

**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, 9th November, 2023

**Time:** 10.00 am

**Venue:** Council Chamber, 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.

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The Council operates a scheme for public speaking at planning committee meetings. Normally the following people can speak at planning committee in relation to any specific application on the agenda: speaker representing the applicant, speaker representing the objectors, parish council representative and local Division councillor. Each speaker has a maximum of three minutes to put their case. If you wish to register to speak through this scheme, then please notify Louise Hancock, Democratic Services Officer, by midday on Monday, 6 November 2023.

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

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## Agenda

1. **Apologies for Absence**
2. **Minutes for the Meeting held on 12 October 2023** (Pages 3 - 10)  
To confirm the minutes of the meeting held on 12 October 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. **ZB23/00938/FUL - Revised application for construction of 38no. residential dwellings with associated access, parking, landscaping and infrastructure at OS Field 6504, Northallerton Business Park, Thurston Road, Northallerton for Taylor Wimpey** (Pages 11 - 28)  
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 for Colin Bennett (Keepmoat Homes)** (Pages 29 - 46)  
Report of the Assistant Director Planning – Community Development Services
6. **22/00047/OUT - Outline Application for Demolition of the Vacant Dalesway Lodge Motel and Restaurant, and the Construction of a Petrol Filling Station (sui generis) with Associated Kiosk/Shop (Use Class E) and Two Drive-Through Restaurants (sui generis), together with Construction of a New Vehicular Access, Car Parking, Electric Vehicle Charging Facilities and Other Works at Eastside Barracks Bank Scotch Corner Richmond for Scotch Corner Richmond LLP** (Pages 47 - 68)  
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 December 2023 (venue to be confirmed, either Civic Centre, Stone Cross, Rotary Way, Northallerton DL6 2UU or 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

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Wednesday, 1 November 2023

## North Yorkshire Council

### Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 12th October, 2023 commencing at 10.00 am at Civic Centre, Stone Cross, Northallerton.

Councillor David Webster in the Chair. plus Councillors Tom Jones, Bryn Griffiths (as substitute for Councillor Stuart Parsons for Items 8-13, Minute 51-16 refers), Heather Moorhouse, Stuart Parsons (Item 1-7, Minutes 44-50 refers), Yvonne Peacock (as substitute for Councillor Karin Sedgwick), Angus Thompson and Steve Watson.

In attendance: Councillor Kevin Foster.

Officers present: Martin Grainger, Head of Development Management, Peter Jones, Development Manager - North, Fiona Hunter, Development Management Team Leader, Ian Nesbit, Senior Planning Officer, Laura Venn, Legal Manager, Harriet Westwood, Planning Officer, Penny Noake, Definitive Map Officer, Alexander Gardner, Improvement Manager (Area 1), Ian Beighton, Project Engineer (Area 1) and Sarah Holbird (Democratic Services Officer).

Apologies: Councillor Karin Sedgwick.

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

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#### 44 Apologies for Absence

Apologies noted (see above).

#### 45 Minutes for the Meeting held on Thursday, 14th September 2023

The minutes of the meeting held on Thursday, 14<sup>th</sup> September 2023 were confirmed and signed as an accurate record, subject to amendments to the bullet points of discussion at Item 37 – Application 22/00136/FULL to show that development is not within walking distance of the town and the decision at Item 40 – Application 20/02047/OUT to request that Area 2 Highways engage with the parish council in relation to the highways and bridges.

#### 46 Declarations of Interests

There were no declarations of interest.

#### 47 Opposed Public Path Order (a Public Path Diversion Order) relating to public rights of way at Thimbleby

Considered:-

The Assistant Director Integrated Passenger Transport, Licensing, Fleet, Harbours and Countryside Access – Environment Services sought direction what stance the Authority should take in its submission to the Secretary of State in relation to the confirmation of the opposed public footpaths 10.146/013, 10.146/015 & 10.146/200 and public bridleway 10.146/016 at Thimbleby Grange, Thimbleby Diversion Order 2023.

The applicant's agent, Diane Baines, spoke in support of the application.

During consideration, the Committee discussed the following issues:-

- The dangers posed to members of the public from agricultural operations in farmyards.
- That the proposed diversion was an improvement to the route of the current footpath and bridleway.

The decision:-

- (a) That the Diversion Order be supported and submitted to the Secretary of State for a decision on confirmation as an opposed Order.
- (b) That the Corporate Director of Environment be given delegated authority to make representations to the Secretary of State.

#### Voting Record

A vote was taken and the motion was declared carried unanimously.

#### **48 23/00085/OUT - Outline Planning Application (with all Matters Reserved Except Access) for the Erection of 15 No. Residential Dwellings at Land off Wild Hill Lane, Hunton**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of an outline planning application (with all matters reserved except access) for the erection of 15 no. residential dwellings at Land off Wild Hill Lane, Hunton.

Mark Newsam spoke objecting to the application.

Wendy Knight spoke on behalf of Hunton Parish Council objecting to the application.

The applicant's agent, Eric Bainbridge, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- Clarification was sought on the details of the drainage proposals, the implications of the topography, the capacity of the drainage ditch and the flood implications from the site.
- The percentage and housing mix of affordable units on the site was welcomed and the Committee sought assurance that this would not be diluted to ensure viability. The definitive route of the public footpath indicated to provide safe connectivity to the village as this appears to go through the gardens and buildings of nearby houses meaning occupants would have to use Wild Hill Lane to access the village on foot.
- The minimum number dwellings having already been delivered during this plan period within the sub area.

The decision:-

That the application be DEFERRED for further clarification on the drainage proposals, access arrangements, educational needs and the current level of affordable housing in Hunton.

### Voting Record

A vote was taken and the motion was declared carried with 5 for and 2 against.

#### **49 22/00730/FULL - Full planning permission for the erection of 5no. dwellings, creation of access and landscaping at Land at Station Road, Scorton for Rothstone and Torsion Homes**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for full planning permission for the erection of 5no. residential dwellings, creation of access and landscaping at land at Station Road, Scorton.

Ian Threlfall spoke on behalf of Scorton Parish Council objecting to the application.

The applicant's agent, Matthew Mortonson, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The location of the site, its visibility from the highway on the approach into the village and the location of the water pipe which sets the development back, providing a green corridor.
- The former designation of the area as a landscape site within a previous Local Plan and the weight it can be given in determining the application. Members were advised the application should be considered based on the current Local Plan and no weight should be given to a previous plan.
- The proposed layout of the site and its suitability.

The decision:-

That planning permission be **GRANTED** subject to the conditions set out in section 12 of the report.

### Voting Record

A vote was taken and the motion was declared carried with 4 for and 3 against.

#### **50 22/00583/FULL - Full Planning Permission for the Creation of 5 New Dwellings and Access on Agricultural Land at Land Adjacent to Runnymede, Leyburn - REPORT WITHDRAWN**

The report was withdrawn prior to the meeting and was not considered.

Note: Cllr Parsons left the meeting at 11.30am.

Note: The meeting was adjourned at 11.30am and reconvened at 1.30pm.

Note: Cllr Bryn Griffiths entered the meeting at 1.30pm.

**51 22/02741/FUL - Application for Planning Permission for the Construction of a New 2 Bed Dwelling with a Shop/Post Office and Change of Use of an Existing Shop/Post Office to Residential Use - as amended (revised plans/documents received by the Local Planning Authority on 16.05.2023) at Village Shop and Post Office, Front Street, Appleton Wiske for Antony Marsay**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for the construction of a new 2 bed dwelling with a Shop/Post Office and Change of Use of an Existing Shop/Post Office to Residential Use – as amended (revised plans/documents received by the Local Planning Authority on 16.05.2023) at Village Shop and Post Office, Front Street, Appleton Wiske

Simon Cooper spoke objecting to the application.

Derek Partington spoke on behalf of Appleton Wiske Parish Council supporting the application.

The applicant's agent, Richard Stephenson, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The impact the loss of the shop/post office would have on Appleton Wiske and the surrounding villages.
- The highways implications of the shop/post office.
- The impact on neighbouring properties.

The decision:-

Contrary to Officer recommendations the Committee indicated that they were **MINDED TO GRANT** planning permission, with delegation of the decision with the relevant conditions to the Chief Planning Officer for the following reason:-

- (a) The Committee was satisfied that due to the current location of the Post Office/shop the highways safety concerns would not be compromised any further by the proposed development.

Voting Record

A vote was taken and the motion was declared carried unanimously.

**52 23/00625/FUL - Proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access along with the formation of passing places on the highway subject to report received on 22 August 2023 at Sedgefield House, Ainderby Steeple, Northallerton, DL7 9JY for Stuart Twedde**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for a proposed change of use of agricultural and amenity building including alterations to west elevation to a wedding venue with associated parking facilities and new access along with the formation of passing places on the highway subject to report received on 22 August 2023 at Sedgefield House, Ainderby Steeple, Northallerton.

Giles Chaplin, Lister Haigh spoke on behalf of the objectors to the application.

Charles Duffield spoke on behalf of Warlaby Parish Meeting objecting to the application.

Andrew Thompson, Ainderby Steeple Parish Council spoke on behalf of Ainderby Steeple Parish Council in support of the application.

The application, Catherine Tweddle, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The impact of the additional traffic on the highway and the safety of users.
- The Committee sought further information on the size of the passing places to be delivered.

The decision:-

That planning permission be **GRANTED** subject to the conditions as set out in section 12 of the report and the additional condition shown below.

#### Voting Record

A vote was taken and the motion was declared carried unanimously.

#### Additional Condition

Condition 18: The proposed bund detailed on the landscaping plan shall be implemented before first use of the new access. The bund shall be maintained in perpetuity.

Reasons: To protect the amenity of neighbouring occupiers in accordance with Policy E2.

### **53 ZB23/01360/FUL - Change of use of domestic extension to mixed use for domestic use and holiday let at Sedgefield House, Ainderby Steeple, Northallerton for Stuart Tweddle**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for a change of use of domestic extension to mixed use for domestic use and holiday let at Sedgefield House, Ainderby Steeple, Northallerton.

Giles Chaplin, Lister Haigh spoke on behalf of the objectors to the application.

The application, Catherine Tweddle, spoke in support of the application.

The officer recommendations were proposed and seconded without debate.

The decision:-

That planning permission be **GRANTED** subject to the conditions set out in section 12 of the report.

### Voting Record

A vote was taken and the motion was declared carried unanimously.

**54 20/02047/OUT - Application for outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue at Prices Paving and Tiles Limited, The Manor House, Snape for Prices Paving & Tile Ltd**

Considered:-

The Assistant Director Planning – Community Development Services sought determination of a planning application for outline planning permission with some matters reserved (except for access) for the demolition of existing buildings and erection of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue at Prices Paving and Tiles Limited, The Manor House, Snape.

David Smith spoke objecting to the application.

John Duck spoke on behalf of Snape Parish Council supporting the application.

The applicant's agent, Steven Hesmondhalgh, spoke in support of the application.

During consideration of the above application, the Committee discussed the following issues:-

- The proposed access arrangements, with the preferred option being the reduction in the pillar and that all avenues to bring this option forward be explored fully before the alternative is progressed.

The decision:-

That:

a) planning permission be **GRANTED** subject to the conditions set out in section 12 of the report, as amended and the additional condition shown below.

b) a section 106 agreement be completed to ensure provision of affordable housing along with management of the Sustainable Drainage and Public Open Space as necessary.

### Voting Record

A vote was taken and the motion was declared carried unanimously.

### Amended Conditions

Condition 15: Prior to the commencement of development, a scheme for the delivery of improved sight lines at the junction of the application site and The Avenue shall be submitted to and agreed upon by the local planning authority. This will take the form of either the reduction of the pillar and wall to the west of the site access or a white lining solution that will improve the movement of the site junction northwards in order to achieve an improved level of site visibility. Thereafter the development shall be carried out in accordance with the approved details.



Reason: In the interests of highway safety.

Condition 17: No demolition or construction for any phase of the development shall take place until a Construction Phase Management Plan for that phase relating to the programme of demolition and construction works has been submitted to, and approved in writing by, the Local Planning Authority. The approved Construction Phase Management Plan be adhered to throughout the construction period for the phase.

The plans shall include, but not be limited, to arrangements for the following in respect of each phase of the works:

- (i) Protection of carriageway and footway users at all times during demolition and construction
- (ii) Erection and maintenance of hoardings, including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate
- (iii) Protection of contractors working adjacent to the highway
- (iv) Measures to manage the delivery of materials and plant to the site, including routing and timing of deliveries
- (v) Loading and unloading of materials and plant
- (vi) Storage of plant and materials used in constructing the development
- (vii) Wheel washing facilities
- (viii) Measures to control the emission of dust and dirt during construction
- (ix) Storage of plant and materials used in constructing the development
- (x) Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works
- (xi) The protection of trees
- (xii) The parking of contractors' site operatives and visitor's vehicles; and
- (xiii) A program for the works
- (xiv) Construction times on site including site deliveries
- (xv) Management of surface water during construction

Reason: In the interest of public safety and amenity.

## **55 Any other items**

There were no urgent items of business.

## **56 Date of Next Meeting**

Thursday, 9 November 2023 at 10.00am at Mercury House, Richmond.

The meeting concluded at 4.00 pm.

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## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Committee

9th November 2023

**ZB23/00938/FUL- Revised application for construction of 38no. residential dwellings with associated access, parking, landscaping and infrastructure.**

**At: OS Field 6504 Northallerton Business Park Thurston Road Northallerton  
For: Taylor Wimpey North Yorkshire**

#### Report of the Assistant Director Planning – Community Development Services

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

- 1.1 To determine a revised planning application for the construction of 38 residential dwellings with associated access, parking, landscaping and infrastructure at OS Field 6504, Northallerton Business Park, Thurston Road, Northallerton
- 1.2 An application for a similar scheme of 38 dwellings on this site was previously refused planning permission, following the resolution of Hambleton District Council Planning Committee on 22 December 2022. This decision is currently appeal.
- 1.3 This application has been submitted in an attempt to address the reasons for refusal.

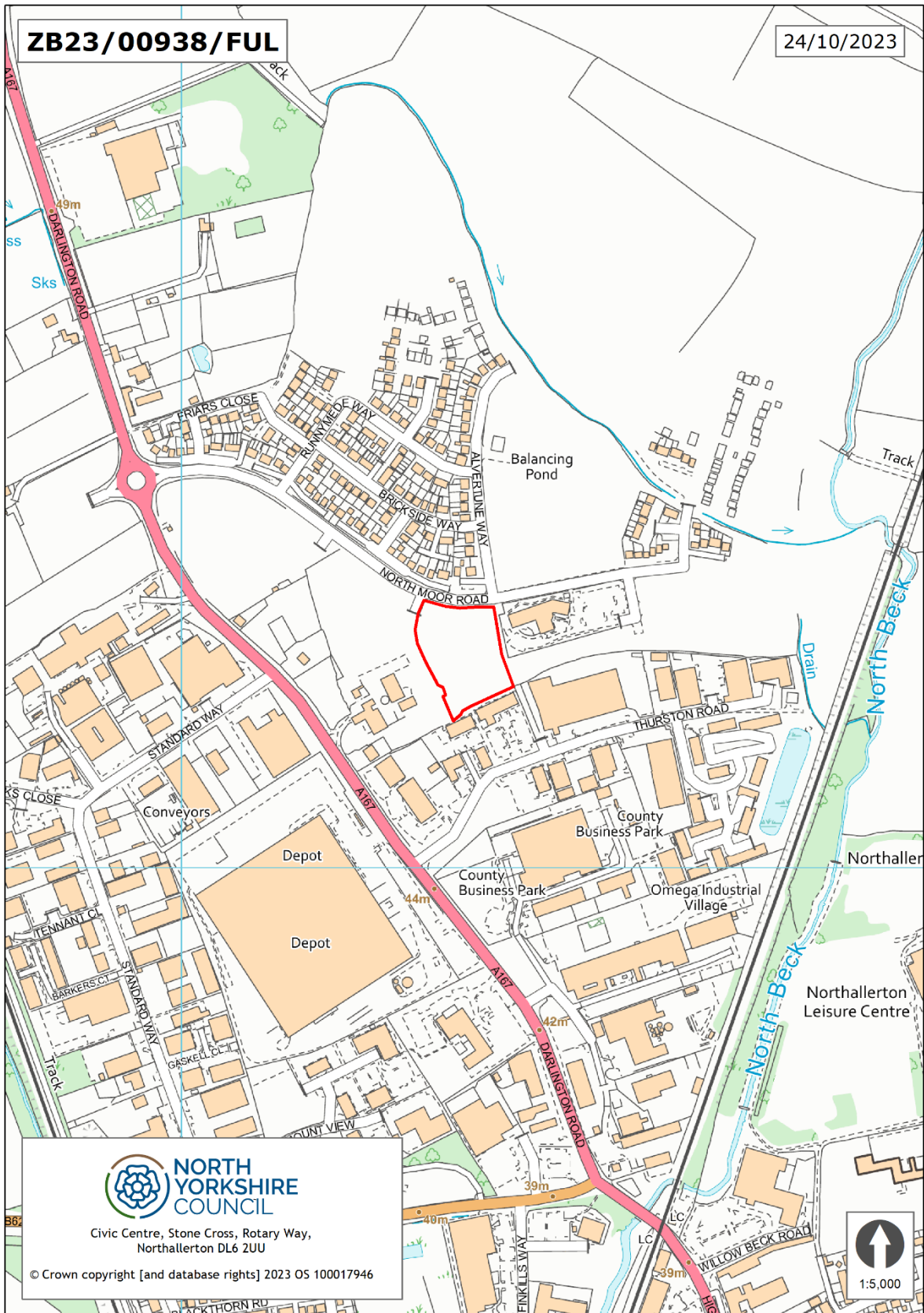
##### **2.0 Summary**

- 2.1 This application is seeking planning permission for the construction of 38 dwellings with associated access, parking, landscaping and infrastructure on land adjacent to the Northallerton Business Park, Thurston Road, Northallerton. The application represents a revised submission of a similar scheme (21/02227/FUL) for the site that was refused planning permission by Hambleton District Council in December, which is currently subject to appeal to the Secretary of State.
- 2.2 The current proposals include several revisions to the scheme that was refused planning permission ((21/02227/FUL)), including: the reduction of the bunding/fence height by a metre (to 7m) and clarification/amendment to the parking provision and EV charging.

**RECOMMENDATION:** To **Grant** planning permission subject to the conditions set out in section 12 of this report

ZB23/00938/FUL

24/10/2023



### **3.0 Preliminary Matters**

3.1. Access to the case file on Public Access can be found here: - [Online documents](#)

3.2 The following planning applications are relevant to the site:

- 21/02227/FUL - Full planning application for construction 38 residential dwellings with associated access, parking, landscaping and infrastructure. Amended Plans received 27.09.2022, 28.09.2022 and 19.10.2022. REFUSED, 23.12.2022. The Planning Committee's reasons for refusal are as follows:

1. It is considered that the noise mitigation measures (in particular the bund and acoustic fence) would have an adverse impact on the character and visual amenity of the area and as such failed to meet the high quality of design required by policy E1.

It was further considered that the noise mitigation measures would not be sufficient to reduce the noise impact to the proposed residential dwellings or to offer a suitable level of protection to the operation of Allerton Steel and the adjacent NHS building and as such failed to comply with Policy E2 and the relevant terms of the NPPF in terms of Agent's of Change.

2. It is considered that the parking layout is inappropriate owing to the distance of some parking spaces from their relevant dwellings and the lack of EV charging. The proposals are considered to fail to comply with Policy IC2 and Policy S1 of the Local Plan.

3. It is considered that the development fails to make provision for affordable housing as required by the provisions of policy HG3.

- Application 21/02227/FUL is currently subject to a valid 'written representations' appeal to the Secretary of State (APP/G2713/W/23/3324527)
- 15/01083/HYB – mixed use development of 900 dwellings and a neighbourhood centre comprised of shops, restaurants and drinking establishments, extra care facilities, medical facilities, primary school, recreation pitches and car parking – all matters reserved except for access – Granted. Although the application site falls within the red edge of the Hybrid application all plans indicate that the details of this site were not confirmed or approved at that stage. As such there is no outline consent at this site and a full application has been submitted.

### **4.0 Site and Surroundings**

4.1 The wider North Northallerton Development Area is located approximately 1km north of Northallerton town centre. It measures approximately 52.8 hectares and is bounded by the A167 Darlington Road to the west and A684 Stokesley Road to the east. To the north lies open countryside with the settlement of Brompton beyond that. To the South lies the Thurston Road Business Park. The wider site is bisected by the Northallerton to Middlesbrough train line running approximately north/south through the area.

4.2 The application site specifically subject of this application, is located at the south-western corner of the wider North Northallerton Development Area. To the immediate west is a vacant site which recently gained permission under 21/02226/REM for 62 dwellings. To the east is an NHS building which was approved under 19/01110/FUL and is now complete and operational. To the south-east is Allerton Steel, a steel fabrication company.

## **5.0 Description of Proposal**

- 5.1 This application is seeking full planning permission for the construction of 38 dwellings with associated access, parking, landscaping and infrastructure. The application represents a revision of a previously refused application (ref. 21/02227/FUL)
- 5.2 The 38 dwellings would all be market housing (with no affordable housing proposed) consisting of the following house types:
- 6 x 1 bedroom
  - 7 x 2 bedroom
  - 25 x 3 bedroom
- 5.3 Vehicle and pedestrian access to the development would be via Sheepcote Close towards the north-western corner of the site, although other pedestrian links and driveway accesses would be created onto Sheepcote Close.
- 5.4 The proposal includes a 4m metre high bund with 3-4m acoustic-rated fencing on top of the bund, to provide sound mitigation from Allerton Steel.
- 5.5 The current proposals include several revisions to the scheme that was refused planning permission (21/02227/FUL), including: the reduction of the bunding/fence height by a metre (to 7m) and clarification/amendment to the parking provision and EV charging.

## **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 Lead Local Flood Authority, Local Highway Authority, Yorkshire Water Services and Internal Drainage Boards were reconsulted (in September 2023) on the amended Flood Risk Assessment and additional drainage plans, while Environmental Health have been reconsulted (also in September) on the submitted Noise Impact Assessment. Where additional representations have been submitted in relation to the aforementioned reconsultation exercise, this has been specified below.

**Brompton Parish Council:** No response received.

**NYC Environmental Health (EH):** No objections, subject to the following conditions (as summarised): the construction of the acoustic bund/fence structure prior to first occupation, and its maintenance thereafter; and the approval of mitigation measures to achieve internal and external noise levels for all properties of :

(a) 30dB LAeq,8hr / 35dB LAeq, 16 hr in bedrooms. If this cannot be achieved with open windows, the property shall be firstly redesigned to ensure noise sensitive rooms such as bedroom or openable windows are orientated away from the noise source. Where this is not possible ventilation providing the same air exchange as an open window shall be provided.

(b) Living rooms - 35dB LAeq,16 hrs

(c) Dining Rooms - 40dB LAeq,16hr

(d) 45 dB LAmax, F individual noise events no more than 10 times a night.

(e) 50 dB external amenity. Hambleton district is a rural area with lower background noise levels. The lower standard of 50dB (LAeq, 16hr) through building orientation or localised screening.

**NYC Local Highway Authority (LHA):** No LHA objections to the proposed development, subject to conditions relating to (as summarised): prior approval of detailed plans of road and footway layout; construction (to binder course macadam level or similar) of the carriageways/footways prior to the development being brought into use; the provision of 90m visibility splays along both channels lines of North Moor Road; the provision of 2m by 2m pedestrian visibility splays, the provision and retention of the approved vehicular parking; the provision of a construction management plan; and the retention of the garaging for its intended purpose.

**MOD Safeguarding:** No safeguarding objections.

**Environment Agency (EA):** No response received.

**Brompton Heritage Group:** No response received.

**NYC Economic Development Officer:** No response received.

**NYC Planning Policy Manager:** No response received.

**NYC Housing Manager:** No response received.

**Natural England:** No response received.

**Yorkshire Wildlife Trust (YWT):** No response received.

**Yorkshire Water Services (YWS):** No objections, subject to a condition requiring the proposed development to be undertaken in accordance with the details shown on the submitted Engineering Layout Plan (CK-XX-XX-DR-C-52-100 revision T3)

**NY Designing Out Crime Officer (DOCO):** In relation to designing out crime, the DOC has confirmed that he has no comments to make regarding the current (revised) proposal.

**NYC Environmental Health (Contaminated Land):** No response received.

**Local Access Forum (LAF):** No response received.

**Lead Local Flood Authority (LLFA):** The LLFA have yet to respond to the latest reconsultation, having previously requested that the applicant provide further details. Any response received will be reported to Members before or during the Meeting.

**Swale and Ure Internal Drainage Board (IDB):** No comments.

**Kyle and Upper Ouse Internal Drainage Board (IDB):** No objection, subject to a condition requiring the restricted flow measures and attenuation to be put in place prior to occupancy.

Local Representations

7.2. No local representations have been received in response to consultation.

**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
- Housing Mix
- Nationally Described Space Standards (NDSS) and Adaptable Homes
- Amenity
- Design and Townscape Impacts
- Ecology, Biodiversity Net Gain and Green Infrastructure
- Highway Safety, Accessibility, Permeability and Connectivity
- Flood Risk and Surface Water Drainage/Management

**10.0 Assessment**

Location and Principle of Housing Development

- 10.1 The Hambleton Local Plan (hereby referred to as the '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.
- 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.
- 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 The application site was formerly part of the North Northallerton Development Area within the now superseded LDF. However, it was not brought forward as an allocation within the current Local Plan owing to the advanced nature of the development of the North Northallerton development. However, the application site is located between the business park and a relatively large and newly built housing development, and thus is considered to be within the built form of the designated Market Town of Northallerton with Romanby. The application site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. As such the site is considered to be in a suitable location for housing in terms of sustainability and the relevant requirements of Policy HG5 (Windfall Housing Development) and the principle of the proposed residential development is therefore supported by the relevant strategic and housing-related policies of the Local Plan.

#### Affordable Housing Provision

- 10.6 Policy HG3 (Affordable Housing Requirements) states that the Council will seek provision of 30% affordable dwellings on all housing developments. Policy HG3 also states that where it can be demonstrated that the requirements above are not viable, due to specific site conditions or other material considerations affecting development of the site, an alternative dwelling or tenure mix that meets local need or a lower level of provision may be acceptable.
- 10.7 As confirmed within the Officer report for application 21/02227/FUL at the time of the granting of planning permission for the North Northallerton development under the original hybrid application, the viability appraisal showed that the development was only able to provide 13.4% affordable housing, noting that subsequent interim appraisals suggested that the development could not support any affordable housing. The main question in this case is whether the parcel of land, subject of this application was considered within that appraisal and as such should be considered under the requirements of the S106 agreement for North Northallerton as opposed to the 30% requirement under the current Local Plan.
- 10.8 Owing to noise related difficulties with the relationship to Allerton Steel, this parcel of land was effectively omitted from the outline approval, but a receipt and cost was retained within the viability appraisal. This has resulted in the applicant having to submit a 'full' planning application (rather than a reserved matters application), in this case.
- 10.9 The matter of affordable housing is still pertinent to the wider North Northallerton development proposals owing to the requirements of the Section 106 agreement.
- 10.10 It is noted that it is intended that Karbon Homes purchase up to 48 units at North Northallerton, which would not be subject to the Council's usual S106 controls but would be subject to controls placed as a result of Homes England funding, which would ensure that they meet affordable housing definitions.
- 10.11 Having reviewed the submissions, Officers are content that this site does form part of the wider viability appraisal and as such need not provide 30% affordable housing.

## Housing Mix

- 10.12 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.

<u>House Size</u>	<u>Market Housing Target Ranges (%)</u>	<u>Proposed Market Housing (38 Units)</u>
1 bed	5-10%	6 (15.7%)
2 bed	40-45%	7 (18.4%)
3 bed	40-45%	25 (65.7%)
4+ bed	0-10%	0 (0%)

- 10.13 The proposed development would effectively over-provide in terms of single bed and 3 bedroom properties, but under deliver in relation to 2 bedroom properties. Whilst the mix is not strictly in accordance with the targets set out in the SPD, it is considered that as a whole the development provides a reasonable and acceptable proportion of smaller market homes, and as such is in accordance with the expectations of criterion f. of Policy HG2 of the Local Plan.

## Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.14 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.
- 10.15 The development would comply with the relevant NDSS and house adaptability requirements of Policy HG2 of the Local Plan.

## Amenity

- 10.16 Policy E2 (Amenity) states that all proposals will be expected 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. Amongst other criteria a proposal will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.
- 10.17 The relationship and space between dwellings within the proposed layout would allow for adequate light permeation throughout the site. The proposed layout shows that proposed dwellings would be oriented in a manner that would not result in significant overshadowing of neighbouring plots. Separation distances of 20-21m would be achieved where principal elevations face each other. However, many of the proposed dwellings within the scheme would have side to rear relationship, allowing dwellings to be sited closer together.

- 10.18 The submitted proposed plans show that the rear of each plot would be able to be accessed externally, thus allowing for safe and secure storage of both bins and bicycles. Some of the plots also feature garages and/or sheds which can also be used for the secure storage of bicycles.
- 10.19 The relationship between the proposed dwellings and wider North Northallerton development has been considered. The proposed separation distances to the approved neighbouring dwellings to the west are approximately 20m where principal elevations face each other and this is considered to be acceptable.
- 10.20 The rear gardens of several of the southern plots within the proposed development would be somewhat overlooked by the adjacent office building (Gibraltar House). The dwellings within these plots have been sited to have an approximate 17-18m separation distance from the office building. It is considered that tree planting in this area would improve the privacy level of the gardens. However, whilst this relationship is not ideal, due to the separation distances further landscaping is not considered necessary at this stage but could be implemented later if preferred by future residents. Whilst White Rose House is also close to the boundary, the dwellings have been sited in a way that does not unacceptably affect the privacy levels of the rear amenity spaces of the relevant plots.
- 10.21 Sited to the east of the application site is the relatively newly-built three storey NHS building. The building has first floor windows on the relevant elevation that serves individual consultation rooms. The design of the building is such that the upper floors step away from the boundary. The ground floor therefore is closest to the boundary at approx. 10m, the first floor 21m and the third at over 30m. The proposed dwellings within plots 523 and 524 would be oriented with their sides facing the boundary. The rear gardens would be set slightly south of the NHS building thus creating a skewed view between the building and the gardens in question. It is therefore considered that this relationship is acceptable and in accordance with Policy E2 of the Local Plan.
- 10.22 The application site is located in close proximity to Allerton Steel, a steel fabrication business/premises located on Thurston Road occupying a large metal clad factory building. Whilst the site shares a boundary with the area of land on which permission has been granted for an extension to Allerton Steel (19/02209/FUL), the site is also in close proximity to the existing main building. Allerton Steel has no time restrictions on its operations nor are there any conditions which limit the noise level which can be emitted from the site.
- 10.23 The starting point through the course of the consideration of the hybrid application for the wider North Northallerton development was to resist housing development on this site owing to the amenity risk from noise and the potential to have to limit Allerton Steel's operations owing to noise disturbance. The 'agent of change' principle (as set out in paragraph 187 of the NPPF) was considered to be an important consideration because if a loss of amenity were to be demonstrated once development was completed, this could potentially have a detrimental impact on Allerton Steel's operations. In addition, the hybrid permission required (by condition 36) that the approved dwellings are designed to meet BS8233:2014 and sets limits on the internal noise level, while a further condition (37) was imposed on the hybrid permission which prohibited the application site from being developed for dwellings or houses in multiple occupation. It must therefore be considered whether the site itself is suitable for housing given the proximity to such an intensive industrial use.

- 10.24 Following discussions that took place during the course of the previous application (21/02227/FUL) regarding the noise impact of Allerton Steel on the amenity of future occupiers of the dwellings, that application was amended to include a 4m high bund with 4m high acoustic fencing, combining to provide an 8m high acoustic barrier between the proposed housing and the Allerton Steel site. Despite the Council's reasons for refusal for 21/02227/FUL, the proposed acoustic barrier remains as part of the current proposals, albeit at a slightly lower overall height of 7m.
- 10.25 A Noise Impact Assessment has been submitted in support of the application and the Council's Environmental Health department have been consulted. Subject to conditions requiring the construction of the proposed acoustic bund/fence structure prior to first occupation, and its maintenance thereafter; as well as the approval of mitigation measures to achieve specific internal and external noise levels for all properties, Environmental Health have confirmed that they have no objections.
- 10.26 Owing to the way in which noise assessments are carried out, looking at the average noise levels, officers have some residual concerns about the potential impact on residential amenity through occasional or sporadic noise from Allerton Steel. The site is open and potentially operational 24/7 depending on the nature of the project that they are working on. As such there is potential for one off noises late at night, which could cause noise and disturbance. It is however considered that the British Standard requirements on noise have been met and that the acoustic measures proposed will result in a satisfactory level of amenity. However, there remains some residual concern with regard to one off and sporadic noise, with the potential to lead to a loss of amenity for residential occupiers of the site. Overall, and subject to conditions, the proposals are considered to be in accordance with the relevant criteria of Policy E2 of the Local Plan.

#### Design and Townscape Impacts

- 10.27 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.)
- 10.28 In terms of townscape impact, Policy E7 (Hambleton's Landscapes) of the Local Plan states that the Council will protect and enhance the distinctive character and townscapes of settlements within the plan area. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.29 The application is for 38 units on approx. 1.02ha of land. This gives a density of approx. 37 dwellings per hectare. This is the same density as that approved on the neighbouring site under 21/02226/REM. The justification for this is that the hybrid permission required that the development be carried out in accordance with the Parameters Density and Phase 1 Areas Plan contained within the Design and Access Statement. The plans indicate that in this part of the site density was expected to range from 35-40 dwellings per hectare. In this case therefore the proposed density is considered acceptable.

- 10.30 The proposed dwellings would be set back from North Moor Road due to the requirements of an easement. This would allow for a planted buffer between the dwellings and the main road. The proposed landscaping scheme shows the area would include a hedgerow with trees. A root barrier would be provided to protect the drainage system. The remaining space would be planted with wildflowers and grass. An area of shrub planting is shown near the vehicular entrance.
- 10.31 The individual house types include single, two and three storey dwellings. The three storey dwellings have been designed to appear both as three storey buildings and as dormer two storey dwellings. The single and two storey dwellings are a typical design for the type of development. The proposed dwellings feature a mixture of red and buff brick, a mix of grey and red roof tiles with white PVC fenestration. Window heads are marked by Artstone or brick detailing. Boundary walls would be constructed of matching brick corresponding with the associated dwelling.
- 10.32 North Yorkshire Police Designing out Crime Officers were consulted and have not provided any advice and recommendations in relation to this (revised) application.
- 10.33 As described within the 'amenity' section above, the proposed acoustic bunding/fencing feature would measure 7m in total and, despite the slight reduction in height, would be an imposing and somewhat incongruous feature within the street scene. Nevertheless, the imposing visual impact should be balanced against the visual screening that it would provide between the dwellings and the industrial buildings located to the east of the site, thus mitigating the visual outlook from the site.
- 10.34 Overall, and in the circumstances, the proposed layout, housing density, scale and design are considered to be acceptable and in accordance with the requirements and expectations of Policies E1 and E7 of the Local Plan.
- 10.35 Overall, the proposed development is considered to be good quality design and is in accordance with Policy E1 of the Local Plan.

#### Ecology, Biodiversity Net Gain and Green Infrastructure

- 10.36 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.
- 10.37 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.)
- 10.38 Policy E4 (Green Infrastructure) states that the Council will require development to protect existing green infrastructure, secure improvements to its safety and accessibility, and secure net gains to green infrastructure provision.
- 10.39 A preliminary Ecological Appraisal was carried out by Quants Environmental which covered both this site and the adjacent site (21/02226/REM). The appraisal identified that the site mainly comprises semi-improved grassland which is bordered by mature trees, hedgerows and fencing. The grassland is considered to be of low ecological value, whilst the trees and hedgerows are of notable value.

- 10.40 The site was considered to be of potential value to open ground nesting birds such as meadow pipit, skylark and lapwing. The Hybrid permission is subject to conditions which require, for each phase, the submission of an Ecological Enhancement Management Plan (condition 30), pre-construction surveys (32) and that site clearance works be undertaken outside of bird nesting season (33). As this application is a standalone application these conditions should be reapplied to any permission granted.
- 10.41 The report indicates that 55m of species-poor hedgerow forms a boundary feature on the southern edge of the application site. The hedge is dominated by hawthorn, with occasional blackthorn and elder. The hedge is currently unmanaged and is starting to become outgrown. There are no standard trees within the hedge. The Preliminary Ecological Report recommends that the hedge be retained, however, the Biodiversity Net Gain report indicates that it is to be removed and replaced by 75m of native hedgerow to the northern boundary with North Moor Road. In this case as there is a demonstrable net gain of hedgerow within the development coupled with the low value of the existing hedgerow it is considered that the loss in this case is acceptable.
- 10.42 As mentioned above a Biodiversity Net Gain report and relevant metric were also submitted in support of the application. The metric shows a net gain of 10.78% for habitat units and 286.14% for hedgerow units. The report also details how these features should be managed. It is considered that the details of the report be secured by condition.
- 10.43 Subject to the aforementioned condition, it is considered that the proposed development would comply with the relevant requirements of Policy E3 of the Local Plan.

#### Highway Safety, Accessibility, Permeability and Connectivity

- 10.44 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.)
- 10.45 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.)
- 10.46 The main access to the site is proposed to be taken from North Moor Road at the north-west corner of the site. This access would be shared with the previously approved development to the west. Pedestrian access is also shown connecting the main access point to the eastern plots. An additional pedestrian access will also be provided along the north-east side of the development allowing quick access by foot for the dwellings which face North Moor Road.

- 10.47 On site parking would be provided either in curtilage or to the rear of properties in a courtyard style. The exceptions are plots 506 and 519 (1 bedroom coach house style flats) where the parking is provided in an integrated garage beneath the living space. Tracking information has been provided to demonstrate manoeuvring around the courtyard parking.
- 10.48 North Yorkshire Council Highways Officers have been consulted and have no objection, subject to conditions summarised in section 7 above. Overall, the proposals are considered to comply with Policy IC2 and E1 of the Local Plan.

#### Flood Risk and Surface Water Drainage/Management

- 10.49 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 area (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.)
- 10.50 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.)
- 10.51 The drainage scheme indicates that surface and foul water will connect to separate existing public systems in North Moor Road. Due to the size of the site a Flood Risk Assessment has been submitted. The FRA confirms that the site is wholly within flood zone 1. The report identifies a localised area of medium and high risk for surface water flooding. These are likely to be as a result of depressions in existing topography or obstructions on site. Reference to the maps indicated that the medium/high risk areas are self contained and do not form part of a flood path originating offsite. The report, however, appears to cover both the application site and the adjacent site on which consent has already been granted. The area identified above appears to be located on the adjacent site and therefore is not relevant to this application.
- 10.52 The Lead Local Flood Authority were consulted and are yet to formally respond to the reconsultation. Any response will be reported to Members prior or during the Committee meeting. Subject to receiving a positive recommendation from LLFA, the proposals are considered to comply with Policies RM2 and RM3 of the Local Plan.

#### **11.0 Planning Balance and Conclusion**

- 11.1 The application site is within the built form of the Market Town of Northallerton with Romanby and is considered to be an appropriate 'windfall' housing site by virtue of Policy HG5 of the Local Plan. As well as the principle of the development, the proposals are also considered to have the support of the relevant policies of the Local Plan with regards to housing mix, NDSS and adaptable homes, ecology, highway safety and flood risk and drainage.

- 11.2 It is acknowledged that the previous planning application (21/02227/FUL) was refused by the Hambleton Planning Committee in December 2022 for several reasons. One of these reasons was that the Committee considered that the noise mitigation measures (in particular the bund and acoustic fence) would have an adverse impact on the character and visual amenity of the area and as such failed to meet the high quality of design required by policy E1. While the acoustic bund/fencing feature remains as part of the revised scheme under consideration, the feature is an essential part of the noise mitigation scheme for the proposed development, without which new residents would experience unacceptable levels of noise emanating from the adjacent businesses, while, as the 'agent of change', potentially placing unacceptable operating restrictions on the Allerton Steel business in particular. Therefore, while Officers accept that the bund/fencing feature is an incongruous and somewhat alien feature of a residential development, the design and character matters have to be balanced against noise mitigation considerations.
- 11.3 The Planning Committee also considered that the previously proposed noise mitigation measures would not be sufficient to reduce the noise impact to the proposed residential dwellings or to offer a suitable level of protection to the operation of Allerton Steel and the adjacent NHS building and as such failed to comply with Policy E2 and the relevant terms of the NPPF in terms of Agents of Change considerations. A Noise Impact Assessment has been submitted as part of the application and considered by Environmental Health, who consider the results and the proposed mitigation (that can be required by condition) to be acceptable.
- 11.4 The Planning Committee also refused application 21/02227/FUL as the proposed development would fail to make provision for affordable housing as required by the provisions of Policy HG3. This matter is explored in detail in paragraphs 10.6-11 above, and Officers would again emphasise that as the application site does form part of the wider viability appraisal, Officers do not consider that there is a requirement for the scheme to provide for 30 per cent affordable housing.
- 11.5 In refusing planning permission for application 21/02227/FUL, the Planning Committee also considered that the parking layout is inappropriate owing to the distance of some parking spaces from their relevant dwellings and the lack of EV charging, thus it was considered by the Committee that the proposals failed to comply with Policy IC2 and Policy S1 of the Local Plan. These matters been clarified/addressed by the agent as part of the revised submission. Having been consulted on the application, the Local Highway Authority have raised no objections to the proposals.
- 11.6 Overall, the agent has sought to address (where considered possible or able to do so) the concerns of the Planning Committee as expressed within the reasons of refusal of application 21/02227/FUL. Although the amendments made are limited for the reasons explained in the paragraphs above, Officers consider that the proposals meet the requirements of the relevant policies of the Local Plan, the NPPF and national Planning Practice Guidance, subject to the planning conditions recommended below and receiving a positive recommendation from the LLFA

## **12.0 Recommendation**

12.1 That planning permission be **GRANTED** subject to:

- i) the Conditions set out below (as well as any recommended by the LLFA in any subsequent response):

Conditions:

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



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

2. The permission hereby granted shall not be undertaken other than in complete accordance with the proposed plans and drawings submitted as received by the Local Planning Authority on 26.04.2023; 28.04.2023; and 04.09.2023.

Reason: In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.

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

Reason: To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users, in accordance with Policy IC2 of the Local Plan.

4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users, in accordance with Policy IC2 of the Local Plan.

5. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the approved parking, manoeuvring and turning facilities as shown on Drawing Number NTH - PH3 - 007 Revision C. Once created, these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development, in accordance with Policy IC2 of the Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garages shall be used solely for parking of motor vehicles and domestic storage including cycle parking and shall not be used as additional living accommodation without the granting of an appropriate planning permission.

Reason: In order to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity of the development, in accordance with Policy IC2 of the Local Plan.

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

- a. The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site.
- b. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
- c. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
- d. Measures to manage the delivery of materials and plant to the site including the location of loading and unloading areas.
- e. Contact details for the responsible person (site manager / site office) who can be contacted in the event of any issue.
- f. A photographic and / or video record of the condition of the B6721 North Moor Road adjacent to the site plus a distance of 100 metres on each approach. The survey should include the carriageway, footways and grassed verges and will be used in order to establish if any damage or degradation to the Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

Reason: In the interest of public safety and amenity, in accordance with Policy IC2 of the Local Plan.

8. There must be no access or egress by any vehicles between the highway and the application site at its junction with the B6271 North Moor Road until minimum splays are provided giving clear visibility of 90 metres measured along both nearside channel lines of North Moor Road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety, in accordance with Policy IC2 of the Local Plan.

9. There must be no access or egress by any vehicles between what is to be adopted highway and each plot until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the adjacent road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety, in accordance with Policy IC2 of the Local Plan.

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

Reason: In the interest of satisfactory and sustainable drainage, in accordance with policy RM3 of the Local Plan.

11. Prior to occupation of any part of the development a scheme shall be submitted to, and approved in writing, by the Local Planning Authority detailing how the recommendations of North Yorkshire Police Designing out Crime Report Ref No: 011-1-2022 dated 22.06.2022 in relation to application 21/02227/FUL will be incorporated into the scheme. The development shall be implemented in accordance with the approved plans.

Reason: To ensure that Designing Out Crime principles are adopted in relation to the proposed development, in accordance with Policy E1 of the Local Plan.

12. 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, in accordance with Policy RM5 of the Local Plan.

13. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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.

14. The approved landscaping scheme shall be implemented in the first planting season following the occupation of the 30th dwelling in accordance with the approved plans and in accordance with the Biodiversity Net Gain Assessment. The trees and hedgerows shall be maintained in accordance with the details set out in the Biodiversity Net Gain Assessment for a period of at least 30 years unless an alternative maintenance scheme is submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that appropriate landscaping and biodiversity net gain schemes are achieved/implemented and maintained, in accordance with Policies E1 and E3 of the Local Plan.

15. No development shall commence until a scheme providing for preconstruction surveys of and mitigation impacts for breeding birds including any nests on the site has been submitted to and approved in writing by the Local Planning Authority. Surveys shall also be suitable to record Schedule 1 barn owl, if present.

Reason: To comply with the Wildlife and Countryside Act 1981 to protect all wild birds whilst they are actively nesting or roosting, and in accordance with Policy E3 of the Local Plan.

16. A badger survey must be carried out by a suitably qualified Ecologist no less than 48 hours before the commencement of construction. Results and appropriate mitigation measures (where required) must be submitted to the Local Planning Authority for approval in writing and thereafter implemented in full.

Reason: In the interest of local ecology and biodiversity, in accordance Policies E1 and E3 of the Local Plan.

17. No development (which includes site clearance works and excavation) shall take place/commence until an Ecological Enhancement Management Plan has been submitted to the Council for approval. The Plan will set out all necessary ecological mitigation and enhancements measures, including those specified in Chapter 8: Biodiversity of the Environmental Statement, to cover the construction of the development and not less than 10 years following its completion. The Plan will make provisions for, but is not limited to, habitats, terrestrial mammals, bats, birds, and invertebrates.

Reason: In the interest of local ecology and biodiversity, in accordance Policies E1 and E3 of the Local Plan.

18. Vegetation clearance shall be undertaken between September and late February to avoid the bird nesting season (March-August) unless otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged. Where a Wildlife and Countryside Act Schedule 1 species is involved, mitigation for impacts, e.g. loss of nesting site, must be devised, approved in writing by the Local Planning Authority and implemented. If vegetation clearance and/or construction work is approved in writing by the Local Planning Authority during or extending into the bird nesting season, further assessments and mitigation measures, such as ecological supervision at the developers expense, may be required by the Local Planning Authority.

Reason: In the interest of local ecology and biodiversity, in accordance Policies E1 and E3 of the Local Plan.

**Target Determination Date:** 26.07.2023

**Case Officer:** Ian Nesbit, [ian.nesbit@northyorks.gov.uk](mailto:ian.nesbit@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Area Constituency Committee 9<sup>th</sup> November 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 Hatchery, 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 On 10<sup>th</sup> August, 2023, the Richmond (Yorks) Area Constituency Planning Committee considered 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. The Committee resolved to conditionally approve the reserved matters application, subject to conditions, on the basis of a 'policy-compliant' 30 per cent affordable provision. Since then a Housing Association has become involved in the development and is seeking to provide all of the properties as affordable homes. The un-determined application is brought back to the Committee to consider the proposal for the residential scheme to provide for 100 per cent (on-site) affordable housing provision.

##### **1.1a Addendum**

- 1.1b On 10<sup>th</sup> August, 2023, the Richmond (Yorks) Area Constituency Planning Committee (hereafter referred to as the 'August, 2023 Committee') considered a planning application for reserved matters (of siting, landscaping, design/external appearance) for the construction of 87 dwelling houses, following the granting of outline planning permission (ref. 22/02555/OUT) on land at Old Hatchery, Aiskew. The Committee resolved to conditionally approve the reserved matters application, subject to conditions.
- 1.1c Following the August, 2023 Committee meeting, and prior to reserved matters approval being issued in accordance with the Committee's resolution, the applicant informed Officers of the intention for the development to be developed as a 100 per cent affordable housing scheme rather than the 30% affordable development originally submitted.
- 1.1d As the August 2023 Committee had considered and decided the proposals on the basis of a 'policy-compliant' 30 per cent affordable provision, the application is brought back to the Committee to consider the proposal for the residential scheme to provide for 100 per cent (on-site) affordable housing provision.
- 1.1e To clarify, the proposal to provide a 100 per cent affordable scheme has not included any additional or amended plans or documents. Therefore, the layout, scale, landscaping and appearance (including house types and their design) of the development would remain unchanged from the proposals the 10<sup>th</sup> August, 2023 Committee considered. As such, the

conclusions reached by Officers in section 10 of this report remain unchanged and still relevant on issues of Nationally Described Space Standards, design (including house types and sizes), landscape, ecology, amenity, highway safety, PROW impact, flood risk and drainage, contamination, climate change, crime and aerodrome safeguarding.

#### 1.1f Affordable Housing

*The contents of this section should supersede the details and conclusion within paragraph 10.2 below relating to the 30 per cent (or 30.68 per cent affordable provision).*

Although the proposals are seeking to provide for a scheme where 100 per cent of the dwellings on-site would be affordable units, as the application site is within (rather than outside but adjacent to) the built form of Aiskew, the proposals cannot be wholly supported as either an 'entry-level' or 'rural' exception scheme by virtue of Policy HG4 (Housing Exceptions) of the Local Plan. The appropriate consideration of the proposed housing scheme remains as a 'windfall' housing site located within the built form of Aiskew. The outline permission has already approved the location of the development (i.e. as a housing windfall development), and there are no reasons for Members to reconsider this matter in light of the proposed 100 per cent affordable housing provision.

1.1g Policy HG3 (Affordable Housing Requirements) of the Local Plan requires all developments involving the provision of new market housing to provide 30 per cent affordable housing for schemes involving 10 or more units. This level of affordable housing provision was secured through a Section 106 agreement prior to the issuing of the outline permission (ref. 22/02555/OUT), although the revised Planning Layout [Overall] Plan (Rev. Y) which has been submitted with the reserved matters application shows the provision of 87 dwellings, 27 of which were proposed to be affordable housing units, equating to a total, on-site affordable housing provision of 30.68 per cent. Therefore, the Committee considered the proposals in August with a modest increase in affordable housing provision above the 30 per cent Policy HG3 requirement. The proposals to provide for 100 per cent affordable units would equally be in accordance with the affordable housing requirements of Policy HG3 of the Local Plan.

1.1h In terms of the affordable housing tenure mix, Members are reminded that the Section 106 agreement (completed prior to the issuing of the outline permission) states that the 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 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.

#### Section 106 Agreement

1.1i In light of the proposed 100 per cent scheme, the applicant is seeking to agree a 'Deed of Variation' with the Council to amend the wording of the Section 106 agreement for the development (completed prior to the issuing of the outline permission).

#### Conclusion

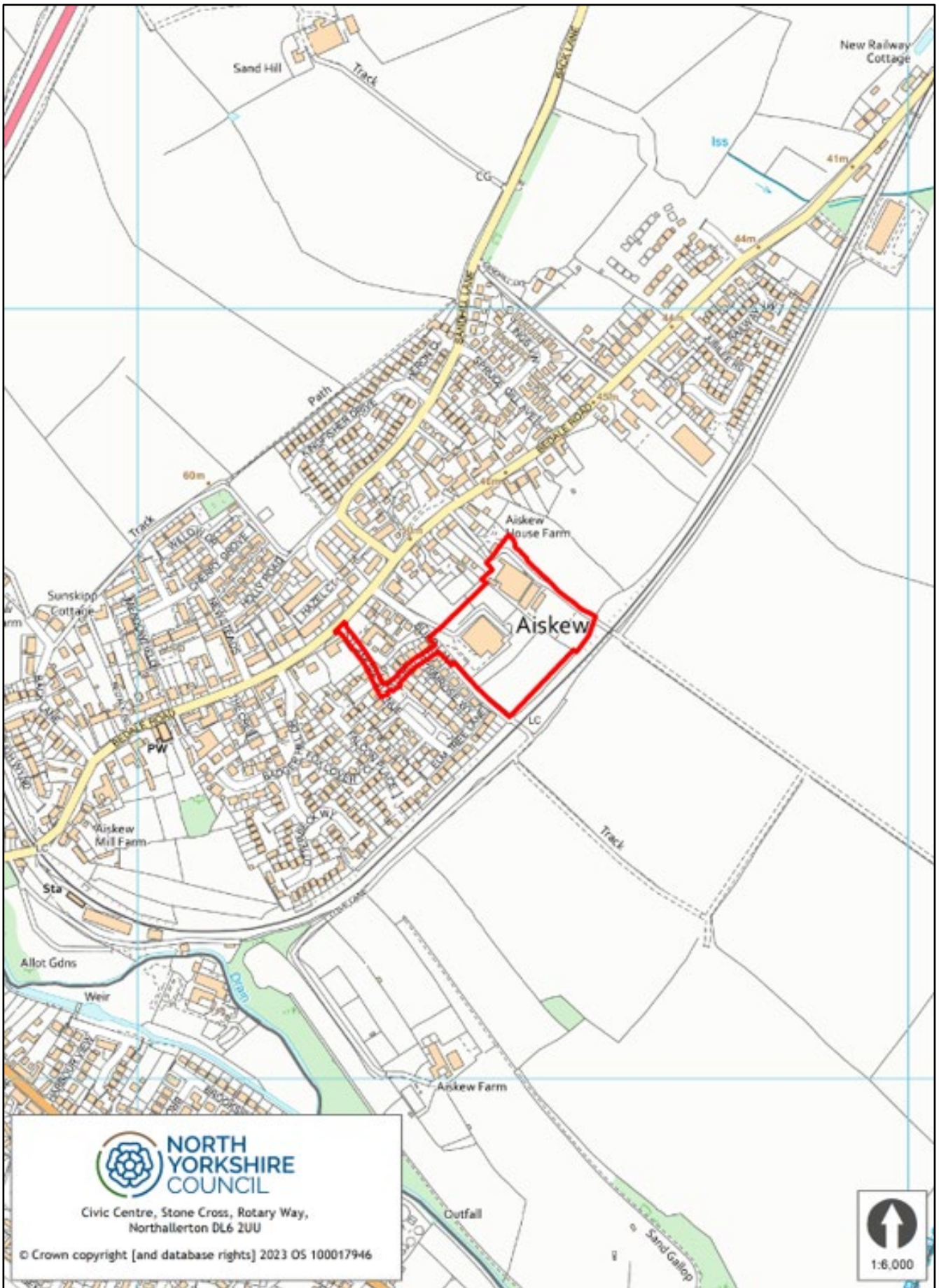
1.1j The provision of a 100 per cent affordable housing scheme does not alter the Local Plan and national policy considerations for determining this planning application. Although the proposals are likely to result in a greater public benefit as a result of the 'over-supply' (in the context of Policy HG3 of the Local Plan) of affordable housing within the development, as the proposals as previously submitted (and considered by the Committee) were policy compliant and considered acceptable, it is not necessary to prescribe the proposed over-

supply of affordable housing any material weight in the planning balance. The overall conclusions and recommendations of this report therefore remain unchanged.

## 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.





### **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 SINCs, 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 with 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](mailto:ian.nesbit@northyorks.gov.uk)

## North Yorkshire Council

### Community Development Services

#### Richmond (Yorks) Constituency Planning Committee

09 November 2023

**22/00047/OUT - Outline application for demolition of the vacant Dalesway Lodge Motel & Restaurant, & the construction of a petrol filling station (sui generis) with associated kiosk/shop (use class e) & two drive-through restaurants (sui generis), together with construction of a new vehicular access, car parking, electric vehicle charging facilities & other works**

**At: Eastside Barracks Bank, Scotch Corner, Richmond, North Yorkshire, DL10 6NS  
For: Scotch Corner Richmond LLP**

#### Report of the Assistant Director Planning – Community Development Services

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

- 1.1 To determine a planning application for the construction of a petrol filling station (sui generis) with associated kiosk/shop (use class E) and two drive-through restaurants (sui generis), together with construction of a new vehicular access, car parking, electric vehicle charging facilities and other works on land at Eastside Barracks Bank, Scotch Corner, Richmond, North Yorkshire, DL10 6NS.
- 1.2 This application is brought to the Area Planning Committee due to a call in request from the ward member who raised highways capacity and need for the development as significant material planning considerations.

##### **2.0 Executive Summary**

**RECOMMENDATION:** That planning permission be **GRANTED** subject to conditions.

- 2.1. This application seeks Outline Planning Permission with details of access only for demolition of the vacant lodge motel and restaurant together with redevelopment of the site with a petrol filling station, two drive-through restaurants (use class sui generis) and construction of a new vehicular access, car parking, electric vehicle charging facilities and other works.
- 2.2 The site extends to 1.5ha and lies just to the south of the Scotch Corner roundabout, on the A6108 Barracks Bank Road to Skeeby. The site is within the countryside outside of any allocation. The Spatial Strategy sets out that at junctions on the upgraded A1 motorway including Scotch Corner, priority will be given to:
  - Consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land;
  - Appropriate motorway related development will be considered subject to Spatial Principle SP5.

- 2.3 As the site comprises circa half previously developed land and half unfarmed scrubland/meadow land, it partially complies & partially conflicts with the first bullet point above. The uses proposed are considered to be appropriate motorway related development and thus complies with the second bullet point. Therefore, as the proposal seeks to re-organise and re-configure the layout of buildings across the site, the development is considered overall compliant with the North Richmondshire Spatial Strategy, subject to compliance with Policy SP5.
- 2.4 All technical aspects have been considered to be acceptable with no Statutory Consultee objections. Highways England have advised the Scotch Corner Junction has sufficient capacity to accommodate the development.
- 2.5 How to secure Biodiversity Net Gain (condition or S106) is being discussed currently and will be updated in the Update List/ Supplementary Report.



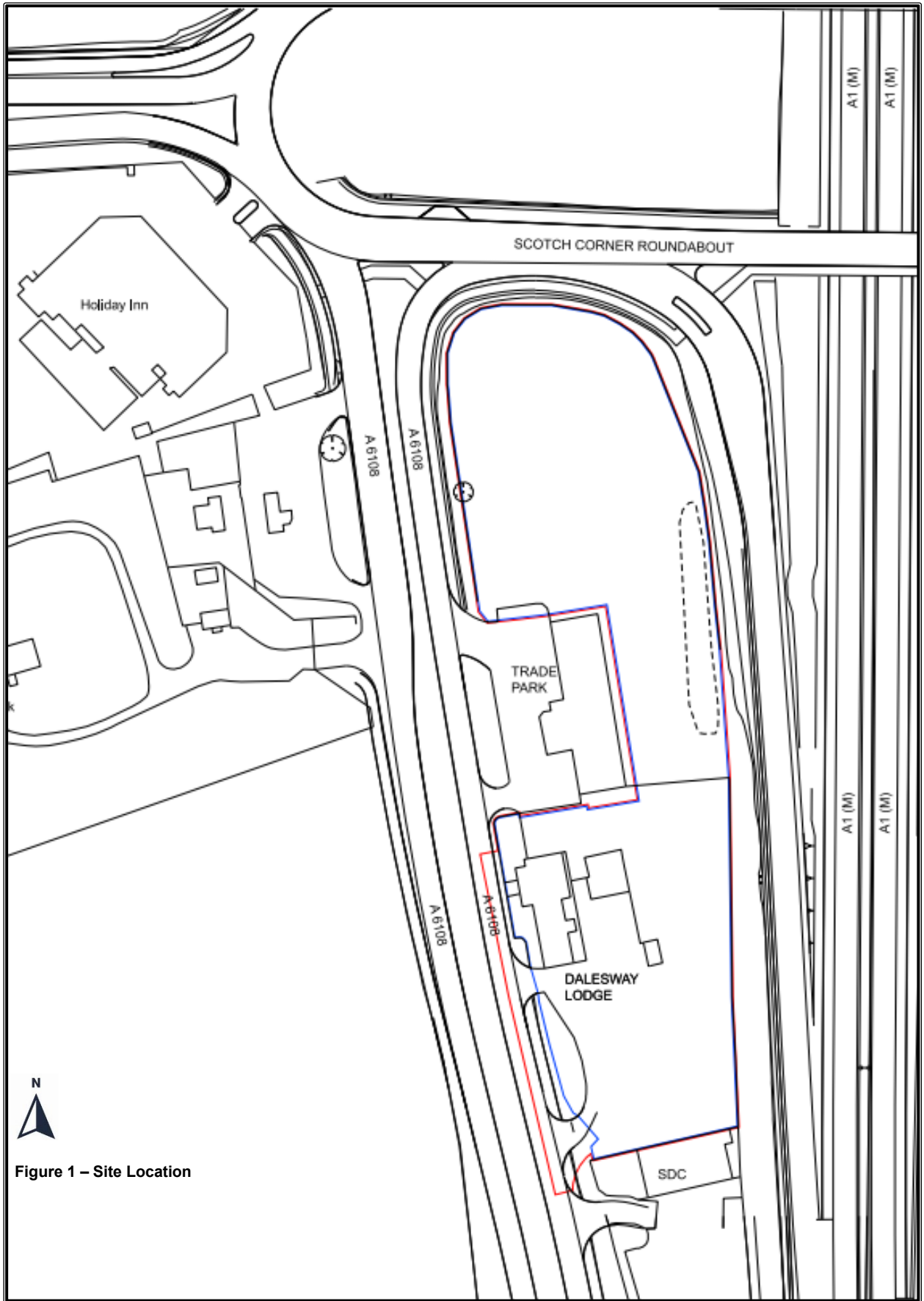


Figure 1 – Site Location

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:-  
[Online Documents](#)
- 3.2. There are a number of other applications that are of relevance, which are detailed below:
- 3.3. Planning permission at the application site was granted as follows:  
07/00201/OUT- Outline Application for Proposed Use of Existing Building and Erection of New Buildings in Connection with Business Use Classes B1 and B8  
GRANTED 08.06.2007
- 3.4. On the opposite side of Barrack Bank, there are some significant consents in place. Development has commenced of a permitted 23,000m<sup>2</sup> Scotch Corner Designer Outlet<sup>1</sup>. There is also permission for a 10,000m<sup>2</sup> Blue Diamond garden centre<sup>2</sup>. Associated with these, there are two further live planning applications, including an extension to the Designer Outlet (22/00790/OUT) which would extend it by around a further 39,000m<sup>2</sup>.
- 3.5. There are live applications for a B2 advanced manufacturing facility of around 26,000sqm (22/00787/OUT); and a film and radio studio (23/00006/OUT).
- 3.6. To the north, on the northern (opposite) side of the Scotch Corner gyratory there is a further live planning application<sup>3</sup> for a further drive-through restaurant and associated access, servicing and landscaping (22/00402/OUT).
- 3.7. Please see Appendix A for a map of Live and Permitted planning applications/permissions.

### **4.0 Site and Surroundings**

- 4.1. The application site extends to 1.5ha and is located in-between the A1(M) (to the east) & the A6055 (Barrack Bank) to the west. The main Scotch Corner gyratory roundabout lies to the north. Access to the site is currently taken from its western boundary via Barrack Bank, immediately to the south of the two-storey Dalesway Lodge.
- 4.2. As it stands, the northern half of the site lies undeveloped, and its southern half contains the Dalesway Lodge and its associated hardstand / parking area. A small industrial shed is located outside but adjacent to the central portion of the application site, which operates as a small trade park, mainly offering vehicle repair services. Behind this is the thinnest portion of the application site, which links the northern and southern portions. This is currently scrubland with a row of mature trees that run along the eastern boundary of the site. These afford some screening to the A1(M) which lies beyond. There are no Tree Preservation Orders in place and the site is not within a Conservation Area, nor are there any Listed Buildings in the vicinity.
- 4.3. On the opposite side of Barrack Bank planning permission has been granted for a Scotch Corner Designer Outlet Centre, which is currently under construction. Once complete, the frontage of this development, facing onto Barrack Bank and the application site would feature the Designer Outlet's large car parking area. North of this can be found the Leisure Parks Scotch Corner caravan site and to the north of this is the imposing three storey Holiday Inn. Across to the north-east, on the opposite site of the A1 can be found the main Scotch Corner services area, operated by Moto. This includes a M&S, Subway & Travel Lodge. There are several planning permissions for major commercial developments in the locality which are discussed in Section 3.0 of this report.

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<sup>1</sup> Application Ref Nos: 14/00687/FULL and 15/00806/FUL Appeal Ref No: APP/V2723/V/15/3132873

<sup>2</sup> Application Ref Nos: 20/00955/FULL

## Highways England Scotch Corner Upgrades Programme

- 4.4. Highways England's website sets out that they are intending to undertake the following works to Scotch Corner Junction 53:
- Widen the Middleton Tyas Lane approach to the A1(M) junction 53 at Scotch Corner roundabout from one lane to two lanes. This will result in better access to the roundabout at this priority approach
  - Relocate an existing footway, bus stop, signage and lighting columns onto the southern verge of Middleton Tyas Lane to accommodate the additional carriageway lane
  - Add an additional lane within the extents of the northern bridge cross section on the circulatory carriageway with amended lane road markings on either side of the bridge

A map of these works is provided as Appendix B. The associated Development Consent Order for the wider project 'A66 Northern Trans-Pennine' is expected to be granted in late 2023 with construction works to commence 2024. A programme for Scotch Corner specific works will be provided in Supplementary Planning Update if available.

### **5.0 Description of Proposal**

- 5.1. The application seeks Outline Planning Permission with details of access only together with the demolition of the vacant Dalesway lodge motel and restaurant, which extends to 730m<sup>2</sup> over two floors. Once the site has been cleared, it would then be redeveloped to accommodate a petrol filling station, two drive-through restaurants and associated infrastructure, such as car parking, EV charging facilities and other associated works.
- 5.2. The new vehicular access is proposed from the south-west of the site, from the A6108. This new access would be at the very southern end of the site and would take the form of a new slip-lane, running into the site from Barrack Bank. Once inside the site, the main internal circulation road would then head back north, as it leads you towards the new petrol filling station that would be on the southern portion of the site. Whilst the final details of the scheme would be agreed via a further Reserved Matters application, it is noted at this stage that indicative details have been submitted, in order to demonstrate at least one way in which the site could be laid out. However, it is important to remember that the ultimate final layout, remains reserved for approval at a later date.
- 5.3. Looking at the submitted details though, these show the petrol station as being your typical arrangement for this type of operation, with a 372m<sup>2</sup> kiosk/shop facing onto a covered petrol filling area. A small parking area would also be provided at the entrance to the petrol station, to provide for 8 no. EV chargers and 7 no. regular parking spaces.
- 5.4. From here, the circulation road would continue north, parallel with the A1(M), where it passes through the narrow central portion of the site. There you would find a dedicated EV charging area for a further 26 no. EV charging spaces and 5no. standard car parking spaces. Beyond this, you then finally reach the northern end of the site – closest to the Scotch Corner Gyratory. Here would be the two drive thru restaurants: one at either end of this northern portion of the site. These would have a combined floor space of 539m<sup>2</sup> with parking for a further 69 vehicles centrally located between the two outlets.

### **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

6.2. The Adopted Development Plan for this site is:

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

### Guidance - Material Considerations

6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance

## **7.0 Consultation Responses**

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

**Parish Council:** No comments received.

**Ward Member(s):** No comments received.

**Environment Agency:** No objection, and has provided advice in respect of groundwater, contaminated land, waste on and off site.

**Environmental Health:** Consider the impacts to amenity to be limited. Also, due to former land uses including agricultural/open land or light commercial/industrial, it recommends the imposition of a condition requiring an ongoing watching brief for contamination during the construction phase.

**LLFA:** Following submission of additional information, consider the documents demonstrate a reasonable approach to the management of surface water on the site. Recommend conditions are included within any approval notice.

**National Highways:** Following National Highways completing a TRANSYT (Traffic Network Study Tool) assessment(s) no objection and no recommended conditions. They have advised that they are confident that this application will not require mitigation coming forward on its own.

**NYCC Highways:** Has been party to joint discussions with the applicant and National Highways in order to ensure that the Transport Assessment is of an acceptable scope which adequately considers the impacts of recent and committed development around Scotch Corner. They are satisfied with this assessment and recommend the imposition of a number of conditions to be attached to any permission granted.

**North Yorkshire Police:** Provides advise to reduce and avoid crime.

**NYCC Ecologist:** Is satisfied in respect of protected species/ wildlife specific surveys. Mitigation will be required for bats. In respect of Biodiversity Net Gain (BNG) there will be a net loss of habitats units and the applicant needs to confirm how this will be dealt with on or off-site. Recommends conditions.

**NYCC Heritage Services:** Although the development area is within a sensitive archaeological landscape it is clear from the results of the archaeological fieldwork that the potential of this particular parcel of land is low. No further archaeological work is required for this application site.

**Yorkshire Water:** No objection, subject to conditions for: sewer easement; separate foul and surface water drainage; surface water restrictions; adequate water supply. It also recommends the final layout will require amending to take into account the sewer that runs through the site, or that this is diverted.

### Local Representations

7.2 Eight local representations have been received, objecting to the proposal. The concerns raised relate to:

- The existing development being sufficient for this rural location
- Damage to the environment
- Increased traffic congestion
- Increased levels of car parking
- Increased litter
- Changes to the character of the area
- No heritage assessment of buildings to be demolished
- Conflict with the strategic policies for the North Richmondshire Sub Area
- Failure to satisfy the sequential test

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

8.1 The development is an Urban Development Project for the purposes of the Environmental Impact Assessment Regulations 2015 (as amended) and is over 1ha of non-residential development. As such the Council as Local Planning Authority have screened the development and found that it is not EIA development and therefore no Environmental Statement is required to be submitted with the application. The Screening Checklist which acts as the report and decision and decision on this matter is available to view on the Council's website. Nothing has changed since the issuing of the Screening Decision and it is still effective for the Committee Decision.

### **9.0 Main Issues**

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

- Principle of development
- Highways, Access and Parking
- Ecology and Biodiversity
- Drainage and Flooding
- Design and Appearance
- Energy Efficiency
- Heritage / Archaeology
- Amenity

### **10.0 Assessment**

#### Principle of Development

10.1. The site is located off Scotch Corner upgraded roundabout, within the countryside outside of any allocation or growth area. The development involves the loss of a motel and restaurant and development of a petrol station and two drive through restaurants all sui generis use class. The NPPF Glossary sets out that drive-through restaurants and retail units (the petrol station kiosk building) are a main town centre use. There are no specific policies restricting the loss of overnight accommodation and restaurants to be replaced with other employment uses.

10.2. The application site is within the Northern Richmondshire Sub-Area and the Spatial Strategy sets out that at junctions on the upgraded A1 motorway including Scotch Corner, priority will be given to:

- consolidation of the existing and committed employment development at Scotch Corner, with no further expansion onto undeveloped land;
- appropriate motorway related development will be considered subject to Spatial Principle SP5.

- 10.3. The development site comprises circa half previously developed land and half greenfield and therefore partly conflicts and partly complies with the first bullet point. The proposal of a petrol station, EV charging and two drive through restaurants are considered to be appropriate motorway related development and thus complies with the second bullet point. The entire site is constrained by road development to the north, east and west and thus would not result in urban sprawl. As such, it is considered that the development complies with the North Richmondshire Spatial Strategy when considered overall subject to compliance with Policy SP5.
- 10.4. Policy SP5 Scale and Distribution of Economic Development sets out that appropriate economic development opportunities related to the A1 specified upgraded junctions including Scotch Corner will be considered subject to a detailed appraisal of their requirements to link directly with the strategic road network, the feasibility of this link and local conditions that exist in these locations.
- 10.5. Policy CP3 sets out that support will be given for sustainable development which promotes: (a) the efficient use of land and infrastructure including developments with a sustainable and complementary mix of uses, and (m) the provision of essential services to the public. The Policy encourages developments to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites.
- 10.6. Policy CP9 sets out that main town centre uses of over 500sqm will be supported where: (a) there are no suitable, viable and available sites firstly within, then on the edge of, the existing town centre; (b) an impact assessment has demonstrated that proposals will not have an adverse impact on the vitality and viability of the District's town centres, or on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and (c) it would be accessible by a choice of means of transport, and the local transport system is capable of accommodating the potential traffic implications.
- 10.7. The DC&LG decision dated 1 December 2016, reference APP/V2723/V/15/3132873 and APP/V2723/V/16/3143678, for the retail outlet noted that Policy CP9 sequential test threshold of 500sqm was not consistent with the NPPF's threshold of 2,500sqm. Furthermore the SoS set out that given the largely rural nature of Richmondshire District Council, the CS policy takes a pragmatic approach to determining when the sequential and impact tests "bite". In this instance, the ADP is over 5 years old and has not been reviewed at the current time, and as such it is considered appropriate to allow some flexibility and to not require a sequential test for a development which is less than half than the NPPF threshold.
- 10.8. A further consideration when determining whether a sequential test is required is the type of development proposed and its location near a major planned development the retail outlet and garden centre. A petrol station with kiosk and two drive through restaurants would complement the aforementioned committed major development which is currently being delivered opposite the application site. Notwithstanding this, the aforementioned development are not sufficiently progressed to provide certainty they will come forward and therefore it is recommended to only attach modest weight to this aspect.
- 10.9. A further consideration is that it is not considered that drive-through restaurants and a petrol station are preferred main town centre uses which would bring strong benefits if sited within Richmond, Northallerton or Darlington centres, as these already benefit from a variety of such services.
- 10.10. Moving onto the impact assessment, Scotch Corner already has a petrol station, Subway, Greggs, Burger King, M&S Simply Food and West Cornwall Pasty Co to the south-east of the Scotch Corner Roundabout. This development will create choice and will draw some

trade away from the existing service area, together with Barton Park Services at Junction 56 to the north. In the context of these existing similar services and committed retail developments to the south-west, the draw away from any town or city centres will be minimal and cause negligible impact. There may be an impact to other similar committed plans and projects which include petrol stations and their kiosks and drive through restaurants, however, this is considered to be healthy competition.

- 10.11. In relation to drive through restaurants, these may be operated by chain business' which include menus which are not weighted towards healthy options. The Council's adopted development plan do not contain any policies on drive through restaurants or hot food takeaways. We do not for this area have any recent data on population obesity, deprivation, health inequalities and general poor health as referenced by the NPPG (Healthy and safe communities). The site will not be accessible from any school.
- 10.12. A further consideration is whether the development would result in an over-concentration of certain uses within a specified area. In this local, there is a Moto Scotch Corner service area to the north-east with a number of food options. This Service Area is low lying and well screened to the east and therefore visually the area is not dominated by this type of road service development. Given the number of users of Scotch Corner roundabout and the connecting A1, it is considered that these additional two food outlets would be proportionate and not result in an over-concentration of hot food restaurants/ takeaways/ drive throughs.
- 10.13. Having regard to all of the above factors, it is considered the principle of development is acceptable.

#### Highways, Access and Parking.

- 10.14. Due to the proximity of the site to the A1(M) Trunk Road Network, National Highways imposed a holding directive on this application until they had fully considered the highways impacts of the proposal, alongside the NYC Highways Team. Due to the cumulative affects arising from the traffic which would be generated by the Designer Outlet Centre and Garden Centre opposite if built, careful consideration has had to be given to ensure that adequate assessments and mitigation measures are in place across all of the current consents in this location, to cover the respective uplifts of traffic.
- 10.15. The application is supported by a comprehensive set of highways reports and drawings including: a Transport Assessment; a Transport Note, which deals with capacity assessment at Scotch Corner and a plan showing additional widening to Middleton Tyas Lane and widening to the western circulatory to provide a 3rd lane.
- 10.16. Having studied the submissions and conducted their own modelling of the impact of the development, National Highways have concluded that the application proposals would not require mitigation at the Scotch Corner gyratory. NYC Highways have requested conditions be imposed to secure the following:
  - A scheme of off-site highway works, comprising road markings and combined pedestrian and cyclist facilities on Barracks Bank
  - Full and final details of
    - vehicular, cycle and pedestrian access to the site from Barrack Bank
    - vehicular and cycle parking
    - vehicular turning arrangements
    - loading and unloading arrangements
  - Development operated in accordance with the Travel Plan
  - Construction Management Plan

Subject to the above, the proposal is therefore considered acceptable from a highways perspective and as such, accords with Policy CP3.

#### Ecology and Biodiversity

- 10.17. The application is supported by a suite of wildlife and biodiversity information, including a Preliminary Ecological Appraisal (PEA); Biodiversity Net Gain Report (BNGR) and tree and wildlife surveys, which provide the relevant appraisals of the site as well as recommendations to be incorporated in order to mitigate against any effects arising from proposal.
- 10.18. Following on from the PEA, surveys for reptiles and bats have been conducted, which are considered by NY Ecology as acceptable. No reptiles were found, and no specific mitigation measures are required in this respect.
- 10.19. Two day roosts for bats, each occupied by a single Common Pipistrelle, were identified during the survey work. These are located in the vacant Dalesway Lodge building. Whilst all bat roosts are protected by law, this type of roost is of lower conservation significance and its loss can be compensated for by standard measures such as incorporation of bat boxes/bricks/tubes into new buildings. Provided such mitigation is implemented, the proposal is considered compatible with the favourable conservation status tests set out in the Conservation of Habitats & Species Regulations 2017. It would be reasonable to impose a condition to ensure such measures are achieved. In addition to this, the applicant will be advised that a protected species mitigation licence will be required from Natural England.
- 10.20. Bird surveys also revealed that the same building also contains two no. Swallow nests and an unknown number of Jackdaw nests. Whilst some compensation recommendations are made in section 6 of the PEA, it is unclear at this stage if the applicant intends to incorporate these into the proposals. Therefore, it is considered necessary to impose conditions to ensure these (or suitable alternatives) are agreed prior to the commencement of development.
- 10.21. In terms of biodiversity net gain, the submitted BNG Report shows that whilst the proposal could deliver a substantial uplift in terms of hedgerows, it would also result in a significant net loss of area-based habitat, arising from the loss of grassland and introduction of hardstanding areas. Consequently, it will be important for the applicant to show how they intend to make good this deficit, through either on-site or off-site measures or a combination of the two. A S106 has been suggested by officers to secure off-site BNG compensation, however, the applicant has suggested a condition. An update on this point will be provided within the Update List/ Supplementary Report. It is understood the applicant owns land in the vicinity.
- 10.22. In summary, subject to the above, it is considered that appropriate ecological measures will be able to be put in place and satisfactorily managed prior to the commencement of development on site. For these reasons, the proposal is considered to have the potential to bring positive benefits to biodiversity in the area and would accord with Policies CP3 & CP4 in this regard.

#### Drainage and Flooding

- 10.23. Lead Local Flood Authority (LLFA) officers have considered the application and note that the site is in flood zone 1 and therefore has a low risk of surface water flooding. In terms of drainage design, a tanked permeable paving drainage design is proposed to capture water runoff. This would have a restricted connection into the existing onsite combined pumping station which drains to an adopted Yorkshire Water sewer. Such a solution is considered an appropriate design, subject to approval from Yorkshire Water and whom have not raised an objection to this application subject to condition. The proposed restricted flow rate of 14.55l/s is acceptable to the LLFA.



10.24 In accordance with Paragraph 165 of the NPPF, applicants must demonstrate that the proposed drainage system has proposed minimum operational standard. It is considered that the submitted documents demonstrate a reasonable approach and that it would be reasonable and necessary for conditions to be imposed to any consent granted to ensure that the necessary standards are met. Subject to this, matters relating to drainage and flooding are considered to have been satisfactorily addressed and in accordance with Policy CP3 in this regard.

#### Design & Appearance

10.25 Whilst the submitted layout is indicative, it does one way in which the site could be laid to accommodate the proposed development including the quantum of floor space and associated car parking. This is described and illustrated in section 5 of this report, and it is considered to be typical for the type of operations that are proposed. It is also noted that the tree belt that runs along the eastern boundary of the site, which is probably the most significant feature on the site (other than the Dalesway Lodge building) is to be retained. This feature has particular importance due to the screening it offers to the site when viewed from the A1M. It therefore recommended to include a condition requiring an arboricultural impact assessment and tree protection method statement to be submitted with the layout reserved matter application, to ensure these trees including root protection zones are protected.

10.26 Whilst policy CP13 requires the design of buildings and landscaping to be of a high quality, such matters of detail have been reserved for consideration after the determination of this outline application. Through the ongoing dialogue with the Planning Authority, the applicant has confirmed their commitment to ensure that the final detailed design of the site will assimilate well with the other approved buildings and spaces in the vicinity, so as to not have any material adverse impact on the intrinsic qualities of the surrounding countryside and landscape. For these reasons, the layout is found to be acceptable and in accordance with Policies CP7 and CP13.

#### Energy Efficiency

10.27 As the application has only been made in outline, other than the provision of a significant number of EV charging spaces, there is no other detail at this stage regarding energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. As such, it would be reasonable to impose a condition requiring submission of an energy statement for approval at the reserved matters stage. On this basis, the proposal is considered to generally accord with Policy CP2 in this regard.

#### Heritage / Archaeology

10.28 A Heritage Assessment supports the application, which acknowledges that there are two Grade II Listed Buildings within 1000m of the application site. These are Violet Grange, an 18th century farmhouse, located 700m to the north-east of the Site and The Lodge, a late 18<sup>th</sup> / early 19<sup>th</sup> century gatehouse at the entrance to Sedbury Park to the north of the Site. As the site is not appreciable from either of these assets, there will be no direct impacts or indirect effects upon their significance.

10.29 In addition to the above, a further 6 undesignated assets have been identified, along with several pieces of previous fieldwork, including excavations and geophysical survey along the A1 and its subsidiary routes, and evaluation works in the field to the east of the Site. The evaluations recorded an extensive Iron Age and Roman landscape incorporating trackways, roads, settlement, and field systems, as well as specialist metalworking.

10.30 Consequently, the application site has been subject to a geophysical survey and trial trenching. Although the development area is within a sensitive archaeological landscape it is clear from the results of the archaeological fieldwork that the potential of this particular parcel of land is low. The application site appears to have been levelled at some point in the

recent past and with a high possibility of truncation from these activities and from former buildings. The County Archaeologist has concluded that the site now contains no significant archaeological remains.

- 10.31 To conclude heritage matters, for the reasons set out above, the proposal is not considered to be harmful to the setting of those Listed Buildings that are nearby or any archaeological remains. As a result, the proposal is considered to accord with both the Framework and RLPCS Policies CP3, CP4 and CP12 in this regard.

#### Changes to the Landscape and Visual Appearance

- 10.32 The application site is adjacent the Strategic Road network with the A1 to the east and Scotch Corner Junction 53 to the north. The site is partially developed with a two story motel and hard surfacing. The northern half the site is scrub land. The site slopes down from north to south, with land levels lower than Scotch Corner.
- 10.33 The development of two drive through restaurants plus petrol station with kiosk will change the visual appearance of the site. In relation to the southern parcel, it will in effect tidy up the site and visual and landscape impact will be negligible to slight positive.
- 10.34 The northern half of the site would change from scrub grass land to built development and this is considered to result in a low to moderate visual harm depending on the final design and massing. Height is a reserved matter (scale) and can be agreed at the reserved matters stage. It is recommended to condition enhanced planting along the site boundary to reduce visual impact.
- 10.35 Harm to landscape overall is considered to be negligible due to: land levels being lower than Scotch Junction; site partly developed; and the application site being surrounded by development in every direction including a trade park; and ability to enhance boundary planting. Subject to the discussed conditions, impacts to visual amenity of the area and landscape are considered to be acceptable and compliant with Policy CP2.

#### Litter

- 10.36 Development of the nature proposed gives rise to a risk of increased litter in the local. The layout and landscaping is indicative at this time and can be designed to reflect best practice in relation to reducing litter as far as practical such as having plenty of well designed and positioned bins. It is considered this matter can be sufficiently dealt with by condition.

#### Equality

- 10.37 Under Section 149 of The Equality Act 2010 LPA's must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. There is no reason why the proposed development would prejudice anyone with the protected characteristics as described within this paragraph. The development will incorporate appropriate number and positioned mobility and family spaces.

### **11.0 Planning Balance and Conclusion**

- 11.1 The development comprises commercial development adjacent to the Scotch Corner Junction 53 which is under the NPPFs sequential test threshold of 2,500m<sup>2</sup> for retail led development. The types of uses proposed, namely a petrol filling station and two drive through food outlets is considered appropriate strategic roadside development and would complement the other committed major development if delivered to the west. The site is

already partially development and does not impact any agricultural farmed land. A benefit of the proposal is the high proportion

- 11.2 National Highways and NYC Highways have fully considered the highways impacts of the proposal and raise no objection. NYC Highways Team have concluded that whilst there is no requirement to deliver mitigation at the Scotch Corner Gyratory, there would be a need for off-site highways works on Barracks Bank. This would involve the creation of a slip road access arrangement into the site and associated pedestrian and cyclist facilities. As these fall outside of the application site, a Section 278 Agreement would be required, reference to which would be made within the conditions imposed. Other than the acceptance of the general principle of development, it is solely this matter of access into the site that would be agreed at this outline stage and subject to the above measures, this is considered as being acceptable.
- 11.3 The application site levels fall away from Scotch Corner Junction and there are some mature trees along the eastern boundary. For this and other reasons the visual and landscape impacts are considered to be low subject to conditions.
- 11.4 Other general matters, relating to ecology, drainage and design and appearance have also been satisfactorily addressed at this stage subject to application of standard conditions.
- 11.5 For all of these reasons, the development is considered acceptable and complies with the adopted development plan.

## **12.0 Recommendation**

- 12.1 For the reasons set out in the preceding section, outline planning permission should be **GRANTED** subject to conditions listed below:

### **Condition 1: Approved Plans**

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- a) Application form and certificates
- b) Location Plan, 21254-300 (09.11.21)
- c) Indicative Site Layout, reference 21254-0301 rev P-00 in relation to access position only
- c) Transport Assessment by PEP (Dec 2021)
- d) Framework Travel Plan by PEP (Dec 2021)
- e) Preliminary Ecological Appraisal by Armstrong Ecology Ltd (Dec 2021)
- f) Flood Risk Assessment and Surface Water Management, BJB Consulting, Reference 2452-FRA01, Revision -, Dated December 2021.
- g) Existing Combined Drainage Plan & Surface Water Drainage Strategy, BJB Consulting, Reference 2452-BJB-SW-ZZ-DR-C-0002-P01, Revision P01, Dated 15/06/2023.

Reason: To confirm the basis and terms of the outline planning permission and to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Condition 2: Reserved Matters**

Approval of the details of the appearance, landscaping and layout and scale of the development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

The landscaping reserved matter shall include details of enhanced planting along the sites boundaries.

The layout reserved matter shall detail the exact number of parking spaces which benefit from EV charging together with family and disabled parking spaces.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters.

Note: Height/scale of development is a Reserved Matter

**Condition 3: Permission Timescales**

Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

**Condition 5: Main Protection**

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

Reason: In order to allow sufficient access for maintenance and repair work at all times for the Yorkshire Water main.

**Condition 6: Site Levels**

With the Reserved Matters application(s) for layout and building elevations Existing and Proposed Site Levels together with a Proposed Site Section shall be submitted to and approved in writing by the Local Planning Authority. The development shall there afterwards take place in complete accordance with the approved site levels.

Reason: To ensure that the levels are not built up to an extent that there is an unacceptable detrimental visual impact.

**Condition 7: Trees**

With the layout Reserved Matters application Tree Survey, Arboricultural Impact Assessment, Tree Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. These plans and documents shall demonstrate the site layout will not require removal of the tree(s) outside but adjacent to the eastern boundary of the application site. Once agreed by the local planning authority, the development shall then be carried out in full accordance with these approved details.

Reason: In the interests of the appearance and biodiversity of the development and to reserve the rights of the Local Planning Authority with regard to this matter.

**Condition 8: Surface and Foul Water**

With the layout reserved matter application a Surface Water and Foul Drainage Strategy and Plans shall be submitted to and approved in writing with the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible The Strategy and Plans shall be designed to/include:

A. Restrict the flowrate from the site to a minimum flowrate of maximum flowrate of 14.55 litres per second for up to the 1-in-100-year event

B. Incorporate 30% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.

C. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

D. Treatment system (oil, petrol and grit interceptor/separator) for all Surface water run-off from hardstanding (equal to or greater than 800 square metres) and communal car parking area(s) of more than 50 spaces and forecourt of petrol stations, areas used for the delivery of fuel, areas used for and immediately adjacent to vehicle washing facilities and/or other similar areas where detergent is likely to be used. Roof water shall not pass through the treatment scheme.

E. Exceedance Flow Plan

F. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: evidence that other means of surface water drainage have been properly considered and why they have been discounted; and the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority in consultation with the statutory sewerage undertaker.

G. A detailed maintenance and management regime for the drainage system including: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

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

#### **Condition 9: Access Details**

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Barrack Bank (A6108) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Barrack Bank (A6108) have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interest of public safety and amenity

**Condition 10: Construction Management Plan**

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

- i) details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) restriction on the use of access for construction purposes shall be assessed and approved by the Local Highway Authority;
- iii) wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- iv) the parking of contractors' site operatives and visitor's vehicles;
- v) areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
- vii) details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
- viii) protection of carriageway and footway users at all times during demolition and construction;
- ix) protection of contractors working adjacent to the highway;
- x) details of site working hours;
- xi) erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
- xii) means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
- xiii) measures to control and monitor construction noise;
- xiv) an undertaking that there must be no burning of materials on site at any time during construction;
- xv) removal of materials from site including a scheme for recycling/disposing of waste
- xvi) resulting from demolition and construction works;
- xvii) details of the measures to be taken for the protection of trees;
- xviii) details of external lighting equipment;
- xix) details of ditches to be piped during the construction phases;
- xx) a detailed method statement and programme for the building works; and contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
- xxi) relevant ecological mitigation measures set out in the approved PEA and other ecological reports, e.g. precautionary working methods to avoid entrapment of mammals during construction (PEA paragraph 5.25) and measures to protect nesting birds (bat survey report paragraphs 4.9 to 4.11).

Reason: In the interest of public safety and amenity

**Condition 11: Potable Water Supply**

Development shall not commence on any phase of the development, excluding demolition and ground levelling works, until a scheme to ensure that an adequate potable water supply for the development phase, which will not cause detriment to existing properties within the area, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance with the timing and phasing

arrangements embodied within the scheme and the number of properties to be protected within that phase, or within any other period or number of properties as may subsequently be agreed in writing, by the Local Planning Authority.

Reason: In the interest of public health and to protect the strategic water supply.

**Condition 12: 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 the Environment Agency's Land Contamination: Risk Management (LCRM), 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 LPA 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.

Reason: In the interest of public safety and amenity

**Condition 13 Plant Survey**

Prior to the commencement of development a plant survey shall be undertaken within the optimal survey period, the results of which shall be submitted to and approved in writing with the Local Planning Authority.

Reason: in order to establish the BNG mitigation land size and type required

**Condition 14: Energy Strategy**

The development hereby permitted shall deliver carbon savings by exceeding the minimum standards prevailing through Part L of the Building Regulations to the maximum level that is feasible and viable for this particular development.

Prior to the commencement of the development within a defined Phase, excluding demolition and ground levelling works, a scheme setting out how carbon savings are to be delivered with reference to the extent that this will exceed Building Regulation Requirements along with an explanation of why this is the maximum level that would be feasible and viable for this particular proposal, shall be submitted to and approved in writing by the Local Planning Authority. The development shall there afterwards take place in full accordance with the approved details and any associated technology for specific buildings or car parking areas, installed and made fully functional prior to that building/areas first use. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system which is more energy efficient.

Reason: To secure a more sustainable form of development and to meet the expectations of Policy CP2 of the adopted Local Plan Core Strategy.

**Condition 15: External Lighting**

Details of any external lighting to be used on the site shall first be submitted to and approved in writing by the Local Planning Authority prior to its installation/erection. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting.

Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be

submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

**Condition 16: Off-Site Highways Works**

Prior to first occupation of the development hereby permitted the details listed below shall be submitted to and approved in writing by the Local Planning Authority for the off-site highways works detailed in drawing reference 3277.12 and the Transport Statement dated December 2021 comprising road markings, combined pedestrian and cyclist facilities on Barracks Bank to current design standards:

- Detailed engineering plans
- An independent Stage 2 Road Safety Audit [commissioned in accordance with NYCC protocol] carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site
- An independent Cycle Level of Service (CLoS) and Junction Assessment Tool (JAT) auditing carried out in accordance with DfT LTN 1/20 Cycle Infrastructure guidance
- A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes

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

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

**Condition note:** Drainage, lighting, linage and signage details will need to be assessed at the detailed design stage and improvements/modifications provided in line with NYCC's design requirements and in consultation with the Local Highway's Authority.

**Condition 17: Litter Management Strategy**

No development for any phase of the development shall be occupied until a Litter Management Strategy has been submitted to and approved in writing with the Local Planning Authority. The associated phase shall be operated in complete accordance with the approved Strategy for the lifetime of the development.

Reason: For the amenity of the area.

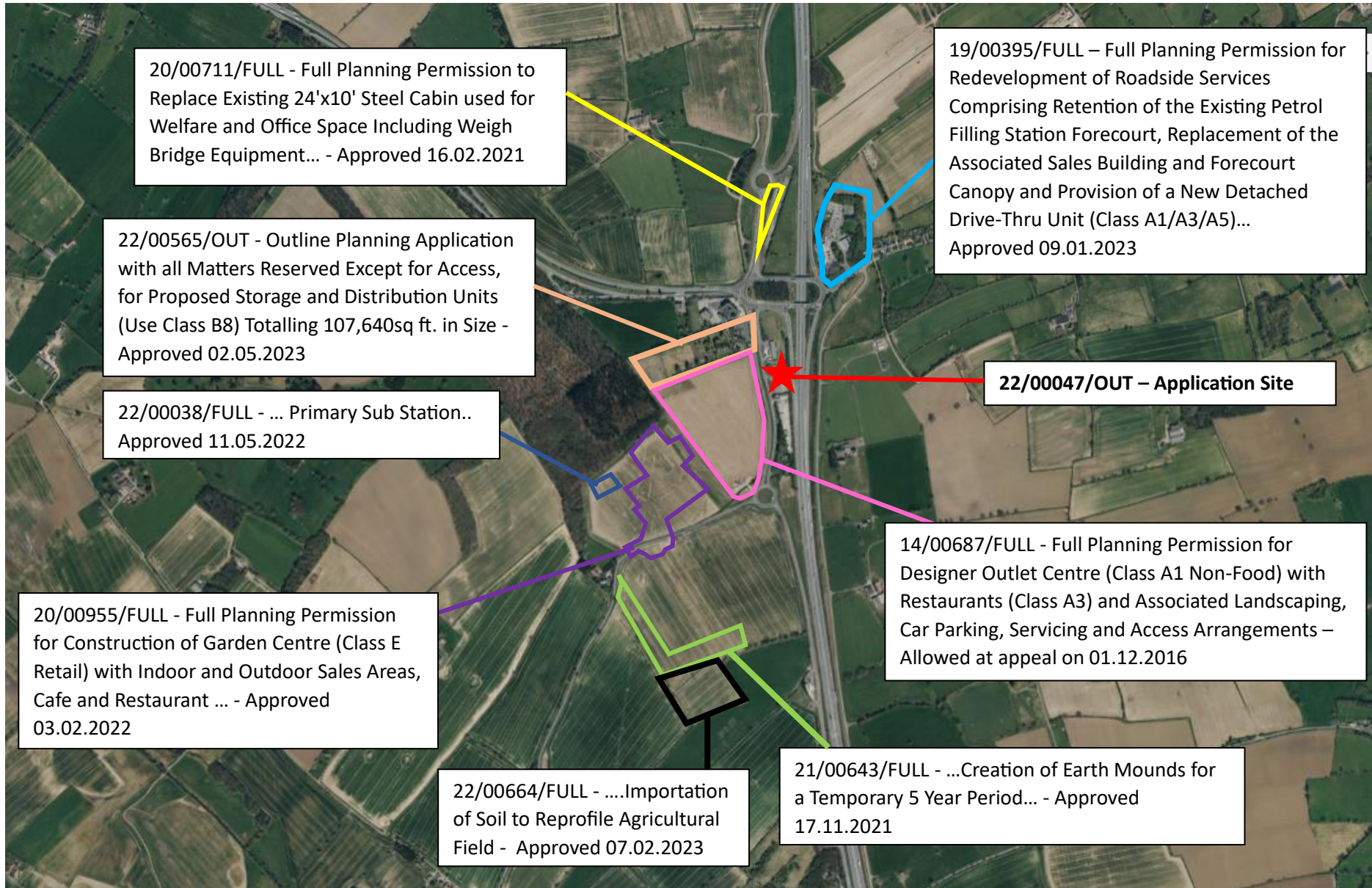
**Target Determination Date:** 16.11.2023

**Case Officers:** Fiona Hunter, [fiona.hunter1@northyorks.gov.uk](mailto:fiona.hunter1@northyorks.gov.uk)



## Appendix A - Scotch Corner Key Planning Permissions (Approved)

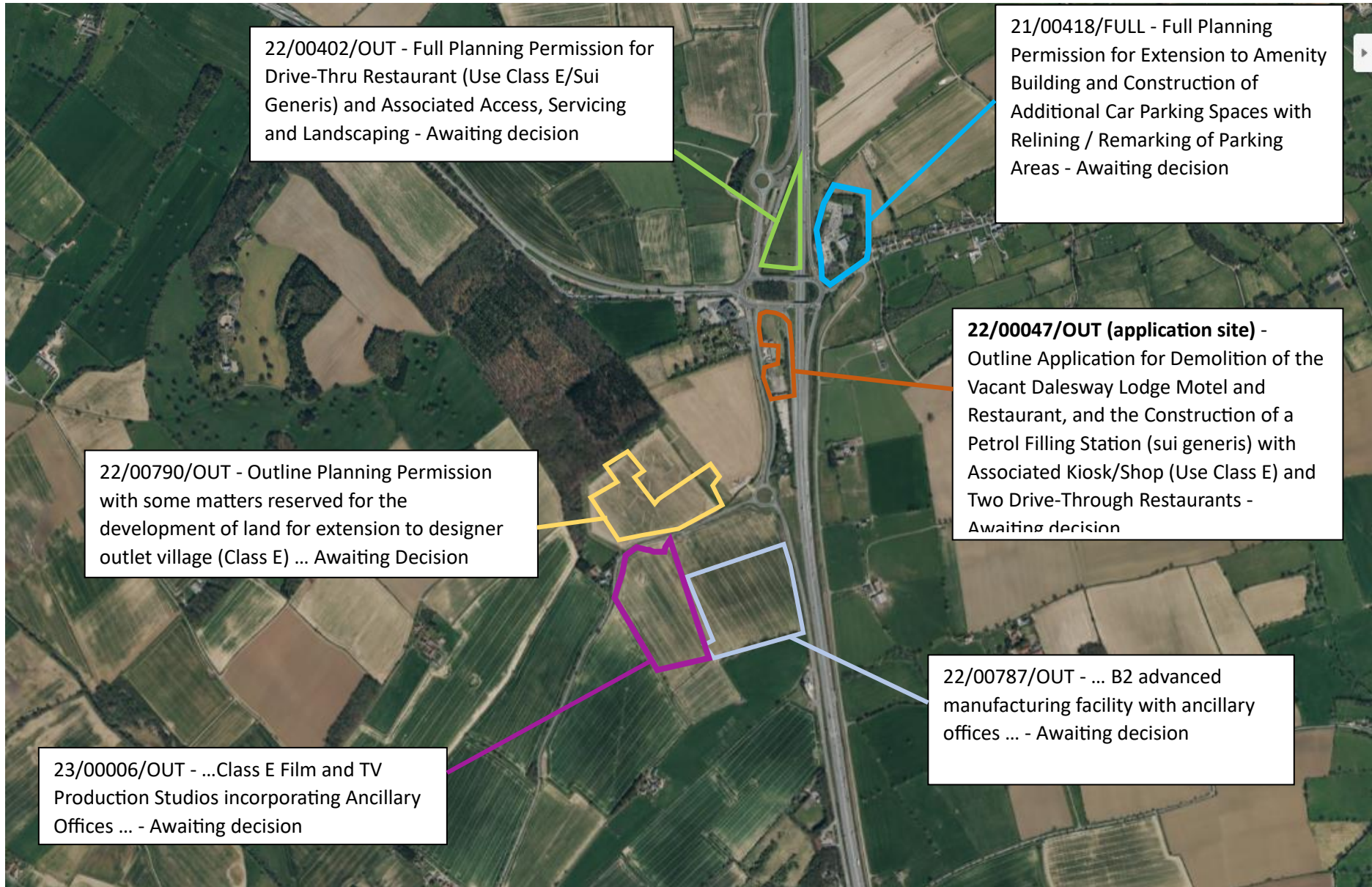
Note: site boundaries are approximate

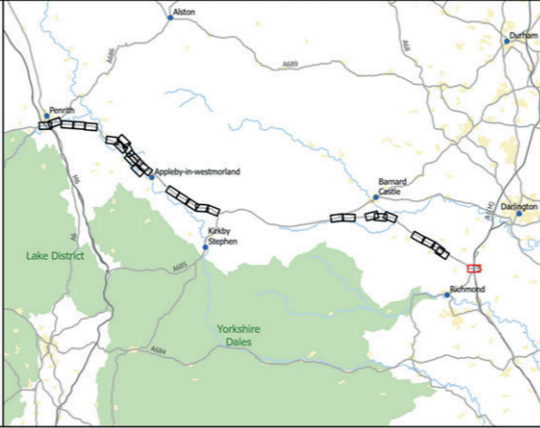
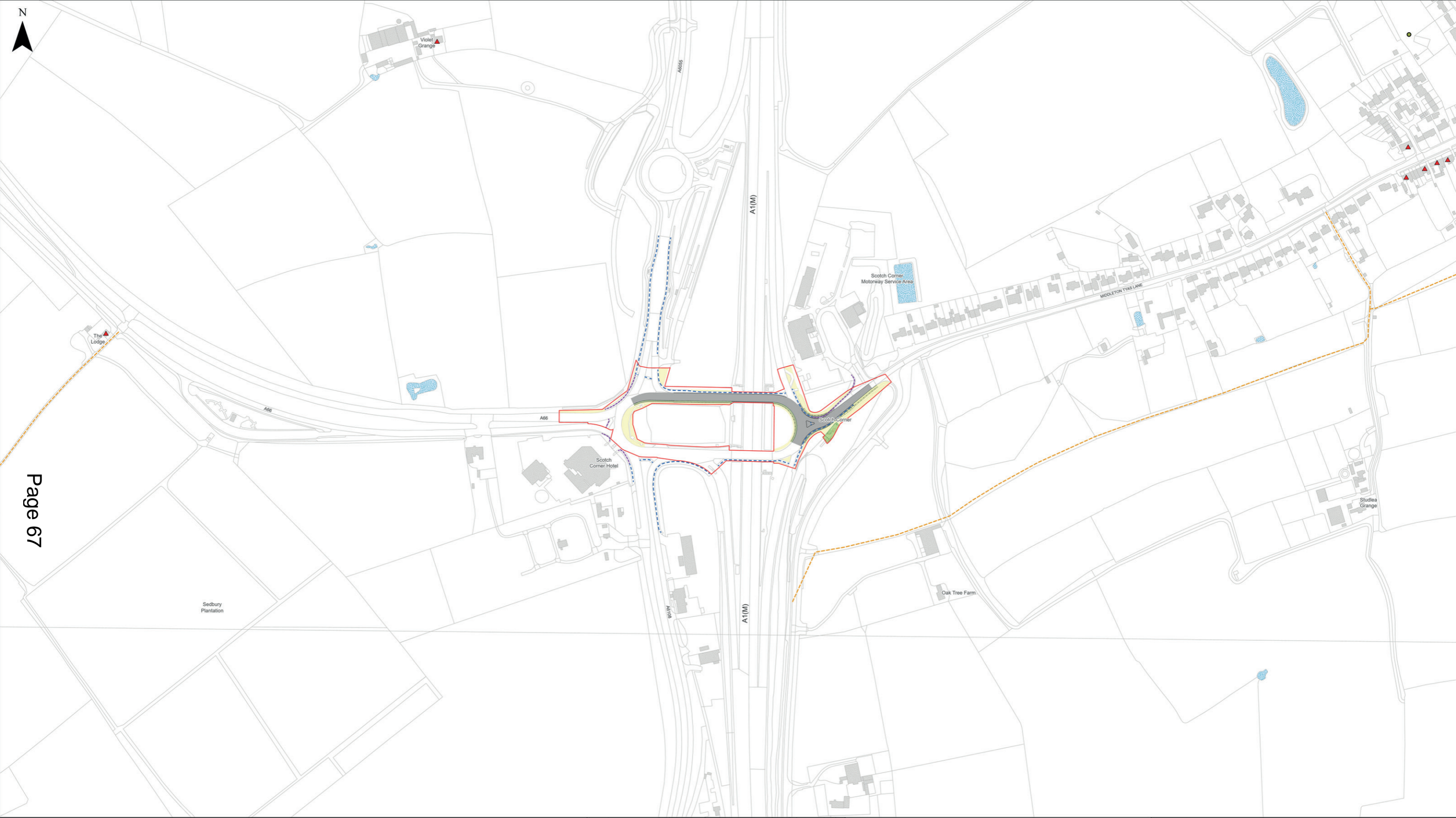


## Appendix A - Scotch Corner Key Planning Applications Awaiting Decision

Note: site boundaries are approximate

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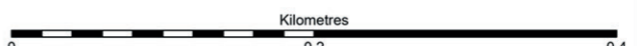


Project Name  
A66 Northern Trans-Pennine Project

Map Title  
Map Book Plans

A1(M) Junction 53 Scotch Corner  
Sheet 1 of 1

Revision	Created	Checked	Reviewed	Approved	Authorised
C01	18/03/22	18/03/22	18/03/22	24/03/22	24/03/22



Scale @ A1: 1:2,500 | Project Ref No HE565627 | Stage: Stage 3

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Map Number	Project	Originator	Volume
HE565627	S00	AMY	GEN
	Location	Type	Role
		MP	ZZ
			500103

Suitability	Suitability Description	Revision
A3	APPROVED FOR STAGE COMPLETE	C01

**Environment - Existing**

- Listed Buildings
- Ancient Tree Inventory
- Public Right of Way
- Sustrans National Cycle Network
- Buildings
- Watercourse/body
- Fluvial flood zone 2
- Scheduled monument
- Ancient woodland
- Conservation area
- Registered park and garden
- Local Wildlife Sites (LWS)
- County Wildlife Sites (CWS)
- County Durham Plan - Area of high landscape value
- Special Protection Areas (SPA)
- Sites of Special Scientific Interest (SSSI)
- Special Areas of Conservation (SAC)
- Areas of Outstanding Natural Beauty (AONB)

**Engineering and Construction**

- Variable Message Sign (VMS)
- Route Alignment
- Bridleway
- Footpath
- Shared Pedestrian / Bridleway
- Shared Pedestrian / Cycle Path
- Order Limits
- Hardstanding
- Verges and Earthworks
- Drainage Pond
- Proposed Compound
- Proposed Compound that becomes Landform
- Proposed New Landform
- Proposed Topsoil / Laydown / Storage Area
- Proposed Replacement Brough Hill Fair Sites

**Landscape Mitigation**

- Woodland
- Woodland edge
- Native hedgerows with trees
- Scrub
- Species rich (or conservation) grassland
- Heath and moorland
- Open grassland
- Linear belts of shrubs and trees
- Scattered trees
- Amenity tree and shrub planting
- Individual trees
- Water bodies and associated plants
- Marsh and wet grassland

**General Notes**

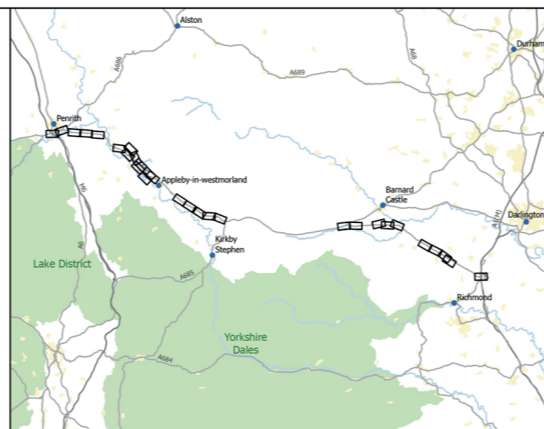
- We will continue to engage on environmental mitigation to ensure landowners are aware of our final proposals before we submit our Development Consent Order application in Spring 2022
- The provision and intended use of each compound is based on an assumed approach to construction and is subject to change as the approach to construction evolves during the detailed design phase. We will continue to engage with landowners as the proposals are developed.
- In some instances, the provision for walkers, cyclists and horse riders will be shared with access for local landowners, National Highways and Local Authorities as a means of access and for maintenance of the project
- All walking, cycling or horse riding routes which cross the new proposed A66 are intended to be via an overbridge or underpass, and will not be at grade crossings.
- The illustrations within this map book represent our current proposals which will continue to evolve through the detailed design process
- Areas of land included in the Order limits shown as open grassland are areas which we intend to return to former use where possible.

**Engineering Design**

- Boundary treatments are not currently shown but will be required at the extents of permanent land acquisition. They will be designed to be in keeping with the character of the local area and may include post and rail fence, stock fencing, dry stone walls and hedgerows.
- Dry stone walls and hedgerows will be reinstated where possible and new walls and hedgerows will be constructed where they will integrate the design into the surrounding landscape and field patterns and maintain connectivity.

**Environmental Mitigation**

- Where possible environmental mitigation will be multi-functional. For example by achieving landscape, visual and ecological mitigation at a single location.
- Landscape and visual mitigation will be designed to integrate with surrounding local landscape character and seek to reduce visual impacts.
- Ecological mitigation that is to be implemented will be designed so as to retain and protect any important existing habitats or landscape features (e.g. retaining mature trees).
- Protected species fencing (temporary and permanent) is not currently shown but will be included throughout the project where required.
- Bat mitigation may include the installation of replacement roosts such as bat boxes, new planting such as hedgerows or tree lines to connect habitats and suitable bat crossing features such as culverts and underpasses.
- Bird mitigation may include creation of rough grassland for barn owl, replacement of scrub, wetland habitats and woodland, installation of nest boxes, buffering of designated sites with habitats such as heathland complex and connecting habitats such as species rich hedgerows.
- Terrestrial invertebrate mitigation may include habitat creation and translocation of invertebrates, careful drainage design to include features such as mud reed beds, bee banks and invertebrate friendly planting.
- Fish and freshwater ecology mitigation may include channel restoration to reconnect meanders, suitable design of culverts to support passage of fish and other species, and other fish passage improvements.
- Otter and water vole mitigation may include temporary fencing around construction areas, artificial holt sites for otters, habitat enhancement and design of appropriate culverts to allow mammal passage.
- Red squirrel mitigation may include crossing features such as rope bridges, tree and hedgerow planting to ensure habitat connectivity, woodland enhancement and new woodland habitat.
- Reptile mitigation may include temporary fencing to protect habitats and avoid disturbance, new habitats to move any reptiles found in the construction site and creation of open mixtures of habitats suited to reptiles.
- Amphibian mitigation may include suitable pond designs and new ponds purely for amphibians, refuges (areas that amphibians spend time in out of the pond) and habitats to connect ponds with breeding areas.
- Badger mitigation is not shown on the maps as the information is sensitive due to the risk of harm to the animals. Mitigation will be included in the scheme within the Order limits and may include new habitat, artificial setts and badger crossing features such as tunnels and underpasses. Fencing may also be included to prevent road traffic accidents and harm to badgers due to them crossing the live traffic.



C01	First Issue				
	CESL	LHAN	KWHA	PCAR	DBEA
Revision	Created	Checked	Reviewed	Approved	Authorised

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Project Name <b>A66 Northern Trans-Pennine Project</b>			
Map Title <b>Map Book Legend</b>			
Map Number Project	Originator	Volume	
HE565627	AMY	GEN	-
S00	- MP	- ZZ	- 500104
Location	Type	Role	Number
Suitability A3	Suitability Description APPROVED FOR STAGE COMPLETE		Revision C01