

Meeting: Richmond (Yorks) Area Constituency Planning Committee

Members: Councillors Tom Jones, Heather Moorhouse (Vice-Chair), Stuart Parsons, Karin Sedgwick, Angus Thompson, Steve Watson and David Webster (Chair).

Date: Thursday, 10th August, 2023

Time: 10.00 am

Venue: Civic Centre, Stone Cross, 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 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 \(Yorks\) Area Planning Constituency Committee via 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. Minutes for the Meeting held on Thursday, 8 June 2023 (Pages 3 - 6)**
To confirm the minutes of the meeting held on Thursday, 8 June 2023 as an accurate record.
- 3. Declarations of Interests**
All Members are invited to declare at this point any interests, including the nature of those interests, or lobbying in respect of any items appearing on this agenda.
- 4. ZB23/00822/FUL - New 2 storey dwelling house with domestic garage at the rear at OS Field 9319, Church Street, Well for Stelling c/o Agent (Pages 7 - 14)**
Report of the Assistant Director Planning – Community Development Services

5. **ZB23/01079/REM - Reserved matters application under outline permission 22/02555/OUT for the erection of 88 dwelling houses (C3) with siting, landscaping, design and external appearance for consideration at Old Hatchery, Blind Lane, Aiskew on behalf of Colin Bennett (Keepmoat Homes)** (Pages 15 - 32)
Report of the Assistant Director Planning – Community Development Services
6. **21/03001/FUL - Application for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March, 2023) at Land to rear of 56 Ainderby Road, Northallerton for Mulberry Homes** (Pages 33 - 64)
Report of the Assistant Director Planning – 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**
10.00am, Thursday, 14 September 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

Wednesday, 2 August 2023

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 8th June, 2023 commencing at 10.00 am at Mercury House, Richmond.

Councillor David Webster in the Chair, plus Councillors Bryn Griffiths (substitute), Caroline Dickinson (substitute), Heather Moorhouse, Stuart Parsons, Yvonne Peacock (substitute) and Steve Watson.

Officers present: Bart Milburn (Planning Manager), Peter Jones (Development Manager North), Laura Venn (Legal Manager/Chief Solicitor), Fiona Hunter (Development Management Team Leader), Caroline Walton (Senior Development Management Officer and Sarah Holbird (Democratic Services Officer).

Apologies: Bridget Fortune, Karin Sedgwick and Angus Thompson.

Copies of all documents considered are in the Minute Book

19 Apologies for Absence

Councillor Bridget Fortune, with Councillor Bryn Griffiths in attendance as substitute; Councillor Karin Sedgwick with Councillor Yvonne Peacock in attendance as substitute and Councillor Angus Thompson, with Councillor Caroline Dickinson in attendance as substitute.

20 Minutes for the Meeting held on 11 May 2023

The minutes of the meeting held on Thursday, 11 May 2023 were confirmed and signed as an accurate record.

21 Declarations of Interests

There were no declarations of interest.

22 Public Questions and Statements

The representative of the Corporate Director – Community Development Services stated that, other than those that had indicated that they wished to speak in relation to the application below, there were no questions or statements from members of the public.

Planning Applications

The Committee considered reports of the Assistant Director - Planning relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

In considering the report of the Assistant Director - Planning regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan, the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

23 21/00529/FULL - Full Planning Application for 240 Residential Dwellings and Associated Works on Land North of Catterick Road, Catterick Garrison

Considered:-

The Assistant Director – Planning sought determination of a planning application for 240 Residential Dwellings and associated works on land North of Catterick Road, Catterick Garrison

The decision:-

Permission Granted subject to the conditions listed in paragraph 12 of the Committee report, as amended below together with an additional condition requiring commencement within 3 years, and completion of a S106 agreement with terms as detailed in Table 1 of the Committee report.

Condition 1 - remove the following documents from the list of approved plans as they provide assessment opposed to aspects that need to be complied with:

- c) Design and Access Statement., rev. P19
- d) Planning Statement, June 2021
- e) Statement of Community Involvement, June 2021
- j) Sequential Test, Version 2, March 2022
- k) Heritage Statement, by BWB, ref. P02
- n) Landscape and Visual Impact Assessment, rev. c, dated June 2022

Condition 10 - change plan revision from K to J, the most recent version

Condition 16 – remove the restriction of no street lighting

Condition 17 – to add additional text to allow for drainage phasing “If any drainage systems phasing is required, details shall first be submitted to and agreed in writing with the Local Planning Authority. Thereafter the drainage system delivery shall take place in full accordance with the agreed phasing.”

Condition 18 – to add additional text “Approved measures for specific dwellings such as installation of photovoltaic panels shall be installed in a fully functional manner prior to first occupation of that dwelling.”

Voting Record

6 For 1 Against

(The applicant’s agent, Chris Martin, spoke in support of the application.)

24 Any other items

There were no urgent items of business.

25 Date of Next Meeting

10.00am, Thursday, 13 July 2023 - Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

The meeting concluded at 10.55 am.

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North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

ZB23/00822/FUL - NEW 2 STOREY DWELLING HOUSE WITH DOMESTIC
GARAGE AT THE REAR

AT: OS FIELD 9319, CHURCH STREET, WELL, NORTH YORKSHIRE

ON BEHALF OF STELLING

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the report

- 1.1 To determine a planning application for a new 2 storey dwelling house with domestic garage at the rear on land at OS Field 9319, Church Street, Well.
- 1.2 This is a committee decision having been called in by the Ward Member.

2.0 Executive Summary

RECOMMENDATION: That planning permission be **Refused** for the reasons set out below:

- The site does not form part of the built form of Well and nor can it be said to be immediately adjacent to the settlement. It therefore cannot gain support from policy HG5 of the Local Plan as windfall housing development and thus would be in direct conflict with the Local Plan in terms of the principle of the use in this location.
 - The sequential test carried out for the application is too restricted to demonstrate there are no reasonably available sites in the locality that are not within flood zones 2 or 3. This means that the application conflicts with policy RM2 and the NPPF.
- 2.1 The application is for a single detached dwelling on a greenfield site to the east of the village of Well, just to the north of Church Street.
- 2.2 This would constitute windfall housing development and such the principle of the development would be assessed through policy HG5 of the Local Plan.



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3.0 Preliminary Matters

- 3.1 Access to the case file on Public Access can be found here [Public Access](#)
- 3.2 Through the course of the application an amended Flood Risk Assessment was submitted to address concerns from the Environment Agency.
- 3.3 There is no relevant planning history on file for this site.

4.0 Site and Surroundings

- 4.1 The site is a parcel of grassland measuring approximately 0.23ha which is located to the north of Church Street to the eastern edge of the main built form of Well. The edge of the settlement is to the east, with the outlying cluster of development around the grade II listed Old School House approximately 40m to the west. There is also a large agricultural unit located within this outlying cluster.
- 4.2 There is a beck which runs along the western edge of the site. The eastern edge of the Well Conservation Area is also around 80m to the west. The vast majority of the site is within flood zone 3, with a very small stretch of the western-most edge in flood zone 2.

5.0 Description of Proposal

- 5.1 This application seeks full planning permission for the construction of one two-storey, 5 bed dwelling. It is proposed to be a stone-built unit, with a grey slate roof. The width of the main facade would be approximately 15m with an eaves height of 5.2m. The main two-storey section would front the road, with a rear off shoot providing a boot room and double garage. Access would come directly off the road to the south and around to a private drive area.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan and the North Yorkshire Joint Waste and Minerals Plan.

Emerging Development Plan - Material Consideration

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

Guidance - Material Consideration

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

- National Design Guide 2021
- Housing Size, Type and Tenure - July 2022

7.0 Consultation Responses

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

Consultees

- 7.2 Parish Council - No comments received.
- 7.3 Environment Agency - Based on the information provided we can remove our objection on flood risk grounds. However, we strongly advise that flood proofing measures are incorporated into the development as well as an evacuation plan, as it still stands the development will be in flood zone 3 going off our flood map for planning map.
- 7.4 Environmental Health - No objections.
- 7.5 Gardens Trust - No comments to make.
- 7.6 Gardens Trust - No comments to make.
- 7.7 NYC Heritage Services - No objection subject to condition requiring archaeological monitoring.
- 7.8 NYC Highways - No objections subject to conditions.
- 7.9 Swale and Ure IDB - No comments to make.

Local Representations

7.10 No local representations received.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

- Principle of development
- The impact on the setting of the Conservation Area
- Design
- Amenity
- Flood risk
- Highway safety and access
- BNG

10.0 Assessment

Principle of Development

- 10.1 The site in question is not allocated for housing development. As a result, assessment of this proposal is governed by Policy HG5: Windfall Housing Development. Policy HG5 distinguishes between sites that are "within the built form of a defined settlement" and "adjacent to the built form" of a settlement that isn't a market town. Firstly, it should be noted that Well is defined as a secondary village and therefore is able to support residential development in principle.
- 10.2 The first issue at hand is whether the site can be said to be "within" or "adjacent to" the built form of the settlement. As set out in the introductory section, this site is considered to be located between the edge of the main built form of the village and a small cluster of development to the east, which on the most part contains agricultural buildings alongside a small number of dwellings. There is a clear physical break between the village and this outlying development underlined by the location of the beck which acts as a natural boundary from the main part of the village.
- 10.3 Policy S5 of the Local Plan, which sets out a definition of "built form" for the purposes of policy HG5 specifically excludes "[a] group of dispersed buildings or ribbon developments which are clearly detached from the main part of the settlement". It is clear that this cluster of development to the east should therefore not be considered part of the built form of the village and thus the site, which sits between the village and this cluster. Officers consider that this site can not be said to represent infill development within the built form of Well.
- 10.4 Consequently the only way in which policy HG5 would support the development of this site would be if it could be said to be "adjacent to the built form" and passes the tests set out in the second part of HG5. There is a considerable degree of separation between the site and the eastern boundary of the village. From the site to the nearest dwelling to the west (Mayzac) is approximately 45m. Between the site and this dwelling, which effectively marks the edge of the village, there is the physical barrier of the beck. This separation distance coupled with the location of the beck means that the site is physically and visually detached from the settlement and therefore can not be said to meet the definition of "adjacent to the built form" for the purposes of policy HG5. Consequently, the site fails to gain support from policy HG5 as a windfall housing site and the principle of the development is not supported by the Local Plan.
- 10.5 Notwithstanding this fundamental flaw, other issues and technical matters will be assessed below.

Impact on the Conservation Area

- 10.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed

development would have upon the significance of a designated heritage asset.

- 10.7 The boundary of the Well Conservation Area is located approximately 90m to the west, effectively just excluding the recent dwelling constructed to the west of the site. The approach westwards along Long Lane and then Church Street is undoubtedly an important aspect of the setting of the Conservation Area, allowing a view directly into the heart of the village with the focal point of the Grade I listed St Michael's Church prominent in the streetscape.
- 10.8 Given the degree of separation between the site and the Conservation Area boundary and the degree to which the proposed dwelling would be set back from the road frontage, these key views into the CA would be unaffected. As a result, notwithstanding the conflict with the Local Plan already identified above, the proposed development would not harm the setting of the Conservation Area.

Design

- 10.9 Policy E1 of the Local Plan relates to the design of development and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. It goes on to outline a number of design principles which help to achieve this overarching aim.
- 10.10 The proposed design of the dwelling effectively looks to replicate the new dwelling just to the west, Mayzac, using a similar style and massing and the same palette of materials. In that respect the design of the proposed dwelling is acceptable in isolation and would comply with the requirements of policy E1 and therefore is considered to be acceptable in these terms.

Amenity

- 10.11 Policy E2 of the Local Plan requires all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.12 The nearest dwelling is The Old School House which is located to the east beyond a hedgerow and with a fairly considerable separation distance. As a result, the siting of a dwelling on this site is not considered to raise any issues in terms of loss of privacy or overshadowing. The proposed layout also provides ample outdoor amenity space for the occupants of the proposed dwelling. As a result, the proposal is considered to comply with the requirements of policy E2.

Flood Risk

- 10.13 Policy RM2 of the Local Plan relates to flood risk and sets out a lengthy list of measures that the LPA will take to ensure development is safe from flood risk. Particularly relevant in this case are applying the sequential test to ensure development in flood risk areas is avoided where possible and all reasonable opportunities to reduce overall flood risk have been considered and where possible taken. The NPPF clarifies that the aim of the sequential test is to

steer new development to areas with the lowest risk of flooding from any source and that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

- 10.14 The Flood Risk Assessment submitted over the course of this application outlines that given the site is categorised as being mostly within flood zone 3, it would be expected to flood in the 1 in 100-year exceedance event. However, hydraulic modelling used in the FRA deems that only a small part of the site along the north eastern edge would actually be impacted in such an event and therefore the vast majority of the site, including where the dwelling would sit, should actually be considered as being in flood zone 2. On this basis, the Environment Agency no longer object to the application subject to design measures to ensure adequate physical measures are in place to reduce flood impacts for the proposed development. In effect the Environment Agency conclude that the proposals will not adversely impact flooding to other properties within the catchment.
- 10.15 Whilst on the basis of the FRA it could be said that the development may be able to be made safe from flood risk, the Planning Practice Guidance at para 023 is clear that "even where a flood risk assessment shows the development can be made safe throughout its lifetime without increasing risk elsewhere, the sequential test still needs to be satisfied."
- 10.16 The applicant has submitted a statement outlining an assessment of other "reasonably available" sites in an attempt to ensure the requirements for a sequential test have been fulfilled. This assesses both allocated sites and the SCHLAA to assess future housing development opportunities in the village, both of which yielded no results. It then outlines sites with extant permission or other land for sale that could accommodate the development, again yielding no results. Whilst it is accepted that there may be no other available sites within the village of Well, this is a small settlement that would be expected to have a limited amount of development opportunity. No information has been provided regarding the availability of sites further afield in larger settlements in the surrounding area. As a result, Officers are not content that there is enough justification to allow this development within flood zone 2. On this basis the application fails the sequential test and is in conflict with policy RM2 of the Local Plan.
- 10.17 In the view of officers and backed up by the Planning Practice Guidance, development in this location has not been shown to be necessary and development within Flood Zone 1 (the area at lowest risk) remains feasible within the Local Plan area.

Highway Safety and Access

- 10.18 Policy IC2 of the Local Plan requires development to be served by a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. Access is proposed to be taken directly from the road to the south. The Local Highway Authority were consulted on this arrangement and raised no concerns subject to standard conditions. On that basis the scheme is considered to be acceptable on highway safety grounds and complies with policy IC2.

Biodiversity Net Gain

- 10.19 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain in biodiversity. No BNG Assessment or landscape plan has been submitted with this application. However, the site under the ownership of the applicant extends a considerable distance north which means there is adequate space to provide a scheme that would deliver a net gain in biodiversity and therefore the risk is very low and the matter could be addressed with a condition should the proposal have been acceptable on other grounds. Thus, this does not form a reason for refusal.

11.0 Planning Balance and Conclusion

- 11.1 The site has been assessed as being neither within or adjacent to the built form of Well. It therefore fails to meet the requirements for it to be supported under policy HG5 as windfall housing development. Furthermore, it has also been demonstrated that the application has failed to demonstrate that an adequate sequential test has been carried out. On this basis it also conflicts with policy RM2 of the Local Plan. The acceptability of the development in other terms does not outweigh these fundamental issues and therefore refusal is recommended.

12.0 Recommendation

- 12.1 That Permission be refused for the following reasons:
1. The site does not form part of the built form of Well and nor can it be said to be immediately adjacent to the built form of the settlement. It therefore cannot gain support from policy HG5 of the Local Plan as windfall housing development and thus would be in direct conflict with the Local Plan in terms of the principle of the use in this location.
 2. The sequential test carried out for the application is considered too restricted to demonstrate there are no reasonably available sites that are not within flood zones 2 or 3. This means that the application conflicts with policy RM2 and the NPPF.

Target Determination Date: 11th August 2023

Case Officer: Mr Nathan Puckering
nathan.puckering@northyorks.gov.uk

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE 10TH AUGUST 2023

ZB23/01079/REM – RESERVED MATTERS APPLICATION UNDER OUTLINE PERMISSION 22/02555/OUT FOR THE ERECTION OF 87 DWELLING HOUSES (C3) WITH SITING, LANDSCAPING, DESIGN AND EXTERNAL APPEARANCE

AT: OLD HATCHEY, BLIND LANE, AISKEW ON BEHALF OF MR COLIN BENNETT (KEEPMOAT HOMES)

Report of the Assistant Director Planning – Community Development Services

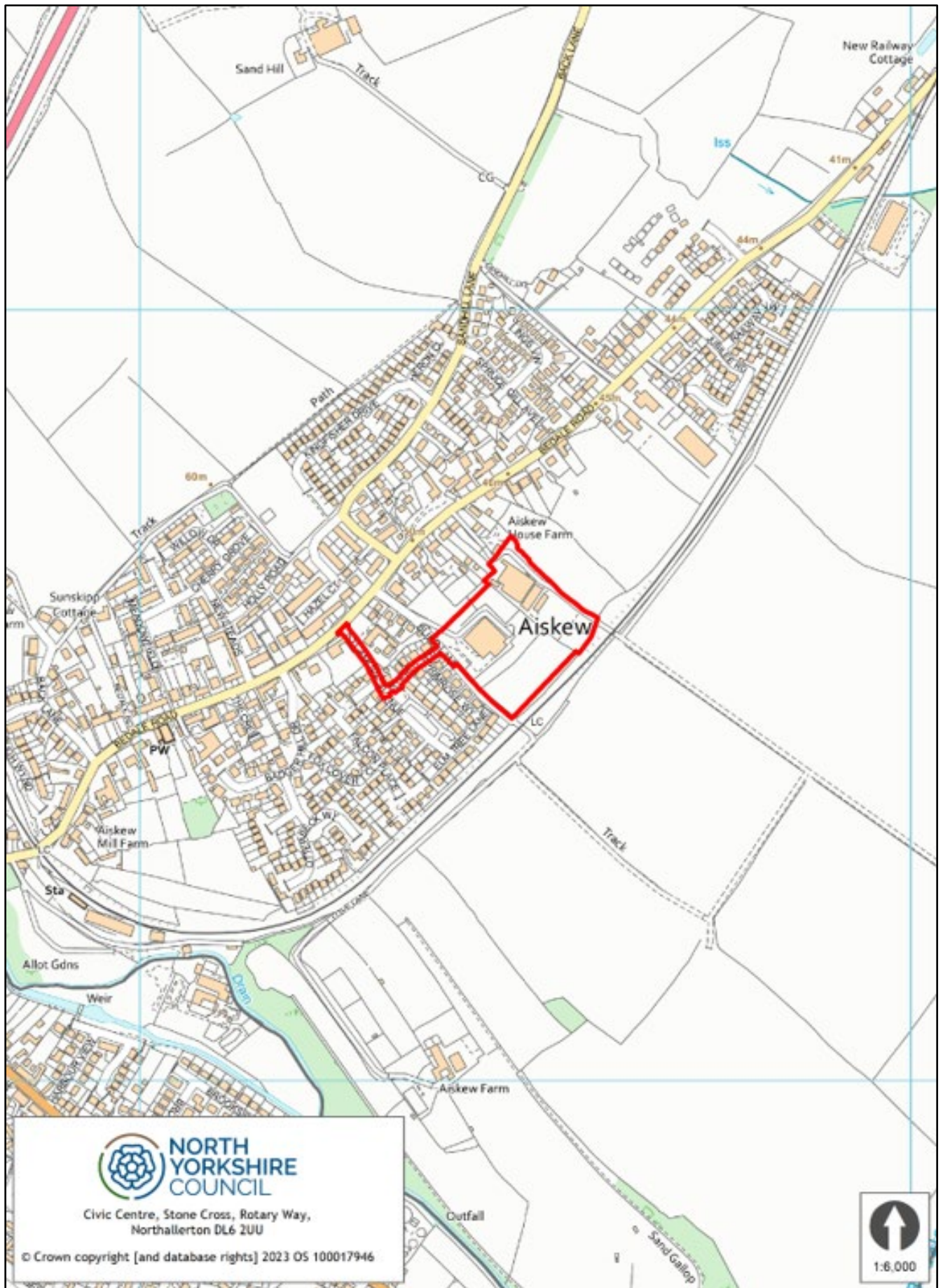
1.0 Purpose of the Report

- 1.1 To determine a planning application for reserved matters (of siting, landscaping, design/external appearance) for the erection of 87 dwelling houses following the granting of outline planning permission (ref. 22/02555/OUT) on land at Old Hatchery, Aiskew.

2.0 Summary

RECOMMENDATION: That reserved matters approval be **Granted** subject to conditions (as listed within section 12 of this report)

- 2.1 This application seeks the approval of the reserved matters of appearance, landscaping, layout and scale following the granting of outline planning permission in May 2023 for 87 dwellings. Details of the access were considered (and approved) as part of the outline permission and as such the principle and access is not for further consideration. The application site is located on the south east side of Aiskew, south of the A684 (Bedale Road) and north of the Wensleydale Railway. The site features agricultural and commercial buildings previously used as a piggery and hatchery respectively. Subject to specific conditions and receiving positive representations from technical consultees (that remain outstanding), it is considered that the details submitted in relation to appearance, landscaping, scale and layout meets the relevant requirements of the policies of the Local Plan, the NPPF and the PPG, and it is therefore recommended that the approval of reserved matters application is approved.




NORTH YORKSHIRE COUNCIL
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 Northallerton DL6 2UU
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3.0 Preliminary Matters

3.1. Access to the case file on Public Access can be found here: -

[Public Access](#)

3.2 The following planning history is considered relevant:

- 81/0144/FUL - Extension to Existing Chicken Hatchery – GRANTED (07.01.1982)
- 87/0188/FUL - Alterations to Two Existing Bungalows – GRANTED (17.11.1987)
- 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink – GRANTED (05.06.2000)
- 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – GRANTED (14.04.2004)
- 20/02882/OUT - Outline planning application with access considered for the development of up to 88 dwellings – REFUSED (on 12.08.2022) There were four reasons for refusal.
- 22/02555/OUT - Outline planning application for the development of up to 88 dwellings (as amended) – GRANTED (25.05.2023)
- ZB22/02555/DCN – Discharge of Conditions Application for conditions 3, 10, 11, 15, 20, 21, 25 and 27 for 22/02555/OUT – YET TO BE DETERMINED.
- ZB22/02555/DCN01 – Discharge of Conditions Application for conditions 14, 17, 19, and 24 for 22/02555/OUT – YET TO BE DETERMINED.

3.3 Adjacent sites:

- 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.

- 3.4 It should be noted that the proposed site layout plan 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 site layout plan), but is part of a separate planning application (ZB23/01078/FUL) for a single dwelling that has yet to be determined by the Local Planning Authority and is proposed to be determined under delegated powers once the current application has been determined, note that this unit is included in the affordable housing calculation.

4.0 Site and Surroundings

- 4.1. The 2.7 ha application site is located on the south east side of Aiskew – south of the A684 (Bedale Road) and north of the Wensleydale Railway. The site features 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. This application seeks the approval of the reserved matters of appearance, landscaping, layout and scale following the granting of outline planning permission in May 2023 for up to 88 dwellings. Details of the access were considered (and approved) as part of the outline planning permission.

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 and the North Yorkshire joint Waste and Minerals Plan, February 2022.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2021 (NPPF)
- National Planning Practice Guidance (PPG)
- National Design Guide 2021 (NDG)
- Housing Supplementary Planning Document 2022 (SPD)

7.0 Consultation Responses

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

Parish Council: No representations received.

Division Member: No representations received.

Clinical Commissioning Group (CCG): No representations received.

Defence Infrastructure Organisation (RAF Safeguarding): The DIO have confirmed that the application site is close to the operational airfield of RAF Leeming, and as such, may be affected by military aircraft-generated noise. Note that no noise impact assessment has been submitted in support of the application, and therefore they consider that insufficient information has been submitted to adequately assess the levels of noise currently experienced at the site due to military aviation. A N.I.A. should be submitted in support of the application. However, if the Council is minded to approve the application, the following condition is recommended to be imposed:

- Securing mitigation measures to achieve daytime noise levels of 35dB LAeq (16 hrs) within living rooms between 0700 and 2300 hours, and night-time levels of 30 dB LAeq (8 hrs) within bedrooms between 2300 and 0700 hrs.

Natural England: No comments to make on the application.

Network Rail: No objections to the principle of the development, noting that there were conditions imposed on the outline permission relating to the railway, including details/requirements for the drainage scheme, construction methodology, boundary treatments, excavations and earthworks within proximity to the railway and the landscaping/planting scheme.

NYC Environmental Health: No objections in principle but state that it will be necessary to secure (by condition) appropriate mitigate measures to control the impact of noise, noting that neither the noise assessment nor odour assessment, submitted with previous applications [i.e. including the associated outline permission: 22/02555/OUT), appear to be included in the documents supporting this application. Significant changes to the development may require review of these assessments. NB – it is noted that the EH's response makes reference to potential odour impacts from the manure heap. This has now been removed and is no longer a necessary consideration.

NYC Environmental Health (Contamination Land): Having assessed the submitted application documents, Environmental Health have confirmed that they have no observations/comments to make, and therefore have no objections to the scheme from a contaminated land perspective.

NYC Housing Manager: Have noted that the associated outline permission requires 30% affordable housing; this equates to 26.4 homes (26 on-site and a commuted sum for the 0.4 balance). The house type mix of the proposed 26 affordable homes is appropriate to meet evidenced needs. The outline permission required a tenure mix of 70% Affordable Rent and 30% Shared Ownership. In order to best meet local needs I recommend that six of the 3-bed houses and two of the 2-bed house be Shared Ownership; with the remaining eighteen affordable homes being Affordable Rent.

Officer Note: A market unit has been changed to an affordable unit, following discussion with the applicant.

NYC Lead Local Flood Authority (LLFA): No representations received.

NYC Local Highway Authority (LHA): The LHA have made the following comments/observations:

- The LHA would prefer a black-coloured road surface within the development, rather than red (a commuted sum for maintenance will be sought from the developer if red is used).
- Street lighting will be required.
- Landscape features (e.g. trees) shall be placed 2.5m back from the edge of the highway; no shrubs should overhang the highway.
- No highway construction details have been provided with the application.
- The design of speed humps should be designed to avoid the trapping of water on the carriageway.

NYC Neighbourhood Policing Team: No representations received.

NYC Planning Policy: No representations received.

NYC Public Rights of Way Team (PROW): PROW have stated that a public right of way is within/adjoining the application site boundary (an accompanying plan identifies the PROW as public footpath ref. 10.4/6/2.) which runs along Blind Lane from its junction with Bedale Road) the PROW have confirmed that any resulting permanent, physical impact on the PROW will require a Public Path Order/Diversion Order under Section 257 of the Town and County Planning Act (1990) to be made; any temporary impact will require an application for a Temporary Closure Order. Where public access is to be retained during the development period, it shall be kept free from obstruction with regard had for the safety of its users at all times.

NY Police: Designing Out Crime Officer (DOCO): A Designing Out Crime Report has been submitted by the DOCO. The Report raises several Designing Out Crime-related issues which it recommends should be addressed prior to the approval of this reserved matters application:

- Surveillance of access point in south-east corner of site could be improved
- Vulnerable rear boundary treatments to some properties
- Management plan required for Public Open Space
- Lack of appropriate demarcation to some house frontages
- Climbing aids created
- Remote parking (Plot 46)
- Surveillance of some parking provision could be improved
- Additional lighting of doorsets required
- Details of appropriate street lighting required.

The Ramblers: No representations received.

Wensleydale Railway: No representations received.

Yorkshire Water Services (YWS): No representations received.

Yorkshire Wildlife Trust: No representations received.

Local Representations

7.2. Five local representations have been received, all of which are objecting. A summary of the comments is provided below, however, please see Public Access for full comments:

- There are existing sewage problems in the area which will be exacerbated by the proposed development.
- The proposed access to the development (across Blind Lane) would be dangerous; Blind Lane is a public footpath and is used by farm vehicles.
- The proposed access would adversely affect the small, quiet feel of Sycamore Avenue and Bluebell Way and the wider existing/adjacent residential development, increasing noise, disturbance and safety risk to playing children.
- The development will result in an increase in traffic movements (including along Bedale Road), thus having an adverse impact on the local road network, including 'wear and tear' of the highway.
- Blind Lane should be used as an alternative access to the development.
- Concerns about construction vehicles passing down the 'narrow' Blind Lane.
- Surface water issues on site.
- Parking would be excessive during and after the construction of the development.
- The presence of Tawny Owl in the wooded area adjacent to Bedale Road; Buzzards have also been seen in the area.

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 outline permission was granted outline planning permission in May, 2023 for 88 dwellings, with access considered as part of the outline permission. This application therefore considers the remaining matters of appearance, landscaping, layout and scale. The key considerations in the assessment of this application (relating to the aforementioned reserved matters) are:

- Affordable Housing and Housing Mix
- Nationally Described Space Standards (NDSS) and Adaptable Homes
- Design
- Landscaping, Green Infrastructure and Impacts on the Landscape and the Settlement's Setting/Character
- Ecology and Biodiversity Net Gain
- Amenity
- Highway Safety and Connectivity
- Impact on the Public Right of Way (PROW) Network
- Flood Risk and Surface Water Drainage/Management
- Water Supply and Foul Drainage
- Contamination and Pollution
- Climate Change Mitigation and Carbon Savings
- Crime, Anti-Social Behaviour and Secured by Design
- Aerodrome Safeguarding

10.0 Assessment

Affordable Housing and Housing Mix

- 10.1 Part (f) of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, '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 had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area.
- 10.2 The proposed layout (as shown on the latest The Planning Layout – Overall Plan – Rev. Y) shows the provision of 87 dwellings, 27 of which are shown as being affordable housing units. This equates to a total, on-site affordable housing provision of 30.68 per cent. The proposed layout is therefore consistent with the policy expectation of 30 per cent provision.
- 10.3 In terms of the affordable housing mix, the Section 106 agreement (completed prior to the issuing of the outline permission) states that the 30% affordable dwellings to be provided on-site are to be delivered as 'Rented Affordable' and 'Shared Ownership' units, with para. 1.4 of the Agreement stating that the proportion of the Affordable Housing Units shall be: 70% 'Affordable Rents' and 30% 'Shared Ownership Lease', or an alternative different tenure split agreed in writing between the Owner and the Council's Housing Services Manager (para.. 1.4.3) or in accordance with the Affordable Housing Scheme which is to be submitted and agreed prior to the commencement of the development and which will include the location, size and type (i.e. tenure) of each Affordable Unit. The Council's Housing Development Officer has

confirmed that he is satisfied with the proposed housing sizes for each of the two affordable housing types.

Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.4 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of 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. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.
- 10.5 The latest 'Planning Layout – Overall Plan' and the individual house type plans demonstrate that the GIA, bedroom sizes and proposed internal storage for each dwelling meets the relevant requirements of the NDSS, and the scale of the individual dwellings would comply with Policy HG2 of the Local Plan in this regard.

Design

- 10.6 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 relevant requirements of Policy E1 (amongst other less relevant considerations):
- 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.);
- 10.7 The latest 'Planning Layout – Overall Plan' and the individual house type plans show details of the overall design layout of the development as well as the appearance (including the form, external materials, and scale) of dwellings and garages. The proposed layout makes effective and efficient use of the application site and has a legible layout with dwellings predominantly located off the main, central access road and with the main area of Public Open Space (with retained mature tree) sited relatively centrally in the scheme, rather than located within a corner of the site. The proposed scheme has a pleasing mix of house types, sizes and forms, including bungalows, two storey quarter houses, two storey semi and terrace properties and two-and-half-storey detached properties.
- 10.8 Equally, a variety and aesthetically-appealing variety of external materials and design features are proposed for the dwellings, including different brick types and render for the external walls and pantile and dark grey (concrete) tile roof

coverings as well as flat roof dormers within the roofs of the two-and-a-half storey dwellings, not dissimilar to the character and appearance of the adjacent housing development to the south west (i.e. Bluebell Way, Sycamore Avenue *et.al.*)

- 10.9 Overall, the layout, design and external appearance of the proposed development would comply with the requirements and expectations of Policy E1 of the Local Plan.

Landscaping, Green Infrastructure and Character

- 10.10 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it:
- considers the degree of openness and special characteristics of the landscape (criterion a.); and
 - protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
- 10.11 In respect to townscape, policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.12 Criterion b. of Policy E1 (Design) of the Local Plan 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. In respect of existing trees and hedgerows, Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.
- 10.13 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Hambleton Local Plan as a Green Infrastructure Corridor.
- 10.14 An (amended) Landscape Masterplan has been submitted with the application which identifies the existing trees and planting proposed to be removed, retained and planted as a result of the proposed development. This shows that there would be tree planting within the front gardens of the majority of properties (where the space is not required for parking provision), helping to create a 'tree-lined' character along most of the main access road within the site.

- 10.15 The Landscape Masterplan also shows that several existing trees would be removed from within the site (including the mature conifer hedgerow which runs through the centre of the site) and trees close to the south-western boundary with Blind Lane and the proposed site access. A mitigation for this loss and as an ecological enhancement, a tree belt of various native species is proposed along the northern side of the Wensleydale Heritage Railway Line. This has the potential to result in a relatively substantial net gain in terms of both landscaping and ecology, however it is noted that the majority of the proposed tree belt is outside of the 'land-edged-red'. To be able to give the proposed tree belt appropriate weight, confirmation has been sought from the agent that the land outside of the 'land-edged-red' is within the ownership of the applicant and whether its provision can be required as part of a unilateral undertaking. The agent has subsequently confirmed that some of the land involved is in the ownership of the Wensleydale Railway with agreement with the application to plant the land in accordance with a licence, although further clarification on the precise arrangements in this regard is being sought by Officers. Although both Network Rail and the Wensleydale Railway have been consulted on the application (and raised no objections), further clarification is also sought from both, that they have no concerns regarding the location, extent and species of the proposed tree belt in terms of the operation and safety of the railway and that the proposed tree belt is capable of complying with condition 23 of the outline permission. Officers will update Members on this matter prior to the Committee Meeting (via the update list), or at the Committee Meeting.
- 10.16 A Landscape Management Plan has also been submitted with the application which sets out the long-term, landscape management for the proposed landscaping, including all new planting, seeded areas and retained trees. If planning permission is granted, then it is recommended that the recommendations within the L.M.P. are required by condition.

Ecology and Biodiversity Net Gain

- 10.17 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC's, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.) In accordance with the Environment Act (2021) and the NPPF, Policy E3 is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), 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.
- 10.18 The impact on ecology was considered through the outline application following the submission of an Ecological Appraisal. Condition 24 of the outline permission requires a biodiversity scheme to be submitted to and approved prior to the commencement of the development which demonstrates how a measured net gain in biodiversity would be achieved. There is therefore no need to revisit the potential impact of the development on ecology that was

considered at outline stage or require/re-impose any ecological and biodiversity gains required by existing conditions. However, Officers are satisfied that the proposed landscaping, design and layout details are capable of achieving a marked gain in biodiversity, subject to the precise gain and a detailed Biodiversity Scheme being subsequently agreed through the discharge of condition 24.

Amenity

10.19 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 Policy E1 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. In order to achieve this 'high standard of amenity', E2 states (amongst other less relevant matters) that proposals will be required to ensure:

- an adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.);
- physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.);
- no significant adverse impacts in terms of noise...(criterion c.);
- that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);
- the provision of adequate and convenient storage and collection of waste/recycling (criterion e.);
- the provision of adequate and convenient private external amenity space (criterion g.)

10.20 The Council considered at outline stage that the proposed development was capable of being achieved without resulting in any significant or unacceptable amenity impacts, in terms of both existing residents in the surrounding area, and in terms of future occupants of the proposed development. It should be noted that Environmental Health have commented that no acoustic or odour assessments have been submitted to accompany this reserved matters application, although both types of assessment (i.e.. An Odour Risk Assessment and Noise Assessment) The O.R.A. only identified a single 'Source Odour Potential', i.e. the manure storage area which has been removed from scheme layout, and therefore there is not considered to be any material or unacceptable odour issues that would potentially affect the levels of amenity enjoyed by the future occupants of the proposed dwellings.

10.21 The results and recommendations of the N.A. (R.4; November, 2022) are still considered to be of relevance, i.e. that guidance noise levels within the

proposed garden areas can be easily achieved across the site and that internal noise levels can be achieved across the site with windows open. Mitigation to reduce the daytime noise levels to the gardens to plots 13 to 26 resulting from the adjacent railway line in the form of the erection of 2m high acoustic fencing, is recommended within the N.A. Subject to the implementation of specific recommended mitigation measures, the N.A. concluded that noise would not be a 'prohibitive factor' in the determination of the application. If reserved matters approval is granted, it is recommended that a condition is required acoustic fencing to be installed in accordance with the N.A. and approved plans.

10.22 The Defence Infrastructure Organisation have noted within their consultation response the potential of noise impacts on future residents resulting from military aircraft, stating that no Noise Assessment has been submitted with the reserved matters application. If reserved matters approval is given, they recommend that in light of no Noise Assessment being submitted with the reserved matters submission, that a condition is added requiring mitigation measures to achieve daytime noise levels of 35dB LAeq (16 hrs) within living rooms between 0700 and 2300 hours, and night-time levels of 30 dB LAeq (8 hrs) within bedrooms between 2300 and 0700 hrs. It is noted that the N.A. submitted with the outline application has considered noise impacts based on the aforementioned levels, and considered that the noise levels would be met, subject to the mitigation in the form of acoustic fencing. It is noted however that the Noise Assessment makes no mention of aircraft noise, and Officers will seek clarification from the agent prior to the Committee Meeting to confirm that aircraft noise was accounted for within the noise survey and the results/recommendations of the N.A.

10.23 There are no other material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of residential amenity.

Highway Safety and Connectivity

10.24 Policy IC2 (Transport and Accessibility) 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.);
- 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.)

- 10.25 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 (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.26 The proposed plans show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards. The formal recommendation of the LHA is awaited, but they have indicated that subject to some points of clarification and minor amendments, the proposals are likely to be acceptable. The formal recommendation of the LHA will be reported to Members prior to the Committee Meeting.

Impact on the Public Right of Way (PROW) Network

- 10.27 Policy IC2 (Transport and Accessibility) states that the Council will seek the retention and, where relevant, the enhancement of existing rights of way (criterion c.). Similarly, Policy E4 (Green Infrastructure) that the Council will seek to take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)
- 10.28 The landscaping and layout proposed does not raise any concerns in relation to the existing PROW network.

Flood Risk and Surface Water Drainage/Management

- 10.29 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.)
- 10.30 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...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)

10.31 The application 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 flooding. Issues of flood risk and surface water drainage were considered in detail at outline stage (with details required to be submitted and discharge through several conditions attached to the outline permission) and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of flood risk and surface water drainage.

Water Supply and Foul Drainage

- 10.32 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.)
- 10.33 Policy RM2 also states that new development should ensure that surface water is always drained and managed separately from foul water, which is a requirement that should be conditioned if outline planning permission is approved.
- 10.34 Foul drainage and water supply were considered in detail at outline stage and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of water supply and foul drainage.

Contamination and Pollution

- 10.35 One of the seven 'Sustainable Development Principles' within Policy S1 of the Hambleton Local Plan is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality...(criterion f.) In addition, 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.
- 10.36 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.)
- 10.37 Issues of land and groundwater contamination were considered in detail at outline stage and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of contamination on the site.

Climate Change Mitigation and Carbon Savings

- 10.38 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (criterion g.)
- 10.39 This is taken further by criterion 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.
- 10.40 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.
- 10.41 The proposed house type plans show a 'PV zone' on the roofs of all proposed house types. Although this 'PV Zone' is only indicative, if reserved matters approval is granted, it is recommended that a condition is attached requiring details of the numbers and locations of the PV panels (based on the indicative PV Zones) to be submitted as part of a carbon savings and renewable energy scheme

Crime, Anti-Social Behaviour and Secured by Design

- 10.42 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.)
- 10.43 The Designing Out Crime Officer (DOCO) has raised several design and layout issues with the proposed scheme in terms of crime and anti-social behaviour. The agent has sought to proactively address most of the matters raised and has submitted amended plans in this regard. The DOCO's formal response to these amendments is awaited and will be reported to Members prior to the Committee Meeting once received, although Officers are satisfied that the amended scheme has adequately addressed the main issues raised by the DOCO.

Aerodrome Safeguarding

- 10.44 The site is located within the designated Safeguarding Area for RAF Leeming. The MOD have been consulted on the application and have not raised any objections.
- 10.45 On this basis, it is considered that the application does not raise any aerodrome safeguarding issues, and complies with the requirements of Policy E2 of the Local Plan in this regard,

11.0 Planning Balance and Conclusion

- 11.1 Subject to specific conditions and receiving positive representations from technical consultees (that remain outstanding), it is considered that the details submitted in relation to appearance, landscaping, scale and layout meets the relevant requirements of the policies of the Local Plan, the NPPF and the PPG, and it is therefore recommended that the approval of reserved matters application is approved.

12.0 Recommendation

- 12.1 That reserved matters for appearance, landscaping, layout and scale is **APPROVED** subject to conditions listed below.

Conditions:

Condition 1 Time Limit

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

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

Condition 2 Approved Plans

The permission hereby granted shall not be undertaken other than in complete accordance with the following plans:

Reason: To ensure that the development is carried out in accordance with the approved plans listed above.

Condition 3: Landscape Management Plan

Following its implementation, the management of the landscaping scheme shall be carried out in accordance with the recommendations contained within the submitted Landscape Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

Reason: To ensure that the approved landscaping scheme is managed and maintained appropriately, in accordance with Policies E1 and E4 of the Local Plan.

Condition 4: Acoustic Fencing and Boundary Treatments/Enclosures

Prior to the first occupation of any of the dwellings within plots 13-26, the acoustic fencing shall be fully erected in accordance with the location, design specifications, height and other details as per the approved External Finishes Overall Layout Plan (QD1730-330-03 Rev.Q); Enclosure Details Plan (QD1730-333-01 Rev.C) and section 8 of the Noise Assessment (NJD21-0144-001R/R4). The acoustic fencing shall remain in situ as approved for the lifetime of the development.

All other boundary treatments and enclosures shall be installed in accordance the approved details prior to the first occupation of the dwellings hereby approved as per the approved External Finishes Overall Layout Plan (QD1730-330-03 Rev.Q) and Enclosure Details Plan (QD1730-333-01 Rev.C)

Reason: To ensure that occupants of the approved dwellings sited to the south-eastern boundary of the application site have a good level of amenity, and that the boundary and enclosures of the development are appropriate to the character of the development in accordance with the approved plans and Policy E1 of the Local Plan.

Condition 5: External Material – Samples

Samples of the external materials to be used for the development hereby approved shall be provided to and agreed in writing by the Local Planning Authority prior to any works involving external elevational treatments taking place. The development shall thereafter be implemented in accordance with the approved samples.

Reason: In the interests of the design and visual amenity of the development and in accordance with Policy E1 of the Local Plan

Condition 6: Carbon Savings

Prior to the commencement of the development, a carbon savings and renewable energy scheme shall be submitted demonstrating how all practical and viable measures to provide carbon savings; renewable energy and make prudent and efficient use of natural resources will be implemented. The scheme shall include, but not be limited to, details of the precise details and number of PV panels to be installed on the roof slopes of dwellings in general accordance with the PV Zone areas identified on the approved house type plans for each approved dwelling type. The scheme shall include details of electric vehicle charging. Once approved, the development shall be undertaken in accordance with the approved scheme.

Condition 7: Unexpected Contamination

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

Target Determination Date: 17.08.2023

Case Officer: Ian Nesbit – ian.nesbit@northyorks.gov.uk

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE 10TH AUGUST 2023

21/03001/FUL - APPLICATION FOR THE CONSTRUCTION OF A 100 PER CENT AFFORDABLE HOUSING SCHEME CONSISTING OF 53 DWELLINGS (ADDITIONAL AND AMENDED PLANS AND DOCUMENTS RECEIVED BY THE LOCAL PLANNING AUTHORITY ON 30TH AND 31ST MARCH 2023)

AT: LAND TO REAR OF 56 AINDERBY ROAD ROMANBY FOR: MULBERRY HOMES YORKSHIRE

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application (as amended) for the construction of 53 dwellings on land to the rear of 56 Ainderby Road, Romanby
- 1.2 The application site is not an allocated site within the Hambleton Local Plan, and the site's location does not accord with the other relevant housing-related (HG) policies of the Local Plan unless considered as an exception. The application has previously received member call-in through the former Hambleton District Council and as such this matter is being brought to Planning Committee.

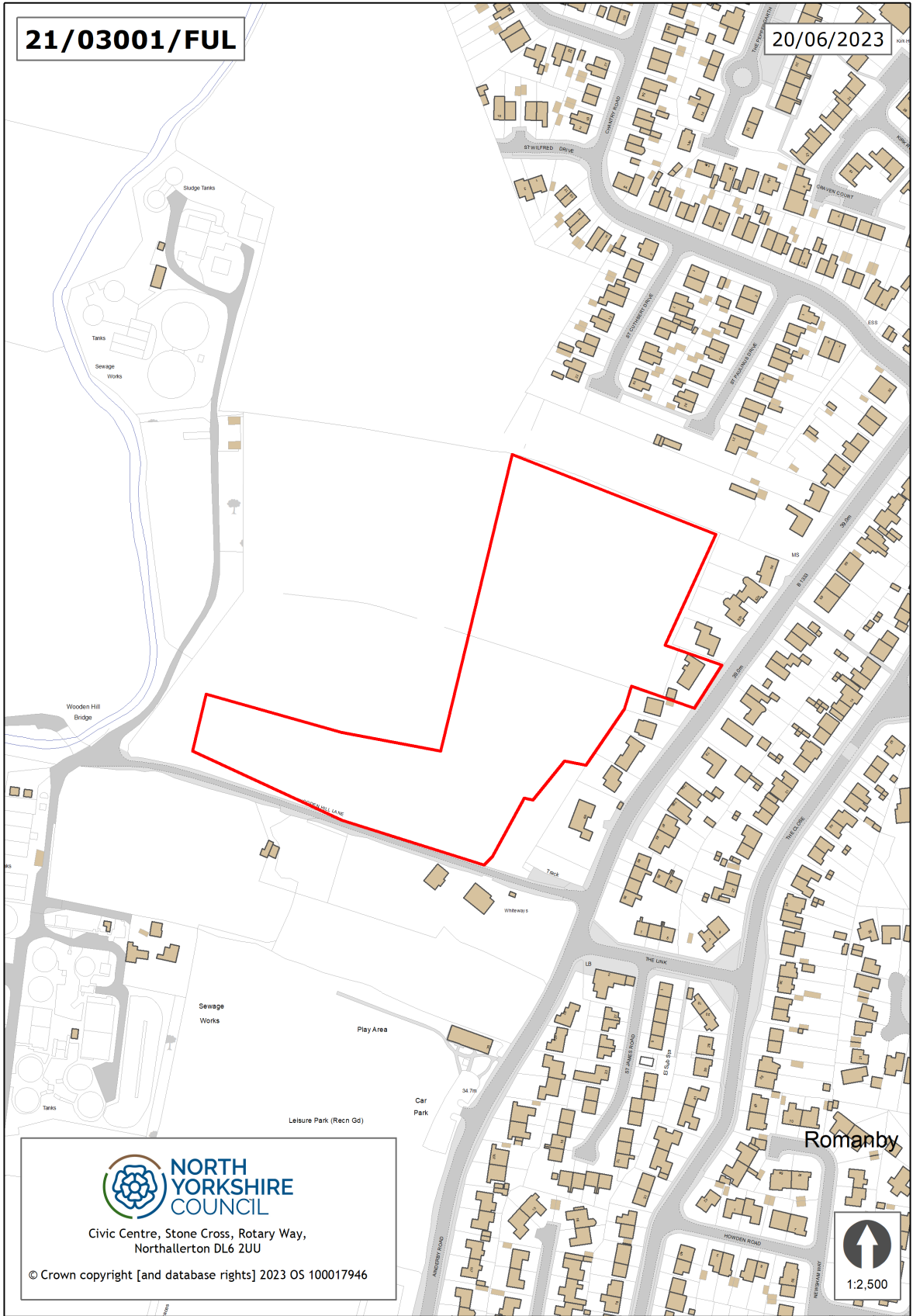
2.0 Summary


RECOMMENDATION: That planning permission be **Approved** subject to the recommended conditions and a section 106 agreement to secure the affordable housing.

- 2.1. This amended application seeks full planning permission for the construction of 53 affordable dwellings on the application site. The proposals would include a mixture of house types and sizes: single bed units, two and three bed properties as well as four bed 'family' properties. Two and three bed bungalows are included alongside 2 storey detached, semi-detached and terraced properties. The application site consists of agricultural grazing land located to the rear (west) of the existing residential properties of 50-66 Ainderby Road which are sited adjacent to the western edge of Ainderby Road.
- 2.2 The proposed development is located outside of the main built form of Romanby and thus is in a countryside location as defined by Policy S5 of the Local Plan. There is only support for housing development in this location as an exception for 100% affordable housing. In this case 100% affordable housing is now being proposed and as such, is in accordance with policy HG4 and the principle of the development can be supported.

21/03001/FUL

20/06/2023



 **NORTH YORKSHIRE COUNCIL**
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Northallerton DL6 2UU
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3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here: - [Online-applications Search Results](#)
- 3.2 The application as submitted, proposed 51 dwellings, but the proposals were subsequently amended to include the provision of two additional units overall, as well as an amendment to the proposed housing mix to include eight one-bedroom units. The latest amendment to the scheme allowed for the incorporation of 100% affordable dwellings within the submission. A full suite of amended and updated plans and application documents have been submitted by the agent and have been subject to a 21 day re-consultation. A further consultation period has been allowed, following the change to 100% affordable housing. This consultation period expires on the 11 August. However, given that the additional consultation is not for any physical amendment to the scheme, this is considered appropriate in this case.
- 3.3 There are eight relevant planning applications for this site which are detailed below.
- 76/0681/OUT - Outline application for residential development; Withdrawn 26 October 1976.
 - 76/0705/OUT - Outline application for residential development; Refused 25 November 1976.
 - 88/0140/OUT - Outline application for residential development; Refused 9 March 1989, Appeal dismissed 9 April 1990.
 - 89/0394/OUT - Outline application for residential development; Refused 10 October 1989.
 - 90/0177/OUT - Outline application for residential development; Refused 4 September 1990.
 - 15/00005/TPO2 - TPO in relation to an Ash Tree (Tree Preservation Order 2015 No 5); Confirmed 2 June 2015. This tree is located on the northern boundary of the application site, towards the north-western corner, and is proposed to be removed as part of the proposals.
 - 14/02609/FUL - Construction of 56 no dwellinghouses with associated access, parking, open space and landscaping and demolition of 56 Ainderby Road (as amended); Refused 21 April 2016.
 - 17/00838/FUL - Construction of 46 dwellinghouses with associated access, parking, open space and landscaping and demolition of 56 Ainderby Road; yet to be determined by the LPA.

4.0 Site and Surroundings

- 4.1 The 2.1ha application site consists of agricultural grazing land located to the rear (west) of the existing residential properties of 50-66 Ainderby Road which are sited adjacent to the western edge of Ainderby Road. The site is located to the south of St Paulinus Drive and St Cuthbert Drive, with The Green sited further to the north.
- 4.2 The application would see the development of the eastern and southern parts of the larger fields within which it is located, a hedgerow (with large gaps within its length) running east-west down its centre suggesting that the field was historically separated into two, although this is no longer the case due to

the existence of the aforementioned hedgerow gaps. The topography of the site varies, but generally undulates down to the south-western boundary where the Romanby and Northallerton Wastewater Treatment Works (WWTW) is sited. The southern site boundary adjoins the northern edge of Wooden Hill Lane, which is a public right of way (public footpath) Willow Beck is located approximately 250m to the west of the site.

- 4.3 The application site is within walking distance of several local amenities and facilities, including Romanby Primary School, doctor's surgery and a food store. There are local leisure facilities including leisure park and sports fields adjacent to Ainderby Road to the south and a cricket pitch and tennis courts at the Cricket Club to the southwest. There is a bus stop on Ainderby Road located approximately 80m to the south of the proposed site access. Northallerton Train Station is located approximately 550m to the north east.

5.0 Description of Proposal

- 5.1. This amended application seeks full planning permission for the erection of 53 affordable dwellings on the application site. The proposals would require the demolition of 56 Ainderby Road and its detached garage to allow a vehicular access to the site to be created from Ainderby Road.
- 5.2 The amended proposals would provide 100% affordable dwellings. The proposals would include a mixture of house types and sizes: single bed units, 2 and 3 bed properties as well as four bed 'family' properties.

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, adopted 2022.
 - North Yorkshire Joint Waste and Minerals Plan 2022.

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework (2021)
 - National Planning Practice Guidance
 - National Design Guide (2021)
 - Housing SPD, adopted 2022.

7.0 **Consultation Responses**

- 7.1. The following responses have been received and are summarised below. The re-consultation period is ongoing at the time of writing (ends on the 11 August). Any re-consultation representations received after the publication of this report will be reported to Members via the update list or during the Meeting. Please note that consultation responses received in relation to the application as originally submitted have been referred to where they are still considered relevant to the amended proposals and have not been superseded by re-consultation comments /representations.

Parish Council: Romanby Parish Council submitted the following comments in relation to the original consultation period:

“The land in question is not, and never has been, allocated for any form of development in the current Hambleton District Council Local Development Framework (LDF), which is still in force. In addition, the land is not included in the new Hambleton District Council Local Plan. We have been closely involved in the consultation work for the new Local Plan, which clearly articulates that there is ample housing stock planned and allocated for the years ahead (out to 2035) in the Northallerton/Romanby area, without any further new builds being necessary. We have taken the opportunity to consult with our residents over this proposal; of the responses received, 94% are against any development of the land in question. We are also aware (as are our residents) of many other potential issues for such a development on this site. Our local school and doctors surgery lack of capacity is already an issue, and Ainderby Road is already a busy and potentially hazardous road. The proximity of the sewage works and associated drainage issues are also a great concern. All of these factors (and more) clearly inform our position of not supporting this proposed development.”

Environment Agency (EA): No representations submitted in relation to either the re-consultation or original consultation.

MOD Safeguarding: No formal response received from the MOD at the time of writing.

Natural England: No response received in relation to the re-consultation exercise undertaken. In response to the original consultation, Natural England confirmed that they had no comments to make on the application.

Network Rail Asset Protection: Following re-consultation, Network Rail have confirmed they have no observations to make.

NYC Design and Maintenance Manager: No representations submitted in relation to either the re-consultation or original consultation.

NYC Education Services: No response received in relation to the re-consultation exercise undertaken. In response to the original consultation, Education Services confirmed that based on the proposed number of dwellings no developer contributions would be sought for education facilities (i.e. Romanby Primary School and Northallerton School and Sixth Form College) at the time of responding.

NYC Environmental Health (EH): No response received in relation to the re-consultation exercise undertaken. In response to the original consultation, EH made the following comments/observations: *“the applicant has provided an odour assessment by WSP, dated March 2021, that reviews an odour assessment undertaken by the same company, for approximately the same site, in 2013, but the original report has not been provided with the application. In the conclusion WSP demonstrated that the report was still relevant and could be used with the latest application. The 2013 report also stated in the conclusion that odour levels are likely to be below the 98th percentile threshold of 5 OUE/m³, meteorological conditions permitting. The current report has used the lack of a significant number of complaints received by Yorkshire Water over a 10 year period as validation of the conclusion drawn by the 2013 report. However, the report also acknowledges that the introduction of new receptors to low level sewage smells is likely to generate more complaints. It also highlights the need for the Sewerage Undertaker to carry out further work at both sites if further residential development is proposed closer to the existing sewage works. The conclusion seems to suggest that there will be some adverse impact on the new residents and that Yorkshire Water would have to carry out works to minimise the risk of complaints. The report does not seem to consider if the sewage treatment works are already using best available techniques (BAT) to reduce odours to a minimum and it may be that odour emissions cannot be reduced further...”*

NYC Environmental Health (Contaminated Land): Following re-consultation, the submitted Phase 2 Ground Investigation Report was reconsidered, noting that it did not identify any on-site areas of contamination with the risk of contamination to end users considered to be low. However, if planning permission is approved, E.H. have recommended a condition is imposed detailing the procedures to be followed should unexpected contamination be found during construction.

NYC Lead Local Flood Authority (LLFA): No response received in relation to the re-consultation exercise undertaken. LLFA have not submitted a response in relation to the re-consultation, however they made the following comments/recommendation in respect of the original consultation:

Flood Risk:

Note that the site is in Flood Zone 1, and although it is at low risk of surface water flooding, there are a couple of areas of medium risk. Information in the Drainage Philosophy indicate that the site has a shallow groundwater table. Groundwater flooding or a shallow water table prevents rainfall infiltration and increases the risk of surface water flooding. It should be demonstrated within detailed design that the development does not increase flood risk both on and off site and aims to improve flood risk wherever possible.

Runoff Destinations:

The applicant is intending to discharge surface water to the nearby watercourse, this appears to be outside the application boundary. It must be ensured that the applicant has a third party agreement to cross this land and discharge into Willow Beck.

Peak Flow Control/Volume Control:

The FRA shows that applicant intends to restrict discharge from the site at 3.4l/s via a flow control chamber. The micro-drainage calculations specify the flow control device as a Hydro-Brake with a maximum flow of 3.4 l/s. The LLFA have no objections to this.

Pollution Control:

SuDS design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced. 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. The use of petrol interceptors will only need to be used for sites that require 30 or more car park spaces or equivalent area of hardstanding.

Designing for Exceedance:

An updated exceedance plan is required, based on the proposed finished site levels to ensure that any changes in levels do not inadvertently increase flood risk elsewhere or cause flooding to properties from exceedance flood flows.

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. An allowance of 40% has been applied to the submitted calculations.

Construction:

Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding and contamination during the construction of the site.

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.

NYC Local Highway Authority (LHA): No formal representation has been received from the LHA, although in comments relating to the application as originally submitted, they made the following observations:

- note that 2.4m by 90m visibility splays have been proposed at the site access. Visibility splays in accordance with Manual for Streets would be acceptable in this location.
- The proposed internal road network and supporting swept path analysis is acceptable. The detailed design would require further discussions as part of any Section 38 Agreement.
- Confirmation regarding garage sizes and parking provision.

- The scope of assessment contained in the Transport Statement is acceptable given the location and scale of development, although the referred to appendix 1 and Junction 10 outputs should be provided.

NYC PROW Team: Following re-consultation, the PROW Team have confirmed that their previous comments remain relevant. The PROW Team had previously responded to the original consultation to notify the LPA of the existence of a PROW adjoining the application site boundary, and the need to protect/keep clear the route of the existing PROW at all times, or until any alternative route is provided by a temporary or permanent Order.

NY Building Control Partnership (NYBCP): No representations submitted in relation to either the re-consultation or original consultation.

NY Designing Out Crime Officer (DOCO): Following re-consultation, the DOCO have made the following comments/observations in relation to the amended proposals:

- Ambiguous Space – The revised proposed layout plan shows a previous area located between Plots 6 and 7 identified as ambiguous space, as being incorporated within plot 6, which has addressed the DOCO's previous concern.
- Defensible Space and Boundary Treatments – The lack of demarcation to the frontages of Plots 31 and 32, and 35 and 36 (as previously mentioned) still remain. In addition, 'climbing aids' features still remain in Plots 1 and 52.
- Visitor Car Parking – The provision of visitor car parking is welcomed to help avoid disputes in relation to indiscriminate parking.
- Cycle Storage – Noted that each property will be provided with secure cycle storage facilities, which is welcomed.

In response to the original consultation, the DOCO made the following observations/recommendations that are still considered relevant to the amended scheme:

- Affordable Housing – In order to promote community cohesivity, dwelling tenure should not be identified by its design or location and should be spatially integrated.
- Access/Movement - The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.
- Public Open Space - The current location of the Public Open Space is appropriate as it is at the entrance to the development, with good levels of natural surveillance from nearby dwellings. Details of its maintenance should be agreed.
- Boundaries - The submitted drawings show rear boundary and sub-divisional treatments to a height of 1.8m, which is appropriate and will provide a good level of security.
- Car Parking - parking in front of the property as proposed is welcomed as it can be seen by the owner and avoiding the use of rear parking courts. Note that there are several Plots, where the parking provision is at the side of the property and to enhance the security of vehicles parked there, where not already provided, consideration should be given to ensuring that there is a

window at ground floor level in the relevant side elevation, from an “active room”.

- Lighting - All external doors, should be illuminated with vandal resistant security lighting,
- Landscaping - The proposed landscaping details appear to be appropriate and raise no concerns in relation to designing out crime.

Ramblers' Association: No representations submitted in relation to either the re-consultation or original consultation.

Swale and Ure Internal Drainage Board (IDB): Following re-consultation, the IDB refer to their previous representations. The IDB submitted comments in relation to the original consultation to state that although the proposed development site lies beyond the IDB catchment, should surface water discharge in a westerly direction (i.e. to the main river of Willow Beck), then the Board insist on the existing greenfield rate being used as the surface water discharge rate.

Yorkshire Water Services (YWS): Following re-consultation, YWS have confirmed that they have ‘no objection in principle’ to the proposed drainage scheme, including the proposed building stand-off distance (3m) from the centre line of the 125mm diameter public main sewer that crosses the site; the proposed amount of surface water to be discharged to the watercourse and the proposed points of discharge of the foul sewer and surface water drainage. Note that it is important the 3m stand-off distance each side of the centre line of the aforementioned sewer is adhered to and that the sewer is adequately protected from damage during construction. If planning permission is to be approved, YWS have recommended the following two conditions (as summarised below):

- The development shall be carried out in accordance with the latest submitted Drainage Plan (20T2140 rev. P03)
- 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.

Yorkshire Wildlife Trust (YWT): No representations submitted in relation to either the re-consultation or original consultation.

Local Representations

- 7.2. 67 local representations have been received in response to the re-consultation all of which are objecting to the proposals. A summary of the re-consultation comments are provided below, however, please see Public Access for full comments in response to both the re-consultation and the original consultation.

7.3. Objections:

- The amendments offer no improvements in comparison with the originally submitted proposals.
- The application site is located outside the main built form of the settlement and the development within this location has no support within the policies of the Local Plan.
- There's no requirement for the level of housing and the additional affordable housing proposed.
- There have been previous refusals (and a dismissed appeal) for housing on the site.
- Concerns about the amount and types of affordable housing proposed.
- Removal and detrimental impact on established hedgerows and trees, including an Ash Tree subject of a TPO.
- Detrimental impact on ecology, including bats.
- Inappropriate on-site landscaping/planting.
- Unsympathetic boundary treatments.
- The design (including materials) of dwellings are not in keeping with the character of the area.
- Road and pedestrian safety concerns, including lack of visibility onto Ainderby Road, increases in traffic and congestion.
- Lack of proposed parking.
- The layout leaves open the potential for further development on adjacent land.
- Local infrastructure, including the sewer system, schools, dentists and health services, is already at capacity and would struggle to cope with the additional houses.
- No additional facilities are being provided with the proposals.
- Additional surface water run-off would lead to flooding issues in the locale.
- Amenity concerns for existing local residents, including the glare from car headlights, disturbance from additional traffic movements, loss of light and loss of privacy.
Disruption and amenity concerns for local residents during the construction phase.
- The development would be in close proximity to the existing Sewage Treatment Works.
- Adverse impact on the landscape and the character of the settlement, including additional light pollution.
- The development would result in additional pollution and a reduction in air quality..
- The development will result in the outward spread of the settlement and 'urban sprawl'.
- The development will utilise the Best and Most Versatile Agricultural Land.
- The development lacks renewable energy installations.
- Concerns about the contents of some of the application documents.
- The development would result in a decrease in the security of neighbouring properties.

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 Environmental Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Location and Principle of Housing Development
 - Affordable Housing Provision and Housing Mix
 - Nationally Described Space Standards (NDSS) and Adaptable Homes
 - Heritage Impacts
 - Design
 - Impacts on the Landscape/Countryside and the Settlement's Setting/Character
 - Landscaping (including existing Trees & Hedgerows) & Green Infrastructure
 - Ecology and Biodiversity Net Gain
 - Amenity
 - Highway Safety, Accessibility, Permeability and Connectivity
 - Impact on the Public Right of Way (PROW) Network
 - Water Supply and Foul Drainage
 - Flood Risk and Surface Water Drainage/Management
 - Contamination and Pollution
 - Climate Change Mitigation and Carbon Savings
 - Crime, Anti-Social Behaviour and Secured by Design
 - Aerodrome Safeguarding
 - Public Open Space and Play Provision
 - Existing Infrastructure

10.0 Assessment

Location and Principle of Housing 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 S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Hambleton plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages', 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns. The so-called 'defined settlements' (i.e. the specific towns and villages within the settlement hierarchy) are expected to accommodate a level of growth reflective of their size, character and range of services/facilities.

- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. However, the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy 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 Policy S3.
- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios.
- 10.5 Policy HG4 also supports new housing development in the countryside (that meets the relevant criteria of the policy) where it meets the essential needs of a rural worker to live at or near their countryside workplace; it involves the replacement of an existing countryside home subject to certain criteria.
- 10.6 The application site is not an allocated site within the Local Plan and is located outside but adjacent to the main built form of the defined Market Town of 'Northallerton with Romanby'. In terms of the definition contained within Policy S5, the site is within a countryside location. Although Policy HG5 supports windfall housing development adjacent to the built form of defined villages within the settlement hierarchy of Policy S3, as a defined Market Town, this part of Policy HG5 is not applicable to Northallerton with Romanby and therefore the application site is not supported as a windfall housing site by Policy HG5 of the Local Plan.
- 10.7 The development as now proposed for 100% affordable housing is considered to be a rural exception site and as such the requirements of Policy HG4 can be applied.
- 10.8 Officers consider that the location of the site and nature of the housing development proposed is capable of meeting the criteria of a rural exception scheme as 100 per cent affordable housing is now to be provided. Overall, it is considered that the principle of the development as a rural exception site is supported by Policy HG4.

Affordable Housing Provision

- 10.9 As a rural exception site Policy HG4 requires 100 per cent affordable housing provision.
- 10.10 Through the (amended) Planning Statement the agent has sought to demonstrate that the amended proposals would help the Council meet 'an immediate and pressing need' for affordable housing and affordable housing

delivery in the former Hambleton District area and Northallerton / Romanby in particular. The development would achieve this by providing a significant number of on-site affordable dwellings as well as helping to meet an identified local need for affordable, single bed units. These, the agent has argued, are important material considerations that result in significant benefits that should be given considerable weight in the planning balance and would therefore justify the approval of planning permission in this case.

10.11 The (amended) Planning Statement acknowledges that the Council's Housing and Economic Needs Assessment (HEDNA) (2018) has assessed the former District's housing need for the period 2016-2035, and that the HEDNA has identified a net need for 55 affordable dwellings per annum (or 1,048 dwellings in total) over the 19-year HEDNA period. However, in accordance with the 'Sedgefield' method, the Planning Statement argues that there is an overriding requirement to address any backlogs in housing delivery or shortfalls in meeting identified housing needs as soon as possible and ideally within the first five years of the base-date of the HEDNA, citing an appeal case at Back Lane, Sowerby in support of this approach. Adopting the 'Sedgefield' method, the (amended) Planning Statement concludes that the affordable housing need increases to 127 dwellings per annum (or 635 affordable units in total, 2016-2021).

10.12 The (amended) Planning Statement and Affordable Housing Statement acknowledges that between 2016/17-2020/21 547 affordable homes have been delivered; this significantly exceeds the HEDNA requirement in this same period of 275 dwellings. However, as the HEDNA has spread the affordable housing backlog across its 19 year period (rather than within the first 5 years of the base-date, this level of delivery has been insufficient to meet the affordable housing need and clear the backlog in this period, resulting in a shortfall of 88 dwellings (-14%). In addition, the (amended) Planning Statement argues that development approved on previous housing allocation sites has not secured the level of affordable housing provision originally envisaged and that the level of affordable housing completions have experienced a 'sharp drop' in numbers in 2021/22 when compared with previous years. The proposed development would therefore assist in reducing this perceived current shortfall resulting from the under provision of affordable homes on previously allocated sites within Northallerton.

10.13 The (amended) Planning Statement and Affordable housing Statement argue that a range of market signals suggest a 'poor and worsening' situation for housing affordability in recent years, including from 2019, with North Yorkshire Home Choice data (from 17 March 2023) showing the following, which it is argued, confirms that the Hambleton District Local Plan area is experiencing an ongoing and persistent housing affordability crisis, reinforcing the need to deliver affordable housing now rather than over the HEDNA's 19-year period:

- (a) 1,166 active applications in the former Hambleton authority area, with over half the households (643) expressing preference to live in the Northallerton area
- (b) 51 per cent of active applications were in the higher three priority bands of need.

- (c) The median house price in Hambleton was £80,000 more than the regional average in 2021.
- (d) Lower quartile private sector rents in Hambleton stood at £525 per calendar month in 2020/21, which is £50 more than in Yorkshire and the Humber;
- (e) The tenure split in the former Hambleton area leans towards home ownership and away from social renting when compared with England as a whole; in Romanby this trend is more pronounced, with higher levels of home ownership still, and correspondingly lower levels of social renting.
- (f) The lettings data shows that the number of bids per dwelling varies by size and type but one-bedroom flats attracted the most bids with an average of 62 bids per dwelling, followed by two bedroom flats (average of 53 bids per dwelling) and two-bedroom houses (average of 46 bids per dwelling).

10.14 The Council's Planning Policy Officers have provided up-to-date data on affordable housing completions. The data shows that 654 affordable dwellings were completed within the period 2016-2021, some 19 units above the 635 affordable homes that the agent has stated were required within the aforementioned five year period. The data therefore shows that there is no remaining/current affordable housing backlog or shortfall in provision in terms of the HEDNA and the Local Plan. Currently the data provided also shows that there are 438 affordable dwellings within the Plan Area with the benefit of extant planning permission, 224 of which are currently being built. There is a further 71 potential affordable units within two major schemes currently under consideration, providing a potential current supply of 509 dwellings. This is considered to meet the existing year-on-year affordable housing target (as set out in Policy S2) of 55 affordable units per annum.

10.15 The proposals would provide an additional 53 affordable homes within the Plan Area. It is considered that despite officers assessment of delivery against the Local Plan target, the North Yorkshire Home Choice data is compelling and there remains a pressing need for affordable housing in Northallerton.

10.16 It is considered that the direct need for affordable housing locally, identified through North Yorkshire Home Choice, should be given significant weight in the assessment of this scheme.

Housing Mix

10.17 In respect to housing mix, criterion (f) of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, '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 had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Council also has a Housing SPD that provides detailed supplementary guidance on the housing needs within the area.

	Table 3.1 Housing SPD		Proposed Housing Mix	
<u>House Size</u>	<u>Market</u>	<u>Affordable</u>		<u>Affordable (53 units)</u>
1 bed	5-10%	20-25%		15% (8)
2 bed	40-45%	50-60%		30% (16)
3 bed	40-45%	10-20%		38% (20)
4+ bed	0-10%	0-5%		17% (9)

10.18 The Tenure mix includes 52% social rent, 32% affordable rent and 15% shared ownership.

10.19 Within the Planning Supporting Statement, the agent has stated that considerable weight should also be given to the provision of eight affordable, single bed properties within the overall proposed housing mix. It does need to be acknowledged that when considering the weight to be given to the provision of 8 single bed affordable units, the Council's past under-delivery of single-bed, affordable units within housing developments needs to be taken into account, as does the relatively high level of need for this type/size of affordable housing within the Plan Area, and especially within Northallerton/Romanby.

10.20 The weight to be given to the provision of eight single bed, affordable units within the planning balance is considered in Section 11 below.

Nationally Described Space Standards (NDSS) and Adaptable Homes

10.21 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of 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. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.

10.22 The development would comply with the relevant NDSS and house adaptability requirements of Policy HG2 of the Hambleton Local Plan.

Heritage Impacts

10.23 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.

10.24 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. (the more important

the asset, the greater the weight should be) This is irrespective of the level of harm to its significance.

- 10.25 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.
- 10.26 The application site is not within a conservation area, the curtilage of a Listed Building or part of a scheduled monument site. Furthermore, the proposed development is not considered to impact on the settings of any designated heritage assets. Overall, the proposed development would meet the requirements of expectations of policies S7 and E5 of the Local Plan, as well as the NPPF.
- 10.27 Overall, the proposals would not directly affect any designated or non-designated heritage assets or their settings, and thus the proposals would comply with the NPPF and policies S7 and E5 of the Local Plan.

Design

- 10.28 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 relevant requirements of Policy E1 (amongst other less relevant considerations):
- 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 (criterion h.)
- 10.29 The Design and Access Statement (DAS) submitted with the application has outlined the design process behind the proposed development and states that it has been informed by local context and character of the surrounding area (as required by criterion h. of Policy E1) In summary, this (the DAS states) would be achieved by:
- appropriate 'human scale' sizes and building proportions;
 - building heights that would respect the scale of adjacent properties;
 - the use of asymmetrical roofs to help reduce the massing of dwellings; and

- the predominant orientation of dwellings to front the main estate road; the avoidance of blank gables where side elevations are proposed to front a road.

10.30 Overall, the proposed development is considered to be good quality design and is in accordance with Policy E1 of the Local Plan.

Impacts on the Landscape/Countryside and the Settlement's Setting/Character

10.31 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it:

- considers the degree of openness and special characteristics of the landscape (criterion a.); and
- conserves, and where possible, enhances any natural and historic landscape features that contribute to the character of the local area (criterion b.); and
- protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)

10.32 In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.

10.33 Although the application site is greenfield agricultural land located outside the main built form of Romanby, its adjacency to the built form means that the land is viewed within the context of the settlement. The site is bounded by existing development to the north and east. The western boundary of the site reflects the extent of development in St. Cuthbert Drive which frames the northern site boundary, albeit not immediately adjacent to it. Development along the entire eastern boundary of the site lies immediately to the rear of existing dwellings in Ainderby Road (nos. 50 – 66 Ainderby Road). The conclusion within the (amended) Planning Statement that the site is physically well related to the existing built form of the settlement and would not result in an unsympathetic extension into open countryside is considered a reasonable one.

10.34 Overall, the proposed development is considered to comply with the relevant requirements and expectations of Policy E7 of the Hambleton Local Plan.

Landscaping (including existing Trees & Hedgerows) & Green Infrastructure

10.35 Criterion b. of 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. I

10.36 In respect of existing trees and hedgerows, Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to

conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.

- 10.37 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Hambleton Local Plan as a Green Infrastructure Corridor.
- 10.38 Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan have been submitted with the application. The AMS report states that it has been produced to ensure the best practice in the management of the trees (during demolition and construction phases of the proposed development) are adhered to and includes details of protective barrier erection an appropriate siting of compound and storage areas, the provision of appropriate surfacing and digging methodology and recommendations.
- 10.39 The application documents show that of the total twelve on-site and off-site trees identified, as well as the six off-site tree groups, only the following trees works are considered to be required:
- minor pruning works (to off-site tree group 6) would eb required to facilitate the development;
 - removal of a mature ash tree (T8) subject to a TPO (ref. 15/00005 T1) due to its limited remaining lifespan and safety issues as a result of the presence of a fruiting body (and potentially ash dieback)
- 10.40 With exception of tree 'T8', the identified on-site/off-site trees and tree groups are considered to be retainable, subject to adequate protection provided by the erection of protective barriers as shown on the Tree Protection Plan. Tree Group 4 would also be protected through the implementation of tree-friendly 'no-dig' methodology in the area shown on the Tree Protection Plan. If planning permission is granted, it is recommended that these measures are implemented prior to and during the demolition/construction phases of the development.
- 10.41 Similarly, the AIA has confirmed that 7 of the 9 identified existing off-site/on-site hedgerows would not require any works as a result of the proposed development, and can equally be protected during demolition/construction from the installation of protective barriers and the implementation of a tree-friendly 'no-dig' methodology, these measures should be conditioned if planning permission is granted.
- 10.42 A 109m section of a mixed hawthorn/holly) hedgerow (6) would be required to be removed in order to facilitate the proposed development, although the parts of this central hedgerow located outside of the application site but within the designated retained field area and ecological enhancement area (within the land-edged-blue) would be retained, with the part within the

ecological enhancement area proposed to be enhanced through gap planting of native species. A Leyland cypress hedgerow (8) would need to be fully removed in order to facilitate the proposed development.

- 10.43 The removal of Tree 8, despite being subject of a TPO, is considered to be reasonable given the limited life expectancy of the tree. The biodiversity and ecological enhancements proposed would include 35 new trees of various species, therefore the loss of the tree and its ecological and visual amenity benefits, are considered to be acceptable. Likewise, the partial of hedgerow 6 would have ecological and visual amenity impacts, but these would be outweighed by the hedgerow enhancements.
- 10.44 Overall, the proposed development is considered to comply with the relevant requirements and expectations of policies E1, E4 and E7 of the Hambleton Local Plan.

Ecology and Biodiversity Net Gain

- 10.45 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 or Biodiversity Net Gain (BNG), 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.
- 10.46 Policy E3 also states that 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.
- 10.47 Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (amongst other less relevant matters):
- 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.48 In terms of BNG, a Biodiversity Net Gain Report has been submitted to accompany the completed BNG metric calculator (version 3.1) with the application. The BNG Report confirms that the proposals would include 1.93ha of enhanced habitat (located to the west of the application site within the land-edged-blue, with the small BNG calculator (version 3.1) showing the potential for the proposed development to achieve a 21 per cent net gain in habitat units and a 36 per cent net gain in hedgerow units within the 'land-edged-blue', although without the proposed enhancements the metric shows that there would be a loss in habitat units of between -9.45 and -20.59 per cent.
- 10.49 The BNG Report confirms that this would be achieved by:
- additional/replacement tree planting (35 new trees in total)

- grassland enhancement (increasing the species diversity and variety to greater than 9 species per metre)
 - hedgerow enhancement in relation to the retained north and south boundary hedgerows and as well as the part of the central hedgerow to be retained (i.e. outside of the application site but within the enhancement area of the land-edged-blue), comprising of infill planting within existing gaps; increase in species diversity and hedgerow management)
- 10.50 Overall, it has been suitably demonstrated that a marked BNG can be achieved in relation to the development in both habitat and hedgerow units, in accordance with Policy E3 of the Local Plan and the NPPF.
- 10.51 A Preliminary Ecological Appraisal/'Low Impact' Ecological Impact Assessment has been submitted with the application (PEA). The PEA has confirmed that there are no statutory or important sites within a 2km radius of the application site. The predominantly grazed pasture site was found to have limited species diversity present. No invasive species were identified on site. No bat roosts (or potential roosts) were identified during bat activity surveys. No evidence of any other important species was present on site. No additional species surveys are considered necessary. As well as the recommendations for biodiversity enhancements referred to above in relation to BNG, the PEA has also made the following ecological protection and enhancement recommendations:
- Any vegetation clearance considered necessary during the breeding bird season (1st March to 31st August) will require nesting bird surveys.
 - Inclusion of inbuilt bat and bird boxes (25 bat boxes and 28 bird boxes). In this regard, an Ecological Enhancements (Bat and Bird Box) Report (E.E.) report has also been submitted. The E.E. states that a range of different types of bird boxes/terraces could be installed to accommodate several bird species. Equally, recommendations are made for different bat boxes in order to provide 15 summer maternity boxes and 10 winter hibernation boxes with advice on their installation, including optimal heights, positions and locations.
- 10.52 If planning permission is approved, it is recommended that the aforementioned ecological protection and enhancement measures are required to be undertaken by condition. The PEA also suggested that an ecological enhancement would be to include a 'dark corridor' across the centre of the development to retain an existing bat commuting route. While a full 'dark corridor' across the site may not be feasible based on the proposed layout, it would be possible through a detailed landscaping scheme (that would be conditioned as part of any planning permission) to provide an 'east-west 'green corridor' of hedgerows and trees across the site that relates well to the hedgerow and other ecological enhancements proposed to the west of the application site. Subject to the aforementioned condition, it is considered that the proposed development would comply with the relevant requirements of Policy E3 of the Hambleton Local Plan.

Amenity

- 10.53 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 Policy E1 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.
- 10.54 In order to achieve this 'high standard of amenity', E2 states (amongst other less relevant matters) that proposals will be required to ensure:
- an adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.);
 - physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.);
 - no significant adverse impacts in terms of noise...(criterion c.);
 - that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);
 - the provision of adequate and convenient storage and collection of waste/recycling (criterion e.);
 - that there would be no adverse effect on safety near a notifiable installation and no increase in the number of people that would be put at risk in the vicinity of a notifiable installation (criterion f.)
 - the provision of adequate and convenient private external amenity space (criterion g.)
- 10.55 The application site is sited approximately 180m from the Romanby STW and approximately 160m to the west of the Northallerton STW, operated by Yorkshire Water. An Odour Assessment has therefore been submitted with the application in order to determine the likelihood and extent that occupants of the proposed residential development could experience both odour nuisance and amenity deprivation of as a consequence of impact from the STWs nearby. The Assessment is approximately 10 years old and was produced in relation to a previous application and a slightly different 'land-edged-red'. Therefore, a subsequent Odour Impact Assessment (March, 2021) has been submitted which represent a review of this earlier Odour Assessment. The March, 2021 Assessment has confirmed that odour assessment and methodology used in the 2013 Assessment has not been superseded, while the process layout of both STWs appear to remain unchanged from 2013-2018 based on satellite imagery. The 2021 Report was therefore able to conclude that the dispersion and distribution of intensity if odour predicted in the 2013 Assessment still remains valid.
- 10.56 The 2013 Assessment confirms that three benchmark odour concentrations (intensity) were employed as indicators of whether the risk of odour complaints is:
- 'very strong' (5 OUE/m³)
 - 'distinct'-'strong' (3-4 OUE/m³)

- 'slight/very weak'-'slight/weak' (1-2 OUE/m³)

- 10.57 The result of the assessment confirm that a proportion (approximately 60%) of the development area is predicted to experience STW odours of between 3 and 5 OUE/m³.
- 10.58 However, the remaining development area is predicted to experience odour concentrations ranging from 1.5 to 3 OUE/m³. Odours at these levels are already experienced by occupants of several hundred properties between Lees Lane in the south and The Green in the north. Odour concentrations are predicted to remain below 5.0 OUE/m³ across the whole development area. Unabated odour impacts from the combined STWs on the proposed new development have been predicted to be equivalent to those levels currently already experienced by residential receptors at Ainderby Road and Chantry Road, Romanby. These predicted odour levels range from below 3 OUE/m³ up to 5 OUE/m³. None of the development area is predicted to experience odour levels above 5 OUE/m³. The known number of odour complaints to the Council and Yorkshire Water Services have been shown within the Assessment Reports to be relatively low between 2010-2018, which the 2021 Report states validates the findings of the 2013 Assessment Report. The 2021 Assessment Report does however acknowledge that new residential receptors often have a lower threshold for odour than existing residential receptors who can become partially conditioned to odours, and therefore to mitigate the risk of complaints, odour abatement at both STWs may be required.
- 10.59 The 2013 Assessment report states that odour levels would be reduced if planned abatement at the STWs is undertaken. It is unclear whether this abatement has been undertaken within the intervening years between the publication of the report and the present time and no reference has been made to any within the 2021 Assessment Report. However, even if the abatement hasn't been undertaken, the report shows that the proposed development would not experience the high levels of odour and the odour impact would be similar to that experienced by existing residents within the locale. Environmental Health have been reconsulted in the application. Their re-consultation response is awaited, but Members will be updated via the Update List or at the Committee Meeting on this matter.
- 10.60 It is considered that the proposed development is capable of assimilation without resulting in any unacceptable amenity issues in relation to other residential properties. The amended site layout would provide for appropriate separation distances from neighbouring properties, i.e. at least 21m between 'back to back' elevations and 14m between 'side to rear' elevations. Furthermore, 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.
- 10.61 Overall, the amended proposal is considered to be in accordance with the relevant criteria of Policy E2 of the Hambleton Local Plan.

Highway Safety, Accessibility, Permeability and Connectivity

- 10.62 Policy IC2 (Transport and Accessibility) 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.)
- 10.63 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 (amongst other things):
- promotes accessibility and permeability for all (criterion e.);
 - is accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area and local facilities, providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.64 A new vehicular and pedestrian site access would be created to serve the proposed development with a new priority T-junction constructed onto Ainderby Road. To achieve the new access, it is proposed to demolish the existing dwelling and garage of 56 Ainderby Road. A submitted Adoption Plan shows that it is proposed that the principal road through the site (from the junction with Ainderby Road) is proposed for highway adoption by the Local Highway Authority (subject to separate agreement)
- 10.65 As well as on-site visitor parking provision, dedicated on-site parking would be created for each proposed dwelling, with one space provided for the single bed units and at least two parking spaces for the 2, 3 and 4 bed units, with the submitted Parking Schedule confirming that the parking provision (110 parking spaces in total [including garaging]) would meet or exceed the Local Highway Authority's Interim Parking Standards (2015) for individual properties for residential development in market towns.
- 10.66 A Transport Statement (TS) has been submitted with the application. It is stated that the purpose of the TS has been to assess the transport-related impacts associated with the proposed development, and to inform the development proposal. The TS states that it has demonstrated that the development:

- is located where the use of sustainable modes can be maximised, with key services and amenities within walking and cycling distance of the proposed development;
- will have no significant impacts on the surrounding road network, both operationally and in terms of highway safety; and
- will be integrated with the existing non-motorised infrastructure.

10.67 The Local Highway Authority have been reconsulted on the application, and their formal response is awaited, although in respect of the original consultation they indicated that they were satisfied that appropriate visibility splays onto Ainderby Road could be achieved and that the Transport Statement was acceptable. The LHA had previously raised concerns about the level of parking for some of the plots, although the applicant has sought to show that the amended scheme meets (and in some cases exceeds) the LHA's minimum parking standards. Members will be updated via the Update List or at the Committee Meeting on any subsequent LHA re-consultation response. Subject to receiving a positive recommendation from the LHA, the proposals are considered to comply with Policy IC2 and E1 of the Local Plan.

Impact on the Public Right of Way (PROW) Network

10.68 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that:

- the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.)

Policy E4 (Green Infrastructure) that the Council will seek to take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)

10.69 The proposed development is relatively well separated from the public right of way to the south and the proposed development is not considered to materially affect it. The proposed development is therefore considered to accord with the relevant requirements of Policies IC3 and E4 of the Hambleton Local Plan.

Flood Risk and Surface Water Drainage/Management

10.70 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.)

10.71 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...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)

- 10.72 A site-specific Flood Risk Assessment (FRA) and Drainage Philosophy (DP) documents have been submitted with the application. The FRA confirms that the application 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 flooding, while flooding from other sources has also been considered within the FRA and is also considered to be low risk. Willow Beck is identified as being located approximately 250m to the west of the site, running in a north-south direction.
- 10.73 The DP provides supplementary information and context with regards to the proposed drainage scheme for the development. The DP confirms that consideration/investigation of the soil profile, water table as well as borehole/infiltration testing would preclude the use of soakaways to dispose of surface water.
- 10.74 However, due to the distance, existing topography and greenfield nature of the site, the DP deems it suitable to discharge the surface water at a Hydrobrake-restricted rate of 3.4 l/s with an outfall (via headwall) to the watercourse of Willow Beck (via gravity), located approximately 250m to the west of the site. The proposed run-off rate has been based on greenfield runoff calculations that show the QBar rate for the site as 3.4 l/s. attenuation would be provided by a subterranean attenuation tank (960 cubic metres) that would accommodate 1-in-100 year storm event plus 40 per cent allowance for climate change. The proposed site layout plan shows that the tank would be located in the south-western corner of the site, away from the proposed dwellings and the closest point of the site to Willow Beck. This would represent a sustainable means of disposing of surface water from the proposed development in accordance with the expectations of the aforementioned policies RM2 and RM3 of the Hambleton Local Plan and NPPF.
- 10.75 A SuDs Management Plan has been submitted with the application, outlining a regular maintenance schedule (as well as remedial actions and monitoring) for the pipes and attenuation tank that would comprise the SuDs. If planning permission is granted, it is recommended that a management and maintenance scheme is approved (by condition) based on the recommendations and proposals contained within the SuDs Management Plan.
- 10.76 The Lead Local Flood Authority (LLFA) has been reconsulted on the application, and their response is awaited, although in respect of the original consultation they indicated that they had no objections to the means of surface water disposal, including the proposed maximum discharge rate and the proposed attenuation. The IDB has submitted a re-consultation response

confirming that they are satisfied with the maximum discharge rate providing it meets the greenfield rate. The LLFA had requested that an exceedance route plan be submitted to demonstrate that if the surface water scheme fails, properties will not be in the path of any resulting flood waters. The agent has been made aware of this requirement. Members will be updated via the Update List or at the Committee Meeting on any subsequent LLFA re-consultation response received prior to the Committee Meeting. Subject to receiving a positive recommendation from the LHA, the proposals are considered to comply with Policy RM2 of the Local Plan.

Water Supply and Foul Drainage

- 10.77 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.)
- 10.78 It is confirmed within the application documents that foul sewage would gravity drain to the south-western area of site where it will discharge into an existing (Yorkshire Water) 375mm diameter combined sewer located within the field to the western boundary. It is also confirmed within the application documents that the foul water connection location has been agreed with Yorkshire Water following pre-application discussions.
- 10.79 Policy RM2 also states that new development should ensure that surface water is always drained and managed separately from foul water, which is a requirement that should be conditioned if planning permission is approved. In terms of water supply, Policy RM1 states that proposals will be supported where it is demonstrated that they make 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). This requirement should also be conditioned if planning permission is approved.
- 10.80 Overall, and subject to the aforementioned conditions referred to in this subsection, the proposals would comply with the relevant requirements of policies RM1 and RM2 as well as the NPPG in respect of water quality/supply and foul drainage.

Contamination and Pollution

- 10.81 One of the seven 'Sustainable Development Principles' within Policy S1 of the Hambleton Local Plan is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality...(criterion f.) In addition, 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.

- 10.82 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.)
- 10.83 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.
- 10.84 'Phase 1 Desk Study' and 'Phase 2 Site Investigation' reports have been submitted with the application. The 'Phase 1 Desk Study' notes that the solid geology beneath the site is classified as a Secondary Aquifer – B, and the overlying drift is classified as a Secondary Aquifer – although there are no Source Protection Zones within 2km of the application site and no recorded water abstractions within 500m.
- 10.85 The Phase 1 Report recommends that the proposed, linear drainage channels to be located across driveways to prevent surface water discharging onto the adopted roads are to provide treatment (de-silting) for any pollution created by vehicles.
- 10.86 The Phase 2 Report confirms that having assessed the contamination results, the levels of contaminants in the samples screened were not considered to represent a significant risk to controlled waters or adjacent sites, and as such no further treatment, removal, protection measures were considered necessary.
- 10.87 Environmental Health (Contaminated Land) have been consulted/reconsulted on the application, noting that the Phase 1 Report did not identify any on-site areas of contamination with the risk of contamination to end users considered to be low. And thus have raised no objections to the application, subject to a condition being imposed (if planning permission is granted) requiring specific procedures to be followed should unexpected contamination be found during construction.
- 10.88 Overall, it is considered that the development would not raise any unacceptable issues with regards to land contamination and water pollution and thus would comply with the relevant criteria of policies S1, E2 and RM5 of the Hambleton Local Plan mentioned above, subject to a condition it is considered expedient to impose a standard condition should planning permission detailing the procedures to be followed should unexpected contamination be discovered during works.

Climate Change Mitigation and Carbon Savings

- 10.89 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (criterion g.)
- 10.90 This is taken further by criterion k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of landform, massing and landscaping to minimise energy consumption.
- 10.91 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.
- 10.92 Little information has been included within the application about carbon savings and renewable energy or micro-generation. This will be explored further with the agent prior to the Planning Committee and Members will be updated via the Update List or at the Committee Meeting on this matter, although if Members seek to approve planning permission, a condition is recommend requiring a scheme to be submitted and approved for a carbon savings and renewable scheme for the development. Overall, the proposals are considered to be capable of complying with the relevant criteria of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

Crime, Anti-Social Behaviour and Secured by Design

- 10.93 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.)
- 10.94 The Designing Out Crime Officer (DOCO) has submitted detailed comments and recommendations in relation to the design of the development to help reduce ant-social behaviour, crime and the fear of crime. If planning permission is granted, it is recommended that a condition is applied requiring the submission of a scheme demonstrating how Secured by Design Principles and the DOCO's recommendations will be incorporated within the development, where feasible to do so. Subject to this, the proposals would meet the requirements and expectations of criterion d. of Policy E1 of the Hambleton Local Plan.

Aerodrome Safeguarding

- 10.95 The site is located within the designated RAF Safeguarding Areas for RAF Leeming and Topcliffe. The MOD have been consulted on the application but have yet to provide a formal recommendation. Members will be updated via

the Update List or at the Committee Meeting on any subsequent LLFA re-consultation response received prior to the Committee Meeting. Subject to receiving a positive recommendation for the MOD, the application is considered to comply with Policy E2 in terms of aerodrome safeguarding.

Public Open Space and Play Provision

- 10.96 Policy IC3 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: 'Open Space, Sport and Recreation Standards'. 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.
- 10.97 Five separate parcels of green space are proposed within the proposed layout of the scheme, all adjacent to the proposed access road. (just over 0.1ha in total area.)

Existing Infrastructure

- 10.98 Yorkshire Water Services have confirmed that a rising mains sewer is located within the application site. Yorkshire Water have however confirmed that the (amended) proposed layout would respect the 3 metre stand-off distance either side of the centre line of the mains, and thus have no objections to the application, subject to the imposition of a condition (should planning permission be granted) to ensure that the mains sewer is protected during construction and that access to the mains sewer remains available for maintenance post-construction.

11.0 Planning Balance and Conclusion

- 11.1 The application site is outside the main built form of Romanby and thus in a countryside location as defined by Policy S5 of the Local Plan. Although the site is located adjacent to the built form of the settlement, as a Market Town (Northallerton with Romanby) the site cannot be considered as a 'windfall' housing site as that provision of Policy HG5 is only applicable to defined villages within the settlement hierarchy of Policy S3. The amended proposals are now considered to constitute an 'exception' under Policy HG4. The location and nature of the proposed development means that the proposed scheme meets the criteria of a Rural Exception Scheme (as detailed within Policy HG4) providing a 100 per cent affordable housing. On this basis the principle of development in this location is supported.
- 11.2 It is considered that the provision of affordable housing along with the provision of eight single bed units are material considerations that should be given considerable weight in the planning balance because the proposed development would help to address affordability issues in the housing market as well as a perceived under-delivery of affordable housing within the Plan

Area. These material considerations, and the substantial weight afforded to them, would further justify approving the application.

- 11.3 It is well established that housing targets (including those for affordable housing) are not intended to be a ceiling to prevent additional units from being built beyond the stated targets, and there are benefits to providing affordable housing provision within residential schemes, not least to seek to mitigate the current affordability issues and trends within the housing market as described by the agent in the Planning Supporting Statement (see para. 10.16 above).
- 11.4 The weight to be given to the provision of affordable housing needs to be considered within the context that the Council's position is that it has no affordable housing backlog to address, and no reason to conclude that the Council is not capable of meeting its affordable housing target of 55 units per annum going forward. As mentioned above, Officers consider that the location and nature of the proposed development would be capable of meeting the policy criteria of a rural exception scheme as 100 percent affordable scheme is now proposed. On this basis the provision of 100 percent affordable housing is considered to carry considerable weight in the planning balance.
- 11.5 The agent has also stated that considerable weight should also be given to the provision of eight, single bed properties within the overall proposed housing mix and it is recognised that the provision of 8 single bed affordable units would help to address the Council's past under-delivery of single-bed, affordable units within housing developments and help to meet the relatively high level of local need for this type/size of affordable housing within the Plan Area, and especially within Northallerton/ Romanby.
- 11.6 On balance the proposed development for 100 percent affordable housing meets the exceptional criteria set out in Policy HG4 and it is further considered that there is a reasonable identified need for the proposed development.

12.0 Recommendation

- 12.1 That planning permission be **GRANTED** subject to:
- i) the Conditions set out below and;
 - ii) the satisfactory completion of a Section 106 Agreement to secure the proposed affordable housing

Conditions:

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

Reason 1. 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 following drawings:

Site Location Plan

- 1372-BGP-00-ZZ-DR-C-90.4 -1100 REV PO2

Proposed Site Plan - SD100.01 Revision N
Layout Plan - SD 100.06 Revision N Boundary
Treatment Plan - SD-100.02 Revision N
Surface Treatment Plan - SD 100.03 Revision N
Adoption Plan - SD 100.04 Revision N
Materials Plan - SD 100.05 Revision N
Impermeable Areas Plan - 1372-BGP-00-ZZDR-C-52-1 1101 REV PO3
Exceedence Flow Routes - 1372-BGP-00-ZZDR-C-52-1 1102 REV PO4
Drainage Plan - 1372-BGP-00-ZZ-DR-C-52-11130 REV PO3
External Works Plan 1 - 1372-BGP-00-ZZ-DR-C-90.4- 0111 REV.P03
External Works Plan 2 - 1372-BGP-00-ZZ-DR-C-90.4- 01111 REV.P03
Planting Plan - PP-0-01 Rev.6
Planting Plan - PP-0-02 Rev.6
Planting Plan - PP-0-03 Rev.6
Tree Protection Plan - AIATPP REV A
House Plans
SD-20.06 POD, SD-20.09 Whorlton, SD- 20.07 Rounton, SD- 20.04 Ellington,
SD- 20.01 Coverdale, SD- 20.08 Whorlton, SD- 20.05 Kingsdale, SD- 20.02
Ellington
SD- 20.03 Ellington

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 Local Plan Policies S1 and E1.

3. Prior to commencement of development other than initial site clearance, demolition of the bungalow and formation of the assess, full levels details shall be submitted to and approved by the Local Planning Authority. The levels shall include existing and proposed site levels along with finished floor, eaves and ridge levels for the proposed dwellings. The development shall then be implemented in accordance with the approved details.

Reason

In order to protect local amenity and the character of the area and to accord with policies E1 and E2.

4. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5. The development shall be implemented in accordance with the Biodiversity Net Gain Plan and associated Net Gain Report received on 31 March 2023.

Reason

In order that the development results in a Biodiversity Net Gain in line with the requirements of Policy E3.

6. The development hereby permitted shall be implemented in accordance with the Flood Risk Assessment received on the 30 March 2023.

Reason

To ensure that the development does not result in additional flood risk.

7. The development hereby permitted shall be implemented and managed in accordance with the SUDs management plan received on the 30 March 2023.

Reason

For the avoidance of doubt and to ensure that the site drainage is sustainable and will not result in flooding.

Target Determination Date: 15.07.2022

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