future reserved matters submission. It is however stated within the supporting statement that Keepmoat houses do have PV panels and are up to 31 per cent more thermally efficient than other new homes currently being built. Overall, the proposals are considered to be capable of complying with the requirements of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

Amenity

- 10.29 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of E1 (Design) which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.
- 10.30 The design, scale, layout/siting and landscaping for the proposed development would be agreed as part of any subsequent reserved matters applications to ensure that a high level of amenity is achieved in relation to both future and existing residents within and adjacent to the site, including in respect of the aforementioned matters of privacy, overbearing impact/loss of light, outdoor amenity space and bin storage facilities. However, based on the indicative layout plan that has been provided with this application (showing a density of approximately 42.4 dwellings per hectare), it is considered that the proposed development could be successfully accommodated on the application site whilst achieving a high level of amenity, including the provision of appropriate separation distances between any proposed dwelling and existing residential properties as well as between the properties on site 9as per the latest indicative layout plan) and the approved care home development to the north of the application site. Additional and/or new landscaping and boundary treatments would be able to provide screening between the proposed property and the aforementioned properties.
- 10.31 The Council's Environmental Health Officer has commented on the application (as originally submitted) commenting that both the noise and odour assessments have been submitted with the application which suggest that, subject to appropriate mitigation, that satisfactory residential amenity can be achieved. EH also recommend that the issue of the existing manure heap should be mitigated for.
- 10.32 The site and the density of the scheme would help to facilitate good levels of outdoor amenity space for new properties and for the provision of suitable and convenient bin storage, with the Addendum Design and Access Statement clarifying that each individual dwelling would have dedicated space/facilities to accommodate HDC refuse, recycling and waste bins. Overall, the proposals are considered to comply with the requirements of policies E1 and E2 in respect of amenity.

Crime, anti-social behaviour and Secured by Design

- 10.33 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.) The Addendum Design and Access Statement explains how the latest proposed (indicative) layout plan has sought to address the Police Liaison Officer's issues regarding access and movement between plots 33 and 34, the relationship

between plots 56 and 57 and the public open space and defensive space and boundary treatments. If outline planning permission is approved and in order to comply with Policy E1, it is recommended that the details submitted at reserved matters stage (i.e. in relation to design/appearance, landscaping, layout and scale) shall demonstrate that all reasonable measures have been taken to minimise the risk of crime and disorder having regard to Designing Out Crime principles.

Designated heritage impacts

- 10.34 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.
- 10.35 The application site is not within a Conservation Area, the curtilage of a Listed Building or part of a scheduled monument site. There are several listed buildings identified within Aiskew, including four within 150m of the northern boundary of the application site (the nearest being Lindum Cottage approximately 80m to the north) however, due the distance involved, the topography of the site/surroundings and the screening effect provided by intervening buildings and trees, there would be no harm caused to the respective settings of these heritage assets. Overall, the proposed development would comply with the aforementioned statutory requirements, and policies S7 and E5 of the Local Plan.

Impact on archaeology (as a non designated Heritage Asset)

- 10.36 As Non-Designated Heritage Assets, the potential for archaeological remains and the impact of the development on any such remains present, should be appropriately considered. Paragraph 203 of the NPPF states that the effect of an application on the significance of a non-designated Heritage Asset should be taken into account when determining an application, although 'a balanced judgement' is nonetheless required having regard to the scale of any harm or loss and the significance of the heritage asset. Policy E5 similarly states that a proposal will only be supported where it ensures that those elements which contribute to the significance of a non-designated archaeological sites will be conserved, in line with the importance of the remains. In those cases where development affecting such sites is acceptable in principle, mitigation will be ensured through preservation of the remains in situ as a preferred solution. When 'in situ' preservation is not justified, the developer will be required to make adequate provision for excavation

and recording before or during development. Subsequent analysis, publication and dissemination of the findings will be required to be submitted to the Council and deposited with the Historic Environment Record. (criterion n.)

- 10.37 An Archaeological Assessment and Geophysical Survey Report has been submitted with the application. The assessment states that the application site lies in an area with a moderate potential to contain archaeological remains likely to date from the prehistoric period onwards. The magnetic survey undertaken found very limited features of potentially archaeological origin, although the linear features discovered on site are considered to represent old strip field boundaries. Evidence of possible ridge and furrow or later ploughing trends were also identified. However, the Assessment concludes that based on these archaeological results, there should be no archaeological reason to prevent the proposed development.
- 10.38 The County Council's Principal Archaeologist has been consulted on the application. Any response received will be reported to Members prior or during the Meeting. However, subject to no objections being received from the County Council's Principal Archaeologist, the proposals are not considered harm any significant archaeological remains, in accordance with the NPPF and E5 of the Hambleton Local Plan.

Flood risk and surface water drainage

- 10.39 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.40 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals): surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance.
- 10.41 The site is located within Flood Zone 1 of the Environment Agency's flood maps, and as such is in an area at the lowest risk of fluvial/coastal flooding. The Geoenvironmental Appraisal found no significant inflows of groundwater during ground investigations. The provision of an appropriate SUDS to discharge of surface water from the proposed development would be in accordance with the expectations of the aforementioned policies RM2 and RM3 of the Local Plan and NPPF. Based on the encountered ground conditions, the Geoenvironmental Appraisal considers that soakaways would not represent an effective method of surface water drainage, while discharge to the nearest watercourse (given the distances involved) is not considered to be feasible. It is therefore proposed to discharge surface water into the public surface water sewer. While Yorkshire Water

Services have not objected to this in their representation, they have confirmed that the proposed restricted (maximum) discharge rate of 8.48 l/s is unacceptable, although Yorkshire Water are not objecting to the principle of discharging to the public sewer as a 'last resort' option, they nevertheless want to ensure that all other options are assessed.

- 10.42 One of the previous reasons for refusal of the previous application on this site related to the uncertainty regarding the adoption of the drainage in the vicinity of Bluebell Way. Like the highway adoption, the agent has put a compelling and persuasive case forward within the supporting statement that there are sufficient safeguards in place to ensure the provision of sustainable drainage, while the applicant has indicated that progress has been made with Linden Homes and the Local Highway Authority regarding adoption. Since the refusal of planning permission Linden has been working with Yorkshire Water and has resolved the outstanding drainage issues which will now allow the drainage on the existing development to be adopted. The drainage was also the main impediment to the adoption of the Highway and it is understood that this is also moving forward. Further details and clarification on this matter will be provided as part of the Committee Update List.
- 10.43 If outline planning permission is approved, it is recommended that a condition is imposed requiring details of a sustainable surface water drainage scheme to be submitted and approved by the LPA (having taken into account the recommendations made the recommendation made within the Geo environmental Appraisal.

Water supply and foul drainage

- 10.44 Policy RM1 (Water Quality, Supply and Foul Drainage) states that a proposal will only be supported where it can be demonstrated that: there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water and groundwater... (criterion a.); and there is, or will be, adequate water supply and treatment capacity in place to serve the development. (criterion b.) In terms of water supply, RM1 further states that proposals will be supported where it is demonstrated that it makes efficient use of water such that all new homes comply with the optional Building Regulation for water efficiency (as set out in Approved Document G) Policy RM2 states that new development should ensure that surface water is always drained and managed separately from foul water
- 10.45 It is noted on the application form and from the other application documents that the disposal of foul sewage would be via the mains sewer, which, as advised in the PPG, should be the first (and most sustainable) option considered unless it is not possible or practical to do so. If outline permission is approved, a condition should be imposed requiring separate systems of foul and surface water drainage to be utilised as required by RM2, and in respect to the water efficiency requirement of RM1. As such, the proposals would comply with the relevant requirements of policies RM1 and RM2 as well as the PPG in respect of water quality/supply and sustainable foul drainage.

Contamination and pollution

- 10.46 Policy S1 states that development should take all available opportunities to improve local environmental conditions, such as air and water quality (criterion f.) In order to maintain a high standard of amenity, criterion d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination. In addition, Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine: the nature, extent and any possible impact (part a.); that there is no inappropriate risk to a controlled waters receptor (criterion b.); and suitable remediation measures (criterion c.) Where remediation is necessary a plan for its implementation and, where appropriate, maintenance will need to be agreed with the Council prior to the determination of the planning application. Upon completion of the agreed remediation strategy/scheme a verification report will need to be submitted to demonstrate compliance with the scheme. If suitable remediation cannot be provided, the development will not be supported.
- 10.47 A Geo environmental Appraisal has been submitted with the planning application. The appraisal include details and results of ground investigations, consisting of trial pits and borehole sampling. Natural topsoil within the site would be suitable for re-use , although the made ground topsoil is recommended to be removed from the site. The Geo environmental Appraisal includes several recommendations and mitigation measures based on the findings on site and the previous site uses, and it is recommended that the relevant recommendations and mitigation are required to be undertaken by condition(s). Overall, and subject to the aforementioned condition(s), it is not considered that the development would raise any unacceptable issues with regards to land contamination and pollution (including controlled waters) and thus would comply with the relevant requirements of the various Local Plan policies S1, E2 and RM5.

Aerodrome safeguarding

- 10.48 The site is located within RAF Aerodrome Safeguarded Area. As mentioned in the supporting text of the Hambleton Local Plan, these designations may mean restrictions on landscaping as well as the height and detailed design of buildings. The DIO (MOD) have been consulted on the application and have confirmed that the application site occupies the statutory safeguarding zones surrounding RAF Leeming. However, they have confirmed that they have no safeguarding concerns regarding the proposals, therefore there's no reason to conclude at this stage (based on the information submitted with this outline application) that the residential development of the site would raise any unacceptable issues regarding Aerodrome safeguarding.

Ecology and Biodiversity Net Gain

- 10.49 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the

delivery of a net gain in biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Furthermore, direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where: 'significant harm' has been avoided.

- 10.50 A Preliminary Ecological Appraisal (PEA) has been submitted as part of the application which contains several recommendations and mitigation measures relating to ecology. Overall, based on the content and conclusions of the PEA and subject to the implementation (through condition) of its recommendations, the proposed development proposals are considered to comply with Policy E3, including in terms of not having a significant detrimental impact on ecology within or outside of the site boundary.
- 10.51 The LPA expects applicants to demonstrate a quantifiable and calculated BNG using an appropriate BNG metric, such as the latest Natural England metric tool. TO FINISH...In these circumstances, it would be more appropriate to condition a requirement for the scheme to demonstrate BNG at a later stage (as part of any approval) rather than requiring such information/details upfront at outline stage, although there is no reason to conclude at this stage that a notable BNG cannot be achieved in accordance with Policy E3 of the Local Plan and the NPPF

Trees, hedgerows and Green Infrastructure

- 10.52 Policy E7 (Hambleton's Landscapes) also states (inter alia) that a proposal will be supported where it seeks to conserve and enhance any tree, hedge or woodland of value that would be affected by the proposed development, and any development resulting in their loss, threat or damage of (visual, heritage or nature conservation) value will only be acceptable, where a suitable replanting scheme including new native trees) is agreed (criterion g.), and where any new species provides local distinctiveness, supports biodiversity and is appropriate for their location (criteria i. and j.) Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping (criterion b.).
- 10.53 Policy E4 (Green Infrastructure) seeks to protect existing green infrastructure and secure net gains in provision by (inter alia): incorporating and where possible enhancing existing green infrastructure features as an integral part of the design, and provision of a landscaping scheme which deals positively with the transition between development and adjoining land (criterion a.) and by capitalising on opportunities to enhance and/or create links between green infrastructure features within the site and, where possible, with nearby features beyond the site and enhance the functionality of the corridor (criteria b. and c.)
- 10.54 A tree constraints plan has been submitted with the application. The plan shows the proposed removal of 8 trees in poor condition ('Category U') within the site including three ash saplings with ash dieback. The other trees within the site are considered

to be of low-moderate quality (Category B and C) and are proposed to be retained as is the only high quality (Category A) specimen towards the northern corner of the site which is subject to a TPO. Based on the relevant plans and assessments regarding the proposed tree removal and tree protection, there is no reason to conclude at this stage that the requirements of policies E1, E4 and E7 of the Hambleton Local Plan regarding tree, hedgerow and green infrastructure protection, enhancement and greater connectivity cannot be achieved, subject to conditions and the approval of suitable details as part of any subsequent reserved matters application(s) should outline permission be granted.

Open Space

- 10.55 Policy IC3 (Open Space, Sport and Recreation) also states that the Council will seek to protect and enhance open space, Local Green Space and sport and recreational facilities in order to support the health and well-being of local communities. A proposal for housing development of 10 or more dwellings will only be supported where it incorporates or otherwise makes provision for open space, sport and recreational facilities to meet the needs arising from the development in line with the standards set out in Appendix E. Provision should be made on site where possible, but contributions to the improvement and/or enhancement of existing provision will be supported where it is accessible from the proposed development.
- 10.56 Based on the size of the proposed development, there will be a requirement within Appendix E to provide amenity greenspace, a play area and facilities for young people are required on site, although the provision of financial contributions may be considered appropriate where existing provision lies within the walking distance guideline of the development and providing the quantity standard is achieved. Approximately 200m to the north is the Cherry Grove/Kingfisher Drive recreation grounds. This includes open green areas, playing fields and various play equipment. As the development site is separated from these facilities by Bedale Road it is considered acceptable that on site provision be made for a LEAP. Given the proximity to the existing recreation grounds a contribution towards the maintenance of this area may be acceptable to address the requirements for amenity space and facilities for young people generated by the development. In this case as the application is in outline and the layout has not been designed a condition is recommended requiring the submission of a scheme for the provision of open space.

11.0 Planning balance and conclusion

- 11.1. The application seeks outline consent for up to 88 dwellings on a site considered to be within the built form of a designated Market Town. Although the development will result in the loss of an existing employment site (the former hatchery building), it is considered that the loss is outweighed by the benefits of providing additional housing. As part of the proposal, affordable housing will be provided at a rate of 30%, in line with the requirements of Policy HG3 of the Local Plan. It is considered that the proposal for up to 88 dwellings reasonably satisfies the provisions of the relevant policies of the Hambleton Local Plan, and while matters pertaining to

residential amenity, biodiversity net gain and highway safety (in terms of the layout) will be considered in more detail at the time of the Reserved Matters submission, there is no reason to expect that these matters could not be fully compliant with relevant Local Plan policies. Overall, the proposed development is considered to comply with the relevant requirements and expectations of the Hambleton Local Plan, the PPG and the NPPF.

12.0 Recommendation

12.1 That planning permission be GRANTED subject to conditions listed below and completion of a S106 agreement with terms as detailed in the table 2 below:

Section 106 requirements:

Table 2		
Category/Type	Requirement/Contribution	Amount/Trigger
Affordable Housing	Secure the affordable housing provision, including a policy compliant housing mix.	30 per cent on site provision (trigger points for AH provision to be subsequently agreed) and financial equivalent of 0.4 of an affordable unit.
Wensleydale Railway	The completion of the Wensleydale Railways Crossing works;	To be confirmed.
Public Open Space/Play Facilities	Provision and/or financial contributions towards the provision of play facilities, POS and the other requirements of Appendix E.	To be confirmed.

Recommended conditions:

1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason

To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.

Reason

To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

Reason

To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

4. 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.

5. The development must not be brought into use until the access to the site at Bluebell Way 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 access must be formed to give a minimum carriageway width of 5.5metres, and that part of the road extending into the site must be constructed in accordance with Standard Details issued by the local highway authority. All works must accord 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 all highway users.

6. There must be no access or egress by any vehicles between the highway and each property application site until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. 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.

7. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason

To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason

To ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

9. 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.

10. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works: 1. details of any temporary

construction access to the site including measures for removal following completion of construction works; 2. restriction on the use of Blind lane access for construction purposes; 3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway; 4. the parking of contractors' site operatives and visitor's vehicles; 5. areas for storage of plant and materials used in constructing the development clear of the highway; 6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas; 7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes; 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 & carriageway and facilities for public viewing where appropriate; 12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development; 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 the construction phases;

Reason

In the interest of highways safety and public amenity.

11. Development shall not commence until a scheme detailing surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason

To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

12. Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to 5.65 L/S. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided

to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason

To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere.

13. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason

To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

14. Development shall not commence until a scheme for the accommodation of additional flows impacting upon the drainage network have been submitted to and approved in writing by the Local Planning Authority, including further survey and investigation of the existing drainage system to confirm wider connectivity. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason

To accommodate flows in storm events and allow for future maintenance

15. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason

To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason

In the interest of satisfactory and sustainable drainage.

17. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:- a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

Reason

To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage.

18. No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the public sewer i.e. a protected strip width of 6 (six) metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason

In order to allow sufficient access for maintenance and repair work at all times.

19. Prior to commencement of development hereby approved a surface water drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall detail how the issues raised in Network Rails response dated 28.01.2021 in relation to surface water drainage and the adjacent railway line are to be addressed. The development shall thereafter be carried out in accordance with the approved strategy.

Reason

To ensure that the development does not cause drainage/flooding issues on the adjacent railway line in the interest of public safety.

20. Prior to the commencement of development hereby approved a construction management plan detailing safety procedures for development adjacent to a railway line shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be constructed in accordance with the approved details. The management plan shall include, but not be limited to, details relating to the fail safe operation and storage of cranes, plant, vehicles and materials.

Reason

In the interest of public safety and the safe operation of the railway line.

21. Prior to the occupation of the development, hereby approved, details of a trespass proof fence shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height, type, appearance, colour, positioning, timing for installation and details of future maintenance of the fence. The fence shall be constructed prior to the first occupation of the development and shall be thereafter retained in accordance with the approved details.

Reason

In the interest of public safety in discouraging trespass on the railway line.

22. If excavations/piling/buildings are to be located within 10m of the railway boundary a method statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The method statement shall include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan.

Reason

In the interest of public safety and the safe operation of the railway.

23. No trees or shrubs shall be planted within 10m of the Network Rail boundary fencing to the south of the site unless a scheme is first submitted to and approved in writing by the Local Planning Authority detailing, but not limited to, the species, siting and future maintenance of the planting. Any planting within the 10m buffer zone shall be carried out and maintained in accordance with the approved details.

Reason

In the interest of public safety and the safe operation of the railway.

24. Prior to commencement of the development hereby approved a Biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using the latest DEFRA or Natural England biodiversity metric. The development shall thereafter be carried out in accordance with the approved details.

Reason

In the interest of biodiversity and in accordance with Policy E3 of the Hambleton Local Plan.

25. No trees shall be removed until a further inspection for bats has been conducted by a suitably qualified Ecologist and the results submitted to and approved in writing by the Local Planning Authority. Should any bat roosts or evidence of such be found within trees proposals in relation to the roosts shall be submitted for approval in

writing to the Local Planning Authority along with the findings. Thereafter the development shall be carried out in accordance with the approved details.

Reason

In the interest of biodiversity.

26. Site clearance works including vegetation and building demolition shall be undertaken between September and late February to avoid the bird nesting season (March-August) otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged.

Reason

In the interest of biodiversity.

27. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter

Reason

In order to comply with the requirements of Appendix E of the Hambleton Local Plan.

28. The development hereby approved shall comply with the requirements and expectations of Policies HG2 and HG3 of the Local Plan and the latest version of the Housing SPD on housing size(s), type(s) and tenure(s) or otherwise with an identified local need in the Bedale sub-area, which has first been agreed with the Local Planning Authority.

Reason

To ensure that the proposed development meets local need for housing and to ensure that the proposals accord with Local Plans policies HG2 and HG3.

29. The design, scale and layout of the development as submitted as part of any subsequent reserved matters submission shall ensure that each residential property meets the current National Described Space Standards with sufficient drawings and information submitted with the application to demonstrate compliance.

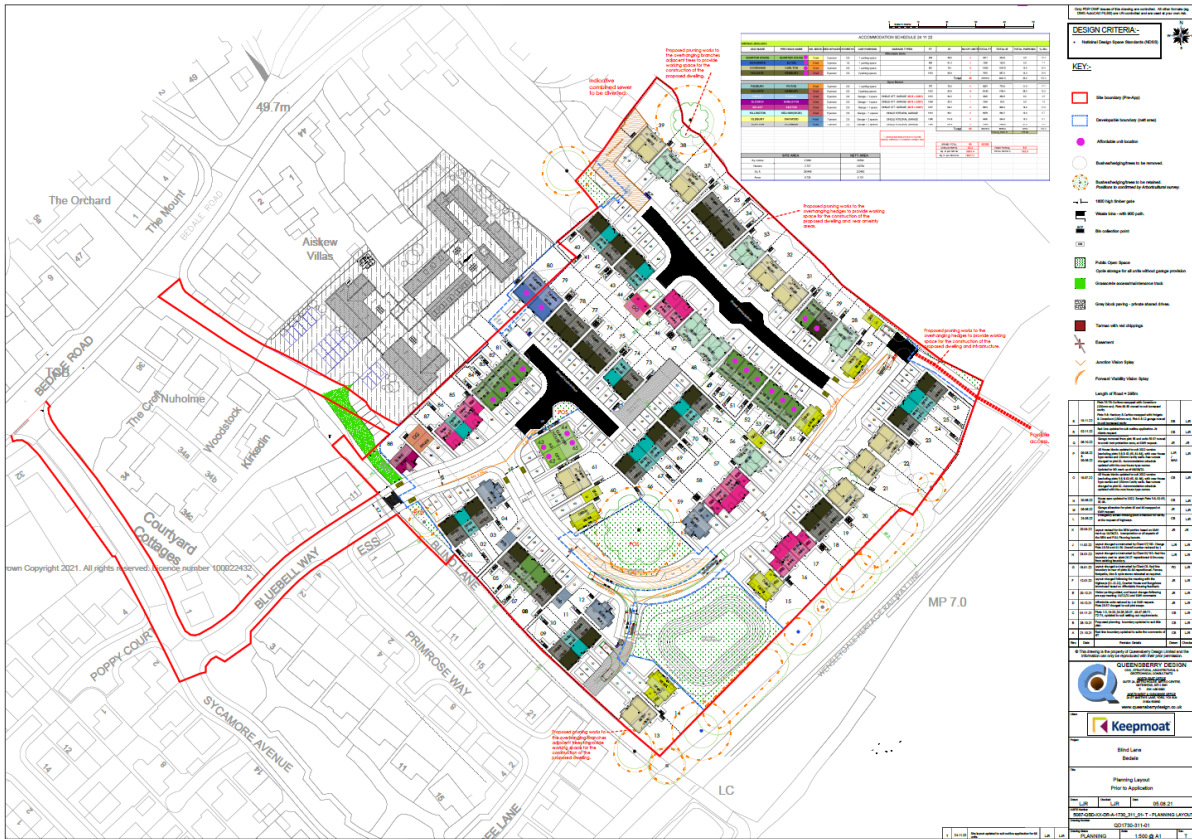
Reason

To ensure that the proposed development meets the current National Described Space Standards in accordance with Policy HG2 of the Hambleton Local Plan.

Target Determination Date: 28.02.2023

Case Officer: Ian Nesbit, Ian.Nesbit@northyorks.gov.uk

Appendix A – (Revised) Proposed (Indicative) Layout Plan (Rev.T)



North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Committee

13 APRIL 2023

22/00565/OUT – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED EXCEPT FOR ACCESS, FOR PROPOSED STORAGE AND DISTRIBUTION UNITS (USE CLASS B8) TOTALLING 107,640SQ FT. IN SIZE

AT: SCOTCH CORNER CARAVAN PARK, BARRACKS BANK, SCOTCH CORNER, RICHMOND NORTH YORKSHIRE, DL10 6NS
FOR: MARSHALL LEISURE SCOTCH CORNER CARAVAN PARK

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the proposed storage and distribution units (Use Class B8) Totalling 107,640SQ FT at Scotch Corner Caravan Park, Richmond DL10 6NS.
- 1.2 This application is brought to the Area Planning Committee as the Head of Planning considers a planning application to raise significant planning issues such that it is in the public interest for the application to be considered by committee.

2.0 Executive Summary

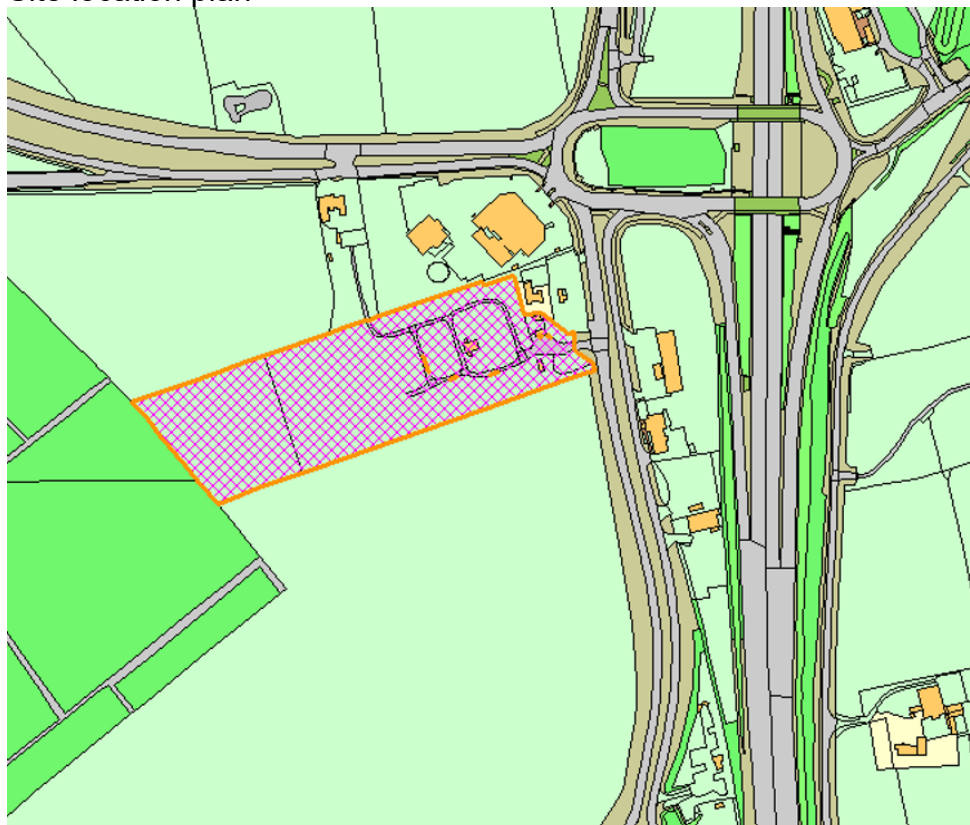
RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed at the end of the report.

- 2.1 Outline planning application with details of access and scale for the development of an existing Caravan Park with a proposal for 37 Industrial Units with a total gross internal floor area of 10000m² (1ha) (107,640 sqft) within a site area of 3.1ha. An indicative layout plan has been provided.
- 2.2 Indicative building heights referred to in the application suggest that the buildings would be typical of their intended purposes with eaves heights of 4 – 6 metres for the B2 units and 8 – 10 metres for the B8 units which would all be composite clad and typical of industrial buildings.
- 2.3 the proposal is immediately adjacent to the upgraded Junction 53 of the A1 (M) motorway, which Spatial Principle SP5 of the Local Plan states can be considered for appropriate economic development opportunities subject to an appraisal of their requirements to link directly with the strategic road network taking into account the

feasibility (of such linkages) and existing local conditions. Part 4 of the Central Richmondshire Spatial Strategy identifies the potential for development at the Scotch Corner junction. It is considered reasonable to conclude that employment uses such as those proposed are commonly located close to the strategic road network for ease of access by HGVs to serve the development accordance Spatial Principle SP5 and Core Policy CP1 of the Richmondshire Local Plan (2014).

- 2.4 The development will be sustainable due to its location and visual appearance, but also due to the existing tree planting, a biodiversity net gain can be achieved. The development thus accords with Policies CP2 paragraph 1 and CP3. The development has been found to be acceptable in relation to protected species, trees, and archaeology.
- 2.5 Two areas have been identified to be inadequate in respect of flooding and drainage however these elements can be dealt with at the reserved matters stage.

Site location plan



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://documents.richmondshire.gov.uk/planning/planning-documents?SDescription=22/00565/OUT&viewdocs=true>

- 3.2. A proposed site plan is an Appendix. B
- 3.3. There is one relevant planning application for this application which are detailed below.

10/00224/OUT - Outline Application for Industrial/Employment Development : Use Classes B1(C), B2, B8 - Refused 07.07.2010

Appeal - 10/00009/REFPP-APP/V2723/A/10/2140736/NWF

- 3.4 Further applications approved on this site include:
17/00490/FULL - Change of Use of Land to Allow Extension of Caravan Park to Create 64 Additional Pitches for Holiday Static Caravans, Retaining 50 Pitches for Touring Caravans - Approved 31.08.2017

There is a lot of detail relevant to the 2010 application this is summarised at Appendix A.

4.0 Site and Surroundings

- 4.1. The application involves the development of an existing Caravan Park with a proposal for 37 Industrial Units with a total GIA of 10000m² (1ha) (107,640 sqft) within a site area of 3.1ha. The site lies within 300m of the main roundabout at Scotch Corner and Junction 53 of the M1 A1. The site currently accessed from the northbound carriageway of the A6108 south of the A66.
- 4.2. The land to the west and north-west of the site is currently undeveloped and the land behind the Vintage Hotel adjoins a small part of the northern site boundary. The majority of the northern boundary is shared with the Scotch Corner Hotel and Leisure Centre which are currently the most dominant buildings in the area. Between the eastern boundary of the site at the A6108 is West View Bungalow (a private dwelling) and a former filling station which in recent years has been used for the display of agricultural machinery and equipment. To the east of the A6108 there is a small group of industrial units (also formed from a former filling station) and the Dalesway Lodge. The land to the south of the site is currently being developed has an (out of town) shopping complex beyond this further to the south west a garden centre is currently being considered.

5.0 Description of Proposal

- 5.1. This application seeks Outline permission with access considered for the change of use of the former caravan site to Use Class B2 and B8. Indicative building heights referred to in the application suggest that the buildings would be typical for their intended purposes with eaves heights of 4 – 6 metres for the B2 units and 8 – 10 metres for the B8 units which would all be composite clad and typical of industrial buildings.

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:
- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
 - Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
 - The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered of negligible weight due to progress of the Local Plan ceasing with the intention to work towards a North Yorkshire Local Plan from 1st April 2023.
- Richmondshire Local Plan Issues and Options 2021

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - National Design Guide 2021

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. Parish Council: Object to the proposal it does not agree that the land classification should be changed from C1 (hotels, boarding and guest houses) to B8 (storage and distribution) and is deeply concerned that this will set a precedent for other areas of land within the vicinity.
- 7.3. Ward Member(s): No comments received
- 7.4. Designing out Crime: In general the illustrative layout shown in the submitted drawings appears to be appropriate in terms of Designing Out Crime, there are some aspects that are not conducive with crime prevention, and these should be addressed to reduce the risk of the development suffering from crime and disorder.

- 7.5 LLFA: The submitted documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions.
- 7.6 National Highways: formal recommendation we offer no objection (see reasons at Annex A); Highways Act 1980 Section 175B is not relevant to this application. Further comments will be discussed below in respect of traffic modelling.
- 7.7 NYC Growth and Heritage Services: we have a fairly good understanding of the types and significance of archaeological remains from previous archaeological recording to the immediate south (proposed retail park) and a short distance to the north (A1 upgrade). It is also reasonable to assume some level of impact from the existing site use, particularly at the eastern end of the site. Conditions are recommended if approval is granted.
- 7.8 NYC Highways:
- Given the proximity of the site to the A1(M) Junction 53 at Scotch Corner and the A66, the LHA will be working closely with National Highways in assessing the submitted information. The proximity to the proposed busy junctions of the SCDV and the Scotch Corner Roundabout should be provided.
 - The existing A6108 and adjacent footpaths are adopted by the LHA and there are proposals for S278 works to be done in relation to the SCDV Developments.
 - The proposed consented access to the SCDV should be shown on the layout plans. The proximity of the proposed access to the Storage and Distributions site to the SCDV entrance with Traffic Lights may not be feasible.
 - The vehicular accesses into the application site whilst shown indicatively on the proposed site plan will need to be further determined with the knowledge of Transport Assessment Junction modelling and the Local Highway Authority knowledge of the road network.
 - A pedestrian footpath linking to the footway on the A6108 is indicated. A shared cycle / pedestrian path is being provided on the A6108 with a Toucan Crossing facility. How does the application site tie into the existing pedestrian/cycle facilities? The requirements of LTN1/20 on cycling infrastructure provision will need to be considered.
- 7.9 Yorkshire Water:
Made several observations re the location of the mains supply and the need for a 10 metre easement (5metres either side from the centre of the main) is required to provide access for repair and maintenance of the Asset. Conditions were recommended as part of the works.

Local Representations

- 7.10 A total of 6 representations have been received following consultation on the application: objecting and commenting.

A summary of the representations received in relation to the application(s) are provided below.

Objections;

- The size and scope of this development is overly excessive for the location.
- The planned development is on greenfield land
- This area is already very busy with traffic and adding more HGV drivers here will create further issues
- Need a Public Inquiry to assess all the developments at Scotch Corner
- This application has to be considered as a whole with the other numerous applications in the vicinity
- Scotch Corner roundabout is excessively busy already without the additional traffic proposed.
- The proposed improvements to the A66 are unlikely to be sufficient to manage the additional traffic.

- 7.11 CPRE: consider that the proposal is located adjacent to a major road network and thus in a location with suitable access (subject to Highway accessibility considerations at junctions) ensuring the need for large vehicles to travel beyond the strategic road network is minimised.

Whilst it accepts some loss of trees within the site and acknowledges the planting of additional trees they see little bio-diversity gain, could the scheme adopt green roofs where possible and any opportunity to increase tree/hedge cover within the site should be encouraged. A bio-diversity assessment to be undertaken alongside the provision of an energy statement which sets out how the proposal will deliver carbon mitigation and efficiencies and ideally deliver a net zero development.

It is considered that prior to the determination of the application both the noise assessment will be considered by the relevant department at NYCC or the Council to ensure that noise nuisance is not a disturbing factor to nearby guests so as to impact the existing adjacent business, but also that the proposed mitigation is adequate. Furthermore, a landscape assessment is needed to assess the impact of the proposed solid 4m high acoustic barrier.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development falls within Schedule 2 Category 10(a) Industrial estate development projects - Industrial / Warehousing Development of The Environmental Impact Assessment Regulations 2017 (as amended) and exceeds threshold (iii) due to the site being over 3ha. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision is available to view on the Council's website. Nothing has changed since the Screening Decision and it is still

effective for the Committee Decision. No conditions are required to rule of a likely significant environmental effect.

9.0 Main Issues

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

- Principle of development
- Highways, Access and Parking
- Flooding and drainage
- Design & Layout, Landscaping and Impact on Landscape Character
- Residential Amenity
- Sustainability and Climate Change
- Other Matters – Archaeology and Contamination

10.0 Assessment

Principle of Development

- 10.1 Spatial Principle SP5 of the Richmondshire Local Plan (2014) states that “employment development should secure diverse economic improvement within the high quality environment. The Council, its partners and service providers will ensure that 12 hectares of land for employment development, excluding military related needs, are brought forward in the period to 2028 to sustain the economy of the plan area”. However, it is Officer’s understanding of this policy that this is a minimum figure of employment land as opposed to a maximum figure, based upon the explanatory text to Policy SP5 which states “periodic reviews will ensure that this strategic employment land capacity continues to be sufficient and relevant.”
- 10.2 The Council’s Strategy for North Richmondshire advises the following the area is predominantly rural, but also has major trunk road junctions at Scotch Corner and Barton. There are a few employment locations in the area. The Aske Hall development provides a range of employment units within former estate buildings near to Richmond. Dalton Gates is a small industrial estate on the site of a former wartime airfield five miles from Darlington. Although well located for both the A1 and A66, only a small amount of employment development has taken place at Scotch Corner. Planning permission was first granted for a major seven hectare employment development next to Scotch Corner 20 years ago and remains a planning commitment, with some development started. The A1 upgrade improves prospects for this site and motorway related development at both the Scotch Corner and Barton junctions. The LP goes on to state ‘Around 25 hectares of employment land are identified in the plan area’s key employment locations in Catterick Garrison, Richmond, Leyburn and A1 related sites with planning permission, including the Scotch Corner site.
- 10.3 Whilst the Richmondshire Local Plan has been prepared in the context of the National Planning Policy Framework (NPPF), the sub-regional scale and nature of this particular proposed development does also need to be considered in the broader context provided by the NPPF (and the associated National Planning

Practice Guidance (NPPG)) as a material consideration. Paragraph 81 of the revised NPPF states that “Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”. It is also relevant to note that paragraph 83 of the revised NPPF states that “planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision ...for storage and distribution operations at a variety of scales and in suitably accessible locations”.

- 10.4 The revised NPPF is also committed to delivering sustainable development, including sustainable economic growth new developments generating significant amounts of transport movement should take opportunities to deliver sustainable transport modes; provide safe and suitable access for all people; and bring cost effective solutions to significant transport impacts arising from new development.

Other considerations

- 10.5 An encouragement to utilise previously developed land first (where that land is in a sustainable location) in preference to greenfield sites; Development should, as far as possible, be located so as to minimise the need to travel. Convenient access via foot, cycle and public transport should exist or be provided, where possible, encouraging the use of these modes of travel for local journeys and reducing the need to travel by car (Policy CP3);

Development of a scale and nature appropriate to secure the sustainability of each settlement in the hierarchy defined in Spatial Principle SP2 and elsewhere through Spatial Principle SP3 will be supported taking into consideration the scale and distribution of development as defined in the Core Strategy and providing an effective response to Climate Change in accordance with Policies CP2 and CP3;

New development should provide for the social and economic needs of the local community, and in all cases be accessible and well related to existing facilities and be within the capacity of existing or additional infrastructure. Conversely, development should not impact adversely on the character of settlements and their settings, important views and open spaces, the character of the landscape or on designated and undesignated heritage assets. In addition, development should not lead to the loss of, or adversely impact on, or cause deterioration of important nature conservation, water bodies, biodiversity or geodiversity, or be located in areas of flood risk or contribute to flood risk elsewhere sites. Development should also not cause significant adverse impacts on amenity and highway safety (Policy CP4);

- Ensuring that developments provide, or enable the provision of, the infrastructure made necessary by such development, with improvements and investments delivered in a timely manner and to the required standards (Policy CP14).

- 10.6 The submitted Planning Statement claims that the proposed development would result in significant job creation across a range of levels and roles. The nature and number of jobs will be based on intended future occupiers and it is envisaged the development will significantly boost capacity for storage and distribution.

- 10.7 Notwithstanding the above, it is noted that there are existing industrial parks nearby and other proposed developments at Scotch Corner that will create a mixed used development order. Concerns have been raised from local residents relating to the scale of the development and the traffic impacts with the other proposals. The comments are acknowledged, particularly in relation to concerns that the development would provide employment opportunities beyond Richmondshire's boundaries and therefore there is the potential for a proportion of the development's workforce to travel to work beyond the local area.
- 10.8 On balance, the economic benefits of the proposed development (including the creation of local employment opportunities) in this location adjacent to the A1M junction 53, would help to develop the economy of Richmondshire. As noted above in this committee report, there is support within Spatial Principle SP5 of the Richmondshire Local Plan (2014) for proposed economic development at Junction 53, which the application site abuts and therefore the principle is considered acceptable.
- 10.9 Therefore it is officer opinion that the proposed development would be in accordance with Policy CP7, CP9 and SP5 of the Richmondshire Local Plan and section 6 of the revised NPPF (Building a strong, competitive economy). The principle of the development is therefore policy compliant.

Highways, Access and Parking

- 10.10 Paragraph 111 of the revised NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Within this context, Paragraph 112 provides for a number of criteria against which new development proposals should be assessed, with Paragraph 113 stating that all developments that will generate significant amounts, of movement should be required to provide a Travel Plan (TP), and the application, should be supported by a transport statement (TS) or transport assessment (TA) so that the likely impacts of the proposal can be assessed.
- 10.11 The proposed development has been supported by a 'Transport Assessment and Framework Travel Plan. The Framework Travel Plan was updated and Transport, Technical notes have been subsequently provided during the course of the application to take account of feedback from National Highways, and North Yorkshire County Council as the Local Highway's Authority. Collectively, these documents consider the potential impacts of the proposed development and the issues relating to highways safety; traffic impact & network capacity; sustainability; access; and car parking.
- 10.12 National Highways noted the following deficiencies in the original assessment as identified below);
- 1) JSJV does not consider the Catterick comparison site trip rates (Land North of A60555 (22/00189/OUT)) to be suitably representative of the development proposals. In particular, the scale of the comparison sites is significantly in excess of the development proposals and is therefore likely to result in considerably different

trip rates per sqm. JSJV would also note that the residential population within a reasonable walking or cycling distance of the Catterick site also appears considerably larger than in the vicinity of Scotch Corner site. Further to the above, a 'first principles' check of the total trip Registered office Bridge House, generations presented in the updated analysis of Mosodi's email (dated 22nd November) would equate to circa 50% of the proposed individual units not generating any arrivals during the AM peak or departures during the PM peak. JSJV consider this to be unrealistic and indicative of the total site generation being underestimated.

2) Nevertheless, JSJV has now undertaken our own independent, TRICS trip generation assessment of the development proposals, using the industrial estate land use within the software. Furthermore, JSJV has utilised 2011 Census data to distribute these trips onto the local road network, including Scotch Corner roundabout.

- 10.13 The Transport and travel plans were also assessed by the LHA who requested further information on a number of aspects back in October. Further works have been undertaken following a number of concerns that were raised by NYCC LHA and National Highways. These have resulted in the LHA recommended a number of conditions to bring forward with any subsequent reserved matters application.

National Highways' formal response is that they now have no objections to the proposal from their point of view as stated in the consultation response above.

Flood Risk and Surface Water Drainage

- 10.14 National planning advice within the revised NPPF and PPG with regard to flood risk advises that a sequential approach to the location of development should be taken with the objective of steering new development to flood zone 1 (areas with the lowest probability of river or sea flooding). When determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where it is informed by a site-specific flood risk assessment.
- 10.15 Core Policy CP2 of the Richmondshire Local Plan (2014) advises that development proposals should be steered away from flood risk areas by adopting a sequential approach as set out in prevailing national guidance and be designed to minimise flood risk on-site and elsewhere. According to the Environment Agency's (EA's) flood map, the application site falls within Flood Zone 1, an area with a low probability of flooding. The application has been supported by a Flood Risk Assessment & Drainage Statement.
- 10.16 The Lead Local Flood Authority considered the latest drainage information submitted and made the following comments:

1. Runoff Destinations

Runoff from the development is unconfirmed, as the use of a pumped outfall to a nearby watercourse is highlighted, or a connection to the public sewer system at a greenfield runoff rate is proposed. These options should be confirmed in detailed drainage drawings, in line with the drainage hierarchy

2. Peak Flow Control

A peak flow rate of 14.53l/s has been proposed however this has been rejected by Yorkshire Water and a flow rate of 3.5l/s proposed. Evidence of how the greenfield runoff rate is calculated is required to confirm the proposed rate.

3. Volume Control

Micro Drainage calculations are requested to confirm the required Surface water attenuation volume. The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change and for urban creep. This should be incorporated into the detail drainage design.

4. Pollution Control

Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.

5. Designing for Exceedance

An exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system. Mitigation measures should be proposed to minimise the risk of flooding to these properties. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

6. Climate Change and Urban Creep

An allowance of at least 30% must be made in SuDS design for increased amounts of rainfall as a result of Climate Change. Additionally, a 10% allowance must be made in the designed SuDS for Urban Creep.

7. Maintenance

Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the Local Planning Authority for approval, this may be subject to a Section 38 agreement with the NYCC Highways department and additionally a Section 104 agreement with Yorkshire Water

Recommendation to the Local Planning Authority:

The submitted documents are limited recommend that a number of condition are imposed on any permissions granted.

- 10.17 Yorkshire Water advise that a water main crosses the red line site boundary. The presence of the main may affect the layout of the site and therefore consider it to be a material consideration in the determination of this application. It is recommended that no obstruction encroaches within 5 metres on either side of the main i.e. a

protected strip width of 10metres. The exact line of the main will have to be determined on site under Yorkshire Water Services supervision. It may be possible for the main to be diverted under s.185 of the Water Industry Act 1991. These works would be carried out at the developer's expense. The cost of these works may be prohibitive. Conditions and further advice was recommended by YW subject to granting of approval.

Design & Layout, Landscaping and Impact on Landscape Character

- 10.18 Section 12 of the revised NPPF seeks to secure high quality design, with Paragraph 126 explaining that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 of the revised NPPF also seeks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; and establish or maintain a strong sense of place.
- 10.19 The application is submitted in outline form with all matters reserved except means of access. Details in respect of layout, scale, landscaping and appearance are therefore reserved for future consideration. However, a preliminary indicative layout plans and landscape plan sets out a number of parameters for the proposed development including floorspace, buildings to be removed and additional tree planting. Together, these give an indication of how the proposed development of the site could be achieved with minimal impact on the landscape. The majority of boundary trees will be retained as these have been long established from the former use of the site as a caravan park.
- 10.20 The application site does not fall within any nationally designated landscapes. It is considered necessary to impose a number of specific conditions relating to the detailed design and landscaping of the site. Conditions should ensure the proposed development is in line with mitigation recommendations set out in the submitted Preliminary site layout plans and the Arboricultural Assessments and tree survey layout plans. The Method Statement and Tree Protection Plans would be conditioned and supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements).
- 10.21 The indicative drawings provided for this outline application have demonstrated that the design of buildings, use/layout of space within the site and landscaping could be achieved to represent high quality design, with necessary mitigation in place to address potentially harmful implications. Further conditions in respect of landscaping are recommended, which would in turn help to secure improvements to the natural environment. Subject to accordance with suggested conditions, it is considered that a development could be accommodated on the site, which would comply with Core Policies CP3, CP4, CP12 and CP13 of the Richmondshire Local Plan (Adopted 2014) and are in accordance with the aims of Part 12 of the revised NPPF.

Residential Amenity

- 10.22 Part 8 of the NPPF provides advice on how development can achieve healthy, inclusive and safe places. Parts 12 and 15 of the revised NPPF require that a good standard of amenity for existing and future users be ensured, whilst seeking to prevent both new and existing development from contributing to, or being put at unacceptable risk from, unacceptable levels of pollution.
- 10.23 The proposed development has been considered as noise generating. As clarified in the submission at this stage the end users are unknown, however it is assumed that the possible sources of noise are from external plant, external operations and vehicle movements. A noise and vibration impact assessment has been submitted in support of the application. The nearest noise sensitive receptors to the proposed development are the hotels to the north of the site.
- 10.24 The main sources of noise have been identified as follows:
- Sound from industrial and manufacturing processes;
 - Sound from fixed installations which comprise mechanical and electrical plant and equipment;
 - Sound from the loading and unloading of goods and materials at industrial and/or commercial premises; and
 - Sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from forklift trucks, or that from train movements on or around an industrial and/or commercial site.
- 10.25 The report stated that the predicted specific sound levels at The Vintage Hotel and Scotch Corner Hotel are 44 dB(A) and 51 dB(A), respectively. When determining a noise rating level in accordance with the methodology outlined in BS 4142, it is considered appropriate to apply a +3 dB penalty to the predicted specific sound level to account for the intermittent nature of noise from delivery operations, which may make noise from deliveries distinguishable against the residual noise climate. With the penalty applied, the predicted rating levels are 47 dB LAr,Tr at 'The Vintage Hotel', and 54 dB LAr,Tr at the Scotch Corner Hotel.
- 10.26 The predicted rating levels are above the measured 44 dB LA90,T background sound level measured at ML1 during the late evening and night-time at both receptors. In accordance with the guidance from BS 4142 this would indicate an adverse impact at The Vintage Hotel, and a significant adverse impact at the Scotch Corner Hotel. As such, consideration has been given to mitigation measures this sought the inclusion of a 4m barrier. With this in place the predicted specific sound levels are reduced to 36 dB(A) and 41 dB(A) at The Vintage Hotel and Scotch Corner Hotel, respectively, when accounting for a 4 m barrier running along the northern site boundary. Applying a penalty of +3 dB to account for the intermittency of delivery operations, the predicted rating levels are 39 dB LAr,Tr and 44 dB LAr,Tr at The Vintage Hotel and Scotch Corner Hotel, respectively.
- 10.27 Officers consider that given its location with the A66 and A1M to the east and the Designer Outlet to the south and the barrier any noise would be absorbed by these factors negating the need for any further mitigation measures. The inclusion of such

a barrier on the northern boundary would integrate well with the existing tree lined boundary resulting in minimal harm to the wider landscape. No comments were received from Environmental Health. The proposal would be compliant with Core Policies CP3, CP4, CP12 and CP13 of the Richmondshire Local Plan (Adopted 2014).

Sustainability and Climate Change

- 10.28 Richmondshire Council declared a climate emergency in July 2019. For the planning process, the climate emergency is primarily focussed on putting planning policy in place to ensure protection of the environment and achievement of net-zero carbon in the district by 2034.
- 10.29 The application is seeking outline planning permission with all matters reserved except for access, and so the full scope of carbon savings in accordance with the aims of the Richmondshire Local Plan (2014) cannot fully be established at this stage and would come out at the detailed design stage through the submission of reserved matters. However, it is noteworthy that the submitted Planning Statement states that the aim of this scheme is to create a high-quality scheme that relates, respects and responds to the character of the surrounding area as well as contributing to the requirement for ensuring the storage and distribution activities of Richmond. This should form the base line of future buildings in their use, design, materials, workmanship, sustainability, life cycle, carbon footprint, etc.". it is expected that all aspects of sustainable building design and energy savings should be incorporated throughout the development. A suitable condition will be attached to ensure compliance the policy CP2 and CP4 of the Local Plan.

Section 149 of The Equality Act 2010

- 10.30 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, sexual orientation.
- 10.31 The development of a site for B2 – B8 storage facilities would not result in a negative effect on any persons. The proposal is considered to have a positive impact on persons with The Equality Act 2010 protected characteristics.

Heritage

- 10.32 The NYC Heritage officer advises 'The application area has high archaeological potential, particularly for deposits of the Roman period. The site is adjacent to the route of Dere Street, a major road in the Roman period. Recent archaeological work in advance of the A1 upgrade and proposed retail park at Scotch Corner identified a significant Roman roadside settlement to the immediate west of the A1 and A6105. It is recommended that a condition is applied to secure the archaeological recording:

a scheme of archaeological mitigation recording is undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological strip, map and record to be undertaken in advance of development, including site preparation works, topsoil stripping, excavations for new foundations and new drainage or services, to be followed by appropriate analyses, reporting and archive preparation.

11.0 Planning Balance and Conclusion

- 11.1 The application site is situated outside of any recognised settlement, and for planning purposes falls within the countryside. However, the proposal is immediately adjacent to the upgraded Junction 53 of the A1 (M) motorway, which Spatial Principle SP5 of the Local Plan states can be considered for appropriate economic development opportunities subject to an appraisal of their requirements to link directly with the strategic road network taking into account the feasibility (of such linkages) and existing local conditions. No details have been submitted by the Applicant to appraise the requirements of possible end users to link directly with the existing strategic road network as required by Spatial Principle SP5 of the Local Plan. However, Part 4 of the Central Richmondshire Spatial Strategy does identify the potential for development at the Scotch Corner junction. Furthermore, it is Officer opinion that it is reasonable to conclude that employment uses such as those proposed are commonly located close to the strategic road network for ease of access by HGVs to serve the development accordance Spatial Principle SP5 and Core Policy CP1 of the Richmondshire Local Plan (2014).
- 11.2 The development will be sustainable due to its location and visual appearance, but also due to the existing tree planting, a biodiversity net gain can be achieved. The development thus accords with Policies CP2 paragraph 1 and CP3. The development has been found to be acceptable in relation to protected species, trees, and archaeology.
- 11.3 Two areas have been identified to be inadequate in respect of flooding and drainage however these elements can be dealt with at the reserved matters stage.

12.0 Recommendation

- 12.1 That outline planning permission to include access, is GRANTED subject to conditions listed below.

Recommended conditions:

Condition 1 Time Limit

Prior to the commencement of development details of the following matters (in respect of which approval is expressly reserved) shall be submitted to, and approved in writing by, the Local Planning Authority:

- (a) the scale of the development.
- (b) the layout of the development.
- (c) the external appearance of the development.
- (d) the landscaping of the site.
- (e) drainage

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

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Condition 2 Reserved Matters

Application for approval of the reserved matters of appearance, landscaping and layout shall be made to the local planning authority not later than three years from the date of this permission.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Condition 3 Timescale

The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

Condition 4 Highways (discharge required)

The following schemes of off-site highway mitigation measures must be completed as indicated below:

Road markings, combined pedestrian and cyclist facilities must be provided at the ingress and egress of the site to current design standards prior to occupation of the development Please note: Drainage, lighting, linage and signage details will need to be assessed at the detailed design stage and improvements/modifications provided in line with NYCC's design requirements and in consultation with the Local Highway's Authority.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. An independent Stage 2 Road Safety Audit [commissioned in accordance with NYCC protocol] 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 Safety Audit prior to the commencement of works on site. An independent Cycle Level of Service (CLoS) and Junction Assessment Tool (JAT) auditing support of the proposal must be carried out in accordance with DfT LTN 1/20 Cycle Infrastructure guidance, which must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Audit prior to the commencement of works on site. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

Condition 5 Access Road works

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Barrack Bank (A6108) until full details of the following have been submitted to and approved in writing by the Local Planning Authority: vehicular, cycle, and pedestrian accesses; vehicular and cycle parking; vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and; loading and unloading arrangements. No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Barrack Bank (A6108) have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

Condition 6 Travel Plan Delivery

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.

Condition 7 Construction Management Plan (discharge required)

No development for any phase of the development must commence until a construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. restriction on the use of access for construction purposes shall be assessed and approved by the Local highway Authority;
3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. the parking of contractors' site operatives and visitor's vehicles;
5. areas for storage of plant and materials used in constructing the Development clear of the highway;
6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
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 & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
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 the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity

Condition 8 Water Main

No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of the water main i.e. a protected strip width of 10 (ten) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times. A water supply can be provided under the terms of the Water Industry Act, 1991.

Condition 9 Public Sewerage Infrastructure (discharge required)

No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be 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.

Condition 10 Separate systems for sewage and drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interest of satisfactory and sustainable drainage

Condition 11 Piped discharge (discharge required)

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- ii) the means of discharging to the public sewer network at a rate not to exceed 3.5 litres per second.

(To ensure that no surface water discharges take place until proper provision has been made for its disposal)

Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has

been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

Condition 12 Use Restriction

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any revocation and re-enactment of that order), the premises shall be used only for uses described within this application contained within B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any revocation and re-enactment of that order) and for no other use.

Reason: In the interests of the amenity of the area in accordance with Core Policy CP3 of the Richmondshire Local Plan and Part 15 of the National Planning Policy Framework.

Condition 13 Scale of development

Notwithstanding the detail contained within the application, there shall be no more than 107,640 sqm of floorspace (net internal floorspace) used for purposes falling within Use Class B8 (Storage and Distribution)

Reason: To ensure the safe operation of the Strategic Road Network and in accordance with Core Policy CP4 and Core Policy CP9 of the Richmondshire Local Plan.

Condition 14 Landscape Maintenance and Management Plan (discharge required)

No development, other than site remediation works, shall commence within each phase, or part thereof, until a Landscape Maintenance and Management Plan has been submitted to and approved in writing by the Local Planning Authority for that phase. All new planting proposals for that phase should be supplemented with management and maintenance objectives, specification, schedules of operations relating to frequency and timing and cross referenced to detailed planting plans and species lists (relevant to plant replacements).

The approved landscaping scheme for that phase shall be implemented and completed in accordance with the approved details and timescales. Any trees or plants which die, fail to flourish or are removed within 5 years of completion of the development, phase or part thereof, shall be replaced in the next planting season with others of similar size and species. Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with Core Policies CP4, CP12 and CP13 of the Richmondshire Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Condition 15 Climate change (discharge required)

Prior to the construction of any building hereby approved a detailed Energy Statement for that building shall be submitted to and approved in writing by the local planning authority in accordance with the principles established by the approved Design and Access Statement. The energy statement shall demonstrate how opportunities to deliver carbon savings in excess of Building Regulation requirements have been considered and demonstrate that carbon savings have been maximised by incorporating appropriate opportunities into the design of the building (having regard, if appropriate, to any opportunity for coordinating and linking of infrastructure with any other part of the whole development). Development shall be carried out in accordance with the approved details.

Reason: To ensure that carbon savings are maximised for the development in accordance with Policy CP2 of the Richmondshire Local Plan, and to reserve the rights of the Local Planning Authority with regards to this matter.

Condition 16 Lighting (discharge required)

No building shall be occupied until details of any external lighting have first been submitted to and approved in writing by the Local Planning Authority prior to the building hereby permitted being brought into use. The detail provided shall demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details thereafter.

Reason for condition

In order to minimise light spillage and glare, in accordance with Core Policy CP13 of the Richmondshire Local Plan and Part 15 of the National Planning Policy Framework.

Condition 17 Noise (discharge required)

Prior to the installation of any fixed plant an updated Noise Assessment shall be submitted to and approved by the Local Planning Authority, to demonstrate that the predicted noise levels as set out in the Noise report can be met.

Reason: In the interests of amenity of the area in accordance with Core Policy CP3 of the Richmondshire Local Plan.

Condition 18 Sections (discharge required)

Prior to the commencement of earthworks, cut and fill drawings and an earthworks design specification shall be submitted to and approved in writing by the Local

Planning Authority. The specification and drawings shall be implemented as approved.

Reason: In the interests of the visual amenity of the area and to comply with Core Policies CP4, CP12 and CP13 of the Richmondshire Local Plan and Parts 12 and 15 of the National Planning Policy Framework.

Condition 19 Attenuation flood measures (discharge required)

Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.5 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

Condition 20 Biodiversity (discharge required)

No development shall commence until a scheme for biodiversity mitigation and enhancement associated with the proposed development, including management proposals for the lifetime of the development, has been submitted to and approved in writing by the local planning authority. The scheme must demonstrate a net gain in biodiversity unless it can be demonstrated that it is not possible to achieve. The scheme must be prepared in the context of:

(a) the Government's Planning Practice Guidance and any other relevant best practice; and

(b) the baseline conditions and recommendations contained within the "Ecological Impact Assessment – September 2020", produced by Naturally Wild Consultants Limited, submitted in support of this application.

Thereafter, the site shall be developed and maintained in accordance with the approved management details.

Reason: In the interests of the biodiversity of the site and the surroundings.

Condition 21 Sustainable Drainage (discharge required)

Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

Condition 22 SUDS Maintenance (discharge required)

No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system

Condition 23 Drainage within the site (discharge required)

The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site.

Condition 24 Flood resilience (discharge required)

Development shall not commence until a scheme for the accommodation of additional flows impacting upon the watercourse network have been submitted to and approved in writing by the Local Planning Authority. The scheme shall cater for the impact resulting from the minimum 1 in 100 year return period storm event including a 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason: To accommodate flows in storm events and allow for future maintenance.

Condition 25 SUDS (discharge required)

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

Target Determination Date: 10.03.2023

Case Officer: Mark Danforth, mark.danforth@northyorks.gov.uk

Appendix A – History of site appeal

The application 10/00 00224/OUT was refused for a number of reasons these are outlined below for member reference.

The main reasons at that time were the access and transportation issues. The other issues, were :

- a) the fundamental principle of whether it would be appropriate to redevelop the caravan site for employment uses accepting the loss of the tourist facility?
- b) would it be premature to grant outline planning permission at this point in time when development on the adjoining business park site (which is the prime justification for accepting the redevelopment of this application site) has not yet commenced and certainly is not yet well underway?
- c) if redevelopment of this site is only acceptable as a second phase to the business park site, should it be accessed directly from that land with no access direct from the A6108?
- d) what would be appropriate uses for this site? In considering this question, it would be relevant to note that the permission (now expired) for the Dalesway Lodge specifically ruled out anything other than B8 uses because the site was not considered to be a sustainable location for uses which employed or attracted large numbers of people, albeit that it would be appropriate for storage and distribution uses requiring good access to the strategic road network.
- e) if the site were considered suitable for B8 uses, how could it accommodate the large/tall buildings normally associated with such uses?
- f) how can impacts on adjoining neighbours be mitigated?

The application (10/00224/OUT) was subsequently appealed - Dismissed 15.12.2011. Below is a brief summary, of the Planning Inspectors concerns and issues raised (again for member information.)

The Planning Inspector (PI) erred “the main issue in this case is whether, having regard to local and national policy, the proposal would amount to sustainable development, with particular reference to: the effect on the living conditions of the occupants of neighbouring sites with regard to noise and disturbance; economic development, highway safety, archaeological interests and drainage.” He also did not regard the grant of planning permission for the Employment Park (EP), Ref. 06/00466/OUT as setting a precedent supportive of the appeal proposal in relation to noise. The (EP) plot closest to the appeal site would be nos. 2, 3 and 4.’

This site to the south of this site is now under construction as an out of town shopping complex therefore noise would not be a concern with this site generating its own noise from the comings and goings of deliveries and customers alike.

Sustainability of the site was also a concern from the PI’s perspective due to the site location away from areas of potential work force.

Officers advise on this is that this element of the proposal has not changed during the past 11 years with the only nearby settlement of Middleton Tyas lying within 2 km of the site. The town of Richmond lies approximately 6km away with Brompton-on-Swale approximately 3km away.

The PI's primary concern was highway safety he concluded "on balance that the proposal would be likely to cause unacceptable harm to highway safety, with particular reference to visibility, contrary to the aims of PPG13." The main area of concern raised was the ability to undertake 'U' turns; The PI erred "it is worth noting that this would be removed if the (EP) development were to be implemented."

For this case officers advise members that the construction of the roundabout within close proximity to this site and the implementation of the (EP) together with the safety barriers between the north and southbound route negates the ability by highway users to operate a 'U' turn. This is a significant material change to how the 2010 application was assessed and the conclusions drawn by officers and the PI with regards to highway safety concerns in the refusal and subsequent dismissal at appeal.

Appendix B – Proposed site layout



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