

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, 14th September, 2023

Time: 10.00 am

Venue: Swale Meeting Room, Mercury House, Station Road, Richmond, DL10 4JX

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

This meeting is being held as an in-person meeting that is being broadcasted and will be available to view via the following link [Richmond \(Yorks\) Area Planning Constituency Committee via Teams](#). Please contact the named democratic services officer supporting this committee if you would like to find out more.

Recording is allowed at Council, committee and sub-committee meetings which are open to the public. Please give due regard to the Council's protocol on audio/visual recording and photography at public meetings. Anyone wishing to record is asked to contact, prior to the start of the meeting, the named democratic services officer supporting this committee. We ask that any recording is clearly visible to anyone at the meeting and that it is non-disruptive.

Agenda

- 1. Apologies for Absence**
- 2. Minutes for the Meeting held on Thursday, 10th August 2023 (Pages 5 - 14)**
To confirm the minutes of the meeting held on Thursday, 10th August 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. 22/00136/FULL - Hybrid Planning Permission for 29 Dwellings and 3 Self/Custom Build Plots together with associated Open Space and Infrastructure at Hurgill Stables, Hurgill Road, Richmond, DL10 4TA (Pages 15 - 54)**
Report of the Assistant Director Planning – Community Development Services

Time of Next Item

Please note that the following application (22/00063/FUL) will not be considered by the Committee until after 11.30am.

There is a limited capacity for public seating in the Swale Meeting Room. If you are only attending for the Easby Park application, then please arrive for 11.30am.

5. **22/00063/FUL - Full Planning Permission (including Change of Use) for 12 Holiday Lodges, Installation of Package Treatment Plant and Amended Access to Easby Park Field between Southern Junction at Easby Access Road and Easby** (Pages 55 - 84)
Report of the Assistant Director Planning – Community Development Services

Break

Please note that due to the anticipated length of this meeting there will be a scheduled break for 1 hour at or around 12.30pm. The following applications (21/03001/FUL, 20/02047/OUT and 22/00127/REM) will not be considered until after this break at 1.30pm.

There is a limited capacity for public seating in the Swale Meeting Room. If you are only attending for one of the following applications then please arrive for 1.30pm.

6. **21/030001/FUL - Application for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March 2023) on Land to the rear of 56 Ainderby Road, Romanby** (Pages 85 - 118)
Report of the Assistant Director Planning – Community Development Services
7. **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, Bedale, North Yorkshire, DL8 2SZ** (Pages 119 - 146)
Report of the Assistant Director Planning – Community Development Services
8. **22/00127/REM - Application for approval of reserved matters (considering appearance, landscaping, layout and scale) following approval 19/02101/OUT for outline planning application with all matters reserved (excluding access) for the construction of up to 25 no. residential dwellings at White House Farm, Stokesley, TS9 5LE** (Pages 147 - 170)
Report of the Assistant Director Planning – Community Development Services
9. **Any other items**
Any other items which the Chair agrees should be considered as a matter of urgency because of special circumstances.
10. **Date of Next Meeting**
10.00am, Thursday, 12th October 2023, Civic Centre, Stone Cross, Rotary Way, Northallerton

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:

Sarah Holbird (Democratic Services Officer)
Tel: 01748 901016

Email: sarah.holbird@northyorks.gov.uk

Wednesday, 6 September 2023

This page is intentionally left blank

North Yorkshire Council

Richmond (Yorks) Area Constituency Planning Committee

Minutes of the meeting held on Thursday, 10th August, 2023 commencing at 10.00 am at Civic Centre, Northallerton.

Councillor David Webster in the Chair. plus Councillors Bryn Griffiths (substitute for Councillor Stuart Parsons), Tom Jones, Heather Moorhouse, Yvonne Peacock (substitute for Karin Sedgwick), Angus Thompson and Steve Watson.

In attendance: Councillor Carl Les.

Officers present: Martin Grainger, Head of Development Management, Peter Jones, Development Manager - North and Laura Venn, Legal Manager, Nathan Puckering, Planning Officer and Sarah Holbird, Democratic Services Officer.

Apologies: Councillor Stuart Parsons and Karin Sedgwick.

Copies of all documents considered are in the Minute Book

26 Apologies for Absence

Apologies noted (see above).

27 Minutes for the Meeting held on Thursday, 8 June 2023

The minutes of the meeting held on Thursday, 8 June 2023 were confirmed and signed as an accurate record.

28 Declarations of Interests

There were no declarations of interest.

Planning Applications

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

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

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

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

29 ZB23/00822/FUL - New 2 storey dwelling house with domestic garage at the rear at OS Field 9319, Church Street, Well for Stelling c/o Agent

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for a new 2 storey dwelling house with domestic garage at the rear at OS Field 9319, Church Street, Well. This application was submitted for a Committee decision having been called in by a Ward Member.

Mark Ketley, spoke on behalf of the applicant in support of the application.

David Webster spoke in support of the application.

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

- The proximity of the recently constructed Mayzac to the application site, thus reducing the separation gap.
- The location of the former school building and it's connection to the village.
- The withdrawal of the Environment Agency objection on flood risk grounds.
- The Committee sought clarification from Officers on the sequential test and the reason why this resulted in a recommendation for refusal and were advised that the sequential test carried out was very restrictive in the area covered and that other sites in flood zone 1 could be available within the wider Local Plan area.
- The in keeping design of the property to adjacent dwellings.

The Decision :-

That contrary to Officers recommendation planning permission be GRANTED.

Voting Record

A vote was taken and the motion was declared carried with 6 for and 1 abstention.

Reason:-

The Committee's reasons for approving the application are as set out below:-

- (i) The site will form part of the built form of Well due to the proximity of the old school and the boundary of the recently constructed Mayzac on the east of the site reducing the separation gap.
- (ii) The withdrawal of the Environment Agency objection on flood risk grounds and the conclusion that the proposals will not adversely impact flooding of other properties or cause displacement of flood water.
- (iii) The design of the proposed dwelling is acceptable in isolation and complies with the requirements of policy E1.

Additional Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered S50 - 3B and S50 - 2A received by the Local Planning Authority on 11.04.2023 unless otherwise approved in writing by the Local Planning Authority.
3. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:
 - The crossing of the highway verge and/or footway must be constructed in accordance with the Standard Detail number E50.
 - Any gates or barriers erected must not be able to swing over the existing or proposed highway.
 - Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

4. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

6. 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:
 1. wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
 2. the parking of contractors' site operatives and visitor's vehicles;
 3. areas for storage of plant and materials used in constructing the development clear of the highway;
 4. details of site working hours;
 5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

7. (a) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

(b) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

(c) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

8. Prior to the commencement of this development, full details of design measures to be incorporated to make the development safe from flood risk shall be submitted for approval by the Local Planning Authority. These details must then be implemented in full.

9. Prior to the commencement of development a landscaping and biodiversity net gain scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide a) a landscape scheme including details of any change in surfacing materials and any planting schemes and shall show the retention of any significant existing landscape features and shall provide b) details to show how a 10% net gain of

biodiversity will be achieved on site using the DEFRA biodiversity metric 3.1 (or the latest published version) and include a programme of work and subsequent maintenance arrangements. The development shall thereafter be carried out in accordance with the approved scheme.

10. Prior to development commencing details of the existing ground and floor levels of site and neighbouring buildings and the proposed ground and finished floor levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The levels shall relate to an identified fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
11. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority.

These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. 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. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
4. 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.
5. In accordance with policy IC2 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.
6. In the interest of public safety and amenity.
7. This condition is imposed in accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance.
8. To ensure compliance with policy RM2 of the Local Plan.

9. To ensure that a suitable landscaping scheme is achieved for the development and that a net gain in biodiversity is achieved in accordance with the Hambleton Local Plan policies S1, E1, E3 and E7.

Note: Councillor Tom Jones left the meeting at 10.25am during consideration of the above item and returned at 10.28 am.

30 ZB23/01079/REM - Reserved matters application under outline permission 22/02555/OUT for the erection of 88 dwelling houses (C3) with siting, landscaping, design and external appearance for consideration at Old Hatchery, Blind Lane, Aiskew on behalf of Colin Bennett (Keepmoat Homes)

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application for reserved matters (with siting, landscaping, design and external appearance) for the erection of 87 dwelling houses following the granting of outline planning permission (ref. 22/02555/OUT) on land at the Old Hatchery, Blind Lane, Aiskew.

Ian Prescott, spoke on behalf of the applicant in support of the application.

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

- The mixture of designs, finishes, house types and the spread of affordable housing.
- The Committee sought clarification as to who would be responsible for the ongoing maintenance of the acoustic fence, with maintenance responsibilities not falling to individual property owners and the developer retaining the responsibility.
- The number of properties that would have PV's fitted and the provision of EV's.

The Decision :-

That delegated authority is given for Officers to APPROVE the reserved matters following receipt of written confirmation that the Local Highway Authority, Wensleydale Railway and Network Rail have no objections to the latest proposals, including authority to impose any planning condition(s) recommended by the Local Highway Authority.

Voting Record

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

Amended Condition

Condition 6: Prior to the commencement of any works above the level of the damp proof course for any the buildings hereby approved, 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.”

Reason: To reduce the carbon impact of the development and to comply with policy S1.

Additional Conditions

Condition 8: No development shall commence above the level of the damp proof course for any the buildings hereby approved until a construction management strategy has been submitted to and approved in writing by the Local Planning Authority covering the application site and any adjoining land which will be used during the construction period. Such a strategy shall provide details of cranes and other tall construction equipment (including the details of obstacle lighting). The approved strategy (or any variation approved in writing by the Local Planning Authority) shall be implemented for the duration of the construction period.

Reason: To ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems.”

Condition 9: No development above the level of the damp proof course for any the buildings hereby approved shall take place until a Bird Hazard Management Plan (BHMP) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Ministry of Defence (MOD). The Bird Hazard Management Plan should contain, but not be limited to:

- a) An assessment of the various bird species found in the vicinity of the site, to include species data and numbers;
- b) Details of measures designed to prevent the development forming an environment attractive to those large and/or flocking bird species hazardous to aviation safety;
- c) Details of layout of the solar panels, and roof proofing measures designed to prevent access to feral pigeons and any other identified problematic species; and
- d) Confirmation of drain to dry times for the attenuation basin and details of the maintenance programme through which those drain to dry times will be maintained.

The development shall be carried out and managed strictly in accordance with the details agreed and there shall be no variation without the express written consent of the Local Planning Authority in consultation with MOD.

Reason: To limit the potential of the site to attract and support populations of those bird species that may cause detriment to aviation safety.

The first occupation of any of the dwellinghouses approved by this planning permission shall not take place until the approved planting and biodiversity enhancements have been completed in full, and their completion confirmed in writing by the Local Planning Authority.

Condition 10: Prior to the completion of the approved off-site planting and biodiversity enhancement works, a scheme for its continued management and maintenance shall be submitted to and agreed in writing by the Local Planning Authority. The off-site planting and enhancement works shall be managed and maintained in accordance with the approved scheme, including any timetable included for management and maintenance works.

The completed planting and biodiversity enhancement works shall be retained, managed and maintained in accordance with the approved details for a minimum period of 30 years from the date of its completion.

The reason for the works to be completed prior to first occupation of the dwellings is to ensure that the off-site planting and biodiversity enhancements are secured before the first occupation of the associated residential development.

Reason: To ensure that the off-site planting and biodiversity enhancements are undertaken and completed in accordance with the approved plan, in accordance with Policies E3 and E7 of the Local Plan.”

Condition 11: No dwelling shall be occupied until those elements of the approved landscaping scheme that are situated within the curtilage of that dwelling have been implemented.

Reason: In order to ensure that the landscaping is implemented and to accord with Policy E2 of the Local Plan.

31 21/03001/FUL - Application for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March, 2023) at Land to rear of 56 Ainderby Road, Northallerton for Mulberry Homes

Considered :-

The Assistant Director Planning – Community Development Services sought determination of a planning application (as amended) for the construction of a 100 per cent affordable housing scheme consisting of 53 dwellings (additional and amended plans and documents received by the Local Planning Authority on 30th and 31st March, 2023) at Land to rear of 56 Ainderby Road, Northallerton for Mulberry Homes.

The application site was not an allocated site within the Hambleton Local Plan, and the site’s location did not accord with the other relevant housing-related (HG) policies of the Local Plan unless considered as an exception. The application had previously received member call-in through the former Hambleton District Council and as such this matter was brought to Planning Committee for determination.

The applicant's agent, Craig Stockley, spoke in support of the application.

The Decision :-

That consideration of the application be DEFERRED in order to allow the expiry of the current consultation period and to provide additional time for the Local Highway Authority to provide their formal recommendation (including any recommended conditions or reason(s) for refusal).

Voting Record

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

32 Any other items

There were no urgent items of business.

33 Date of Next Meeting

10.00am, Thursday, 14 September 2023 – Mercury House, Richmond

The meeting concluded at 11.10 am.

This page is intentionally left blank

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

14TH SEPTEMBER 2023

22/00136/FULL - HYBRID PLANNING PERMISSION FOR 29 DWELLINGS AND 3 SELF/CUSTOM BUILD PLOTS TOGETHER WITH ASSOCIATED OPEN SPACE AND INFRASTRUCTURE | HURGILL STABLES HURGILL ROAD RICHMOND NORTH YORKSHIRE DL10 4TA

AT: HURGILL STABLES HURGILL ROAD RICHMOND NORTH YORKSHIRE DL10 4TA ON: BEHALF OF ZETLAND ESTATES LTD

Report of the Assistant Director Planning – Community Development Services

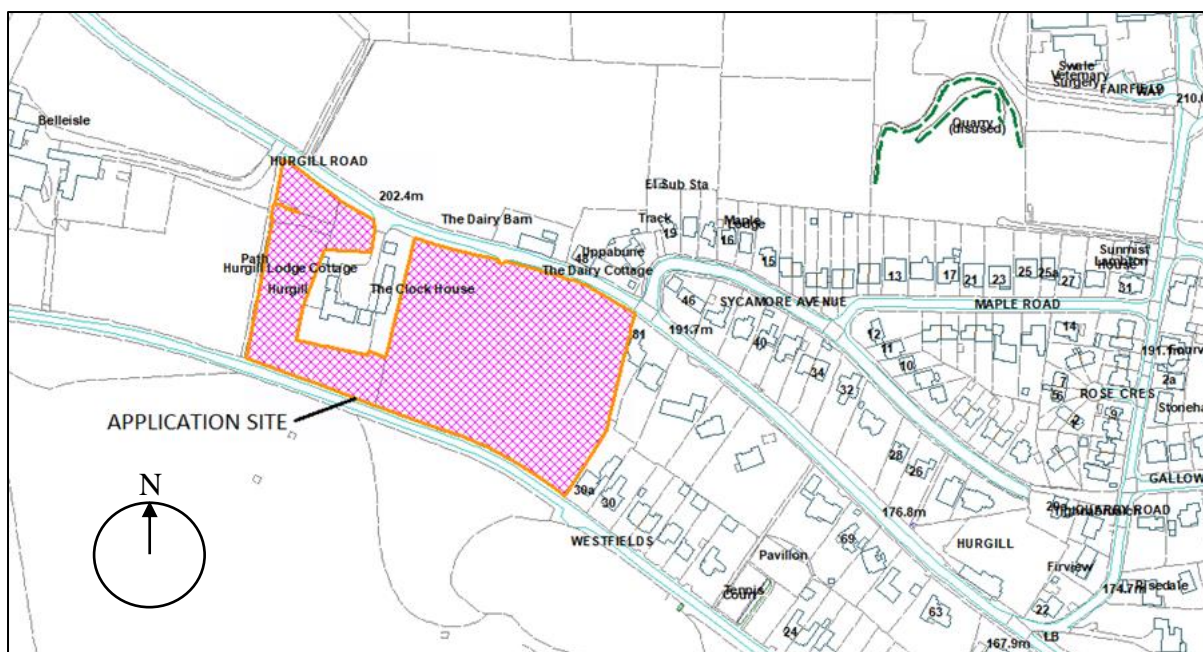
1.0 Purpose of the Report

- 1.1 To determine a planning application for Hybrid Planning Permission for 29 Dwellings and 3 Self/Custom Build Plots Together with Associated Open Space and Infrastructure on land at Hurgill Stables, Hurgill Road, Richmond, DL10 4TA.
- 1.2 This application is brought to planning committee due to raising significant material planning considerations.

- 2.0 RECOMMENDATION:** That planning permission be **GRANTED** for 29 dwellings subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space, NHS contribution and off-site biodiversity enhancement

AND:

That Outline planning permission be **GRANTED** for 3 Self/ Custom build dwellings with details of access, appearance, landscaping, layout and scale to be reserved matters; subject to the conditions listed below and the aforementioned S106.



3.0 **Preliminary Matters**

- 3.1 Access to the case file on Public Access can be found here:- [Online Related Documents](#) .
- 3.2 The ward member Councillor Parsons requested this application to be considered by planning committee.
- 3.3 During the course of the application there has been amendments to the application including increasing the amount of affordable housing and increasing separation distances to trees subject to Tree Preservation Orders.
- 3.4 No relevant planning history has been identified for the application site. An Outline application for a single dwellings at land to the north of the application site also on Hurgill Road was refused February 2016 and dismissed at appeal October 2016.

15/00046/OUT - Outline Application for Erection of Single Dwelling – Refused February 2016, Dismissed October 2016

4.0 **Site and Surroundings**

- 4.1 The site is described in the application form as former stables and grazing land, and at the time of the officer's site visits was meadow land. The site is irregular in shape due to an intervening piece of land (residential Hurgill Lodge, Hurgill Lodge Cottage and The Clock Tower) cutting into the field and it extends to 1.87ha.
- 4.2 The site is accessed from Hurgill Road running along the site's northern boundary with a second access to the south from Westfield Road running along the site's southern boundary. The site is bounded by mature trees and hedges together with a small number of trees being within the site separate from the boundary. There are several recently TPO trees ranging between 10

and 14m in height within and adjacent to the application site comprising: 1 x sweet chestnut, 1 x horse chestnut, 1 x ash and 1 x sycamore.

- 4.3 The site sits adjacent to the western built up part of Richmond with residential properties to the north-west and east of the application site in addition to the Hurgill Lodge complex within the field (but outside the redline). To the south beyond Westfield Road are fields managed as a public open space by the Richmondshire Landscape Trust. To the west is a Public Right of Way (PROW) with an agricultural field with farm complex beyond. To the north-west is an agricultural field.
- 4.4 Westfield Road is part of the England Coast to Coast walking route which is circa 190 miles long and passes through three National Parks. It was an unofficial route, but on 12 August 2022 it was announced that the Coast to Coast Walk would become an official National Trail, following a successful campaign by the Wainwright Society (the official Responsible Organisation for the trail). Work will commence to upgrade the route and officially open it in 2025.
- 4.5 Aislabeck holiday park is located to the north-west. The site has a planning permission for a change of use from an office to a multi-use venue including weddings (reference: 16/00089/FULL).
- 4.6 The application site is following distances from local services assuming an average walking speed of 3mph for a healthy adult. Walking times may increase for less mobile, older people and children, particularly due to the gradient of Hurgill Road:
- 11 minute walk (0.6 miles) to Lidl retail store Richmond
 - 13 minute walk (0.7miles) to Richmond market place with Town centre amenities
 - 24 to 26 minute walk (1.2 to 1.3 miles) to Richmond Schools (Sixth Form College, Richmond Methodist Primary School, St Francis Xavier RC and CofE School
- 4.7 Richmond Racecourse, no longer in use as such, is located to the north-west and is within a designated Conservation Area with two listed structures: Judge's Box Grade II; and Old Grand Stand Grade II*. The application site is visible from Grade I listed Richmond Castle's tower.

5.0 Description of Proposal

- 5.1 This application seeks hybrid planning permission for 29 dwellings (Full) and Outline permission for 3 self/custom build plots (plots 28, 29 and 30 as shown on Proposed Site Plan Revision E in the north western corner of the application site) together with associated open space and infrastructure.
- 5.2 The mix of dwellings are set out in the table below, with the size of the self-build/ custom build units to be a reserved matter. The dwellings are proposed to be constructed from Structural insulated panels (SIPs) and clad in stone walling, larch cladding, thermopile black cladding with slate roofs. There are a variety of forms, they all have pitched roofs and stone cills. Key themes

include rooms in the roof, with some units having three floors of accommodation, and split levels due to the sloping nature of the site.

Bedrooms	Market	First Homes (discount market)	Affordable Rent	Self/ Custom Build
1	0	0	0	Tbc
2	0	0	0 to 4	Tbc
3	2	5	0 to 4	Tbc
4	18	0	0	Tbc
Total	20	5	4	3

* have been designed to accommodate a room on the roof

5.3 Four public open spaces providing a cumulative area of 1,823sqm are distributed across the site as follows:

- 444sqm centred around a TPO tree at the north of the site
- 110sqm POS/ landscaping area opposite the above
- 217sqm POS on a corner between plots 22 and 23
- 782sqm POS in the south-east corner with drainage storage underneath
- 270sqm POS adjacent to the pedestrian access to Westfield

6.0 Planning Policy and Guidance

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

Adopted Development Plan

6.2 The Adopted Development Plan for this site is:

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

Emerging Development Plan – Material Consideration

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

- Richmondshire Local Plan Issues and Options 2021

Guidance - Material Considerations

6.4 Relevant guidance for this application is:

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

7.0 **Consultation Responses**

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

7.2 **Town Council:** Strong objections to the application with a significant number of local objections to this application. Key issues are:

- The application site compromises a prominent area of steeply sloping agricultural land on the western edge of Richmond. Development of this site for residential purposes would represent an unwarranted and undesirable extension of the town beyond its existing confines, resulting in a visual unacceptable intrusion of housing into the particularly attractive countryside that adjoins this western edge of the town. The site lies outside the limits to new development as identified by the Richmond District Plan and within an area where it is the policy of the Plan to retain and protect existing countryside.
- Hurgill Road has highways safety issues with: speeding, single width sections due to parking, dangerous in winter due to steep slope and may make Sycamore Avenue and Maple Road a rat run
- Development is contrary to Policies CP3 and CP4.
- Harm to Richmondshire Conservation Area and the Richmond Racecourse Conservation Area
- Harm to non-designated asset of the former Hurgill Lodge Stables and also Westfield public open space and Belle Isle Farm
- Tree not shown where plot 29 is proposed
- Insufficient affordable homes and they should be physically indistinguishable from the equivalent market homes in terms of quality and size
- Note Police comments about the poor bin arrangements for the affordable properties
- Neighbours properties will be totally dominated by this scheme
- Potential contravention of the Land Drainage Act due to mixing of natural spring waters and rain water in the drainage system
- Query whether surface water discharge to drainage systems on Westfields accords with Policy
- The River Swale has had over 100 discharges of untreated sewage to it from Richmond Sewage Treatment Works which receives the sewage from Westfields and Hurgill Road
- A ground / geological/ structural survey should be required as there is a risk of subsidence
- The land profiling and removal of soils of site will result in hundreds of HGV trips and Hurgill Road is already compromised by parking issues, road width and dangerous junctions.
- It is the contention of Richmond Town Council planning committee that the application to build 32 houses on the Hurgill Road site has no merits which would justify approval being given referencing Policy SP4
- Another application in the locality was refused due to the location and the reliance on private car (ref: 15/00046/OUT)
- There is a large development site under the applicant's control which should come forward to satisfy any housing need (planning ref 10/00468/OUT) – this was approved by RDC but the development never

transpired. If RDC are taking a managed approach, then the Gilling Road site should be considered first.

- Concerns with how the application has been handled by the Council including consultation.

7.3 **Ward Member(s):** None received.

7.4 **Conservation Officer:** The development as proposed will cause harm to the setting of the non-designated Hurgill Lodge resulting in a change to its open landscape character. This harm could be reduced by providing more breathing space to the Lodge so that open aspect is provided to the south splaying out either side and by removing dwellings close to the access. Harm will also be caused to the significance and setting of Westfields, however this is reduced due to the change in the landscape character over the 20th century and the physical separation by Hurgill Road. There will be less than substantial harm to the setting of Richmond Conservation Area as a result of this development. The harms must be considered within the planning process and public benefits considered as appropriate.

7.5 **LLFA:** No objection and recommend conditions. Recommend the Yorkshire Water existing main sewer objection is rectified as soon as possible.

7.6 **NHS Humber & North Yorkshire ICB:** £36,690 contribution for the redevelopment of the Friary Community Hospital and Surgery, Richmond is recommended to off-set the inadequate clinical space floor space at the current time to accommodate all the new residents of the development.

7.7 **North Yorkshire Fire & Rescue:** no objection/observation to the proposed development.

7.8 **NYC Archaeology:** There are no known archaeological sites in the area indicated or within the immediate vicinity. No conditions recommended.

7.9 **NYC Ecology:** The Local Authority has been provided with invertebrate data collected over many years at the site in particular in relation to butterflies and moths. It would assist the authority if the Ecological Consultants could review this species data and assess the significance of the site for these species in the context of current policy and legislation. Any recommendations for mitigation should also be provided.

Notwithstanding the above comment on butterflies and moths, in general, I am supportive of the recommendations put forward for avoidance, mitigation and enhancement measures for species present in the local area. There is a need to ensure that avoidance measures are set out clearly within a Construction Environmental Management Plan (CEMP) so that all contractors can access and adhere to these measures.

A condition to secure a sensitive lighting scheme will be required together with conditions for a detailed Landscape and Ecological Management and Monitoring Plan (LEMMP) or Biodiversity Enhancement and Management Plan (BEMP).

The biodiversity net gain assessment has now been updated to include the revised site boundary and an area of land off site, within which habitat creation and enhancement measures are proposed to secure net gain for biodiversity. I am satisfied that these proposals will provide biodiversity gain in line with current policy.

- 7.10 **NYC Education:** No contribution south for school or nursery places.
- 7.11 **NYC Highway:** Following amendments raise no objection and recommend conditions. Confirms they are aware of the planning permissions at Aislabeck including 16/00089/FULL.
- 7.12 **NYC Mineral and Waste:** The application site is within a Minerals Safeguarding Area for limestone and therefore consideration of Mineral and Waste Joint Plan Policy S07 titled “Consideration of applications in Consultation Areas” falls under the following exemption criteria:
- Infilling in an otherwise built up frontage within a settlement.

Although the site does not fit perfectly into this description it is not considered the application site is viable for minerals extraction due to its proximity to residential properties and the settlement of Richmond.

There are no active quarry sites or waste facilities within 500 metres of this Hurgill Stables, Hurgill Road, Richmond, North Yorkshire, DL10 4TA and no sites have been proposed for allocation for minerals or waste activities in the Minerals or Waste Joint Plan within that 500m zone.

- 7.13 **NYC PRoW:** PRoW run adjacent to the site’s west and southern boundary. Provides advise about PRoW obstruction and temporary closures.
- 7.14 **Police Designing out Crime Officer:** It is unclear from the drawing how the residents of the mid-terraced properties will access their rear gardens, other than through the property, which does not accord with the recommendations contained in Building For a Healthy Life¹ (BHL), which states that when providing rear garden storage solutions for terraces and townhouses, direct access to these should be provided from the street. With no external access to the rear garden residents are likely to store bins at the front of the property, which can lead to the street becoming unsightly. Bins can also be used as climbing aids to overcome boundary treatments to rear gardens and they are susceptible to arson attacks. Same issue with cycle storage.
- 7.15 **Yorkshire Water:** The location of the watermain is taken from Yorkshire Water records. This is an approximate location and should instead be taken from on-sites survey. If a diversion is required the cost of this will be borne by the developer. No development should encroach within 6 metres of the live water main (3 metres either side from the centre of the main) this is to allow access for repair and maintenance. Yorkshire Water maintains the objection.

Representations

- 7.16 295 representations have been received of which 6 and in support and all others objecting. A summary of the comments is provided below, however, please see website for full comments which raise an extensive range of planning matters. In addition, ~~page has~~ **Page 21** has been received with 680 signatures

on a paper petition, 35 on a further paper petition which also included comments; and 1,204 people registered on a digital petition. There is strong levels of local concern with the application, however, please note it is the material planning considered raised by the objections, rather than amount, that are material to the determination of the application.

7.17 Support:

- Richmond needs more housing as does the country
- Dwellings are high quality with green credentials/ very sustainable
- Site is suitable and wont seriously adversely affect any current residents or the view of the town from the coast to coast path.
- Design high quality and sympathetic with a mix of types of homes including family
- Richmond is becoming unaffordable and the reduced cost properties are welcomed.
- Developments such as these help keep the town vibrant
- The number of new dwellings can be accommodated by the town
- It does not impact important local open spaces
- Living in a similar new build estate, it looks tight, but the finished street is really nice

7.18 Objections:

Principle

- Will negatively affect the setting and approach to Richmond from the Coast to Coast walking route and other vistas
- New residents will be reliant on use of car due to distance from town centre and school and steepness of Hurgill Road
- Insufficient facilities including medical and retail within Richmond
- Too far too local facilities particularly the schools
- Development will negative impact to local tourism economy
- New residents will be reliant on use of car due to distance from town centre and school and steepness of Hurgill Road
- Affordable housing proposals not good enough
- Lack of 40% affordable provision is a consideration even if not viable.
- Other land owned by the applicant should be developed instead being more suitable and already having planning permission 10/00468/OUT (report author note: no reserved matter nor other application has been submitted for this site and the Outline permission is understood to have lapsed)
- Brownfield land should be developed first
- The Garrison should be enhanced and more housing located there
- We should stop letting housing in Richmond be converted to other uses
- Properties should go to local people first and not be used for holiday homes
- Outside development boundary and not adjacent
- Will lead to unconstrained development
- The town will be swamped by cumulative development such as the permitted solar farm.
- Too many dwellings for this part of Richmondshire
- Harm to views

- The development is not needed and the Council have a 5 year land supply
- Policy CP4 gives priority to sites within the development limits. It also requires that all development must be accessible and well related to existing facilities which this site is not.
- Richmond does not need more housing
- The site is features within the Council's SHLAA, however, this is just to identify and assess sites
- Significant impact to town landscape due to its prominent position contrary to CP4 and no Landscape Impact Assessment submitted
- Harm to views
- Applications large 4 bedroom properties contrary to Policy CP5 which identifies need skewed towards smaller properties.
- The development may not be viable.
- The houses will not be affordable
- People currently use the site for dog walking and leisure
- Residents will need to commute to employment, putting pressure on roads and against climate change objectives
- Finished floor levels should be provided
- Shape of application sites shows it is contrived

Environmental Harm

- Heritage Harm (both to designated and undesignated). This includes to Hurgill Lodge, Belle Isle Farm and medieval West Field
- There should not be tree or hedge removal
- Harm to wildlife on site and nearby including owls
- Harm to habitats off site including Whitecliffe woods and nearby SSSIs.
- Original Ecology Report inadequate
- The Site is rich in butterfly and moth species
- Original tree reports incorrect and inadequate
- Loss of dry stone walling
- The location was considered unsuitable in a previous application and appeal
- Light, sound and air pollution
- Who will be responsible for the sewerage tanks
- The site as existing with its mature trees, hedge and soil reduces flooding off site. Developing it will take away this and the proposed drainage system is inadequate. Existing drains in the area are old.
- Unclear whether there is adequate infrastructure for potable water (including reasonable water pressure), electricity and gas
- Will create land instability on site and off-site. There are underground streams and watercourses in the area. There has been a local gas leak which British Gas thinks may be from ground subsidence
- Contamination at the site (heavy metals)
- Yorkshire Water objection
- Proportion of self/custom build should be increased.
- Archaeology report required
- The application should not have been validated as there is missing information.
- Will effect peoples physical and mental health

Design and Layout

- Completely out of character

- Density is far too high
- Development should follow existing building line
- Insufficient parking/ too much parking/ parking spaces should have electric charging points
- With limited garages proposed, there will be a demand for these later
- The massing and height of the dwellings is overbearing
- Will harm existing residential properties amenity both during construction and occupation
- Levels may not be suitable
- Plans submitted not clear enough (including final levels)
- The dwellings design takes neither inspiration nor visual creativeness from surrounding buildings and seeks to undermine the heritage narrative of the area, which is distinctive, local in its source of historic construction companies and materials, and full of mixed character
- Extensive ground works needed
- Three storey dwellings overlooking Westfield Road will be imposing and unsympathetic
- Unclear what impact the self/custom building will have as these are in Outline

Roads

- Hurgill Road cannot cope with additional traffic of this extent. Already difficult with road parking making it single width. Other routes are also constrained and could cause a rat run to other residential streets. Risk of accidents will be high.
- Harm to wildlife
- The groundworks for the development will result in very high number of large vehicle movements for soil import/removal
- Development will cause traffic congestion both during construction and occupation
- Could a new alternative route be created through the trading Estate from the top of Hurgill Road and then block Quarry road at the top to prevent unnecessary volume of traffic through a residential area
- Turning circle on Westfield Road being used for residential parking currently
- Will give rise to damage to verges with bulb planting due to parking

7.19 The **British Horse Society** set out they are neutral on the application subject to no vehicular access onto Westfield Lane.

7.20 The **Richmondshire Landscape Trust** advises that they own, manage and protects a number of culturally and environmentally significant pieces of land around the town for the benefit and enjoyment of the local community. In particular, this includes the ancient pasturelands of Westfields, which lies immediately adjacent to the proposed development site. The development would irrevocably alter the character of this very special landscape and destroy valuable wildlife habitat that is part of a wider ecosystem in that area.

7.21 The proposal appears contrary to Policy CP4 of the Richmondshire Core Strategy, which requires development to be within the defined settlement limits. The applicant has not demonstrated why land it owns within the development limits is not being developed in priority to this site outwith the limits.

- 7.22 This particular location is very sensitive in that it mirrors the Richmondshire Landscape Trust-owned historic pasture land of Westfields, with each parcel sitting either side of the historic Westfields and famous Coast to Coast route. Westfield pastures, the application site and the land north of Hurgill Road are part of an important heritage landscape that originally formed part of Richmond's medieval three-field system and today is one of the town's most popular open spaces. There is a historic and visual connectivity across this landscape that would be destroyed by the intrusion of a housing estate at the heart of it. The proposal is in conflict with Policy CP3.
- 7.23 Richmondshire Landscape Trust also raise: site is gateway to the town along coast to coast route; development urbanise the landscape; site visit visible for miles around including popular riverside walks; harm exasperated by removal of trees; historical field patter irreplaceable; loss of stone wall which constitutes the last remaining original boundary of the Westfield at its upper most section; loss of hedges which are wildlife corridors; harm to birds and wildlife; development very dense and linear development line not followed; site is designated by Natural England as a Network Expansion Zone (updated 7 December 2021) as is the Westfield pasture to the south and adjoining land immediately to the west and north; development contradicts and DEFRA's 25 Year Environment Plan.
- 7.24 **North Yorkshire Access Forum** raise and commends the well thought-out provision of green space in this proposed development and proposal that vehicular access be solely from Hurgill Road, thus retaining the integrity of the bridleway along Westfields. However, the only concern is the apparent lack of visitor parking on site, as overflow car parking on the estate roads would be unwelcome as most of the site is without pavements, and random street parking is a disincentive to safe cycling.
- 7.25 **The Ramblers** responded that they do not welcome this development adjacent to Westfields the very attractive approach to Richmond for Coast to Coast walkers. If there is an approval, they seeks a new footpath on Hurgill Road alongside the development and pedestrian only access to Westfields.
- 7.26 **Richmond Civic Society** have also raised objection due: to the site being beyond the natural development limits of Richmond; very high density; Hurgill Road will not be able to accommodate the additional traffic; harm this attractive area. They also support the Town Council's and CPRE's comments set out below.
- 7.27 **CPRE** have responded to the application raising strong objection. the site is located in a prominent area of steeply sloping countryside on the western edge of Richmond on an area of land that is not considered brownfield development due to its former equestrian usage. As such a development of 30 houses at this location would constitute an inappropriate and unacceptable intrusion on the attractive rural setting of the western edge of Richmond.
- 7.28 **CPRE** go onto say that the greenfield site is located within the open countryside out with the development boundary and is not easily relatable to existing services. The Council have not proposed allocation or the redrawing

of development limits in the emerging local plan to include the site meaning that their preferred direction is to propose more suitable and sustainable sites elsewhere in the town and indeed across the district. CPRENEY are further concerned the impact on highway safety of vulnerable users from an increased number of vehicular movements associated with the proposal on the local rural road network, particularly on narrow stretches of rural roads with no suitable footpaths. As such the proposed development appears to be contrary to several local and national planning policies as set out above and therefore, CPRENEY continues to respectfully ask that this proposal be refused.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

- Principle of Development
- Highways and Access
- Landscape and Settlement Impact
- Heritage
- Housing Mix
- Density, Layout and Design
- Public Open Spaces
- Drainage and Flooding Residential Amenity
- Trees
- Protected Species, Biodiversity and Off-Site Habitats
- Contamination and Archaeology
- Potable Water
- Sustainability Measures
- The Public Sector Equality Duty
- Planning Obligations Planning Balance/ Conclusion

10.0 Assessment

Principle of Development

10.1 The council has a 5 year land supply and therefore the 'tilted balance' is not applied.

10.2 The application site on its eastern boundary is adjacent to and abuts the Development Limit of the Principal Town of Richmond as defined by Policy SP2 and the Local Plan Map, and which details these top tier settlements will be the focus for new housing in the plan period.

10.3 Policy SP4 sets out that a minimum of 3,060 dwellings will be delivered in the plan period at a rate 180 dwellings per year of which 79% will be in Central Richmondshire Sub Area where the site is located. Richmond is to accommodate 8% of all housing growth and this equates to 245 dwellings within the plan period. The Council's Annual Monitoring Report October 2021

details that 224 dwellings have been delivered in or adjacent to Richmond. Catterick Garison to the south-east of Richmond is also in the Central Richmondshire Sub Area has a significant under delivery of houses.

- 10.4 Since the Local Plan was adopted planning permission has been granted for around 137 dwellings in and adjacent to Richmond. The last major (i.e. 10 or more dwellings) was granted in October 2019 (15/00610/FULL for 19 dwellings) which has been built out and occupied. If no further permissions are granted and those extant are built out, it is likely the minimum target for the plan period will be met by the end of 2028.
- 10.5 Policy SP4 supporting text advises that “The target of 180 homes each year is not a ceiling for the level of expected growth. It is considered to be realistic, deliverable and therefore an achievable target to address current and future needs. A managed approach will be taken should further suitable, sustainable and deliverable housing sites come forward - they will be considered on their merits”.
- 10.6 For this specific site and proposal it is considered the following are the key factors to consider in the developments merits: (a) is the amount of development proportionate to the town (a requirement of Policy CP4); (b) can the existing structure accommodate, or be made to accommodate through a contribution, the proposed development; (c) what is the impact to the landscape, settlements approach, character and setting; (d) heritage impact; and (e) is the distances to services and facilities acceptable. Ultimately, all the positives and negatives of the scheme need to be weighed up in the planning balance which is provided at the end of the assessment at Section 11 of this report. However, these key issues are discussed here in the principle of development sub-section.

(a) is the amount of development proportionate to the town

- 10.7 Richmond has a population of 21,469 as 2011 (2011 census) and Policy SP4 seeks to deliver an additional 245 dwellings in Richmond. This application seeks approval of an additional 32 dwellings which would be around 13% over the minimum dwelling target for the town and would increase the population by around 77 people (0.36% increase in comparison to 2011). This is considered acceptable and proportionate to the town.

b) can the existing structure accommodate, or be made to accommodate through a contribution, the proposed development

- 10.8 NYC Highways, NYC Education and the NHS have not objected to the application and the NHS have requested a contribution which has been agreed by the applicant to expand a local GP practice. Otherwise, the town has a good range of facilities and services able to accommodate residential development of the scale proposed.

(c) what is the impact to the landscape, settlements approach, character and setting;

- 10.9 Richmond is a historic settlement set on a slope. The application site is partially screened by mature trees and hedgerows, most of which will be

retained by the development, however, the application site can be seen from Hurgill Road, Westfield Road and a limited number of longer viewpoints. The harm in terms of visual impact to the landscape is considered minor and needs to be considered in the overall balance.

(d) heritage impact

- 10.10 The development will cause less than substantial harm at the lower end to Richmond Conservation Area and the non-designated heritage assets of Hurgill Lodge, Westfields landscape and the medieval open field system. The heritage harm is given moderate weight and needs to be considered in the overall balance.

(e) is the distances to services and facilities acceptable

- 10.11 Walking distances from the site to services and facilities are detailed at paragraph 4.6 of this report.
- 10.12 Walking distances and route gradient to services and facilities has been raised by local representations as unacceptable, with reference made to dismissed appeal (October 2016) 15/00046/OUT for a single dwelling opposite the current site. The Planning Inspector wrote: "I have no evidence to indicate that higher priority, more accessible sites are unavailable." and "Although the site is close to other dwellings, it is not close enough to the town centre to convince me that prospective occupants would not rely upon private vehicle use to reach day to day services and facilities. It has not been demonstrated that the proposal is necessary having regard to accessibility to services or the priorities and opportunities for housing development elsewhere within Richmond. It is in the countryside and isolated from services for the purposes of the Framework. In relation to the main issue, the site is therefore unsuitable for the proposal as the location does not comply with Policy CP4 or the Framework."
- 10.13 On 12th July 2016 planning permission was granted for 32 dwellings at Convent Close, Richmond which has since been built (reference 15/00939/FULL), which has a walking distance of 22 to 24 minutes (1.1 to 1.3 miles) to Richmond Schools (Sixth Form College, Richmond Methodist Primary School, St Francis Xavier RC and CofE School. This is only two minutes shorter walking distance than the current application and is on an incline when walking toward the town centre. It is therefore considered the two sites are broadly comparable in terms of walking duration and difficulty.
- 10.14 The appeal decision is a material consideration, however, contrasts with the approval for 32 dwellings determined in the same year, of similar distances and elevation change, together with both being under the same Adopted Development Plan as is still in effect now. Whilst the Inspector decision is material, it is not considered that the walking distances or steepness are unacceptable or unusual for Richmond, however, they are not ideal in respect to the schools for this application site. This is a negative aspect given minor weight and which should be considered in the overall planning balance.

- 10.15 A further consideration is that Policy CP4 sets out that the location of development should pending the Delivering Development Plan or revisions to Local Plan land availability policies, development proposals should be in, or if deliverable opportunities do not exist within, adjacent to the settlement's Development Limits. No such local allocations have come forward and the ADP was adopted over 8 years ago with no 5 year review undertaken as recommended by paragraph 32 of the NPPF. It is therefore considered that preference for development sites to be within Development Limits be given moderate rather than great weight. For this particular settlement, subject to site specific constraints, it is considered that if this application is approved that the town could accommodate some additional housing growth for sites within the settlement boundary should they come forward before the end of the plan period in 2028. Furthermore, given the Catterick Garrison has a significant housing delivery shortfall, a reasonably proportionate uplift of housing delivery in sustainable locations such as Richmond would assist in delivering the overall housing minimum target for Central Richmondshire sub area.
- 10.16 The final planning balance is provided at the end of this report, however, it is considered that there is minor harm to the landscape and town approach and setting, together with moderate harm to heritage. The longer walking times to the local schools is also given minor negative weight. The benefits of the scheme are considered to out weight the negatives which include: provision of high quality new homes adjacent to a market town; short walking distance to a range of services and facilities; moderate in size which will in time visually tie in with the town; 30% affordable homes including First Homes and affordable rent; off-site affordable housing contribution; and three self-build/ custom build plots. Overall it is considered that the application site comprises a suitable, sustainable and deliverable housing site which merits outweigh the negatives.
- 10.17 Local representations raise that the site is currently used by residents for leisure and dog walking, however, as a private site this access could be suspended at any time.
- 10.18 Having regard to the above assessment, the principle of development is considered acceptable and complies with Policies SP2, SP4, CP2 and CP4. Highways and Access
- 10.19 Vehicle access to 29 dwellings is from Hurgill Road to the east of Hurgill Stables with a second access for pedestrian and cycles only to Westfields. A second vehicle access is provided to the west of Hurgill Stables for the 3 self/custom build units.
- 10.20 NYC Highways have requested amendments during the course of the application and these have been incorporated into the final layout. They have considered off-site road and junction capacity and safety and have found this acceptable. Highways raise no objection and recommend conditions. A Traffic Regulation Order is recommended to move the speed limit and this has been agreed.
- 10.21 NPPF paragraph 111 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. For this proposal, the highways grounds are not considered to have

been met and are found to accord with Policy CP4 and paragraphs 110 and 111 of the NPPF, subject to conditions.

- 10.22 Parking provision aligns with the requirements of NYC and includes electrical charging points of each plot in excess of current standards.

Landscape and Settlement Impact

- 10.23 Richmond is set within a steep landscape falling south towards the River of Swale together with historic buildings, mature trees and other features. The application site is partially screened by existing mature trees to the south of Westfields, trees along the PRow immediately to the west and existing buildings to the north and east. Due to screening, there is limited views of the application site from medium and long views.
- 10.24 The development will be visible from Westfield Road immediately to the south which is scheduled to become an official National Trail 190 miles long. The development will affect a small section of the route changing from field to housing, however, as the walkers are already approaching a historic market town, a good quality development with appropriate external materials with retained mature hedge is unlikely to effect the medium or long terms enjoyment, vitality and viability of this route.
- 10.25 The development will also be visible from the privately owned and managed public open space to the south of Westfields. This is a sloped area of land which is tranquil, well maintained, sometimes used for grazing and has benches for the public. The development will also be visible from a longer distance from Richmond castle tower and this is discussed under Heritage below.
- 10.26 The above are considered to be the key viewpoints which will be changed by the development in terms of landscape impact.
- 10.27 Loss of dry stone walling has been raised in application comments. This is not considered to have a significant heritage, landscape or visual impact. The site will be buffered by additional hedge planting and stone used as the main elevation material.

There will be moderate harm at the lower end to the landscape and town setting giving consideration to the levels and historic nature of the settlement; together with the application site not visible from a large range of vantage points and benefits from screening from all boundaries of the site. As such, this harm should be considered in the overall planning balance. However, it is not considered that the development conflicts with the Central Richmondshire Spatial Strategy which specifies that supports small scale, high quality, new housing development in sustainable locations, which protects and enhances the exceptional high quality landscape setting of the town.

Heritage

- 10.28 The development impact to designated and non-designated heritage assets is considered in this section.

10.29 NPPF paragraph 203 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. For this application four non designated heritage assets have been identified: Hurgill Lodge, Westfield, Belle-Isle farm and Archaeology. The Conservation Officer set out the following assessments in respect to these assets (bar archaeology):

“Non-designated Heritage Asset – Hurgill Lodge

Hurgill Lodge is a former racecourse training stable built around 1935. It has important historical links to Richmond Racecourse, established to make use of the disused racecourse, which gave purpose to the racecourse throughout the 20th century after formal racing ceased in 1891. The stables hold historic associative interest to a number of famous racing trainers over the years, producing successful racehorses. Hurgill Lodge was built on land previously associated with the adjacent Belle Isle Farm, which formed part of the historic West Field, one of the three former open fields of medieval Richmond until its enclosure in 1803. The buildings are of architectural and historic interest and their open setting with land around them contributes to significance. This setting is appreciated within close proximity but also in medium and long-range views as demonstrated in the Humble Heritage consultation response. There will be a high level of harm to the setting of Hurgill Lodge as a result of this development.

Non-designated Heritage Asset – Westfield

The consultation response from NYC Archaeology states that the development area is now separated from the remainder of the Westfield; this having taken place in the mid-late 19th century when a new road ‘Westfields’ was cut through towards its northern edge and then developed as Hurgill Lodge. The development area is considered to have low legibility to its former historic landscape type and its character is now largely derived from its association with its later equine use. I agree with this assessment; the subdivision of the land from the main Westfield through the insertion of the road and the alteration of the land to provide canter track, lunging rings etc has eroded the historic landscape to some degree. There will be a low level of harm to the setting of Westfield as a result of this development.

Non-designated heritage asset – Belle-Isle farm

A property here appears on the 1766 plan shown in the Humble Heritage consultation response. The farmstead and its agricultural setting contribute positively to the local landscape and holds historic landscape interest with Westfields. It is unlikely that there would be any adverse impact upon the setting of Belle Isle Farm as a result of this development given the existing screening and field boundaries and retention of its own immediate open setting.”

10.30 Whilst the site is not adjacent to any designated heritage assets, two have been considered which are Racecourse Conservation Area and Richmond Conservation Area. The Conservation Officer set out the following assessments:

“Racecourse Conservation Area

The character of the racecourse is only appreciated upon close proximity due to the rising topography of the area. The grandstand is not visible in views from the site or Hurgill Road in this location. Hurgill Road is characterised by built development up to the site of Hurgill Lodge and the experience on approach to the racecourse would not change enough to affect the setting of the Conservation Area. Any views towards the Conservation Area already take in a considerable amount of residential development and development of this site would not add any significant intervention to create further harm than already experienced historically. It is unlikely that there would be any adverse impact upon the significance or setting of the Racecourse Conservation Area as a result of this development.

Richmond Conservation Area

The site is not within the designated area, but does, along with other surrounding open land, contribute to the setting of the Richmond Conservation Area. The site is visible from the Castle keep and from the south side of the Swale Valley. The historic landscape contributes significantly to character and setting. Development of this site will result in some harm to the setting of the designated Conservation Area, although the landscape is largely characterised by built development along Hurgill Road already which reduces the level of harm slightly.”

- 10.31 Views from the castle have been raised by both the Conservation Officer and by representations. Photographs from the view from the castle tower have been provided as Appendix A. It can be understood from these photographs that the application site and Hurgill Stables can be seen from the castle tower, however, due to the distance is very small visually. For this reason the harm to Richmond Conservation Area is considered to be at the lower end of less than substantial.
- 10.32 In summary, the Conservation Officer advises that “The development as proposed will cause harm to the setting of the non-designated Hurgill Lodge resulting in a change to its open landscape character. I would suggest that this harm could be reduced by providing more breathing space to the Lodge so that open aspect is provided to the south splaying out either side and by removing dwellings close to the access. Harm will also be caused to the significance and setting of Westfields, however this is reduced due to the change in the landscape character over the 20th century and the physical separation by Hurgill Road. There will be less than substantial harm to the setting of Richmond Conservation Area as a result of this development. The harms must be considered within the planning process and public benefits considered as appropriate.”
- 10.33 The Conservation Officer’s assessment is concurred with, however, it is notes that density of housing near the Hurgill Stables Clock tower as proposed is currently low. It is considered that the public benefits of the provision of high quality houses at a suitable quantum for the location and settlement with affordable rented housing, First Homes, off-site affordable homes contribution and a biodiversity net gain outweigh the harm to both the designated and non-designated heritage assets. As such the development complies with Section 16 of the NPPF and Policy CP12.

10.34 In respect to below ground archaeology, the council's archaeologist advised that there are no known archaeological sites in the area indicated or within the immediate vicinity. No conditions recommended.

10.35 The Richmondshire Landscape Trust reached out to the NYC Archaeology in respect of the application site potentially being part of a medieval open field system surrounding the town of Richmond. The information was duly considered and Archaeology Officer advised that they agree that the development area formed part of the Westfield medieval open field system which was comprised of narrow field strips and comprises a significant heritage asset. They go on to advise that the development area is now separated from the remainder of the Westfield. This physical separation took place in around the third quarter of the 19th century when a new road (known as 'Westfields') was cut through towards its northern edge; then the proposal area was subsequently developed as Hurgill Lodge, providing stabling etc for racehorses from the 1930s onwards. They go on to advise that:

“Inspection of LIDAR data (which shows very minor changes in altitude) does not show any convincing remains of earthworks within the development area such as ridge and furrow. As such the development area in itself has a low legibility to its former historic landscape type. Its current character is largely derived from its association with its later historic use as stabling. This said the current use for equestrian purposes is still in keeping with the agricultural character of the Westfield. I agree that the proposal will cause some level of harm to the agricultural setting of the Westfield.

The impact of the proposal on the setting on the open field system should form part of the balanced planning decision.”

10.36 It is concurred with that the development of the site will result in harm to a non-designated heritage asset of the medieval field system together with current landscape character of the open field system. However, this is lessened by the retention of the majority of the field boundary ensuring the former medieval system can still be read in perpetuity. This is a small to moderate negative of the development which should be considered in the overall planning balance.

Housing Mix

10.37 The application proposes 29 dwellings of which 31% are affordable units and there is a mix of 2, 3 and 4 bedroom properties. In addition 3 custom/self-build are proposed.

10.38 The Council's latest Strategic Housing Market Assessment (SHMA) is 2019 and has not been publicly published and therefore has limited weight (age and non public), however, gives a steer on housing needs. This report advises the mix of dwellings: 1- bedroom 9.2%, 2-bedroom (33.6%), 3-bedroom (42.3%) and 4 or more bedroom (14.9%). Whilst the development does not strictly apply with the recommendation, it does include at least 7 x 3 bedroom houses and this is considered acceptable.

10.39 The 9 affordable units are split 5 x First Homes, the government's preferred discount market tenure, and 4 x affordable rent. In addition, a commuted sum of £158,800 is proposed for off-Page 38

- 10.40 The amount and mix of affordable does not meet the requirements of Policy CP6 which requires 40% affordable in this location of which 80% should be social rent and 20% intermediate. Policy CP6 pre-dates the government guidance on First Homes which requires 10% of the overall number of homes for major development to be First Homes. In terms of the quantum of affordable housing together with off-site contribution this is considered acceptable on balance providing a good amount of affordable housing and will increase the chances of the development being delivered.
- 10.41 In respect of the mix of affordable, the most recent Strategic Housing Market Assessment (2019 for Richmondshire), albeit unpublished, advises that the need is now 50:50 affordable rent and intermediate. It is therefore considered a split of 5 First Homes (has benefits over intermediate) and 4 affordable rent, in light of this SHMA and government Policy on First Homes is acceptable.
- 10.42 The inclusion of 3 custom/ self-build plots is a positive for the application assisting NYC delivering plots for the need identified within our register.

Density, Layout and Design

- 10.43 The application site extends to 1.87ha which results in a density of 17 dwellings per hectare. This is considered a low but appropriate density for an edge of town location adjacent to a non-designated heritage assets.
- 10.44 Access for 29 properties is proposed from Hurgill Road at the position of the existing field access with a pedestrian and cycle access to Westfield Road. The road goes through the site in a backwards c arrangement with open spaces adjacent. The remaining three properties, the self and custom build units are served off a separate vehicle access from Hurgill Road the west of Hurgill Stables.
- 10.45 The dwellings are proposed to be constructed from Structural insulated panels (SIPs) and clad in high quality stone walling, larch cladding, thermopile black cladding with slate roofs. There are a variety of forms, they all have pitched roofs and stone cills. Key themes include rooms in the roof, with some units having three floors of accommodation, and split levels due to the sloping nature of the site. This is considered a high-quality approach which will produce visually aesthetic new homes using local materials and traditional forms with contemporary elements in the execution.
- 10.46 Overall, the non-uniform road arrangement and high quality design are considered appropriate and will create a unique sense of place. The exact design of the custom/ self-build properties will be agreed via reserved matters.
- 10.47 The density, layout and design is found to be high quality and is thus acceptable and accords with Policies CP7 and CP13 and Sections 11 and 12 of the NPPF.

Residential Amenity

- 10.48 The new properties have good levels of amenity overall, and those with smaller or north facing gardens are having adequate quality private space.

- 10.49 Existing residential properties are to the north, east and within the U shaped cut out in the western half of the site. The received representations raise concern with the residential amenity impact to all of these properties.
- 10.50 To the north is Dairy Barn, The Dairy Cottage and Uppebune. Plots 4 and 4a are two and half storeys with velux windows in the roof. They are 5.4m to eaves and 9m to ridge. There is a separation distance of 16.9m between the nearest part of Plots 4 and 4a rear elevations and the street facing elevation of Dairy Barn. In addition, due to the application sites sloping nature, the submitted section plans details a 1.4m reduction in ground levels in comparison to Hurgill Road.
- 10.51 Plot 6's single storey pitched roof element with 3.25m in height to eaves and 5.8m in height to ridge (containing kitchen and diner) is 18.2m to the closest part of The Dairy Cottage external elevation.
- 10.52 Plots 7, 8 and 9 which are two and half storeys, rear elevations face towards the side and the rear of 81 Hurgill Road which each are at least 15.8m between their rear elevation to the neighbours boundary. 81 Hurgill Road is at a lower ground level than the application site. Plots 7, 8 and 9s rear elevations at first and second floor include windows for one bedroom and two bathrooms. To reduce overlooking, it is recommended to include a condition that the bathroom windows are to be obscure glazed.
- 10.53 Plot 10 in two storeys with the east elevation facing 30a Westfields Road. It has a distance of 4m from elevation to neighbours boundary with no windows at the upper floor to prevent overlooking to this neighbour from this elevation. There will be some angled overlooking from plots 10s southern elevation with a separation distance of 23m from plot 10s southern elevation to the neighbours rear elevations of the main house (there is a single storey building in the rear garden also).
- 10.54 The other properties affected by the development is The Clock House, Hurgill Lodge and Hurgill Cottage in the U shaped cut out within central redline cut out area. Separation distances between proposed and existing include:
- 11.8m from plot 26 and 27 garages rear elevation to site boundary with The Clock House
 - 9.5m from Plots 19 east two storey elevation to site boundary with Hurgill Lodge Cottages
- 10.55 Having outlined the closest relationships with neighbours it is considered these are acceptable and would not result in unacceptable levels of overlooking, sense of enclosure, overshadowing or loss of light. However, the latest layout plan appears to show existing ground levels opposed to final. It is recommended this is included as a pre-commencement condition to ensure ground levels are appropriate for their relationship to neighbours.
- 10.56 Self build plots 28, 29 and 30 are outline with details of access only. The layout plans shows how these could indicate laid out and plot size and design provided also. These show that appropriate separation distances can be achieved and three units provided

- 10.57 A condition requiring submission and compliance with a Construction Management Plan It is considered necessary for a development of this size adjacent to residential properties. This to include: construction hours, on-site parking, compound location and site manager contact details.
- 10.58 Subject to the conditions referred to in the preceding paragraphs, the impact to residential amenity, particularly for existing neighbours, is considered to be acceptable and complies with Policy CP3 NPPF paragraph 174.

Public Open Spaces

- 10.59 Core Policy CP11 expects new development to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate, a contribution towards enhancing existing assets will be sought. More specifically, supporting text for Policy CP11 advises that “The Fields In Trust ‘Planning and Design for Outdoor Sport and Play’ (2008), formerly the National Playing Fields Association “Six Acre Standard”, provides minimum national standards for play and recreation space.”. This document has been superseded by the Fields in Trust (FiT) “Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020” (FiT 2020 Guidance) which is now used for the purpose of applying Policy CP11. Using this more upto date guidance document there would be a requirement for 4,840sqm of POS which would be 26% of the total site area. This is considered to be disproportionate given the need for roads, paths and private gardens.
- 10.60 The application proposes 6 types of POS totalling 1,823sqm. These are smaller pockets, however, there is one larger space totalling 782sqm. Ideally there would be a LEAP, however, none of the POS are large enough or with sufficient overlooking to accommodate this type of children’s play space.
- 10.61 The proposal does deviate from Policy CP11 and this is considered in respect of quantum, however, the lack of LEAP is considered a negative to considered in the overall planning balance.

Drainage and Flooding Residential Amenity

- 10.62 The site is within Flood Risk Zone 1 the lowest risk of flooding from rivers and seas. As this is a major development the application has been supported by a Flood Risk Assessment and Surface Water Management Strategy.
- 10.63 Surface water is proposed to be directed to a below ground level surface water storage tank in the south-east corner of the application site. This in turn will release the water at a controlled rate into the combined public sewer. A section of the existing combined sewer will need to be re-laid to make the levels work and they also propose to increase the diameter of the pipe. Infiltration to ground was explored via ground testing but conditions were not found to be feasible. The system has been designed to allow for urban creep and climate change. Since the drainage and flood documentation has been submitted there have been some changes to the site layout and therefore the exact final drainage layout will need to be agreed via approval of condition. The LLFA have examined the submission and raise no objection subject to conditions including a striction of the maximum flow rate from surface water of 3.5 litres per second.

- 10.64 Foul drainage is proposed to be discharged to the existing Yorkshire Water public combined sewer. Yorkshire Water has not objected to the disposal of surface or foul water to the combined sewer.
- 10.65 Local representatives have raised low water pressure for the properties in this area as a problem and whether the additional properties will reduce the pressure further. Whilst this is noted, Yorkshire Water have an obligation to supply a connection to the water and they have not raised water pressure as a reason for refusal.
- 10.66 Yorkshire water have raised an objection due to an existing watermain running through the site in the approximate location plots 19, 27, 29 and 30. The exact location has not been confirmed by survey. The water main requires a 6m easement allowing for access, repairs and maintenance. If a diversion is required, this must be at the developer's expense. The applicant has chosen to not ascertain the exact main position and it is likely to run through the custom/ self-build plots plus two market plots. It is recommended to take a pragmatic approach by including a pre-commencement condition requiring the exact water main location to be ascertained, any layout amendments agreed if needed, and an access and clearance plan to be agreed. In the event that this condition cannot be discharged, an alternative public open space and/or biodiversity area/ landscaping area scheme shall be submitted to and agreed in writing with the LPA. This allows for the layout to be adjusted to accommodate the main, a diversion to be agreed at the developers expense or the number of units to be reduced and the remaining part of the development to proceed.
- 10.67 Subject to aforementioned conditions, the development is considered to comply with Policy CP2 167 and 169 of the National Planning Policy Framework and Policy CP2.

Trees

- 10.68 To facilitate the development the removal of the following is required: 3 x category C trees, 1 x category B group trees, 1 x category C group trees, small section of 1 x category B hedge and 1 x category C hedge. The B category arboricultural features to be removed is to facilitate access points.
- 10.69 The layout includes buildings, roads and gardens close to trees to be retained and this may result in future pressure to prune or remove these features. It will also require more expensive construction methods to protect the trees to be retained, however, this has been proposed and can be controlled via condition.
- 10.70 It is considered the tree and hedge loss is acceptable.

Protected Species, Biodiversity and Off-Site Habitats

- 10.71 The application is supported by an Ecological Impact Assessment. The site is meadow land with trees and perimeter hedges. The only European Protected Species which was found to potentially be impacted was bats from tree felling which would require condition, together with artificial light, also recommended to be limited by condition. Hedge foraging habitat may be lost or injured

during construction works. The development also would result in the loss of non-priority habitat and loss of nesting and foraging habitat for an assemblage of locally common bird species.

- 10.72 Avoidance, mitigation, compensation and enhancement recommendations have been made for; nesting bird, bats, hedgehog and habitat creation and it is recommended these are conditions.
- 10.73 An off-site biodiversity scheme is proposed to north of Richmond which would result in a net gain of 1.10 habitats units (+22.90%) and 0.94 Hedgerow units (+54.26%) which is a moderate positive of the scheme. Due to being outside the redline line, the off-site biodiversity scheme would need to be secured by S106.
- 10.74 The Council's Ecologist have reviewed the submitted information and agree with the findings. They recommend conditions. They also recommended that the applicant considers the invertebrate data provided by a nearby residential neighbour for the application site and this has been subsequently provided. The applicant's response provided by their ecologist Dendra concluded that "on the common nature of the habitats present and the local abundance of similar habitats in the wider landscape, the site is not considered to be a priority habitat for invertebrates and therefore we are not recommending any further survey work or amendments to our ecological impact report findings. Council's Ecologist's have examined and concur with the invertebrate response.
- 10.75 Due to separation distances and the residential use proposed, no impact is anticipated to off-site designated habitats.
- 10.76 Having regard to the above, subject to conditions and legal agreement for off-site BNG that the development accords with paragraph 174 of the National Planning Policy Framework 2021 and Policies CP3 and CP12.

Contamination and land stability

- 10.77 The site has former agricultural use and Environmental Health recommends a condition is applied requiring a 'watching brief' for contamination. Subject to this condition the development complies with Policy CP12.
- 10.78 Concern has been raised in relation to land stability due to underground streams and watercourses in the area underground. In addition the site is relatively steep. This may be an issue, however, it is considered reasonable to include a land stability/ structural report and scheme as a pre-commencement condition. In the event the developer cannot demonstrate a scheme to ensure stability the development may not commence. However, it is considered likely an engineering scheme can be designed which ensures land stability on and off site given modern design and technology.

Sustainability Measures

- 10.79 The application is not supported by an Energy Statement, however, sustainability measures are proposed in the Design and Access Statement. These include: SIP systems, additional insulation, all units to have solar PV panels and battery unit, heat pumps and car charging points. These are

considered acceptable and would be an improvement above building regulations. A detailed scheme to be agreed is recommended to be required as a condition. Subject to condition, the development complies with Policy CP2 paragraph 1.

The Public Sector Equality Duty

- 10.80 Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic.

Infrastructure and S106 Legal Agreement

- 10.81 NYC Education have not requested any contributions for education finding capacity at all ages of children's education in the local.
- 10.82 The NHS have requested a contribution of £36,690 towards the redevelopment of the Friary Community Hospital and Surgery, Richmond due to inadequate clinical floor space at the current time to accommodate all the new residents of the development. The applicant have agreed to this contribution.
- 10.83 Highways have not requested any monies for off-site improvements.
- 10.84 It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.
- 10.85 Dentists being at capacity has been raised, however, this is a north of England issue and limiting housing delivery would create a greater problem in terms of the overall housing supply and housing costs for household.
- 10.86 The custom/ self build plot provisions would be detailed in the S106 as would Public Open Space delivery and management.
- 10.87 Off-site Biodiversity Net Gain also needs to be included in the S106.

11.0 Planning Balance and Conclusion

- 11.1 The development would provide new homes adjacent the Principal Town of Richmond. The amount would exceed the minimum target for the settlement; however, this would not be an amount which is considered to be excessive or disproportionate to its existing size and position within the settlement hierarchy. Subject to a contribution for increasing a local GP surgery,

infrastructure can be improved to accommodate the development. For these reasons the principle of development is considered to comply with Policies SP1, SP2, SP4, CP3 and CP4 of the ADP.

- 11.2 The overall layout, design and appearance of the development is considered to be good quality which compliments its location at the edge of Richmond and will create its own sense of place and create a pleasant environment for the new residents.
- 11.3 31% affordable housing is proposed skewed towards discount market houses, together with an off-site contribution. This is not policy compliant, however, is considered to be acceptable provision and would be very beneficial assets for the town and residents.
- 11.4 Technical aspects including protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.
- 11.5 Concern has been raised in respect to road safety and capacity, however, Highways have not raised an objection and it has not been found that the residual cumulative impacts on the road network would not be severe.
- 11.6 The development will cause minor harm to the landscape, town approach and setting by changing an edge of settlement field to residential with some views towards it and being along a coast to coast walking route and to this I attach minor weight. The development causes less than substantial harm at the lower end to Richmond Conservation Area and the non-designated heritage assets of Hurgill Lodge and Westfields landscape and the medieval open field system which I attach moderate weight. The public open spaces proposed are less than required by Policy which is considered acceptable but does not include a LEAP and has no large well overlooked public open space which I also attach moderate weight. The application site is 24 to 26 minute walk via partially steep route to local schools and to this I attach minor negative weight. Moving onto the positives, the development provides 32 dwellings in a sustainable edge of settlement location which is a short walk to a range of services and facilities and to this I attach significant weight. The development provides 31% on site affordable housing and an off-site contribution and to this I attach significant positive weight. The development includes 3 self/ custom build plots, however, it has not been demonstrated whether these can be delivered due to an underground main and to this I attach minor positive weight. The development biodiversity net gain is 1.10 habitats units (+22.90%) and 0.94 Hedgerow units (+54.26%) to which I attach moderate positive weight. Lastly, the development is high quality design overall using high quality materials and goes above that required by building regulations to this I attach great positive weight. Having regard to all of these factors, it is considered the proposal comprises a suitable, sustainable and deliverable housing site which merits outweigh the negatives. As such, approval is recommended.

12.0 Recommendation

- 12.1 That planning permission be **GRANTED** for 29 dwellings subject to conditions listed below and completion of a S106 agreement for affordable housing, public open space, NHS contribution and off-site biodiversity enhancement

AND:

- 12.2 That Outline planning permission be **GRANTED** for 3 Self/ Custom build dwellings with details of access, appearance, landscaping, layout and scale to be reserved matters; subject to the conditions listed below and the aforementioned S106.

Recommended conditions:

Full Planning Permission Conditions

These conditions apply to entire development hereby permitted expect plots 28, 29 and 30 only as shown on Proposed Site Plan PL 01 Rev E.

Condition 1: Time Limit

The development hereby permitted shall be begun before the expiration of THREE YEARS from the date of this permission.

Reason: To comply with section 91 of the Town & Country Planning Act 1990 (as amended).

Condition 2: Detailed Plans of Road and Footway Layout

Except for investigative works, no development shall take place including the depositing of material(s) until full detailed engineering drawings of all aspects of roads, sewers and road lighting 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 in consultation with the Local Highway Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme.

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.

Condition 3: Energy Statement

An Energy Statement and Plans which accord with the measures detailed in the submitted Design & Access Statement dated 31.01.2022 shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The development shall thereafter take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy or greater energy generation output etc.

Reason: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 4: External Materials

Prior to the erection of external walls, external wall, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority.

A sample of the external wall and roof material shall be made available at the application site upon request of the Local Planning Authority. The development shall there afterwards be constructed in accordance with the approved materials.

Reason: For the visual amenity of the development locality.

Condition 5: New Private Access / Verge Crossing

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

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and Standard Detail Number A1 and the following requirements:

- That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:30.
- The final surfacing of any private access within 2 metres of any area which is to be adopted must not contain any loose material that is capable of being drawn on to the proposed public highway.
- Details of measures necessary to prevent surface water from any private access discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the above details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Full and Outline planning permission conditions

Condition 6: 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:

- Location Plan – Hurgill Road
- Proposed Site Plan, reference PL 01 Rev E
- Proposed AHP – Plots 1,2,3,4 Elevations, reference PL 01/02/03/04/A/B Ele Rev A (approved for plots 1 to 3 only)
- Proposed AHP – Plots 1,2,3,4, reference PL 01/02/03/04/A/B Rev A (approved for plots 1 to 3 only)
- Proposed AHP – Plots 4 & 4A / 23 & 23A / 24, reference PL 30
- Proposed – Plots 5 & 6, references PL 05/06 & PL 05/06 ELE
- Proposed – Plots 7, 8, 9, references PL 07/08/09 & PL 07/08/09 ELE
- Proposed – Plot 10, references PL 010 & PL 010 ELE
- Proposed – Plot 11 & 12, references PL 011/012 & PL 011/012 ELE

- Proposed – Plot 13, 14, 15, 16, references PL 013/014/015/016 & PL 013/014/015/016 ELE
- Proposed – Plot 17, references PL 017 & PL 017 ELE
- Proposed – Plot 18, reference PL 018
- Proposed – Plot 19, references PL 019 & PL 019 ELE
- Proposed – Plot 20 & 21, references PL 020/021 & PL 020/021 ELE
- Proposed – Plot 22 & 27, references PL 022/027 & PL 022/027/ ELE
- Proposed – Plot 23 & 24, references PL 023/024 & PL 023/024 ELE
- Proposed – Plot 25 & 26, references PL 025/026 & PL 025/026 ELE
- Arboricultural Impact Assessment dated 24/05/2023
- Ecological Impact Assessment dated 05/04/2023
- Design and Access Statement dated 31/01/2022

Reason: To ensure the satisfactory development of the site, in accordance with the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 7: Structural Report

Prior to commencement of any development whatsoever a Structural Report shall be submitted to and approved in writing to the Local Planning Authority. The Structural Report will include a ground investigation and a scheme to ensure that the development will be structurally sound together with ensuring there will be no structural impact to off-site land and properties. There afterwards, the development will take place in complete accordance with approved Structural Report.

Reason: Details are required prior to commencement due to the steep site levels together with local reports of structural instability and underground water courses. To ensure the development and neighbours are safe from land movement.

Condition 8: Post Development Ground Levels

Prior to commencement of any development whatsoever, proposed external and finished floor levels shall be submitted to and approved in writing to the Local Planning Authority. There afterwards, the development will take place in complete accordance with approved levels.

Reason: To ensure that neighbours do not experience and unacceptable sense of enclosure or overlooking together with reducing the visual and landscape impact of the development.

Condition 9: Soil Movement

Prior to commencement of any development whatsoever, a Soil Removal Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the cubic metres of soil which is required to be removed from site together with a removal plan detailing the number of trips required, timing of the trips, highways route and vehicle type/size. There afterwards, the development will take place in complete accordance with the approved Soil Removal Plan.

If no soil removal is required then this shall be confirmed in writing to the Local Planning Authority prior to first commencement of the development hereby approved.

Reason: To reduce impact to residents amenity and local road network.

Condition 10: Yorkshire Water Main

Prior to commencement of any development whatsoever a Water Main Survey shall be submitted to an approved in writing with the Local Planning Authority. The survey shall verify the water mains exact position within the application site and easement requirements. In the event the layout as shown on approved plan Proposed Site Plan PL 01 Rev E conflicts with the water main or it's easement then the following shall be submitted to and approved in writing with the Local Planning Authority prior to commencement of development:

- A. Evidence of agreement to divert the water main with the main's operator together with a development timetable in relation to the diversion; OR
- B. An amended layout which includes no buildings, trees or intrusive planting over the water main or its easement together with arrangements allowing for unimpeded access for water main operator in perpetuity. If this requires a reduction in the number of units proposed will be allowed.

There afterwards the development will be take place in complete accordance with the approved details.

Reason: To ensure the water main is not damaged and is safeguarded, together with ensuring access in perpetuity for the main operator.

Condition 11: Drainage

Prior to commencement of development a detailed surface water drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall align with the principles detailed within the Flood Risk Assessment and Surface Water Management Strategy dated 19.01.22.

The scheme shall be designed to the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). The scheme shall be designed for the 1 in 100 year rainfall/ storm event plus 40% allowance for climate change and urban creep. The scheme shall include a detailed maintenance and management regime for the storage facility and drainage system. The flowrate/ discharge from the site shall be limited to a maximum of 3.5 litres per second.

The approved surface water drainage scheme shall be implemented and delivered in full prior to first occupation of the development hereby approved or in accordance with any phasing embodied within the scheme. There afterwards the approved surface water drainage scheme shall be maintained and retained in perpetuity in accordance with the approved maintenance details.

Reason: To ensure delivery of an adequate surface water drainage scheme which prevents keeps the development safe for its lifetime and prevents an increased of flooding off-site. This condition is also applied having regard to paragraphs 167 and 169 of the National Planning Policy Framework 2021 and Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 12: Construction Management Plan

No development whatsoever shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the development hereby permitted shall be undertaken in complete accordance with the approved Construction Management Plan. The Plan must include the following details:

1. 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.
2. An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway.
3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
4. Measures to manage the delivery of materials and plant to the site including the routing of delivery vehicles and the location of loading and unloading areas.
5. A photographic and / or video record of the condition of the Public Highway 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 Publicly Maintainable 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.
6. Details of any temporary construction access to the site including measures for removal following completion of construction works.

Reason for Condition: In the interest of public safety and amenity having regard to paragraphs 130, 174 and 185 of the National Planning Policy Framework 2021 and Policies CP3 and CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 13: Traffic Regulation Order

Prior to commencement of development a traffic regulation order shall be applied for and confirmed to expand the 30mph speed limit along Hurgill Road.

Reason: For highways safety.

Condition 14: CEMP

No development whatsoever shall take place until a Construction Environmental Management Plan (CEMP) is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of measures to reduce impact to wildlife on and adjacent to the site during construction works. The development will thereafter take place in full accordance with the approved CEMP.

Reason: to reduce impact to wildlife.

Condition 15: Tree Protection

Site Clearance and Construction works on site pursuant to this permission shall take place in complete accordance with the approved Arboricultural

Impact Assessment dated 24th May 2023 including incorporated Tree Protection Plan.

No other operations shall commence on site in connection with the development until the tree protection works and any pre-emptive tree works required by the approved documents and plans have been carried out and all tree protection barriers are in place as indicated on the Tree Protection Plans.

The protective fencing shall be retained in a good and effective condition for the duration of the construction of the development until all site works have been completed and all equipment, machinery and surplus materials removed from site, unless the prior written approval of the local planning authority has been sought and obtained.

No trees or hedges shall be removed other than those approved as detailed in the Arboricultural Impact Assessment dated 24th May 2023.

Reason: For the protection of trees and hedges to be retained in accordance with Policy CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 16: Delivery of off-site highway Works

Prior to commencement of development an off-site highways improvement scheme shall be submitted to and approved in writing by the Local Planning Authority. The off-site highways works is the provision of a full height footway with a minimum width of 1800mm along that part of the site which borders the southern side of Hurgill Road as shown on Drawing Number PL 01 Revision E. The new footway should tie in with the existing footway to the south east of the site and the construction should be in accordance with Standard Detail Number A1. An appropriate system of positive drainage will be required for the adjacent carriageway which should retain a minimum width of 5.5 metres.

The scheme shall include: full detailed engineering drawings of all aspects of the scheme including any structures which affect or form part of the scheme; and a programme for the delivery of the off-site highways improvement.

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 17: Visibility Splays

There must be no access or egress by any construction vehicles between the highway and the application site until splays are provided giving clear visibility of 90 metres measured along both nearside channel lines of Hurgill 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.

Condition 18: Contamination Watching Brief

A 'Watching Brief' shall be implemented during construction works for unexpected or previously unidentified contamination encountered during site works. Prior to first occupation of the development hereby permitted a Contamination Note shall be submitted to Local Planning Authority confirming the presence or absence of contamination during site works.

If contamination is not present, a 'Confirmation Report' providing suitable photographic (or other) evidence, shall be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the development hereby permitted.

If contamination is present work shall cease immediately until such time as provisions A to D below are completed to the written approval of the Local Planning Authority. All requirements to be completed in accordance with the following guidance references: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Further guidance is provided in the document 'Development on Land Affected by Contamination, Technical Guidance for Developers, Landowners and Consultants, Yorkshire and Lincolnshire Pollution Advisory Group, version 11.2 – June 2020', which can be found here along with other YALPAG guidance: <https://www.richmondshire.gov.uk/environmental-health/pollution/contaminated-land/>

A: CHARACTERISATION: With specific consideration to human health, controlled waters and wider environmental factors, the following documents must be provided (as necessary) to characterise the site in terms of potential risk to sensitive receptors:

- Preliminary Risk Assessment (PRA or Desk Study)
- Generic Quantitative Risk Assessment (GQRA) informed by an Intrusive Site Investigation
- Detailed Quantitative Risk Assessment (DQRA)
- Remedial Options Appraisal

Completing a PRA is the minimum requirement. DQRA should only to be submitted if GQRA findings require it.

B: SUBMISSION OF A REMEDIATION & VERIFICATION STRATEGY: As determined by the findings of Section A above, a remediation strategy (if required) and verification (validation) strategy shall submitted in writing to and agreed with the Local Planning Authority. This strategy shall ensure the site is suitable for the intended use and mitigate risks to identified receptors. This strategy should be derived from a Remedial Options Appraisal and must detail the proposed remediation measures/objectives and how proposed remedial measures will be verified.

C: REMEDIATION & VERIFICATION: Remediation (if required) and verification shall be carried out in accordance with an approved strategy. Following completion of all remediation and verification measures, a Verification Report must be submitted to the LPA for approval.

D: REPORTING OF UNEXPECTED CONTAMINATION: All unexpected or previously unidentified contamination encountered during development works must be reported immediately to the LPA and works halted within the affected area(s). Prior to site works recommencing in the affected area(s), the contamination must be characterised by intrusive investigation, risk assessed (with remediation/verification measures proposed as necessary) and a revised remediation and verification strategy submitted in writing and agreed by the LPA.

E: LONG-TERM MONITORING & MAINTENANCE: If required in the agreed remediation or verification strategy, all monitoring and/or maintenance of remedial measures shall be carried out in accordance with the approved details.

The site shall not be taken into use until the investigations, remediation and verification are completed. The actions required in Sections A to E shall adhere to the following guidance: LCRM (Environment Agency, 2020); BS10175 (British Standards Institution, 2011); C665 (CIRIA, 2007).

Reason: To mitigate risks posed by land contamination to human health, controlled water and wider environmental receptors on the site (and in the vicinity) during development works and after completion.

Condition 19: Construction Hours

Construction Works and Site Clearance works audible at or beyond the site boundary should not occur outside of Monday to Friday 08.00hrs to 18.00 hrs, Saturday 08.30hrs to 13.30hrs and at no time on Sundays or Public/Bank Holidays.

Reason: To prevent an unacceptable disturbance to residential neighbours having regard to paragraphs 130, 174 and 185 of the National Planning Policy Framework 2021 and Policies CP3 and CP4 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 20: Landscape and Ecological Management and Monitoring Plan (LEMMP)

A Landscape and Ecological Management and Monitoring Plan (LEMMP) shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The LEMMP shall include:

- Detailed Landscaping Proposals including plant species, sizes and numbers
- Biodiversity Enhancements and Measures
- Programme for planting and delivery
- Management Plans for a 30 year period including details of contractor competency, ecological monitoring, funding and contingency measures.

The approved LEMMP shall be implemented in accordance with the approved programme and thereafter adhered to for 30 years.

Reason: For the visual amenity and biodiversity of the site.

Condition 21: Construction of Adoptable Roads and Footways

No part of the development hereby permitted shall be brought into first 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 first 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.

Condition 22: Closing of Existing Accesses

The development must not be brought into first use until the existing accesses onto Hurgill Road have been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area.

Condition 23: Pedestrian Visibility Splays

There must be no access or egress by any vehicles between the proposed adopted highway and any of the individual plots 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 proposed adopted highway 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.

Condition 24: Access, Turning and Parking Areas

No part of the development must be brought into first use until the access, parking, manoeuvring and turning areas for all users have been constructed, unless a phasing strategy has been first agreed in writing with the Local Planning Authority, in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number PL 01 Revision E or as varied under Condition 10. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 25: Parking for Dwellings

No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority and as shown on Drawing Number PL 01 Revision E or as

varied under Condition 10. 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.

Condition 26: Garages

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, any garage shall not be converted into domestic accommodation without express planning permission from the Local Planning Authority.

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.

Condition 27: Obscure Glazing

All bathroom windows in the eastern elevation of first floor and above of plots 7, 8 and 9 shall be obscure glazed and shall be retained as such in perpetuity.

Reason: To reduce overlooking to neighbour.

Condition 28: Lighting

No external lighting shall be erected until details are first submitted to and approved in writing with the Local Planning Authority. The details shall include light specification, height, light direction and timings and shall be designed to reduce upwards light spill. Only such approved external lighting shall be erected/installed.

Reason: To reduce light spill for visual amenity and biodiversity having regard to paragraph 174 of the National Planning Policy Framework 2021 and Policies CP3 and CP12 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Outline Planning Permission Conditions

The following conditions relate to Plots 28, 29 and 30 only as shown on Proposed Site Plan PL 01 Rev E.

Condition 29: Time Limit

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 30: Reserved Matters

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

The first reserved matters application will include a plot division plan.

The layout reserved matter and plot division plan cannot be approved before approval of details for Condition 6 have been obtained.

Reason: To reserve the rights of the Local Planning Authority with regards to these matters and ensure no conflict with the water main.

Condition 31: Maximum number of dwellings

The development hereby approved is for up to 3 dwellings only.

Reason: To ensure the density of development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created.

Condition 32: Height

No dwelling shall exceed two and half storeys with rooms in the roof.

Reason: To ensure the development is not overbearing to residential neighbours and is suitable for an edge of town location.

Condition 33: Detailed Plans of Road and Footway Layout

Except for investigative works, no development shall take place including the depositing of material(s) until full detailed engineering drawings of all aspects of roads, sewers and road lighting 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 in consultation with the Local Highway Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme.

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.

Condition 34: External Materials

Prior to the erection of external walls, external wall, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority. A sample of the external wall and roof material shall be made available at site upon request of the Local Planning Authority. The development shall be thereafter be constructed in accordance with the approved materials.

Reason: For the visual amenity of the development locality.

Condition 35: Energy Statement

An Energy Statement and Plans which accord with the measures detailed in the submitted Design & Access Statement dated 31.01.2022 shall be

submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The development shall thereafter take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy, greater energy generation output etc.

Reason: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 36: New Private Access/Verge Crossing

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

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and Standard Detail Number A1 and the following requirements:

- That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1:30.
- The final surfacing of any private access within 2 metres of any area which is to be adopted must not contain any loose material that is capable of being drawn on to the proposed public highway.
- Details of measures necessary to prevent surface water from any private access discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the above details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Target Determination Date: 23.01.2023

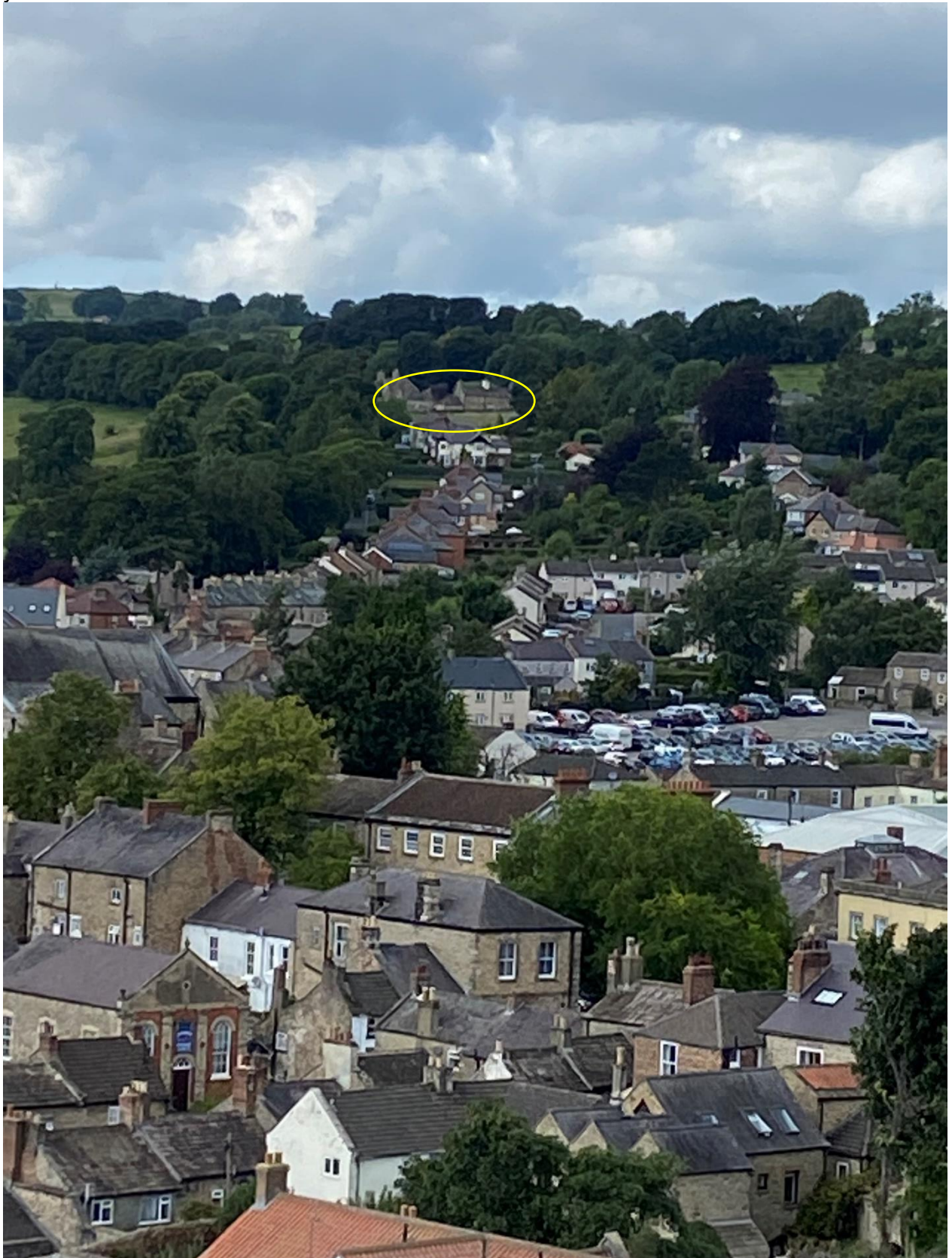
Case Officer: Fiona Hunter - fiona.hunter1@northyorks.gov.uk

Appendix A – Photographs from Richmond Castle Tower, August 2023

Figure A: View from top of the castle tower, **no zoom**. Application site circled in yellow.



Figure B: View from top of the castle tower, **with** zoom. Application site circled in yellow.



North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

14TH SEPTEMBER 2023

22/00063/FULL - FULL PLANNING PERMISSION (INCLUDING CHANGE OF USE) FOR 12 HOLIDAY LODGES, INSTALLATION OF PACKAGE TREATMENT PLANT AND AMENDED ACCESS

AT: EASBY PARK FIELD BETWEEN SOUTHERN JUNCTION OF EASBY
ACCESS ROAD AND EASBY NORTH YORKSHIRE DL10 7EU
ON BEHALF OF: LEISURE PARKS LTD

Report of the Corporate Director – Community Development Services

1.0 Purpose of the Report

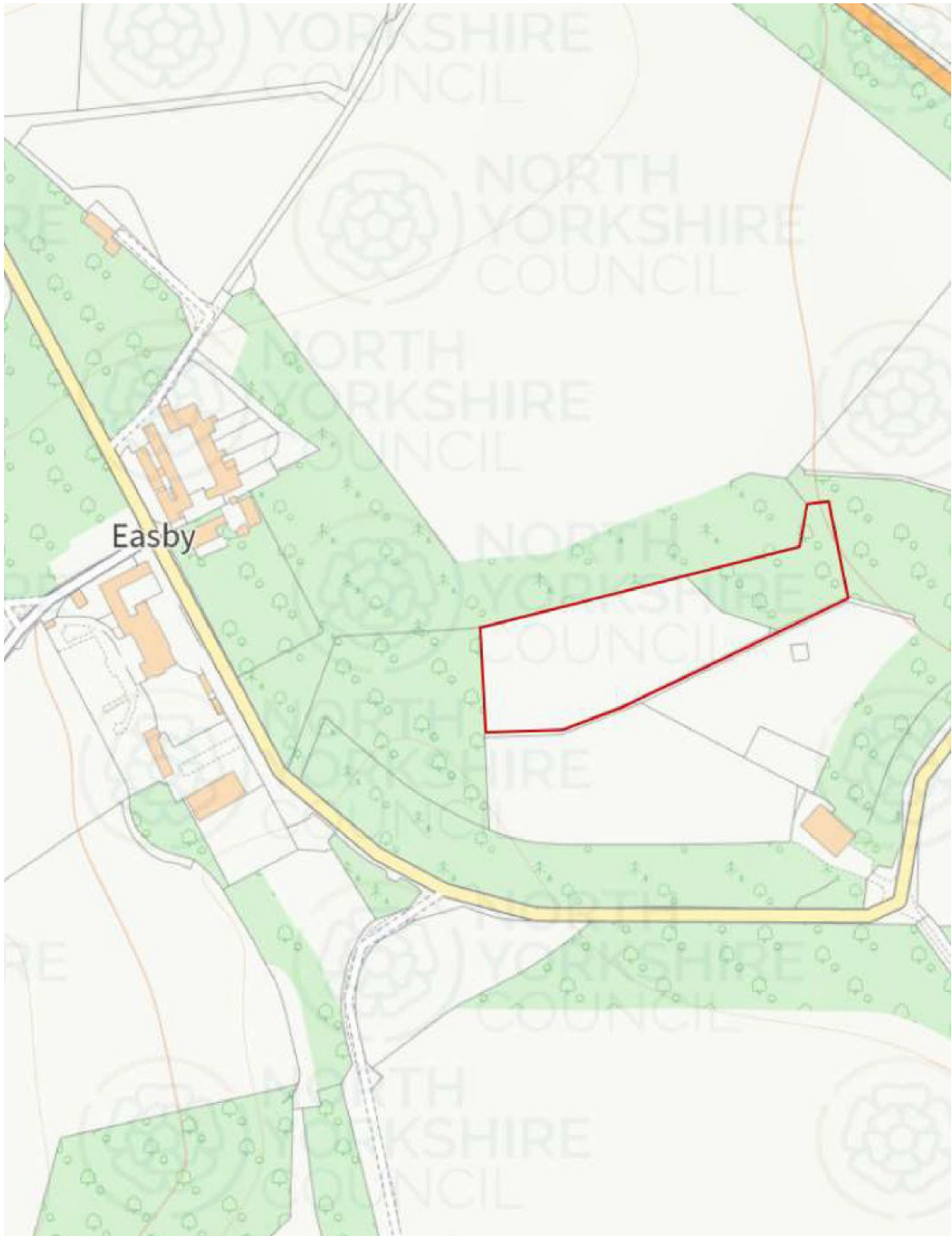
- 1.1 To determine a planning application for 12 Holiday Lodges, Installation Of Package Treatment Plant And Amended Access on land at Easby Park Field Between Southern Junction Of Easby Access Road And Easby North Yorkshire DL10 7EU
- 1.2 Councillor Carl Les has requested the planning application be determined by committee due to the public interest in this application. It was considered that the application includes significant material planning considerations.

2.0 Summary

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

- 2.1 The proposed development is for the erection of 12 holiday lodges, which would be single storey in built form and will be laid out in a linear form with a single access road running east to west. The access includes an 'in' and out facility to be located either side of the existing building. The entrance will run to the south of the building and the egress will be located to the north.
- 2.2 The site comprises of farmland used primarily for the grazing of sheep, with stock fencing and a single agricultural barn, located close to the access site. The site is bound by existing vegetation, with the exception of the eastern section of the northern boundary, which is at present demarked by a post and wire fence.
- 2.3 The site is subject to two previous appeals, both of which were allowed. The policy context within the first appeal is out of date and therefore it is not a significant material consideration in the determination of this application. The second appeal decision is more up to date and therefore considered to be a material consideration in the determination of this application. The proposal is

- a small scale tourist development and accords with Policies CP8 and CP10 of the Local Plan and therefore the principle of development is acceptable.
- 2.4 The key issues to be addressed in this application are the impact of the proposal on the rural landscape, the impact on the nearby Conservation Area, highway safety and ecological matters.
- 2.5 The site is well screened by woodland on the majority of its boundaries. The impact of the proposal would be partially concealed by the mature landscape in the winter months and concealed in the summer months. The proposed landscaping would further reduce the visibility of the proposal in the long term. The proposal would have no impact on the nearby Conservation Area due to intervening vegetation.
- 2.6 The proposed access arrangements and off site highway works are acceptable by the highway department and therefore the proposal would not cause severe harm to highway safety. The proposal provides ecological mitigation measures both on site and off site and overall would provide a bio diversity gain.
- 2.7 The recommendation is therefore to approve subject to the conditions set out at the foot of this report.



3.0 Preliminary Matters

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

3.2 There are two relevant planning applications for this application which are detailed below.

09/00616/FULL Full Planning Permission for Log Cabin Holiday Development of 12 No. Log Cabins | Field Between Southern Junction Of Easby Access Road And Richmond North Yorkshire- Permission refused 8th October 2009 but granted on appeal dated 21st July 2010 (reference APP/V2723/A/10/2122081).

Appeal 1

12/00795/EXT Extension of Time for Implementation of Full Planning Permission for Log Cabin Holiday Development of 12 No. Log Cabins Ref. 1/20/67A/FULL | Field Between Southern Junction Of Easby Access Road And Easby Richmond North Yorkshire granted permission subject to conditions and appeal allowed in relation to the time limit of permission dated 8th January 2014 (reference APP/V2723/A/13/2200408) **Appeal 2**

Further reference to these appeal decisions will be made in the main body of this report and the full decisions appear as appendices to this report.

4.0 Site and Surroundings

4.1 The application site occupies an approximate area of 0.95 Ha and is currently characterised by pastoral farmland used primarily for the grazing of sheep, with stock fencing and a single agricultural barn, located close to the access to the site. The site is bound by existing vegetation, with the exception of the eastern section of the northern boundary, which is at present demarked by a post and wire fence.

4.2 Beyond the vegetation, the site is bound to the south and west by an unnamed road from which the site takes its access in the south eastern corner of the site. This unnamed road extends along the site's southern boundary and then continues north where it meets the B6271 road. To the north the site is bound by further agricultural fields, currently used for sheep grazing.

4.3 The nearest residential properties are located to the west of the site fronting onto the unnamed road and further to the east fronting onto the B6271.

5.0 Description of Proposal

5.1 This application seeks full planning permission for the erection of 12 holiday lodges. The lodges will be single storey in built form and will be laid out in a linear form with a single access road running east to west. The lodges will be timber clad with pitch roofs and each one will have their own dedicated parking area.

5.2 Close to the access of the site there is an existing building, which would be retained and used for storage purposes in association with the proposed development. The access includes an 'in' and out facility to be located either side of the building. The entrance will run to the south of the building and the egress will be located to the north. The two access roads will then link up

within the site to provide a two way access road, which serves the holiday lodges.

- 5.3 The proposal includes a package treatment plant, which will manage the foul drainage from the proposed development and will be located in the north eastern part of the site and will discharge into an adjacent drainage field.

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 2021
- National Planning Practice Guidance

7.0 Consultation Responses

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

- 7.2 **Parish Council:** The Parish Council have written to object to the proposal on a number of occasions. However, they have recently written in June 2022 and their comments have been summarised as follows:

The Easby Parish Meeting objects to the planning application 22/00063/Full and urges the Council to uphold national and local planning policies to refuse permission for these log cabins as it did in September 2009 for an almost identical application for 12 cabins on the same site.

This application would destroy forever the unique peace and tranquillity of Easby which is the threshold to and Setting for the Conservation Area, disfiguring this unique amenity for residents, Richmond folk and visitors.

- Adverse effects on the Setting of the Conservation Area.
- Adverse effects on highway safety.
- Adverse effects on landscape
- Conflicts with tourism policies
- Adverse effects on Easby as a place to live.

- 7.3 **Member response:** Councillor Rowe objects to the proposed development.

- 7.4 **North Yorkshire Ecology** The application is supported by an ecological impact assessment (EclA). According to the EclA, the proposed development would be predominantly on agricultural grassland; a small area of plantation and part of a recently planted orchard would also be lost. 21 trees on or adjoining the site would require removal. There are few constraints in terms of protected species but the following mitigation measures should be adhered to: Badger mitigation (EclA section 4.3.2); bat mitigation (4.5.2); timing of vegetation clearance in relation to nesting birds (4.6.2). The ecological enhancements referred to in section 5 of the EclA should also be adhered to. The EclA contains Biodiversity Metric calculations. Including some enhancement of orchard habitat within the blue line boundary, a net gain of 2.35% would be achieved for area-based habitats along with a 25% increase in hedgerow units. If the Landscaping Proposals were to change, these calculations would need to be revised. A Biodiversity Management Plan would need to be submitted for approval prior to commencement, detailing how habitats would be created and maintained, including ongoing management.
- 7.5 **Historic England:** Thank you for your letter of 9 March 2023 regarding the above application for planning permission. Historic England provides advice when our engagement can add most value. In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.
- 7.6 **British Horse Society** The BHS is neutral with regard to this proposal, however I should like to raise the following for consideration. The entrance to the site opposite the entrance to the public bridleway, is that the only position it could be? Could consideration be given to making the public highway to the site a 30mph road, it is very narrow with poor sight lines, horse riders, walkers and cyclists use the road so in the interests of safety of these vulnerable road users this should be seriously considered, bearing in mind that persons using the holiday lodges will not be from the area or most likely familiar with rural road driving. There appears to be no mitigation for vulnerable road users along a single track service road with no passing places, leading from the end of the bridleway 20.21/7/2 to the next bridleway 20.21/5/1. The bridleway entrance directly opposite the proposed site entrance could be an area of high risk, as motorists not familiar with the area, will be looking for the Holiday Lodge site entrance and not for horses exiting the bridleway into the service road. This road is likely to receive a much greater use by the public because of this development, we seek clarification how this would be mitigated against. The site line underneath the tree canopy is poor and in bright sunlight horses and pedestrians are very difficult to see from vehicles traveling uphill towards the B6271, we believe this is a serious hazard.
- 7.7 **Yorkshire Water** This proposal is in an area not served by the public foul sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health Section for comment on private treatment facilities.
- 7.8 **Natural England:** No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant

adverse impacts on statutorily protected nature conservation sites or landscapes.

- 7.9 **Richmond Civic Society:** We share the concerns of many others over the traffic issues and the effects of this on Easby village. They wish to express their concern with and opposition to the proposed development of holiday lodges at Easby Park. The proposed development would be immediately adjacent to the designated Conservation Area surrounding Easby and would, in our opinion, have a detrimental effect on the local character, the distinctiveness and the appearance of the area, all of which are major considerations in preserving the heritage asset that is Easby.
- 7.10 **Environmental Health:** I have considered the potential impact on amenity, and likelihood of the development to be affected by, or cause, a nuisance and consider that overall, there will be limited adverse impact. The application introduces a vulnerable end use (domestic use) onto the application site which may have an historic use as agricultural/open land which has the potential to have caused contamination and as such any risks to the future occupants of the site in relation to contamination need to be assessed.
- 7.11 **CPRE:** has several concerns relating to the impact of the proposals on the important open countryside and pastoral setting to the Easby Conservation Area, lack of measurable biodiversity net gain, and the impact on highway safety of vulnerable users from an increased number of vehicular movements associated with the proposal on the local rural road network. As such the proposed development appears to be contrary to several local and national planning policies as set out above and therefore, CPRENEY respectfully ask that this proposal be refused.
- 7.12 **Environment Agency:** We have reviewed the information submitted with the application and do not object to the proposal. Their detailed comments are included in the main body of the report.
- 7.13 **North Yorkshire Police Traffic Management Officer:** Opposes the previous application for lodges on this site because of the poor junctions at either end of the lane and the fact that the lane was sufficiently narrow as to prevent cars from passing. I don't believe that anything has materially changed and the increase in traffic on the lane can only put extra pressure the junctions at both ends, neither of which could easily be improved to provide adequate visibility, as well as increase the likelihood of conflict on the lane.
- 7.14 **The Local Highway Authority:** No objections and recommends that the following Conditions are attached to any permission granted: New and altered Private Access or Verge Crossing, Visibility Splays, Delivery of off-site Highway Works, Details Of Parking & Construction Phase Management Plan.
- 7.15 **Local Representations:** 134 local representations have been received of which 2 are in support and 132 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.16 Objections:

- Increased traffic
- Loss of wildlife
- Impact on Area of great landscape value
- Character of the area will change and harmful to the conservation area.
- Will not assist the local economy
- Problems with construction traffic
- Already holiday accommodation nearby
- Will affect the setting of the Abbey
- More tourists than villagers
- Dangerous road with no footpath to Abbey
- Local homes required not holiday lets
- Will lead to further undesirable development
- Existing roadside trees are mature and can be seen through when the trees are not in leaf
- The additional trees that will be planted around the lodges will be immature and will take many years to provide an effective screen
- There are already two similar developments within a mile of Easby, at Brompton-on-Swale caravan park and Brompton Lakes lodges. There is no requirement for further development
- No jobs created by the development
- Easby Conservation Plan has deemed this area as an important open space area
- Discharge from package treatment plan will lead to flooding on the road.
- Loss of agricultural land

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

- Principle of development
- Impact on the character of the area
- Impact on the character and appearance of the Easby Conservation Area.
- Impact on road safety and highway issues
- Ecology and Trees
- Drainage Matters
- Other Considerations

10.0 Assessment

Principle of Development

10.1 The proposal is for 12 holiday lodges. The site is located in open countryside. Core Policy CP8 of the Core Strategy refers to Achieving Rural Sustainability. The policy states that support will be given to the social and economic needs

of rural areas lying beyond Spatial Principle SP2 settlements, by encouraging tourism related initiatives.

- 10.2 Core Policy CP10 refers to Developing Tourism. The policy states that tourist related activities will be encouraged where they make a sustainable contribution to the local economy, do not have a detrimental impact on and, where possible, enhance the local environment and landscape. The policy also states that in rural areas, new tourist accommodation, including the location of caravans (static and touring), chalet accommodation and camp sites, should be small scale, low key and low impact, and will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development.
- 10.3 Paragraph 84 of the National Planning Policy Framework refers to supporting a prosperous rural economy and states that planning policies and decisions should, in part, enable: the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and sustainable rural tourism and leisure developments which respect the character of the countryside.
- 10.4 The site has been subject to two previous appeals and therefore an assessment should be made as to whether these are considered to be a material consideration to the determination of this planning application. The first appeal decision (reference APP/V2723/A/10/2122081) **Appeal 1** was made in July 2010. At the time the inspectors letter referred to the appeal site lying within an Area of Great Landscape Value, as defined in the Richmondshire Local Plan. Although some of the conclusions derived from the decision letter may be of relevance, and are discussed later on in this report, the policy context is now different in that the Richmondshire Local Plan has been superseded by the Richmondshire Core Strategy. Furthermore, the appeal decision pre-dated the National Planning Policy Framework. Officers therefore considered the policy context on which the first appeal decision was made is out of date and carries little weight in the determination of this current planning application. Although some of the observations of the inspector in that decision do carry some weight and are discussed further in this report.
- 10.5 Turning to the second appeal decision (reference APP/V2723/A/13/2200408) **Appeal 2** was dated January 2014. The Core Strategy was adopted December 2014. Despite the Core Strategy being adopted after the second appeal decision was issued, the inspector concluded in paragraph 6 the following:

The Development Plan as relevant to this appeal has altered since the original grant of planning permission due to the revocation of the Regional Spatial Strategy. However, the other plan documents that were in place at the time of the grant of the original planning permission remain extant. Furthermore, the National Planning Policy Framework ('the Framework') was adopted in March 2012, and the Council has progressed with the Richmondshire Local Plan Core Strategy ('the Core Strategy'), with the Proposed Submission version having been published in August 2012. These would be relevant material considerations.

In line with the inspector's decision, officers consider that the second appeal decision is of a significant material consideration to the determination of this planning application.

- 10.6 In looking at the detail of the appeal decision, Paragraph 8 of the inspector's letter stated the following:

The Council considered that Core Strategy Policy CP10 continued the approach of saved Policy 74 of the Richmondshire Local Plan 1999-2006 towards chalet developments which would not have an unacceptable impact on the character and appearance of the countryside.

Furthermore, Paragraph 9 of the inspector's decision stated the following:

'With regards to the evidence placed before me, I would conclude that the proposed development remains in accordance with the policies of the Development Plan. Furthermore, I have been mindful of the support for the proposals provided by paragraph 28 of the Framework. This sets out support for sustainable economic growth in rural areas in order to create new jobs and prosperity through well designed new buildings, and sustainable rural tourism which respects the character of the countryside.'

The inspector concluded in Paragraph 11 the following:

In this respect, I am satisfied that the proposed development would be in accordance with the Development Plan and consistent with the objectives of the Framework.

- 10.7 Taking the policy context first, the following assessment can be made. Policy CP8 encourages tourism relating initiatives and Policy CP10 supports chalet style accommodation provided that they are small scale, low key and low impact, and will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development. Leaving aside the impact of the proposal on the character and appearance of the site and the ability of the local area to absorb the development, which is dealt with later on in the report, the proposal is small scale, comprising 12 lodges and will encourage further tourism in the rural areas which both Policies CP8 and CP10 support.
- 10.8 The Planning Framework provides support for the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. Paragraph 84 of the Framework does not rule out the possibility of new buildings in the countryside to provide this growth and therefore further support for the proposal is gained from the Planning Framework.
- 10.9 Turning to the appeal decisions, in particular Appeal 2, significant weight should be given to this decision in the determination of the current proposal. Although the permission for the lodges derived from the second appeal decision has lapsed (development should have commenced before 20 July 2016), the decision was made on the basis of the Planning Framework and the current Local Plan (albeit at an advanced stage towards adoption). The

thrust of the Framework in respect of the sustainable growth of rural business has not changed and the development plan policies have now become adopted unchanged from the time of the determination of the second appeal. The inspector concluded that the proposal would be in accordance with the development plan and consistent with the objectives of the Planning Framework and therefore for the above reasons the proposal is considered acceptable within the current policy context.

Impact on the character of the area

10.10 Policy CP3 supports sustainable development which promotes amongst other things the character and quality of local landscapes and the wider countryside. Policy CP10 states that small scale tourism development will only be supported in the countryside if it does not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development.

10.11 In support of the application the applicants have submitted a Landscape and Visual Impact Assessment. The report identified 22 viewpoints taken from footpaths and roads that were in close proximity to the site and also four internal views of the site. The report concluded the following:

With regard to the visual environment, it is clear that the dense vegetation structure and undulating topography within the wider landscape surrounding the site, serve to largely contain views towards the site. The only available views towards the site are therefore from within the immediately locality, namely the surrounding road corridors that bound the site to the south and east, the Public Footpath (20.21 411) that lies within the eastern site area and from the adjacent field to the north, through the gap in the existing vegetation structure along this boundary. While these views are noted however, it is also noted that the existing vegetation to the site boundaries ensures that views towards the site are heavily filtered with the only clear views towards the site available towards the site's north eastern corner. Within the majority of the views however the site is imperceptible, obscured by the undulating topography and vegetation structure within the wider landscape.

10.12 In terms of the visual environment and wider landscape, the report considered that the proposed development would constitute a change of Medium magnitude acting upon a Medium to Medium/High sensitivity receptor resulting in an effect of Moderate to Major/Moderate significance. However, the report concluded that it was likely that the proposed mitigation measures, which includes additional planting, would establish and mature the proposals, which would benefit from a heightened degree of physical and visual integration to the extent that any long term, adverse, effects arising as a result of the proposed development would be effectively mitigated, and in turn the overall significance of these effects would be reduced.

10.13 The assessment report has been fully considered and the conclusions the report produces are agreed and therefore it is considered the proposed development would not have a harmful impact on the rural landscape in the vicinity of the site and when viewed from public vantage points and accordingly complies with Policy CP3.

10.14 In terms of the capacity of the site the proposal is of a low density comprising of 12 lodges. Policy CP10 supports tourist development proposals provided that they are small scale, low key and low impact, and they do not adversely affect the character and appearance of the area, taking account of the capacity of the site and local area to absorb the development. The submitted land visual impact assessment concludes the proposal would not be harmful to the character of the area and the inspector in Appeal 1 (notwithstanding the out of date policy context) stated that on the issue of visual impact ‘ *the proposed development would not be sufficient to justify the refusal of planning permission*’. Furthermore, the inspector in Appeal 2 noted that ‘ *the Council considered that Core Strategy Policy CP10 continued the approach of saved Policy 74 of the Richmondshire Local Plan 1999-2006 towards chalet developments which would not have an unacceptable impact on the character and appearance of the countryside*’. The proposed development is therefore considered not to be harmful to the character of the area and accords with Policy CP10.

Impact on the character and appearance of the Easby Conservation Area.

10.15 The site is located to the east of Easby Conservation Area. The application site boundary is located approximately 80 metres to the east of the conservation area boundary. The wider area is owned by the applicant and includes an area of intervening woodland that abuts the conservation area. Core Policy CP12 refers to conserving and enhancing environmental and historic assets. The policy states that development or other initiatives will be supported where they conserve and enhance the significance of the plan area’s natural and man-made, designated or undesignated assets. Development will not be supported which has a detrimental impact upon the significance of a natural or man-made asset.

10.16 The conservation appraisal for Easby states that the village developed into two quite distinct areas, with the oldest buildings built on the low ground to take full advantage of the riverside location and a second group of buildings appearing on the elevated ridge to the north east along the access road. Between these two distinct building groups are a series of open fields, providing both an immediate and wider setting to the abbey ruins, and the overall form of the settlement. The Conservation Area also incorporates a substantial area of the surrounding landscape, in recognition of the role played by ‘setting’ in the overall character of Easby. Equally important to the setting is the open landscape outside the Conservation Area boundary particularly to the south of the river. The application site is located on the opposite side to the east of the conservation area. Furthermore, there is intervening vegetation between the application site and the conservation area. The conservation appraisal identifies an important approach along the road from the east of the conservation area and to the south of the application site. The proposed development would be well screened by vegetation between the application site and the road and therefore it is considered the approach to the conservation area from the east would not be harmed.

10.17 The first appeal decision referred to the conservation area, in particular the impact the proposal would have on the appearance of the conservation area. Paragraphs 12 and 13 of the inspector’s decision it stated the following:

The appeal site is outside, but adjacent to, the Easby Conservation Area. This area has considerable charm and contains some distinguished buildings (a number of which are listed) set in a most attractive landscape. The Conservation Area includes the remains of Easby Abbey, an ancient monument beside the River Swale, within the care of English Heritage. Generally, the village has an air of great tranquillity.

The proposed cabins would not be visible from within the Conservation Area, because of the intervening vegetation. In my view, they would have no effect on the Conservation Area's appearance.

- 10.18 In terms of the character of the conservation area the inspector in Appeal 1 considered the impact of the visitors of the development would have on Easby and the associated traffic and considered it would not have a harmful impact on the character of the conservation area. Overall, it is considered the proposal would have a neutral impact on the nearby Easby conservation area and accords with Policy CP12.

Impact on road safety and highway issues

- 10.19 The Council have received comments from the Parish Council and local residents stating that the application should be rejected as it will create a significant increase in traffic on a totally unsuitable lane. The North Yorkshire Traffic police also object to the proposal on the grounds there are poor junctions at either end of the lane and the fact that the lane is sufficiently narrow as to prevent cars from passing.
- 10.20 Paragraph 111 of the Planning Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, the bar for refusing a proposal on highway grounds is high.
- 10.21 The proposal is to create an 'in' and 'out' facility to the site with the access/egress roads being created either side of the existing agricultural building which is located to the front of the site. The two roads will then link together to form a combined access road to serve the lodges within the site. The highways department have considered the proposal together with the supporting information submitted by the applicant and consider it would not have a severe harmful impact on the road network.
- 10.22 The highway department have suggested a Grampian condition, which has been agreed by the applicant for some off site highway works. The agreed highway works would include, firstly, the creation of a right turning facility and associated carriageway widening on the B6271 at the junction of the Easby Village road with the B6271 to the east of the development site. This will include but not be limited to any signing, lining and associated carriageway works. Secondly, the provision of four passing places on the section of road, which lies between the application site and its westernmost junction with the B6271 at locations to be agreed between the applicant, the Planning Authority and the Highway Authority. The provision of an improved right turn facility on the B6271 and passing places is considered to overcome any concerns

expressed by the North Yorkshire Traffic Place and given it is supported by the highways department, the proposal is acceptable from a highway safety aspect.

Ecology and Trees

- 10.23 The applicant submitted an Ecological Impact Assessment (EIA) and Tree Report. According to the EIA the proposed development would be predominantly on agricultural grassland; a small area of plantation and part of a recently planted orchard would also be lost. The EIA considered that the grassland habitat was a low distinctiveness habitat that is in moderate condition therefore the loss of this was of no significant ecological impact. The orchard habitat on the site was assessed to be of a low condition as the fruit trees were still very young providing no dead wood, and the tall ruderal herbs and improved grassland that form the ground flora were more dominant.
- 10.24 The access to and from the site would extend through an area of improved grassland and the broad-leaved plantation woodland. An existing opening in one of the species poor native hedgerows would also need to be widened to facilitate access. The proposed works would require felling eighteen trees in this habitat to facilitate the creation of a new accesses to and from the site. There will also be a requirement to fell three trees adjacent to the existing access onto the site to create more space. The EIA considered the area to be lost was a minimal proportion to the total habitat area. Also, the widening of the existing access would result in a very minimal loss of this habitat as there is already a gap in the hedgerow. The tree report identified the trees to be removed as Category 'C' trees, which are considered to be of poor quality.
- 10.25 In mitigation the EIA states there would an enhancement of some of the existing grassland and new planting. Along each side of the access road, swathes of mixed native scrub would be planted with areas of grassland that will be enhanced with wildflowers to create areas of 'neutral grassland'. Native scattered trees will also be planted throughout these areas. In and around the new holiday lodges, ornamental shrubs would be planted along with some native trees. Some of the existing trees in the orchard habitat would also be retained. A new hedgerow would be planted along the eastern boundary of the holiday lodges area, to separate and protect the retained orchard habitat that lies outside the red line boundary. This will be a species rich native hedgerow.
- 10.26 In terms of Bio-diversity net gain the proposal includes off site mitigation to offset the loss of the orchard habitat to facilitate the development, some the entire area of retained orchard habitat that lies outside the red line boundary will be enhanced to a 'fairly good' condition. This is classed as off-site mitigation as it lies outside the red line boundary, but within the applicant's ownership. The combination of the on-site and off-site mitigation will deliver an overall net gain of 0.16 habitat Bu (+2.35%) and 0.33 hedgerow Bu (+25.10%). The EIA concludes that the development would have a Low Positive Residual Impact on the habitats at a site level.
- 10.27 With regard to protected species the North Yorkshire Ecological Team considered there were few constraints in terms of protected species but advised the following mitigation measures as outlined in the EIA and in respect of badgers, bats and timing of vegetation clearance in relation to nesting birds

should be adhered to. The Ecology team supported the proposal, however recommended a Biodiversity Management Plan would need to be submitted for approval prior to commencement, detailing how habitats would be created and maintained, including ongoing management. This would be subject to a planning condition.

Drainage Matters

- 10.28 The applicant has submitted a flood risk assessment & drainage strategy with the planning application. The site is located in Flood Zone 1 according to the Environment Agency's Flood Map which is the lowest risk zone. As a result, neither a Sequential Test nor an Exception Test are required. The proposal would therefore not create a risk of flood within or outside the site. The proposal is to manage runoff from the lodges, car parking and access road to the lodges by creating an infiltration basin adjacent to each lodge. Furthermore, the proposal also includes a filter drain network to capture road runoff from the access road so that the adjacent road network will not flood as a result of the development. No objections have been received from the statutory consultees.
- 10.29 With regard to foul drainage, it is proposed that a package treatment plant will be used to for the proposed development. The treatment plant would have a capacity of approximately 50 people. Given there is no available watercourse or foul sewer to discharge to the proposal includes a drainage field, which will treat the outflow from the package treatment plant and this will be located in the existing orchard located to the east of the lodges, well away from any public roads. Overall, there are no objections from Yorkshire Water or the Environment Agency. The EA have stated that government guidance contained within the National Planning Practice Guidance sets out a hierarchy of drainage options that must be considered and discounted in the following order: 1. Connection to the public sewer, 2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation) and 3. Septic Tank. Given there is no public sewer available the use of a package treatment plant is considered acceptable.

Other Considerations

- 10.30 The application has been subject to a significant level of objection from local residents. Some of the concerns raised have been considered in the main body of this report, however there are a number of other outstanding items raised. These include concerns stating that there already too much holiday accommodation nearby, local homes are required not holiday lets, the proposal will not assist the local economy, problems with construction traffic and loss of agricultural land.
- 10.31 With regard to the issue of too much holiday accommodation nearby the inspector considered this in Appeal 1 and stated *I have taken account of all the other matters raised, including the holiday cabin developments (known respectively as Brompton Lakes and Natural Retreat) that have recently been completed within a short distance of the appeal site; and the substantial representations about the present scheme that have been submitted by local people. However, I do not find these factors to be sufficient to outweigh*

the considerations that have led me to conclude that the appeal should be allowed. Given the inspectors comments, the presence of holiday accommodation nearby is not considered to be a sufficient justification to refuse the planning application.

- 10.32 Officers note residents concerns that local houses are required and not holiday lets. However, the proposal is for holiday lets and this application is required to be determined on its own merits. With regard to the local economy, the applicant has referred an economic benefit report undertaken by the UK camping and caravan club. The report found that the average spending by visitors in rented touring accommodation was £101 per day, which is more than the average tourist. In the absence of any contrasting information from the Parish Council or other amenity bodies this information is accepted as evidence that the proposal will contribute to the local economy Furthermore, the applicant has stated the proposal will create two full time and two part time jobs.
- 10.33 Local residents have raised issues with the problem with construction traffic associated with the proposed development. The highways department raise no objections, however a condition is required to provide a construction management plan. Residents have also raised the issue of loss of agricultural land, however the area involved is modest and its loss would not be a sufficient reason to justify a reason for refusing the application.

11.0 Planning Balance and Conclusion

- 11.1 Given the previous appeals on the site and the criterion set out in Policy CP8 and CP10 the principle of development is acceptable.
- 11.2 The proposal is not considered to be harmful to the character of the local area as the site is well screened and the proposed additional landscaping will provide further screening in the long term. The proposal would not be harmful to the character and appearance of the nearby conservation area.
- 11.3 The highway department have confirmed that with the access/egress arrangements and the off site highway works the proposal would not be harmful to highway safety. The proposal demonstrates a bio diversity net gain and the proposed surface water and foul water drainage is considered acceptable.
- 11.4 The benefits of the development will provide 12 attractive lodges set in a mature rural landscape with significant screened from public vantage points. The proposal will bring benefits to the local economy and provide a modest number of jobs.

12.0 Recommendation

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

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

Reason: To comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: 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 certificate
- b) Location plan LPD_1220_EPLP1A
- c) Site Layout Plan DRG No LPG/1220/EPLP2A
- d) Pre-development Arboricultural Report dated 28 July 2022 by Treescapes Consultancy Ltd
- e) Ecological Impact Assessment dated 15th November 2022 by Whitcher Wildlife Ltd. Ecological Consultants
- f) Detailed Landscape Design Overview 21-0522 V3, Detailed Landscape Design Planting Schedule 21-0522 V3 and Detailed Landscape Design Insets 1-8
- g) Flood Risk Assessment & Drainage Strategy dated 23rd July 2021
- h) Transport Statement dated 20th May 2021
- i) Swept Path Analysis T21513 002B
- j) Proposed site access and egress junctions T21513 001C
- k) Planning Design and Access Statement - December 2021 V1

Reason: To ensure that the development is carried out in accordance with the approved particulars and plans

Condition 3: Prior to the commencement of development details including layouts and elevations of the proposed lodges shall be submitted to and approved in writing by the local planning authority. The lodges shall be constructed in accordance with the approved details.

Reason: In the interests of amenity of the rural landscape.

Condition 4: The development must not be brought into use until the accesses associated with the site have been set out and constructed (easternmost access) or reconstructed (westernmost access), together with the crossing of the highway verge, in accordance with the approved details as shown on Drawing Number 001 Revision C and Standard Detail Number A1 and the following requirements:

- Any gates or barriers at the vehicular entrance must be erected a minimum distance of 10 metres back from the carriageway of the Public Highway and must not be able to swing over the Public Highway.
- The final surfacing of any access within 6 metres of the boundary with the Public Highway must not contain any loose material that is capable of being drawn on to the Public Highway.
- Details of measures necessary to prevent surface water from the site discharging onto the existing Public Highway must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. The measures should then be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

- Details of the measures that will be provided to ensure that the proposed one way flow of traffic to and from the site will operate effectively must be agreed with the Planning Authority in consultation with the Highway Authority before work starts on site. Once installed in accordance with the approved details the measures must be retained and maintained.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Condition 5: There must be no access or egress by any vehicles between the highway and the application site until splays in respect of the northernmost vehicular exit are provided giving minimum clear visibility of 57 metres to the north east and 52 metres to the south measured along both nearside channel lines of the adjacent carriageway 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.

There must be no access or egress by any vehicles between the highway and the application site until a splay in respect of the southernmost vehicular access is provided giving minimum clear visibility of 52 metres to the south west for a driver waiting to turn right into the site from the adjacent carriageway measured across the site as shown on Drawing Number 001 Revision C. In measuring the splay, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created this visibility splay must be maintained clear of any obstruction and retained for its intended purpose at all times.

Reason: In the interests of highway safety.

Condition 6: Unless otherwise approved in writing by the Local Planning Authority, there shall 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 buildings or other works until:

1. Full detailed engineering drawings of the required Highway improvement works which are listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
2. An independent Stage 2 Road Safety Audit carried out in accordance with 'GG119 Road Safety Audits' or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.
3. A programme for the delivery of the Highway improvement works must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.
4. Each item of the off-site Highway improvement works must be completed in accordance with the approved engineering details and programme.

The required Highway improvement works shall include:

- a. The creation of a right turning facility and associated carriageway widening on the B6271 at the junction of the Easby Village road with the B6271 to the east of the development site. This will include but not be limited to any signing, lining and associated carriageway works.
- b. The provision of four Passing Places on the section of road which lies between the application site and its westernmost junction with the B6271 at locations to be agreed between the applicant, the Planning Authority and the Highway Authority. The Passing Places will need to be installed by a contractor approved by the Highway Authority and be to the Highway Authority's Standard Detail K 160

The works detailed in 'a' above shall be completed to the satisfaction of the Highway Authority prior to any works being undertaken within the Development Site.

The works detailed in 'b' above shall be completed before the development is brought into first use.

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

Condition 7: 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 buildings until full details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

- Vehicular parking
- Cycle parking
- Visitor parking
- Staff parking

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

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development

Condition 8: 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:

1. 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.

2. An area for the parking of all contractors, site operatives and visitor's vehicles clear of the Public Highway.
3. An area for the storage of all plant and materials used in constructing the development clear of the Public Highway.
4. Measures to manage the delivery of materials and plant to the site including the routing of deliveries and the location of loading and unloading areas.
5. A photographic survey of the condition of the carriageway and adjacent verges of the full length of the minor road adjacent to the site should be undertaken before the development commences and submitted to the Planning Authority and the Highway Authority. The survey will be used in order to establish if any damage or degradation to the publicly maintainable 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

Condition 9: Prior to the commencement of development a Biodiversity Management Plan detailing how the habitats will be created and maintained, including ongoing management, shall be submitted to and approved by the Local Planning Authority. The approved management plan shall be fully implemented.

Reason: In order to ensure there is a biodiversity net gain.

Condition 10: 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 order to protect the health of construction workers and future occupiers

Condition 11: No external lighting shall be installed on the site without the prior written agreement of the local planning authority.

Reason: In the interests of the amenity of the rural landscape

Condition 12: The occupation of the lodges hereby permitted shall be for holiday purposes only, and no lodge shall be used as the occupants' sole or main residence

Reason: The use of the lodges as permanent residences would not be acceptable in the open countryside.

Case Officer: Nick Howard - nick.howard@northyorks.gov.uk

Appendix A - Appeal 1

Appendix B - Appeal 2



Appeal Decision

Site visit made on 5 July 2010

by **Michael Hurley BA DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
21 July 2010

Appeal Ref: APP/V2723/A/10/2122081

Easby Park, Easby, Richmond, North Yorkshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Randall Orchard against the decision of the Richmondshire District Council.
- The application (Ref: 1/20/67A/FULL) dated 14 July 2009 was refused by notice dated 8 October 2009.
- The development proposed is a log cabin holiday development of 12 log cabins.

Summary of Decision: I allow the appeal and grant planning permission subject to conditions, as set out in the Formal Decision below.

Application for costs

1. An application for costs was made by Mr Randall Orchard against the Richmondshire District Council. That application is the subject of a separate Decision.

Main issues

2. The main issues in this case are the visual impact of the proposed development; its effect on the character and appearance of the Easby Conservation Area; and its implications for road safety.

Visual Impact

3. The appeal site has an area of about 16ha, and lies in open countryside to the east of the village of Easby, from which it is separated by a block of mature woodland. The site consists mainly of pasture. However, a tongue of woodland, up to about 20m wide, runs eastwards from its western edge for about 160m, dividing the appeal site into two unequal parts.
4. The north-western boundary of the site is marked by the "Coffin Trod", a public bridleway, which is sunken between embankments for much of its length. The B6271 road runs along the eastern edge of the appeal site. The southern site boundary is defined by Easby Road, a minor road which links Easby to the B6271. There is a continuous belt of mature woodland, some 30 to 40m wide, within the eastern and southern margins of the appeal site, immediately adjacent to the B6271 and Easby Road.
5. A public footpath runs from west to east across the centre of the site (to north of the tongue of woodland) linking Easby to the B6271. At the time of my visit, the footpath was blocked at the Easby end, where it runs through residential property.

6. The proposed holiday cabins would be single-storey, timber structures of varying size. Seven of them would stand within the existing tongue of trees that divides the site. The remaining 5 would be grouped immediately to the south of this tree belt, on existing pasture land. Access to the proposed development would be by means of a new driveway, which would join Easby Road about 80m to the west of its junction with the B6271.
7. Trees have recently been planted to the south of the site of the proposed cabins and along either side of the line of the proposed driveway. Further woodland planting is proposed adjacent to the western end of the "Coffin Trod" and along the western edge of the appeal site.
8. The appeal site lies within an Area of Great Landscape Value, as defined in the Richmondshire Local Plan. Policy 7 of the Local Plan indicates that, within this area, extra care must be taken to conserve the special qualities of the landscape. Policy 74 of the Local Plan deals specifically with chalet developments for holidaymakers. It requires that such developments should have the benefit of natural screening by landform or trees, sufficient to ensure that they would be largely hidden from view, even in the winter months.
9. In my view, the proposed cabins would be well screened. I recognise that some existing evergreens would have to be removed from the tongue of woodland at the centre of the site to make way for the proposed development, and that it is already possible to see through this belt of planting from the footpath that crosses the appeal site, even in high summer. However it seems to me that the remaining trees on the site would provide an effective foil for the proposed cabins in views from the footpath, which would be some 80m away. The screening effect would be reinforced as the new and proposed landscaping matures. The same would apply to the view from the western end of the "Coffin Trod", which would be about 180m from the nearest cabin. The cabins would be screened by the embankment alongside the "Coffin Trod" further to the east.
10. Roadside woodland would screen the proposed cabins in views from the B6271 and Easby Road. Although it might well be possible to see some of the cabins through these trees, particularly in the winter months, the development would be progressively obscured as the on-site landscaping matures. Although some trees in the roadside belt would have to be cleared to make way for the proposed access and driveway, I do not consider that this would have a significant impact on the landscape.
11. There is no policy presumption against cabin developments in the Area of Great Landscape Value. My conclusion on the first issue is that the visual impact of the proposed development would not be sufficient to justify the refusal of planning permission.

Effect on the Easby Conservation Area

12. The appeal site is outside, but adjacent to, the Easby Conservation Area. This area has considerable charm and contains some distinguished buildings (a number of which are listed) set in a most attractive landscape. The Conservation Area includes the remains of Easby Abbey, an ancient monument beside the River Swale, within the care of English Heritage. Generally, the village has an air of great tranquillity.

13. The proposed cabins would not be visible from within the Conservation Area, because of the intervening vegetation. In my view, they would have no effect on the Conservation Area's appearance.
14. I have considered whether the proposed development would affect the Conservation Area's character. It is likely that holidaymakers staying on the site would come into the village, to admire its architecture and visit the Abbey. However, I think that their impact would be modest, and largely seasonal. As far as I am aware, there are no public entertainment facilities in Easby; no catering establishments; and no retail outlets. This is essentially a quiet rural settlement. I would expect it to remain so, notwithstanding a low key development of 12 holiday cabins close by.
15. I would expect little of the vehicular traffic generated by the proposed development to pass through the Conservation Area. The most direct route to and from the A1, Richmond and other attractions, would be by way of the B6271, via the junction to the east of the proposed site access. My conclusion on the second issue is that the proposed development would detract from neither the appearance nor the character of the Easby Conservation Area.

Road Safety

16. There are two junctions between the B6271 and Easby Road, about a kilometre apart. Police records show that there have been 10 personal injury accidents on the B6271 between these two junctions during the past 5 years, resulting in 4 serious injuries and 13 slight injuries. This seems to me to be an unsatisfactory record.
17. The most direct access to the proposed cabins would be from the more easterly of the two junctions, which would be relatively close to the proposed site entrance. Visibility is particularly poor for drivers turning right at this junction to enter Easby Road, due to a sharp bend in the alignment of the B6271 at this point. I note that none of the accidents shown in the police record have involved turning movement at this junction. However, this may reflect the fact that local people either avoid this manoeuvre or treat the junction with an appropriate degree of caution. Holidaymakers visiting the proposed cabins are likely to be unfamiliar with the road, and may be less circumspect. In my view, existing visibility for right turning traffic at the more easterly junction is sub-standard and potentially dangerous. In reaching this view, I have taken account of the fact that the measured 85th percentile speed of traffic using this part of the B6271 is 74kph westbound and 73kph eastbound.
18. I accept that the proposed development would attract only a limited amount of traffic; and that not all of this would turn right at the more easterly of the two junctions leading to Easby from the B6271. Nevertheless, Policy 74 of the Local Plan indicates that developments such as that proposed should avoid attracting traffic onto country roads which cannot accommodate it safely. The North Yorkshire County Council (as highway authority) oppose the proposed development on road safety grounds. The North Yorkshire Police have also expressed their concern on this count. In my view, the proposed development would fail to meet the requirements of Policy 74, without the substantial improvement of the junction in question.

19. The appellant has suggested that this junction could be improved by the widening of the carriageway of the B6271, and by the provision of ghost islands and a central refuge for traffic turning right into Easby Road. However, a plan of this scheme, prepared by the appellant's transport consultant, bears the following caption:
- ... the ghost island will improve the visibility for the right turning vehicle as it positions the vehicle in a better position to see oncoming traffic on the B6271. I am not sure that it will achieve the desirable standards, but it will undoubtedly be an improvement over the current situation.
20. The highway authority remains concerned that the development would result in conditions prejudicial to road safety. The police argue that the proposed road widening scheme would increase the severity of an already tight bend. Both bodies consider that the proposed improvement should be the subject of a road safety audit. As far as I am aware, such an audit has not yet been undertaken.
21. Nevertheless, in an email to the appellant's agent dated 18 November 2009, an officer of the highway authority said "... we are still of the opinion that a suitable right turning facility can be created at this junction". In the circumstances, it seems to me that a negative (Grampian) condition could be imposed, to preclude the proposed development from proceeding until such time as an acceptable scheme of junction improvements has been agreed and completed. Doubtless before agreeing to such a scheme, the local planning authority would wish to consider the outcome of a road safety audit.
22. My conclusion on the third issue is that it may be possible to overcome unacceptable road safety hazards by improvements to the junction between Easby Road and the B2671 to the east of the proposed site access. I consider that such improvements should be the subject of a negative (Grampian) condition.

Other Matters

23. The justification for Policy 74 of the Local Plan states that:

Experience has shown that, with care, camping, caravan and chalet sites can be absorbed into the landscape of the plan area, and that they are popular with holidaymakers. They also make a significant contribution to the rural economy ...

The Government's approach to such development is set out in Planning Policy Statement 4: *Planning for Sustainable Economic Growth*. Policy EC7 of this document enjoins local planning authorities to support rural tourism development, while carefully weighing the objective of providing adequate facilities against the need to protect landscapes and environmentally sensitive sites. In my view, the proposed development would be consistent with this approach.

24. I have taken account of all the other matters raised, including the holiday cabin developments (known respectively as Brompton Lakes and Natural Retreat) that have recently been completed within a short distance of the appeal site; and the substantial representations about the present scheme that have been submitted by local people. However, I do not find any of these factors to be

sufficient to outweigh the considerations that have led me to conclude that the appeal should be allowed.

25. I have considered the planning conditions suggested by the local planning authority. As the submitted plans provide details of the disposition and appearance of the proposed cabins, I see no need for the submission of further working drawings, or for the sites of the cabins to be pegged out for the Council's approval prior to the commencement of the development. Nor do I see any need for the precise floor level of these structures to be agreed by the local planning authority. Otherwise, I shall impose conditions along the lines sought by the District Council, for the reasons they give.
26. I have also considered the planning conditions sought by the highway authority. It seems to me that there is already an adequate construction access to the appeal site from Easby Road; that the highway authority are able to control works within the highway without the imposition of planning conditions; and that there is no need to impose a condition requiring the identification of parking spaces on a development of this nature. I shall however impose conditions relating to the design of the proposed site access, along the lines sought.

Formal Decision

27. I allow the appeal, and grant planning permission for a holiday development of 12 log cabins at Easby Park, Easby, Richmond, North Yorkshire, in accordance with the terms of the application, (Ref: 1/20/67A/FULL) dated 14 July 2009, and the plans submitted therewith, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted 1:2500 scale Indicative Parkland and Log Cabin Plan, Rev B, dated May 2009; the 1:500 scale Foundation and Drainage Layout Plan date July 2009; and submitted plan numbers JN0141 Dwg 003, RO/85989/A/1B, RO/85989/B/2B, RO/85989/C2B, RO/85989/D3B, RO/85989/E3B and RO/85989/F/4B.
 - 3) The development hereby permitted shall not commence until improvements to the junction between Easby Road and the B6271 (to the east of the proposed site access) have been completed in accordance with a scheme to be agreed in writing by the local planning authority.
 - 4) No construction works shall commence on the log cabins until samples of the materials to be used in the external surfaces of these structures have been submitted to and approved in writing by the local planning authority.
 - 5) Prior to the commencement of the construction of the cabins hereby permitted a detailed scheme of landscaping for the site shall be submitted to and approved in writing by the local planning authority. Landscaping works shall be carried out in accordance with the approved scheme. Any plants which die, are removed, or become seriously damaged or diseased within a period of 5 years from the completion of

- the development hereby permitted shall be replaced in the next planting season with others of similar size and species, unless the local planning authority give written consent to any variation.
- 6) The occupation of the log cabins hereby permitted shall be for holiday purposes only, and no cabin shall be used as the occupants' sole or main residence.
 - 7) No external lighting shall be installed on the site without the prior written agreement of the local planning authority.
 - 8) No gates or barriers shall be erected on the proposed access drive within 10m of the public highway.
 - 9) The final surfacing of the proposed access within 10m of the public highway shall contain no loose material capable of being drawn onto the highway.
 - 10) There shall be no egress of vehicles from the proposed site access onto the highway until splays are provided giving clear visibility of 2.4m x 90m in either direction along the carriageway of Easby Road. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
 - 11) Prior to the start of the construction works hereby permitted, a scheme to prevent the deposit of mud and grit on the public highway shall be submitted and approved in writing by the local planning authority, and the scheme as approved shall be put into effect.
 - 12) Prior to the construction of the log cabins hereby permitted, a scheme for the conveyance of foul drainage to a private treatment plant shall be submitted to and approved in writing by the local planning authority. No part of the development hereby permitted shall be brought into use until the sewage treatment system so approved has been constructed. The treatment plant shall thereafter be retained throughout the life of the development.
 - 13) No facilities for the storage of oils, fuels or chemicals shall be provided on the site without the written consent of the local planning authority.

Michael Hurley

Inspector

Appeal Decision

Site visit made on 4 October 2013

by M Seaton BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 January 2014

Appeal Ref: APP/V2723/A/13/2200408

Field between Southern Junction of Easby Access Road and Easby, Richmond, North Yorkshire.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Randall Orchard against the decision of Richmondshire District Council.
- The application Ref 12/00795/EXT, dated 19 November 2012, was approved on 6 March 2013 and planning permission was granted subject to conditions.
- The development permitted is a log cabin holiday development of 12 log cabins.
- The condition in dispute is the un-numbered 'time limit for implementation' condition which states that: 'The development hereby permitted shall be begun on or before 20 July 2014.'

Decision

1. The appeal is allowed and the planning permission Ref 12/00795/EXT for a log cabin holiday development of 12 log cabins at the Field between Southern Junction of Easby Access Road and Easby, Richmond, North Yorkshire granted on 6 March 2013 by Richmondshire District Council, is varied by deleting the un-numbered 'time limit for implementation' condition and substituting for it the following condition:
 - The development hereby permitted shall begin on or before 20 July 2016.

Procedural Matter

2. The Council has not included the time limit for the implementation of development in the form of a numbered condition on the decision notice, but has instead referred to it separate to the conditions. However, I am satisfied that the format of the decision clearly indicates that the time limit for the implementation of development is a condition of the grant of planning permission, and that despite it not appearing within the general list of conditions that it would be regarded as such.

Background and Main Issue

3. Planning permission was granted at appeal in July 2010 for a holiday development for 12 log cabins in a field close to Easby. The appellant made an application seeking to extend the period of time in which to implement the planning permission by a further 3 years. National guidance on this type of planning application explains that this specific measure to seek an extension to the time limit for implementing planning permissions was introduced to make it easier for developers and local planning authorities to keep planning

permissions alive for longer during the economic downturn, so that they can be implemented more quickly when economic conditions improve. It advises local planning authorities to take a positive and constructive approach towards planning applications which improve the prospect of sustainable development being taken forward quickly. In making their decisions, they should focus on development plan policies and other material considerations which may have changed significantly since the original grant of permission. However, they may refuse such applications where changes in the development plan and other material considerations indicate that the proposal should no longer be treated favourably. The application is valid as the time limit for implementation had not expired both on 1 October 2010 and at the date of the application.

4. The Council has granted planning permission subject to the implementation of the development taking place within 1 year, by 20 July 2014. The appellant is seeking to vary this condition to allow the development to be implemented within a 3 year time period.
5. The main issue is whether the condition is reasonable or necessary in the interests of proper planning.

Reasons

6. The Development Plan as relevant to this appeal has altered since the original grant of planning permission due to the revocation of the Regional Spatial Strategy. However, the other plan documents that were in place at the time of the grant of the original planning permission remain extant. Furthermore, the National Planning Policy Framework ('the Framework') was adopted in March 2012, and the Council has progressed with the Richmondshire Local Plan Core Strategy ('the Core Strategy'), with the Proposed Submission version having been published in August 2012. These would be relevant material considerations.
7. In accordance with the legislation, the Council is entitled to depart from the 'standard' 3 year time limit for the implementation of development having regard to the provisions of the development plan and to any other material considerations. This approach is also reflected in the national guidance for extending the time limit on applications which sets out a discretion to grant longer or shorter permissions if this is justifiable on planning grounds.
8. The appellant has contended in their evidence that there has not been a material change in circumstances relating to the main issues of the 2010 appeal, and that the proposed development remains in accordance with the Development Plan which was in place at the time of the application. I note that in granting planning permission the Council also reached the same conclusion that there were not sufficiently significant changes in circumstances to warrant no extension of the limit for permission being given. The Council considered that Core Strategy Policy CP10 continued the approach of saved Policy 74 of the Richmondshire Local Plan 1999-2006 towards chalet developments which would not have an unacceptable impact on the character and appearance of the countryside. Furthermore, the Highway Authority had no objections to an extension of the time limit. However, the Council expressed reservations regarding compliance with emerging policies, most notably in respect of design, and the continuing uncertainty that would persist for a further 3 years if planning permission were granted for that period. It is on this basis that an

extension of the time limit for implementation was consequently restricted to 1 year.

9. With regards to the evidence placed before me, I would conclude that the proposed development remains in accordance with the policies of the Development Plan. Furthermore, I have been mindful of the support for the proposals provided by paragraph 28 of the Framework. This sets out support for sustainable economic growth in rural areas in order to create new jobs and prosperity through well designed new buildings, and sustainable rural tourism which respects the character of the countryside. In respect of design, I acknowledge the Council's concern over the greater emphasis now being placed on high quality design but must point out that the achievement of high quality design would have been a fundamental and intrinsic element of both national and local planning policy and assessment at the time of the original decision. This is emphasised by the references to the need for design to be of genuine quality in saved Policy 5 of the Local Plan, and I would therefore disagree that this amounts to a significant change in circumstances.
10. The Council has also referred to a desire to reduce levels of uncertainty for the local community within which there was considerable opposition to the original proposals. However, whilst I have sympathy with the position that opponents to the proposals might find themselves in, it would not be a reason premised on material planning grounds to justify limiting the time period for the implementation of development to less than the 3 year norm.
11. On the basis that the proposed development accords with the Development Plan, it would have been entirely reasonable for the appellant to expect an extension to the time limit for implementation to be granted for a 'standard' 3 year period. If the Council believed there to have been a material change in circumstances sufficient to outweigh the conclusions reached in respect of the Development Plan, the onus would have been on the Council to have reached a different conclusion on the application, and opt not to extend the time limit for implementation. The reasoning provided by the Council would not be of sufficient weight to justify the restriction of the extension of the time limit to 1 year. In this respect, I am satisfied that the proposed development would be in accordance with the Development Plan and consistent with the objectives of the Framework. I therefore conclude that the condition restricting the time period to 1 year for the implementation of development is not reasonable or necessary in the interests of proper planning, and I will replace the condition with a 3 year time period for the implementation of development.

Conclusion

12. For the reasons given above I conclude that the planning permission should be varied as set out in the formal decision.

M Seaton

INSPECTOR

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

14TH SEPTEMBER 2023

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

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

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

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

2.0 Summary

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

- 2.1 This amended application seeks full planning permission for the construction of 53 affordable dwellings on the application site. The proposals would include a mixture of house types and sizes: single bed units, two and three bed properties as well as four bed 'family' properties. Two and three bed bungalows are included alongside 2 storey detached, semi-detached and terraced properties. The application site consists of agricultural grazing land located to the rear (west) of the existing residential properties of 50-66 Ainderby Road which are sited adjacent to the western edge of Ainderby Road.

- 2.2 The proposed development is located outside of the main built form of Romanby and thus is in a countryside location as defined by Policy S5 of the Local Plan. There is only support for housing development in this location as an exception for 100% affordable housing. In this case 100% affordable housing is now being proposed and as such the principle of development is in accordance with policy HG4 of the Hambleton Local Plan.

3.0 Preliminary Matters

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

[Online Related Documents](#)

3.2 The application as submitted, proposed 51 dwellings, but the proposals were subsequently amended to include the provision of two additional units overall, as well as an amendment to the proposed housing mix to include eight one-bedroom units. The latest amendment to the scheme allowed for the incorporation of 100% affordable dwellings within the submission. A full suite of amended and updated plans and application documents have been submitted by the agent and have been subject to a 21 day re-consultation. A further consultation period has been allowed, following the change to 100% affordable housing. This consultation period expires on the 11 August. However, given that the additional consultation is not for any physical amendment to the scheme, this is considered appropriate in this case.

3.3 There are eight relevant planning applications for this site which are detailed below.

- 76/0681/OUT - Outline application for residential development; Withdrawn 26 October 1976.
- 76/0705/OUT - Outline application for residential development; Refused 25 November 1976.
- 88/0140/OUT - Outline application for residential development; Refused 9 March 1989, Appeal dismissed 9 April 1990.
- 89/0394/OUT - Outline application for residential development; Refused 10 October 1989.
- 90/0177/OUT - Outline application for residential development; Refused 4 September 1990.
- 15/00005/TPO2 - TPO in relation to an Ash Tree (Tree Preservation Order 2015 No 5); Confirmed 2 June 2015. This tree is located on the northern boundary of the application site, towards the north-western corner, and is proposed to be removed as part of the proposals.
- 14/02609/FUL - Construction of 56 no dwellinghouses with associated access, parking, open space and landscaping and demolition of 56 Ainderby Road (as amended); Refused 21 April 2016.
- 17/00838/FUL - Construction of 46 dwellinghouses with associated access, parking, open space and landscaping and demolition of 56 Ainderby Road; yet to be determined by the LPA.

4.0 Site and Surroundings

4.1 The 2.1ha application site consists of agricultural grazing land located to the rear (west) of the existing residential properties of 50-66 Ainderby Road which are sited adjacent to the western edge of Ainderby Road. The site is located to the south of St Paulinus Drive and St Cuthbert Drive, with The Green sited further to the north.

4.2 The application would see the development of the eastern and southern parts of the larger fields within which it is located, a hedgerow (with large gaps within its length) running east-west down its centre suggesting that the field was historically separated into two, although this is no longer the case due to

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

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

5.0 Description of Proposal

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

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is:
- Hambleton Local Plan, adopted 2022.
 - North Yorkshire Joint Waste and Minerals Plan 2022.

Emerging Development Plan – Material Consideration

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

Guidance - Material Considerations

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

7.0 Consultation Responses

- 7.1. The following responses have been received and are summarised below. The re-consultation period is ongoing. Page 89 of writing (ends on the 11

August). Any re-consultation representations received after the publication of this report will be reported to Members via the update list or during the Meeting. Please note that consultation responses received in relation to the application as originally submitted have been referred to where they are still considered relevant to the amended proposals and have not been superseded by re-consultation comments /representations.

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

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

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

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

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

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

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

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

NYC Environmental Health (EH): EH have provided the following additional comments/observations in relation to the amended proposals (as summarised):

Having reviewed both odour assessment reports provided with this application, EH note that conclude that the development will not be subjected to more than 5 OUE/m³ most of the time, depending on meteorological conditions and that the development as a whole will not be subjected to worse odours than the nearby existing housing.

EH have also confirmed that there have been relatively few complaints of odour to Yorkshire Water between 2010 and 2018, but with both reports highlighting the possibility that new receptors moving into the area may be more sensitive to odours and more likely to complain, compared to existing residential residents who may have become partially conditioned to the odours.

The reports both conclude that the residents of the new development will occasionally be subjected to a degree of odour from the sewage works, but that works undertaken/to be undertaken at both sewage works will reduce the impact substantially and, although the new development will be closer to the sewage works, it will not be impacted to a greater degree than existing residential receptors.

Environmental Health consider that there is enough information in the odour assessments to be reasonably confident that the development in this location will not have a severe adverse impact from odour.

However, they highlight that both reports recommend that Yorkshire Water undertake further odour abatement works at their Waste Water Treatment sites.

In response to the original consultation, EH made the following comments/observations: *“the applicant has provided an odour assessment by WSP, dated March 2021, that reviews an odour assessment undertaken by the same company, for approximately the same site, in 2013, but the original report has not been provided with the application. In the conclusion WSP demonstrated that the report was still relevant and could be used with the latest application. The 2013 report also stated in the conclusion that odour levels are likely to be below the 98th percentile threshold of 5 OUE/m³, meteorological conditions permitting. The current report has used the lack of a significant number of complaints received by Yorkshire Water over a 10 year period as validation of the conclusion drawn by the 2013 report. However, the report also acknowledges that the introduction of new receptors to low level sewage smells is likely to generate more complaints. It also highlights the need for the Sewerage Undertaker to carry out further work at both sites if further residential development is proposed closer to the existing sewage works. The conclusion seems to suggest that there will be some adverse impact on the new residents and that Yorkshire Water would have to carry out works to minimise the risk of complaints. The report does not seem to consider if the sewage treatment works are already using best available techniques (BAT) to reduce odours to a minimum and it may be that odour emissions cannot be reduced further...”*

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

imposed detailing the procedures to be followed should unexpected contamination be found during construction.

NYC Lead Local Flood Authority (LLFA): No objections to the proposed Exceedance Flow plan

Response to original consultation:

Flood Risk:

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

Runoff Destinations:

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

Peak Flow Control/Volume Control:

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

Pollution Control:

SuDS design must ensure that the quality of any receiving water body is not adversely affected and preferably enhanced. Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems. The use of petrol interceptors will only need to be used for sites that require 30 or more car park spaces or equivalent area of hardstanding.

Designing for Exceedance:

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

Climate Change and Urban Creep:

An allowance of at least 30% must be made in SuDS design for increased amounts of rainfall as a result of Climate Change. Additionally, a 10% allowance must be made in the designed SuDS for Urban Creep. An allowance of 40% has been applied to the submitted calculations.

Construction:

Temporary flood risk measures during the construction phase should be submitted to

the Local Planning Authority to mitigate the impact of flooding and contamination during the construction of the site.

Maintenance:

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

NYC Local Highway Authority (LHA): No formal representation has been received from the LHA, although the LHA have been reconsulted on the amended/revised plans, and a formal recommendation is expected for the Planning Committee Meeting. Discussions between the Highways Officer and the agent regarding a number of minor issues remain ongoing, although the Highways Officer has told Officers that there are no fundamental concerns regarding the proposals. A positive recommendation is therefore anticipated, although the formal LHA recommendation (and any recommended conditions) will be reported to the Planning Committee.

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

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

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

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

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

- Affordable Housing – In order to promote community cohesivity, dwelling tenure should not be identified by its design or location and should be spatially integrated.
- Access/Movement - The proposed vehicular access onto the site and movement within it are suitable as it keeps permeability at an appropriate

level. Internal routes are well overlooked and will provide road users and pedestrians with a sense of safety and security.

- Public Open Space - The current location of the Public Open Space is appropriate as it is at the entrance to the development, with good levels of natural surveillance from nearby dwellings. Details of its maintenance should be agreed.
- Boundaries - The submitted drawings show rear boundary and sub-divisional treatments to a height of 1.8m, which is appropriate and will provide a good level of security.
- Car Parking - parking in front of the property as proposed is welcomed as it can be seen by the owner and avoiding the use of rear parking courts. Note that there are several Plots, where the parking provision is at the side of the property and to enhance the security of vehicles parked there, where not already provided, consideration should be given to ensuring that there is a window at ground floor level in the relevant side elevation, from an “active room”.
- Lighting - All external doors, should be illuminated with vandal resistant security lighting,
- Landscaping - The proposed landscaping details appear to be appropriate and raise no concerns in relation to designing out crime.

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

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

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

- The development shall be carried out in accordance with the latest submitted Drainage Plan (20T2140 rev. P03)
- No construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that

access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

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

Local Representations

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

7.3. Objections:

- The amendment to 100% affordable housing only makes matters worse, owing to the lack of local public transport, pressure on local services and lack of employment.
- The District's need for affordable housing is already being met.
- This is a village environment and not a town and as such unsuitable for development.
- The developers of North Northallerton should be made to deliver any necessary affordable homes.
- Policy does not support an affordable housing exception in this location as this is not considered to be a rural village.
- Loss of mature landscaping is harmful to the character and amenity of the area.
- This development will be used to provide accommodation for people from other areas and will not be responding to local need.
- The amendments offer no improvements in comparison with the originally submitted proposals.
- The application site is located outside the main built form of the settlement and the development within this location has no support within the policies of the Local Plan.
- There's no requirement for the level of housing and the additional affordable housing proposed.
- There have been previous refusals (and a dismissed appeal) for housing on the site.
- Concerns about the amount and types of affordable housing proposed.
- Removal and detrimental impact on established hedgerows and trees, including an Ash Tree subject of a TPO.
- Detrimental impact on ecology, including bats.
- Inappropriate on-site landscaping/planting.
- Unsympathetic boundary treatments.
- The design (including materials) of dwellings are not in keeping with the character of the area.
- Road and pedestrian safety concerns, including lack of visibility onto Ainderby Road, increases in traffic and congestion.
- Lack of proposed parking.
- The layout leaves open the potential for further development on adjacent land.

- Local infrastructure, including the sewer system, schools , dentists and health services, is already at capacity and would struggle to cope with the additional houses.
- No additional facilities are being provided with the proposals.
- Additional surface water run-off would lead to flooding issues in the locale.
- Amenity concerns for existing local residents, including the glare from car headlights, disturbance from additional traffic movements, loss of light and loss of privacy.
- Disruption and amenity concerns for local residents during the construction phase.
- The development would be in close proximity to the existing Sewage Treatment Works.
- Adverse impact on the landscape and the character of the settlement, including additional light pollution.
- The development would result in additional pollution and a reduction in air quality..
- The development will result in the outward spread of the settlement and 'urban sprawl'.
- The development will utilise the Best and Most Versatile Agricultural Land.
- The development lacks renewable energy installations.
- Concerns about the contents of some of the application documents.
- The development would result in a decrease in the security of neighbouring properties.
- The cited reason for refusal for development of this site in 1988, of severe odour impact, still stands.

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

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

- Location and Principle of Housing Development
- Affordable Housing Provision and Housing Mix
- Nationally Described Space Standards (NDSS) and Adaptable Homes
- Heritage Impacts
- Design
- Impacts on the Landscape/Countryside and the Settlement's Setting/Character
- Landscaping (including existing Trees & Hedgerows) & Green Infrastructure
- Ecology and Biodiversity Net Gain
- Amenity
- Highway Safety, Accessibility, Permeability and Connectivity
- Impact on the Public Right of Way (PROW) Network
- Water Supply and Foul Drainage
- Flood Risk and Surface Water Drainage/Management
- Contamination and Pollution
- Climate Change Mitigation and Carbon Savings

- Crime, Anti-Social Behaviour and Secured by Design
- Aerodrome Safeguarding
- Public Open Space and Play Provision
- Existing Infrastructure

10.0 Assessment

Location and Principle of Housing Development

- 10.1 The Hambleton Local Plan includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036). Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.
- 10.2 Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the Hambleton plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages', 'Secondary Villages' and 'Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns. The so-called 'defined settlements' (i.e. the specific towns and villages within the settlement hierarchy) are expected to accommodate a level of growth reflective of their size, character and range of services/facilities.
- 10.3 Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. However, the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy of Policy S3.
- 10.4 Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios.
- 10.5 The application site is not an allocated site within the Local Plan and is located outside but adjacent to the main built form of the defined Market Town of 'Northallerton with Romanby'. In terms of the definition contained within Policy S5, the site is within a countryside location. Although Policy HG5 supports windfall housing development adjacent to the built form of defined villages within the settlement hierarchy of Policy S3, as a defined Market Town, this part of Policy HG5 is not applicable to Northallerton with Romanby

and therefore the application site is not supported as a windfall housing site by Policy HG5 of the Local Plan.

- 10.6 The development as now proposed for 100% affordable housing is considered to be a rural exception site and as such the requirements of Policy HG4 can be applied. Observations have sought to argue that policy HG4 would only apply to settlements smaller than the Market Towns and on this basis the exception for affordable housing on the edge of a Market Town (which would include Northallerton with Romanby) would not be applicable.
- 10.7 Policy HG4 sets out exceptions from 'normal' housing policy and in reviewing the context of Policy HG4 there is nothing that precludes an affordable exception site, in a countryside location, on the edge of a Market Town. Officers consider that policy HG4 is applicable and as such the principle of affordable housing in this location is acceptable in principle. Notwithstanding this conclusion it would otherwise be reasonable to give weight to the provision of affordable housing, in the light of the applicant's submissions (set out in the following paragraphs) on the need for affordable housing.
- 10.8 Officers consider that the location of the site and nature of the housing development proposed is capable of meeting the criteria of a rural exception scheme as 100 per cent affordable housing is now to be provided. Overall, it is considered that the principle of the development as a rural exception site is supported by Policy HG4.

Affordable Housing Provision

- 10.9 As a rural exception site Policy HG4 requires 100 per cent affordable housing provision.
- 10.10 Through the (amended) Planning Statement the agent has sought to demonstrate that the amended proposals would help the Council meet 'an immediate and pressing need' for affordable housing and affordable housing delivery in the former Hambleton District area and Northallerton / Romanby in particular. The development would achieve this by providing a significant number of on-site affordable dwellings as well as helping to meet an identified local need for affordable, single bed units. These, the agent has argued, are important material considerations that result in significant benefits that should be given considerable weight in the planning balance and would therefore justify the approval of planning permission in this case.
- 10.11 The (amended) Planning Statement acknowledges that the Council's Housing and Economic Needs Assessment (HEDNA) (2018) has assessed the former District's housing need for the period 2016-2035, and that the HEDNA has identified a net need for 55 affordable dwellings per annum (or 1,048 dwellings in total) over the 19-year HEDNA period. However, in accordance with the 'Sedgefield' method, the Planning Statement argues that there is an overriding requirement to address any backlogs in housing delivery or shortfalls in meeting identified housing needs as soon as possible and ideally within the first five years of the base-date of the HEDNA, siting an appeal case at Back Lane, Sowerby in support of this approach. Adopting the 'Sedgefield' method, the (amended) Planning Statement concludes that the

affordable housing need increases to 127 dwellings per annum (or 635 affordable units in total, 2016-2021).

- 10.12 The (amended) Planning Statement and Affordable Housing Statement acknowledges that between 2016/17-2020/21 547 affordable homes have been delivered; this significantly exceeds the HEDNA requirement in this same period of 275 dwellings. However, as the HEDNA has spread the affordable housing backlog across its 19 year period (rather than within the first 5 years of the base-date, this level of delivery has been insufficient to meet the affordable housing need and clear the backlog in this period, resulting in a shortfall of 88 dwellings (-14%). In addition, the (amended) Planning Statement argues that development approved on previous housing allocation sites has not secured the level of affordable housing provision originally envisaged and that the level of affordable housing completions have experienced a 'sharp drop' in numbers in 2021/22 when compared with previous years. The proposed development would therefore assist in reducing this perceived current shortfall resulting from the under provision of affordable homes on previously allocated sites within Northallerton.
- 10.13 The (amended) Planning Statement and Affordable housing Statement argue that a range of market signals suggest a 'poor and worsening' situation for housing affordability in recent years, including from 2019, with North Yorkshire Home Choice data (from 17 March 2023) showing the following, which it is argued, confirms that the Hambleton District Local Plan area is experiencing an ongoing and persistent housing affordability crisis, reinforcing the need to deliver affordable housing now rather than over the HEDNA's 19-year period:
- (a) 1,166 active applications in the former Hambleton authority area, with over half the households (643) expressing preference to live in the Northallerton area
 - (b) 51 per cent of active applications were in the higher three priority bands of need.
 - (c) The median house price in Hambleton was £80,000 more than the regional average in 2021.
 - (d) Lower quartile private sector rents in Hambleton stood at £525 per calendar month in 2020/21, which is £50 more than in Yorkshire and the Humber;
 - (e) The tenure split in the former Hambleton area leans towards home ownership and away from social renting when compared with England as a whole; in Romanby this trend is more pronounced, with higher levels of home ownership still, and correspondingly lower levels of social renting.
 - (f) The lettings data shows that the number of bids per dwelling varies by size and type but one-bedroom flats attracted the most bids with an average of 62 bids per dwelling, followed by two bedroom flats (average of 53 bids per dwelling) and two-bedroom houses (average of 46 bids per dwelling).
- 10.14 The Council's Planning Policy Officers have provided up-to-date data on affordable housing completions. The data shows that 654 affordable dwellings were completed within the period 2016-2021, some 19 units above the 635 affordable homes that the agent has stated were required within the aforementioned five year period. The data therefore shows that there is no remaining/current affordable housing backlog or shortfall in provision in terms

of the HEDNA and the Local Plan. Currently the data provided also shows that there are 438 affordable dwellings within the Plan Area with the benefit of extant planning permission, 224 of which are currently being built. There is a further 71 potential affordable units within two major schemes currently under consideration, providing a potential current supply of 509 dwellings. This is considered to meet the existing year-on-year affordable housing target (as set out in Policy S2) of 55 affordable units per annum.

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

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

Housing Mix

10.17 In respect to housing mix, criterion (f) of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the SHMA...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Council also has a Housing SPD that provides detailed supplementary guidance on the housing needs within the area.

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

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

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

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

Nationally Described Space Standards (NDSS) and Adaptable Homes

10.21 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.

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

Heritage Impacts

10.23 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

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

10.25 The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.

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

10.27 Overall, the proposals would not directly affect any designated or non-designated heritage assets or their settings, and thus the proposals would comply with the NPPF and policies S7 and E5 of the Local Plan.

Design

10.28 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 (amongst other less relevant considerations):

- Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.);
- Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site (criterion h.)

10.29 The Design and Access Statement (DAS) submitted with the application has outlined the design process behind the proposed development and states that it has been informed by local context and character of the surrounding area (as required by criterion h. of Policy E1) In summary, this (the DAS states) would be achieved by:

- appropriate 'human scale' sizes and building proportions;
- building heights that would respect the scale of adjacent properties;
- the use of asymmetrical roofs to help reduce the massing of dwellings; and
- the predominant orientation of dwellings to front the main estate road; the avoidance of blank gables where side elevations are proposed to front a road.

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

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

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

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

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

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

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

Landscaping (including existing Trees & Hedgerows) & Green Infrastructure

10.35 Criterion b. of Policy E1 (Design) states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping. I

10.36 In respect of existing trees and hedgerows, Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.

10.37 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Hambleton Local Plan as a Green Infrastructure Corridor.

10.38 Arboricultural Impact Assessment (AIA), Arboricultural Method Statement (AMS) and Tree Protection Plan have been submitted with the application. The AMS report states that it has been produced to ensure the best practice in the management of the trees (during demolition and construction phases of the proposed development) are adhered to and includes details of protective barrier erection an appropriate siting of compound and storage areas, the provision of appropriate surfacing and digging methodology and recommendations.

10.39 The application documents show that of the total twelve on-site and off-site trees identified, as well as the six off-site tree groups, only the following trees works are considered to be required:

- minor pruning works (to off-site tree group 6) would eb required to facilitate the development;

- removal of a mature ash tree (T8) subject to a TPO (ref. 15/00005 T1) due to its limited remaining lifespan and safety issues as a result of the presence of a fruiting body (and potentially ash dieback)
- 10.40 With exception of tree 'T8', the identified on-site/off-site trees and tree groups are considered to be retainable, subject to adequate protection provided by the erection of protective barriers as shown on the Tree Protection Plan. Tree Group 4 would also be protected through the implementation of tree-friendly 'no-dig' methodology in the area shown on the Tree Protection Plan. If planning permission is granted, it is recommended that these measures are implemented prior to and during the demolition/construction phases of the development.
- 10.41 Similarly, the AIA has confirmed that 7 of the 9 identified existing off-site/on-site hedgerows would not require any works as a result of the proposed development, and can equally be protected during demolition/construction from the installation of protective barriers and the implementation of a tree-friendly 'no-dig' methodology, these measures should be conditioned if planning permission is granted.
- 10.42 A 109m section of a mixed hawthorn/holly) hedgerow (6) would be required to be removed in order to facilitate the proposed development, although the parts of this central hedgerow located outside of the application site but within the designated retained field area and ecological enhancement area (within the land-edged-blue) would be retained, with the part within the ecological enhancement area proposed to be enhanced through gap planting of native species. A Leyland cypress hedgerow (8) would need to be fully removed in order to facilitate the proposed development.
- 10.43 The removal of Tree 8, despite being subject of a TPO, is considered to be reasonable given the limited life expectancy of the tree. The biodiversity and ecological enhancements proposed would include 35 new trees of various species, therefore the loss of the tree and its ecological and visual amenity benefits, are considered to be acceptable. Likewise, the partial of hedgerow 6 would have ecological and visual amenity impacts, but these would be outweighed by the hedgerow enhancements.
- 10.44 Overall, the proposed development is considered to comply with the relevant requirements and expectations of policies E1, E4 and E7 of the Hambleton Local Plan.

Ecology and Biodiversity Net Gain

- 10.45 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.
- 10.46 Policy E3 also states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in special circumstances in detailed in Policy E3.

- 10.47 Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (amongst other less relevant matters):
- 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.48 In terms of BNG, a Biodiversity Net Gain Report has been submitted to accompany the completed BNG metric calculator (version 3.1) with the application. The BNG Report confirms that the proposals would include 1.93ha of enhanced habitat (located to the west of the application site within the land-edged-blue, with the small BNG calculator (version 3.1) showing the potential for the proposed development to achieve a 21 per cent net gain in habitat units and a 36 per cent net gain in hedgerow units within the 'land-edged-blue', although without the proposed enhancements the metric shows that there would be a loss in habitat units of between -9.45 and -20.59 per cent.
- 10.49 The BNG Report confirms that this would be achieved by:
- additional/replacement tree planting (35 new trees in total)
 - grassland enhancement (increasing the species diversity and variety to greater than 9 species per metre)
 - hedgerow enhancement in relation to the retained north and south boundary hedgerows and as well as the part of the central hedgerow to be retained (i.e. outside of the application site but within the enhancement area of the land-edged-blue), comprising of infill planting within existing gaps; increase in species diversity and hedgerow management)
- 10.50 Overall, it has been suitably demonstrated that a marked BNG can be achieved in relation to the development in both habitat and hedgerow units, in accordance with Policy E3 of the Local Plan and the NPPF.
- 10.51 A Preliminary Ecological Appraisal/'Low Impact' Ecological Impact Assessment has been submitted with the application (PEA). The PEA has confirmed that there are no statutory or important sites within a 2km radius of the application site. The predominantly grazed pasture site was found to have limited species diversity present. No invasive species were identified on site. No bat roosts (or potential roosts) were identified during bat activity surveys. No evidence of any other important species was present on site. No additional species surveys are considered necessary. As well as the recommendations for biodiversity enhancements referred to above in relation to BNG, the PEA has also made the following ecological protection and enhancement recommendations:
- Any vegetation clearance considered necessary during the breeding bird season (1st March to 31st August) will require nesting bird surveys.

- Inclusion of inbuilt bat and bird boxes (25 bat boxes and 28 bird boxes). In this regard, an Ecological Enhancements (Bat and Bird Box) Report (E.E.) report has also been submitted. The E.E. states that a range of different types of bird boxes/terraces could be installed to accommodate several bird species. Equally, recommendations are made for different bat boxes in order to provide 15 summer maternity boxes and 10 winter hibernation boxes with advice on their installation, including optimal heights, positions and locations.

10.52 If planning permission is approved, it is recommended that the aforementioned ecological protection and enhancement measures are required to be undertaken by condition. The PEA also suggested that an ecological enhancement would be to include a 'dark corridor' across the centre of the development to retain an existing bat commuting route. While a full 'dark corridor' across the site may not be feasible based on the proposed layout, it would be possible through a detailed landscaping scheme (that would be conditioned as part of any planning permission) to provide an 'east-west' 'green corridor' of hedgerows and trees across the site that relates well to the hedgerow and other ecological enhancements proposed to the west of the application site. Subject to the aforementioned condition, it is considered that the proposed development would comply with the relevant requirements of Policy E3 of the Hambleton Local Plan.

Amenity

10.53 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.

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

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

- 10.55 The application site is sited approximately 180m from the Romanby STW and approximately 160m to the west of the Northallerton STW, operated by Yorkshire Water. An Odour Assessment has therefore been submitted with the application in order to determine the likelihood and extent that occupants of the proposed residential development could experience both odour nuisance and amenity deprivation of as a consequence of impact from the STWs nearby. The Assessment is approximately 10 years old and was produced in relation to a previous application and a slightly different 'land-edged-red'. Therefore, a subsequent Odour Impact Assessment (March, 2021) has been submitted which represent a review of this earlier Odour Assessment. The March, 2021 Assessment has confirmed that odour assessment and methodology used in the 2013 Assessment has not been superseded, while the process layout of both STWs appear to remain unchanged from 2013-2018 based on satellite imagery. The 2021 Report was therefore able to conclude that the dispersion and distribution of intensity of odour predicted in the 2013 Assessment still remains valid.
- 10.56 The 2013 Assessment confirms that three benchmark odour concentrations (intensity) were employed as indicators of whether the risk of odour complaints is:
- 'very strong' (5 OUE/m³)
 - 'distinct'- 'strong' (3-4 OUE/m³)
 - 'slight/very weak'- 'slight/weak' (1-2 OUE/m³)
- 10.57 The result of the assessment confirms that a proportion (approximately 60%) of the development area is predicted to experience STW odours of between 3 and 5 OUE/m³.
- 10.58 However, the remaining development area is predicted to experience odour concentrations ranging from 1.5 to 3 OUE/m³. Odours at these levels are already experienced by occupants of several hundred properties between Lees Lane in the south and The Green in the north. Odour concentrations are predicted to remain below 5.0 OUE/m³ across the whole development area. Unabated odour impacts from the combined STWs on the proposed new development have been predicted to be equivalent to those levels currently already experienced by residential receptors at Ainderby Road and Chantry Road, Romanby. These predicted odour levels range from below 3 OUE/m³ up to 5 OUE/m³. None of the development area is predicted to experience odour levels above 5 OUE/m³. The known number of odour complaints to the Council and Yorkshire Water Services have been shown within the Assessment Reports to be relatively low between 2010-2018, which the 2021 Report states validates the findings of the 2013 Assessment Report. The 2021 Assessment Report does however acknowledge that new residential receptors often have a lower threshold for odour than existing residential receptors who can become partially conditioned to odours, and therefore to mitigate the risk of complaints, odour abatement at both STWs may be required.
- 10.59 The 2013 Assessment report states that odour levels would be reduced if planned abatement at the STWs is undertaken. It is unclear whether this abatement has been undertaken within the intervening years between the publication of the report and the present time and no reference has been made to any within the 2021 Assessment Report. However, even if the

abatement hasn't been undertaken, the report shows that the proposed development would not experience the high levels of odour and the odour impact would be similar to that experienced by existing residents within the locale. Environmental Health have been reconsulted in the application, and although they stress that both odour assessment reports highlight abatement works to be carried out by Yorkshire Water, the results of the reports allow EH to conclude with 'reasonable confidence' that the development in this location will not have a severe adverse impact from odour, and although there would be some adverse impact on future residents the impact would not be an unacceptable one from their point of view.

- 10.60 In summary, while the odour assessment reports and observations provided by Environmental Health confirm that future residents would experience odour issues relating to the proximity to Yorkshire Water's waste water sites, the odour experienced would be below the threshold of 5 OU_E/m³ (the level at which complaints are to be expected), with future residents unlikely to be impacted to any greater degree than existing residential receptors in the locale, who (the odour assessment reports confirm) have submitted relatively few odour complaints to Yorkshire Water regarding their sites. The nature of operations to the waste water sites and the impact of wind direction inevitably means that odours are intermittent and variable and are not of a strength or consistency to have a consistent impact on the amenity levels of residents, supported by the relatively low level of complaints from residents received by Yorkshire Water. The overall odour impact on the amenity levels of future residents is therefore considered to be acceptable in this particular case.
- 10.61 It is considered that the proposed development is capable of assimilation without resulting in any unacceptable amenity issues in relation to other residential properties. The amended site layout would provide for appropriate separation distances from neighbouring properties, i.e. at least 21m between 'back to back' elevations and 14m between 'side to rear' elevations. Furthermore, the site and the density of the scheme would help to facilitate good levels of outdoor amenity space for new properties and for the provision of suitable and convenient bin storage.
- 10.62 Overall, the amended proposal is considered to be in accordance with the relevant criteria of Policy E2 of the Hambleton Local Plan.

Highway Safety, Accessibility, Permeability and Connectivity

- 10.63 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.)

10.64 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.)

10.65 A new vehicular and pedestrian site access would be created to serve the proposed development with a new priority T-junction constructed onto Ainderby Road. To achieve the new access, it is proposed to demolish the existing dwelling and garage of 56 Ainderby Road. A submitted Adoption Plan shows that it is proposed that the principal road through the site (from the junction with Ainderby Road) is proposed for highway adoption by the Local Highway Authority (subject to separate agreement)

10.66 As well as on-site visitor parking provision, dedicated on-site parking would be created for each proposed dwelling, with one space provided for the single bed units and at least two parking spaces for the 2, 3 and 4 bed units, with the submitted Parking Schedule confirming that the parking provision (110 parking spaces in total [including garaging]) would meet or exceed the Local Highway Authority's Interim Parking Standards (2015) for individual properties for residential development in market towns.

10.67 A Transport Statement (TS) has been submitted with the application. It is stated that the purpose of the TS has been to assess the transport-related impacts associated with the proposed development, and to inform the development proposal. The TS states that it has demonstrated that the development:

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

10.68 The Local Highway Authority have been reconsulted on the application, and their formal response is awaited, although in respect of the original consultation they indicated that they were satisfied that appropriate visibility splays onto Ainderby Road could be achieved and that the Transport Statement was acceptable. The LHA had previously raised concerns about the level of parking for some of the plots, although the applicant has sought

to show that the amended scheme meets (and in some cases exceeds) the LHA's minimum parking standards. Members will be updated via the Update List or at the Committee Meeting on any subsequent LHA re-consultation response. Subject to receiving a positive recommendation from the LHA, the proposals are considered to comply with Policy IC2 and E1 of the Local Plan.

Impact on the Public Right of Way (PROW) Network

- 10.69 Policy IC3 (Open Space, Sport and Recreation) states that the Council will seek to protect and enhance open space stating (in relation to public rights of way) that a proposal will be supported where it demonstrates that:
- the routes of any rights of way and their associated amenity value will be protected or, where this is not possible, the affected routes can be diverted with no loss of recreational or amenity value (criterion h.)
- Policy E4 (Green Infrastructure) that the Council will seek to take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)
- 10.70 The proposed development is relatively well separated from the public right of way to the south and the proposed development is not considered to materially affect it. The proposed development is therefore considered to accord with the relevant requirements of Policies IC3 and E4 of the Hambleton Local Plan.

Flood Risk and Surface Water Drainage/Management

- 10.71 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.)
- 10.72 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.)
- 10.73 A site-specific Flood Risk Assessment (FRA) and Drainage Philosophy (DP) documents have been submitted with the application. The FRA confirms that the application site is located within Flood Zone 1 of the Environment Agency's flood maps, and as such is in an area at the lowest risk of fluvial flooding, while flooding from other sources has also been considered within

the FRA and is also considered to be low risk. Willow Beck is identified as being located approximately 250m to the west of the site, running in a north-south direction.

- 10.74 The DP provides supplementary information and context with regards to the proposed drainage scheme for the development. The DP confirms that consideration/investigation of the soil profile, water table as well as borehole/infiltration testing would preclude the use of soakaways to dispose of surface water.
- 10.75 However, due to the distance, existing topography and greenfield nature of the site, the DP deems it suitable to discharge the surface water at a Hydrobrake-restricted rate of 3.4 l/s with an outfall (via headwall) to the watercourse of Willow Beck (via gravity), located approximately 250m to the west of the site. The proposed run-off rate has been based on greenfield runoff calculations that show the QBar rate for the site as 3.4 l/s. attenuation would be provided by a subterranean attenuation tank (960 cubic metres) that would accommodate 1-in-100 year storm event plus 40 per cent allowance for climate change. The proposed site layout plan shows that the tank would be located in the south-western corner of the site, away from the proposed dwellings and the closest point of the site to Willow Beck. This would represent a sustainable means of disposing of surface water from the proposed development in accordance with the expectations of the aforementioned policies RM2 and RM3 of the Hambleton Local Plan and NPPF.
- 10.76 A SuDs Management Plan has been submitted with the application, outlining a regular maintenance schedule (as well as remedial actions and monitoring) for the pipes and attenuation tank that would comprise the SuDs. If planning permission is granted, it is recommended that a management and maintenance scheme is approved (by condition) based on the recommendations and proposals contained within the SuDs Management Plan.
- 10.77 The Lead Local Flood Authority (LLFA) responded to the original consultation and indicated that they had no objections to the means of surface water disposal, including the proposed maximum discharge rate and the proposed attenuation. The IDB has submitted a re-consultation response confirming that they are satisfied with the maximum discharge rate providing it meets the greenfield rate. The LLFA had requested that an exceedance route plan be submitted to demonstrate that if the surface water scheme fails, properties will not be in the path of any resulting flood waters. The exceedance plan has been submitted and agreed by the LLFA. In conclusion, it is considered that the proposals are in compliance with Policy RM2 of the Local Plan.

Water Supply and Foul Drainage

- 10.78 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.)

10.79 It is confirmed within the application documents that foul sewage would gravity drain to the south-western area of site where it will discharge into an existing (Yorkshire Water) 375mm diameter combined sewer located within the field to the western boundary. It is also confirmed within the application documents that the foul water connection location has been agreed with Yorkshire Water following pre-application discussions.

10.80 Policy RM2 also states that new development should ensure that surface water is always drained and managed separately from foul water, which is a requirement that should be conditioned if planning permission is approved. In terms of water supply, Policy RM1 states that proposals will be supported where it is demonstrated that they make efficient use of water such that all new homes comply with the optional Building Regulation for water efficiency (as set out in Approved Document G). This requirement should also be conditioned if planning permission is approved.

10.81 Overall, and subject to the aforementioned conditions referred to in this subsection, the proposals would comply with the relevant requirements of policies RM1 and RM2 as well as the NPPG in respect of water quality/supply and foul drainage.

Contamination and Pollution

10.82 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.

10.83 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.)

10.84 Where remediation is necessary, a plan for its implementation and, where appropriate, maintenance will need to be agreed with the Council prior to the determination of the planning application. Upon completion of the agreed remediation strategy/scheme a verification report will need to be submitted to demonstrate compliance with the scheme. If suitable remediation cannot be provided, the development will not be supported.

10.85 'Phase 1 Desk Study' and 'Phase 2 Site Investigation' reports have been submitted with the application. The 'Phase 1 Desk Study' notes that the solid geology beneath the site is classified as a Secondary Aquifer – B, and the overlying drift is classified as a Secondary Aquifer – although there are no

Source Protection Zones within 2km of the application site and no recorded water abstractions within 500m.

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

Climate Change Mitigation and Carbon Savings

- 10.90 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.)
- 10.91 This is taken further by criterion k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of landform, massing and landscaping to minimise energy consumption.
- 10.92 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.
- 10.93 Little information has been included within the application about carbon savings and renewable energy or micro-generation. This will be explored further with the agent prior to the Planning Committee and Members will be updated via the Update List or at the Committee Meeting on this matter, although if Members seek to approve planning permission, a condition is recommend requiring a scheme submitted and approved for a carbon

savings and renewable scheme for the development. Overall, the proposals are considered to be capable of complying with the relevant criteria of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

Crime, Anti-Social Behaviour and Secured by Design

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

Aerodrome Safeguarding

- 10.96 The site is located within the designated RAF Safeguarding Areas for RAF Leeming and Topcliffe. The MOD have been consulted on the application but have yet to provide a formal recommendation. Members will be updated via the Update List or at the Committee Meeting on any subsequent LLFA re-consultation response received prior to the Committee Meeting. Subject to receiving a positive recommendation for the MOD, the application is considered to comply with Policy E2 in terms of aerodrome safeguarding.

Public Open Space and Play Provision

- 10.97 Policy IC3 also states that the Council will seek to protect and enhance open space, Local Green Space and sport and recreational facilities in order to support the health and well-being of local communities. A proposal for housing development of 10 or more dwellings will only be supported where: it incorporates or otherwise makes provision for open space, sport and recreational facilities to meet the needs arising from the development in line with the standards set out in Appendix E: 'Open Space, Sport and Recreation Standards'. Provision should be made on site where possible, but contributions to the improvement and/or enhancement of existing provision will be supported where it is accessible from the proposed development.
- 10.98 Five separate parcels of green space are proposed within the proposed layout of the scheme, all adjacent to the proposed access road. (just over 0.1ha in total area.)

Existing Infrastructure

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

11.0 Planning Balance and Conclusion

11.1 The application site is outside the main built form of Romanby and thus in a countryside location as defined by Policy S5 of the Local Plan. Although the site is located adjacent to the built form of the settlement, as a Market Town (Northallerton with Romanby) the site cannot be considered as a 'windfall' housing site as that provision of Policy HG5 is only applicable to defined villages within the settlement hierarchy of Policy S3. The amended proposals are now considered to constitute an 'exception' under Policy HG4. The location and nature of the proposed development means that the proposed scheme meets the criteria of a Rural Exception Scheme (as detailed within Policy HG4) providing a 100 per cent affordable housing. On this basis the principle of development in this location is supported.

11.2 It is considered that the provision of affordable housing along with the provision of eight single bed units are material considerations that should be given considerable weight in the planning balance because the proposed development would help to address affordability issues in the housing market as well as a perceived under-delivery of affordable housing within the Plan Area. These material considerations, and the substantial weight afforded to them, would further justify approving the application.

11.3 It is well established that housing targets (including those for affordable housing) are not intended to be a ceiling to prevent additional units from being built beyond the stated targets, and there are benefits to providing affordable housing provision within residential schemes, not least to seek to mitigate the current affordability issues and trends within the housing market as described by the agent in the Planning Supporting Statement (see para. 10.16 above).

11.4 The weight to be given to the provision of affordable housing needs to be considered within the context that the Council's position is that it has no affordable housing backlog to address, and no reason to conclude that the Council is not capable of meeting its affordable housing target of 55 units per annum going forward. As mentioned above, Officers consider that the location and nature of the proposed development would be capable of meeting the policy criteria of a rural exception scheme as 100 percent affordable scheme is now proposed. On this basis the provision of 100 percent affordable housing is considered to carry considerable weight in the planning balance.

11.5 The agent has also stated that considerable weight should also be given to the provision of eight, single bed properties within the overall proposed housing mix and it is recognised that the provision of 8 single bed affordable units

would help to address the Council's past under-delivery of single-bed, affordable units within housing developments and help to meet the relatively high level of local need for this type/size of affordable housing within the Plan Area, and especially within Northallerton/ Romanby.

- 11.6 On balance the proposed development for 100 percent affordable housing meets the exceptional criteria set out in Policy HG4 and it is further considered that there is a reasonable identified need for the proposed development.

12.0 Recommendation

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

Conditions:

Condition 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.

Condition 2: The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings:

Site Location Plan - 1372-BGP-00-ZZ-DR-C-90.4 -1100 REV PO2

Proposed Site Plan - SD100.01 Revision N

Layout Plan - SD 100.06 Revision N Boundary

Treatment Plan - SD-100.02 Revision N

Surface Treatment Plan - SD 100.03 Revision N

Adoption Plan - SD 100.04 Revision N

Materials Plan - SD 100.05 Revision N

Impermeable Areas Plan - 1372-BGP-00-ZZDR-C-52-1 1101 REV PO3

Exceedance Flow Routes - 1372-BGP-00-ZZDR-C-52-1 1102 REV PO4

Drainage Plan - 1372-BGP-00-ZZ-DR-C-52-11130 REV PO3

External Works Plan 1 - 1372-BGP-00-ZZ-DR-C-90.4- 0111 REV.P03

External Works Plan 2 - 1372-BGP-00-ZZ-DR-C-90.4- 01111 REV.P03

Planting Plan - PP-0-01 Rev.6

Planting Plan - PP-0-02 Rev.6

Planting Plan - PP-0-03 Rev.6

Tree Protection Plan - AIATPP REV A

House Plans

SD-20.06 POD, SD-20.09 Whorlton, SD- 20.07 Rounton, SD- 20.04 Ellington,

SD- 20.01 Coverdale, SD- 20.08 Whorlton, SD- 20.05 Kingsdale, SD- 20.02

Ellington, SD- 20.03 Ellington

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

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

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

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

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

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

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

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

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

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

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

Condition 8: Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3.4 Litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus

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

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

Condition 9: The Development shall be built in accordance with the following submitted designs; Drainage plan - Overall, 1372-BGP-00-ZZ-DR-C-52-01130 BGP, Issue 3, December 2022. The flowrate from the site shall be restricted to a maximum flowrate of 3.4 Litres per second. A 30% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. Principles of sustainable urban drainage shall be employed wherever possible.

Reason: To ensure that the development is built to the submitted drainage design; to prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

Condition 10: Prior to the commencement of development, above finished floor level, full details, including samples, shall be provided of all external building finishes shall be provided to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: In order to ensure that the finishes of the development are appropriate and comply with policy E1.

Target Determination Date: 15.07.2022

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

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

14TH SEPTEMBER 2023

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, BEDALE, NORTH YORKSHIRE, DL8 2SZ,
ON: BEHALF OF PRICES PAVING & TILE LTD**

Report of the Corporate Director – Community Development Services

1.0 Purpose of the report

- 1.1 To determine an application for outline planning permission in respect of a residential development on land at The Manor House, Snape.
- 1.2 This application was deferred at Planning Committee in September 2022 for further consideration of matters pertaining to drainage.

2.0 Summary

RECOMMENDATION: That outline planning permission be **GRANTED**, subject to the conditions set out in Section 12 of this report and satisfactory completion of a S106 agreement to control affordable housing and management of SUDS and Public Open Space.

- 2.1 The application seeks planning permission in outline for up to 32 dwellings on a site on the southern edge of Snape, occupied by Prices Paving and Tiles limited. Much of the site has been used for stone and paving storage and distribution.
- 2.2 Part of the site was allocated for housing in the former Local Development Framework and all of the site is otherwise considered to be previously developed land.
- 2.3 Significant work has been undertaken by the applicant with regard to drainage and in particular with reference to the Environment Agency Flood Zones. Through a topographical study of the site, it has been confirmed by the Environment Agency that the site is not within Flood Zone 2 or 3 and as such the Sequential and Exception tests no longer apply.

- 2.4 Part of the site was subject to an allocation for housing in the Hambleton Local Development Framework, whilst this allocation still carried weight on the submission of the application this is not the case, since the adoption of the new Local Plan. In this case, assessment of the principle of development comes down to the requirements of policies S5 and HG5 of the new Hambleton Local Plan, taking into account the previously developed nature of the site.
- 2.5 Owing to credits for existing buildings on the site, the requirements for affordable housing on the site are reduced.
- 2.6 Throughout the determination of this application, matters pertaining to the drainage of the site and the potential for impact on occupiers of the development along with downstream impact on neighbours, from flooding, has been central to the consideration of the proposals.
- 2.7 Officers consider that given the previously developed nature of the site and the relationship of the existing development to the village along with the resolution of matters pertaining to flooding, the principle of development can be supported.



3.0 Preliminary Matters

3.1 Access to the case file on Public Access can be found here [Online Related Documents](#)

Planning History

3.2 04/02265/FUL – Construction of an industrial unit. Granted 31.01.2005

3.3 13/02318/FUL – Change is use from manufacture, storage and distribution to storage and distribution. Granted 15.01.2014

4.0 Site and Surroundings

4.1 The site is previously developed land adjacent to the village on the southern side of the main village street with countryside beyond. The site is owned and operated as a commercial premise by Prices Paving and Tile Ltd.

4.2 The 1.36 hectare sites extends to the south, forming a roughly rectangular shape, with the only access from the north off The Avenue. The building to the west of the access currently comprises a residential unit fronting The Avenue with the rear section of the building used as an office associated with the existing use of the site. The building to the east of the access is the Wesleyan Methodist Church.

4.3 The majority of the site is hard surfaced and is used for a mix of customer parking, servicing, storage and display of new and reclaimed items for sale. The southwest of the site is occupied by large modern metal clad storage unit.

4.4 The northern most part of the site lies within the Snape Conservation Area; there are no listed buildings within the immediate vicinity.

5.0 Description of Proposal

5.1 This planning application is in outline for access only for the demolition of existing buildings and construction of up to 32 dwellings, with public open space, landscaping, and sustainable drainage system (SuDS) and vehicular access point from The Avenue, between the existing buildings.

5.2 Given the nature of the application being outline for access with all other matters reserved for future consideration, the submission included limited plans consisting of a location plan, site access layout and illustrative site layout plan. Accompanying these plans and in support of the proposal the following documents have also been received:

- Design, access and landscape statement
- Planning and heritage statement
- Statement of community involvement (SCI)
- Transport Statement (TS)
- Preliminary ecological appraisal (PEA)
- Archaeological assessment
- Preliminary assessment of land contamination (PALC)

- Phase I land contamination assessment (Phase I)
- Flood risk assessment (FRA)
- Surface water management report
- Vacant Building Credit Statement (VBCS)

Detailed additional information pertaining to drainage has also been received through the course of the application.

- 5.3 The site is liable for 30% affordable housing on the part of the site within extent of the previous allocation and 100% affordable outside of this. The applicant has agreed to provide a total of 6 affordable units out of the 32 units proposed amounting to 20% affordable. A further explanation and justification of the affordable contribution is set out elsewhere in this report.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan February 2022 and the North Yorkshire Joint Minerals and Waste Plan February 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 Consideration

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

7.0 Consultation Responses

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

Consultees

- 7.2 Parish Council

Snape and Thorpe Parish Council -
1. Background

This application has been submitted at a time when, due to Coronavirus, it has not been possible for the Parish Council to hold an open meeting to consult the residents of the Parish on this matter.

The recent consultation process by Price's Paving has fallen short in not contacting the whole village community. The Parish Council has attempted to rectify this by the circulation of a newsletter drawing attention to the planning application and then by sending to all households the intended Parish Council comments to be made on this application.

185 households were sent the Parish Council's proposed comments and 76 (41%) responses were received representing 37% of the parish electorate. Approximately 50% of households in the village responded. All but one of the responses supported the Parish Council's comments. This response rate indicates the strength of feeling in the community which needs to be recognised by HDC. Should HDC wish to have sight of the summarised responses please contact Sarah Lowe, Clerk.

2. Particular areas of concern to the Parish Council

Number of houses

A development of 32 houses is inappropriate for the size of our community and would impact adversely on the character of the village. There is no justification given for this number of properties. A maximum of 20 would be more realistic and would be in line with the HDC's own document - 2016 Hambleton Local Plan Preferred Options Consultation report. This plan was drawn up by HDC involving much effort and resources so it is unclear why this would not now be followed. The Parish Council would only support a development of up to a maximum of 20 properties on the site.

Flood Management

Without the full confirmation of what drains are on site it is unclear how firm conclusions can be made about the flood management on site. We are concerned about the proposal for a drain 450mm in diameter giving rise to considerable drainage from the site onto the road and stream which is already very prone to flooding during wet weather. The flooding on the proposed development site may be managed but there is no indication of how flooding elsewhere in the village will be controlled given that significant housing to the east is at a much lower level than this proposed development and is already at risk. The Parish Council is currently discussing, with NYCC, the flood risk at Marina bridge in the centre of the village where flooding of this area and onto Meadow Lane has occurred from the beck in the recent past.

We are concerned that building on a zone 3a area is proposed given all the risks this will involve for such housing.

The measures for housing to have no carpeted or habitable rooms on the ground floor does not seem possible for the bungalows proposed on the site. The measures proposed involve significant regular maintenance. It is very unclear how this will be achieved and policed to ensure protection of the site and housing and limited impact on the rest of the community post development and for the expected 80 year duration of the housing.

Sewerage system

Inclusion of grey water in the flow into the sewage is not acceptable and should not be allowed to happen. The current sewage system cannot cope now during periods of wet weather. Raw sewage already rises in gardens on Ings Lane. HDC is already aware of these inadequacies as it is an issue raised by the Parish Council each time a new property is proposed in the village. Yorkshire Water is already aware but nothing is done. This can only be improved by either a much bigger combined drain or a new top water drain.

The proposed developments should not be permitted without a demonstrable plan prepared to address current and future problems.

Contamination of the site from its prior use

The site has been a commercial site for some time. It is considered that contaminants associated with a wood tanning plant and asbestos dump may be present alongside the already noted asbestos in the buildings. There may be a disused vehicle fuel tank close to Manor House as well as the vehicle fuel close to the main building at the south of the site.

The safe removal of these contaminants must ensure the safety of local residents especially those in very close proximity.

Roads and Traffic

There is not sufficient width in the proposed egress from the site for two cars to cross safely alongside a footpath wide enough for a wheelchair/pushchair. There is not sufficient space for two cars to pass outside The Old Vicarage/ Pennybeck to the west of the egress from the site; this is already causing damage to the road verge/village green.

The transport infrastructure is not as claimed in the supporting documentation. There is a limited bus service on 3 days per week and the rural road system is not conducive to cycling or walking as a means of accessing schools/amenities etc outside the village. Cars will be used by the residents of this development on a system that cannot cope presently with cars passing each other safely in the village. The assessment of less than one car every 3 minutes during peak times moving off/on the site is questionable especially as this assessment is based on traffic in urban areas.

There is no footpath to the immediate west of the egress so safety for pedestrians is an issue.

3. Errors

There are numerous errors in the submissions made in support of the application which need to be rectified before the Planning Committee consider this application fully. For instance, the Transport Statement states there are two public houses in the village. There is only one. There is reference to two bus stops in the village - there is only one official stop.

4. Assumptions

A number of assumptions are made; for instance in the Flood Risk Assessment it states "It is believed that there are existing drainage networks within the site serving the office building and warehouse, but a

drainage survey to confirm this are yet to take place. It is also believed that there are existing public sewers and water mains within The Avenue to the north of the development site, due to the close proximity of residential dwellings". This surely undermines the flood risk plans put forward in this document as they are made on assumptions only.

5. Conclusions

The lack of an opportunity for full and meaningful consultation due to the virus has meant that the Parish Council has had to make a concerted effort in a short timescale to consult local residents on an application which will have a significant impact on the community. The response received and described above is evidence of the strength of feeling from parishioners.

The Council makes the following observations:

The Snape with Thorp Parish Council refuses this application in its present format.

The Council would give consideration to a smaller development of a maximum of 20 properties with affordable housing and a mixture of house sizes. The Council would want the erroneous information on which conclusions have been reached to be corrected and conclusions accordingly revised before HDC gives consideration to this or any further application.

The Council would want to see the opportunity for any revised application to be available for full and meaningful consultation with the whole community.

The Council could not accept a development of housing on this site without a demonstrable plan being developed involving HDC, NYCC and Yorkshire Water which ensures that the flood risks are controllable and will not impact elsewhere on the rest of the community and that the sewage system is capable of dealing with the new demand on it from such a development.

Parish Council additional comments.

This Parish Council has worked hard to keep its parishioners up to date on the planning application so this response is made by the Council and on behalf of residents with which it has consulted fully.

The Parish Council considers it has not been able to access all information it has wanted to be better able to understand the application. For instance, the Highways agreed plan for the exit/entrance to the site was held up for 9 months before being posted to the Planning Portal.

The Parish Council wishes to make it known that it does not reject the idea of additional housing per se on this site. The objection to this application is for the following issues, each of which will be explored more fully in a separate statement below, flooding risk to the wider community, the highway proposal, the sewage system and affordable housing.

1. Flooding risk to the Community

The Community has experienced severe flooding and threatened flooding over recent years. The pinch point has been the Marina Bridge where the highway crosses the Beck at the centre of the village. Houses have been flooded or threatened with flooding had it not been for the action of local people and the emergency services. This continues to be a real threat given that the Marina Bridge has only 10 inches clearance from the bed of the Beck.

This has been raised with Highways and just recently the underneath area of the bridge has been jettied. Significant additional flow into the Beck from the proposed site will only exacerbate the problem. This remains a significant concern to the Parish Council and community. The Parish Council will reject this planning application unless there is absolute assurance that additional water will not flood off the site and that some form of action is taken to improve the Marina Bridge.

The Parish Council has seen the LLFA's response posted on the Planning Portal on 8 November but remains concerned on a number of points, for instance this response refers to the proposal having drainage off to the SW. This was pointed out to the Planning Committee at their site visit as being completely inappropriate. The gully to the SW of the site is uphill from the level of the site and could not be used for flood water in this way.

The Parish Council notes that the LLFA has indicated that run off from the site cannot go into the Highways gullies and hence the Beck.

But this means the systems on site MUST function correctly. The Council has not yet been assured of how maintenance for onsite measures will be funded and managed. If the water cannot enter the Beck where will it go to as it will have to come off the site at some time and place. We expect, given the LLFA's comments, that further design options will need to be submitted. The Parish Council would want to ensure that no final planning decision is made until these designs have been fully approved by the LLFA, who are the experts on this aspect of the application.

2. Highways agreed proposal for the exit/entrance to the site The Parish Council and residents are wholly disappointed with the agreed option for this. The Parish Council has raised certain matters with Mr Barrie Mason, Assistant Director, Highways and Transportation, NYCC and are assured of a response in a few days but given the forthcoming expected date of the Planning Committee the Parish Council is placed in the position of submitting this statement without the benefit of this additional information.

The Parish Council's objections are currently the following:

- The unsafe nature of the approach from the development into the carriageway. This effectively reduces the carriageway to single file, due to the proposed reduction in width to 4.1m immediately opposite the exit/entrance.
- The fact that the gap between the Methodist Church and Manor House will reduce to single file and with only a single footpath serving the occupants of the proposed 32 houses.

- The introduction of hatching outside the Methodist Church which functions as a Community space. The Parish Council understands that no vehicles should park on this hatching and in fact this hatching is to deter parking as otherwise the visibility splay is compromised. Many people visiting the Church have mobility problems or have accompanying small children and, therefore, they need to park close to the Church entrance. Having the hatching is a detriment not only to the Church but the wider community.
- The Planning Officer's report to the Planning Committee in September stated that having this development was a distinct advantage to the village. The above points show this is not the case and in fact the development will work to the detriment of the community.

3. Sewage system

The Parish Council has raised the issue of the inadequate sewage system at each of the last planning applications. As these have all been approved this has meant there has been added pressure on the system by this organic growth of the housing stock in Snape.

Adding a further 32 houses will put the sewage system under much greater strain.

Raw sewage has already, at times, seeped onto gardens and into the Beck and onward into larger waterways. This is not acceptable.

Nor is the impact on internal toilets as mentioned at the Planning Committee meeting. 32 extra houses will only exacerbate the problem which is caused by an already inadequate system.

The Parish Council, therefore, asks the Planning Committee to seek assurances from Yorkshire Water, before planning permission is approved, that they will upgrade the existing sewage disposal system in the village.

The Parish Council will also be raising this major concern with the Chairman of Yorkshire Water directly.

4. Affordable housing

The Parish Council finds the reduction of the affordable housing on this development, due to the application of the Vacant Building Credit Statement, hugely disappointing. The Parish Council has tried on a number of occasions to seek sites for affordable housing in Snape and has with the support of the Rural Housing Adviser undertaken 2 housing surveys both of which have identified a definite need for affordable housing. The last survey undertaken in March 2022 indicated 6 houses as a minimum but the real need being in excess of this.

If planning approval is given the Parish Council would want there to be a provision placed on the developer for an assured minimum of 6 affordable houses.

7.3 NYC Highways - No objections subject to conditions.

- 7.4 NYC Lead Local Flood Authority (LLFA)- No objection subject to conditions. This comes following the change to the Flood Risk mapping.
- 7.5 Environment Agency (EA) - 16/8/2021 The modelling, hydrology and report submitted have now all been signed off and agreed. We are now able to remove our objection as the entire site is now shown to lie within flood zone 1.
- 7.6 Yorkshire Water - No objection subject to conditions regarding the separation of foul and surface water, details of surface water outlet. It is noted that Yorkshire Water state that surface water can not be discharged to the public sewer in any circumstances.
- 7.7 Environmental Health (Contaminated Land) - No objection subject to conditions.
- 7.8 NY Police - No objection. Advice and recommendations provided through design out crime report.

Local Representations

- 7.9 Public comments - a total of 24 representations have been received, mainly objecting to the proposed development, with only 2 representations in support. A number of the objections support a smaller scale of housing on the site but are concerned about the large scale of the proposals.

Objections

- Concern over flooding
- Not convinced by the EA change of position
- It is not clear how surface water will be managed
- This site does flood
- The site is approximately 1m above neighbouring levels and as such has the capability of flooding neighbours
- Harmful impact from increased traffic in the area
- Electricity supply will not cope with additional load
- A smaller development should be considered a 23% increase in the village is too much
- The layout of the road in the vicinity is not suitable for the formation of the access into the site
- Access between two buildings is not wide enough
- There has been little consideration of the Conservation status of the village
- Sewage system does not cope, at present and this will only make it worse
- Concern about inaccuracies in the applicant's submission
- Snape is a linear village and this proposal is harmful to the character of the settlement
- Concern about the future management of SUD features
- Not clear about the impact on Prices Paving as a business
- Inadequate footpaths to and from the development for access to the school
- Site contamination could impact on residents and neighbours
- Not a sustainable location owing to a lack of public transport
- Additional disturbance in the village will harm the tourism industry on which a number of residents rely

- The proposals are not cycle friendly Support
- The village needs new housing
- Affordable housing is essential for the village
- The development site is ideal, being in the middle of the village and not green space
- This development will bring some life into the village

8.0 Environment Impact Assessment (EIA)

8.1 The proposed development does not fall within Schedule 1 or 2 of the Environmental Impact Regulations and as such an Environmental Statement is not considered to be necessary in this case.

9.0 Main Issues

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

- Principle of development;
- Affordable housing provision, housing mix and quantum of development;
- Impact on heritage and the character, appearance and visual amenity of the area;
- Highway safety and access;
- Flooding and drainage;
- Impact on neighbour amenity;
- Ecology;
- Land contamination; and
- Open space, sport and recreation.

10.0 Assessment

Principle of Development

10.1 At the time the application was submitted the northerly portion of the site was allocated for residential development under Allocation BH8 of the former Local Development Framework. Subsequently a new Local Plan was adopted in February 2022. At the point of the adoption of the new Local Plan the previous LDF allocations cease to be and carry no weight in decision making. Given the adoption of the new Plan, the site's former status as an allocated site can no longer be given weight in the determination process although it must be noted that the application was submitted when the allocation was up-to-date planning policy. The Local Authority has an obligation to determine the planning application based on the current adopted Local Plan and the following assessment is based only on adopted policy as a result.

10.2 The application site forms previously developed land within the settlement of Snape. Policy S3 defines Snape as a Service Village meaning it is a suitable place for development in terms of the sustainability of location.

10.3 Policy HG5 Windfall Housing Development makes provision for residential housing development within and adjacent to the built form of the settlement. Policy S5 defines the built form of the settlement as the closely grouped and

visually well related buildings of the main part of the settlement and land closely associated with them, as well as setting out exceptions to this (criteria a-e). The site is located relatively centrally within the village and historically has been used and operated as a commercial premises, the former allocation BH8 covered a large portion of the front part of the site. As such considering the definition set out in policy S5 the site is considered to be partly within the built form of the settlement and otherwise adjacent to it. Accordingly, within the built form of a settlement Policy HG5 supports residential development where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development. The site is not protected or allocated/safeguarded for another type of development, albeit the front portion falls within the Conservation Area (discussed in more detail in the report below), and as such the proposal takes support from Policies S3, S5, and HG5.

- 10.4 It is considered that the proposal accords with the provisions of policies S1, S2, S3, S5 and HG5 of the Local Plan and as such the principle of development in this location is considered acceptable.

Affordable housing provision, housing mix and quantum of development

- 10.5 Local Plan policy HG3 requires that for residential development of 9 units or more 30% affordable housing should be provided unless a viability appraisal evidences that this is not deliverable. The applicant has submitted a Vacant Building Credit Statement (VBCS) which sets out background and site-specific calculations to seek to demonstrate the amount of affordable housing the site must deliver. The Council's adopted Housing SPD also sets out the criteria and methodology for applying VBC to proposals.
- 10.6 The VBCS calculates that the existing Gross Internal Area (GIA) (as defined by RICS Code of Measuring Practice) is 2,585.77m² with a proposed GIA of 3159.55m². At 30% affordable housing the site would normally be required to provide 9.6 affordable units. Inputting this requirement into the VBC calculation, the required provision is reduced to 1.8 units. However, the applicant has agreed to a provision of 6 units across the site which would be in excess of the required provision by 4.2 units. The over provision of affordable housing on the site weighs in favour of the proposed scheme.
- 10.7 With respect to Affordable Housing the Council's new Housing Supplementary Planning Document (Table 3.1, page 10) seeks an affordable housing mix of 20-25% one bed homes, 50-60% two bed homes, 10-20% three bed homes and 0-5% four bed homes with a tenure split of 33% social rent, 33% affordable rent and 33% affordable home ownership (intermediate housing) in accordance Policy HG3 of the Local Plan.
- 10.8 An appropriate mix of housing and compliance with the Council's Housing SPD should be a condition of any approval and is a requirement set out in the recommended conditions.
- 10.9 If the outline application is granted it is recommended that appropriate affordable housing provision is secured by a S106 planning obligation.

10.10 With regard to the quantum of development, whilst the former allocation was for 20 units on the front portion of the site, as mentioned above this allocation is no longer current policy. The whole site is put forward by the applicant for development and as such must be considered by the Council as a whole against the relevant policies of the Local Plan. It is considered that the redevelopment of only a portion of the site and the retention of a smaller business on the site, would not be feasible or viable. The Parish has expressed concern with the level of development proposed. Under the former allocation BH8, the allocated land was for up to 20 units which equated to an approximate 30 dwellings per hectare (dph). The application site here is 1.36 hectares. Removing the required open space provision from the calculation and considering a development of up to 32 units would equate to an approximate 26.6 dph. As such it is considered that a development of up to 32 units would be an efficient use of land as encouraged by both national and local policy and a density which is in fact slightly lower than that set out in the former BH8 allocation.

10.11 For the reasons set out above it is considered that the site can accommodate a development of up to 32 units.

Impact on heritage, character, appearance and visual amenity

10.12 The site is essentially a vacant commercial premises, generally in a poor state of repair. There are no buildings within the site, of architectural merit and which would be worthy of retention as part of the scheme.

10.13 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in carrying out an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

10.14 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

10.15 The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal, including securing the optimum viable use of the building.

10.16 Any harm identified must be given great weight in the determination of the application.

10.17 The Conservation Area is characterised by mainly residential properties set out in a linear form around the green, which is intersected by the river which runs through the village. Dwellings are mainly stone built. There are a number

of listed buildings through the village, with most notably a number of listed buildings to the west of the village associated with Snape Castle.

- 10.18 The site currently contains large industrial scale buildings. The site is considered to currently have a harmful impact upon the setting and character of the Conservation Area. Therefore, it is considered the removal of these large unsympathetic buildings would be a positive outcome of the scheme and constitute a public benefit. Whilst the design, scale and siting of the proposed residential dwellings is not known at this stage, there is scope within the limitations of the site to accommodate a layout and design which would enhance and preserve the character and setting of the CA.
- 10.19 There is some concern about the scale of development in the context of Snape. As noted in representations, 32 units in this location is a significant expansion of the village and notwithstanding the removal of the existing structures the scale of development is considered to result in a harmful impact on the character of the settlement form and as such the significance of the Conservation Area. This harm is considered to be at the lower end of the scale of Less than Substantial Harm, but, in accordance with the requirements of the National Planning Policy Framework, must be given great weight in the determination of the application.
- 10.20 However, on balance, given the public benefits of the removal of the existing structures and the provision of housing including affordable units, at this outline stage it is considered that based on the information provided the site would be capable of accommodating a development of 32 residential dwellings, subject to further consideration at the appropriate reserved matters stage of layout, siting and design, the harm to the Conservation Area and its setting is considered to be outweighed by the public benefits of the proposals.

Highways Safety, Access and Car parking

- 10.21 The access into the site is narrow, formed between a residential cottage and the Methodist Church. There were issues with the visibility splay at the access, which have now been addressed, although this is not accepted by the Parish Council.
- 10.22 North Yorkshire County Council's Highways Officers were consulted on the application and have had protracted discussion with the applicant's highway consultant regarding the provision of adequate visibility splays at the entrance of the site. NYCC Highways are now satisfied with the information and justification provided by the applicant and consider that adequate visibility splays can be provided at the entrance of the site so as not to result in highways safety or operation concerns.
- 10.23 The proposals now include an area of white-lining at the entrance to the site, to effectively move the carriageway edge allowing for better visibility. This will restrict the carriage width. These measures are further bolstered by white lining to the east of the entrance, to restrict parking and improve visibility. Concern has been raised by the Parish that this will result in difficulties for those with mobility problems being dropped off at the Church.

- 10.24 The Parish consultation response raises concerns about the width of the access and the provision of footpaths. Given the scale and form of the development and its relationship to the village, the proposals are considered to be acceptable in this case. It is noted that the site is currently used by HGV traffic, uncontrolled in terms of number and weight. The proposals, whilst resulting in an increase in traffic movements, will result in far fewer HGV movements.
- 10.25 The Highways Officer has concluded that the proposals are satisfactory and recommends a number of conditions and informatives including relating to matters regarding the provision of detailed road and footway layouts; construction of adoptable roads and footways; visibility splays; details of turning, manoeuvring and parking areas and the provision of a construction management plan.
- 10.26 Given the above and considering the application is in outline considering access only, the level of information provided demonstrates that the site can be developed safely and without impacts upon the operation of the highway network for up to 32 units.
- 10.27 The proposal accords with policy IC2 of the Local Plan.

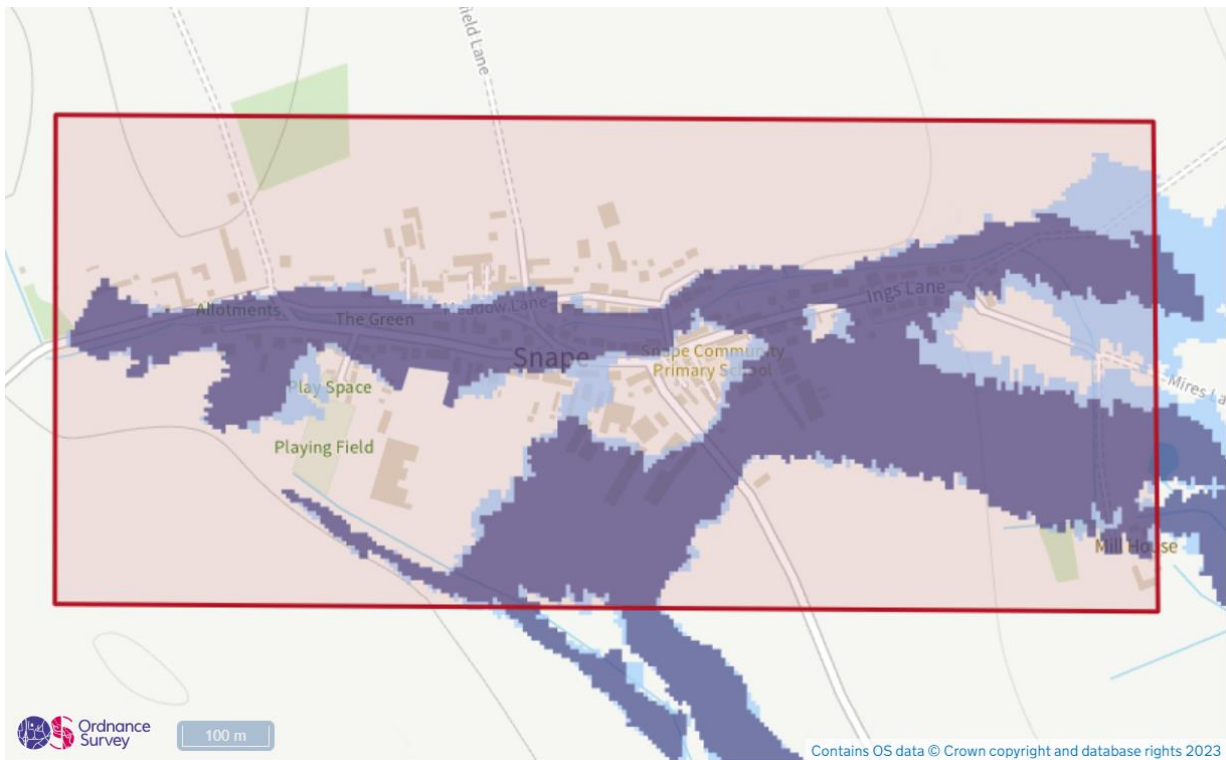
Flooding and drainage

- 10.28 The site was originally shown on the Environment Agency (EA) Flood Maps as within Flood Zones 2 and 3. The applicant and their flood risk consultant has undertaken significant amounts of work under the guidance of the EA, carrying out and submitting hydrological modelling and calculations. The model has been reviewed by a specialist team within the EA and they have approved the model which has resulted in the re-grading of the site as within Flood Zone 1, the area of lowest risk from flooding.
- 10.29 The applicant's agent has provided the following explanation regarding the change from Flood Zone 3 to Flood Zone 1:
- "The maps for Flood Zones 1, 2 and 3 are predominantly produced by the Environment Agency and can be seen on their Flood Map for Planning website. When preparing a planning application these maps are used by developers to confirm what proportion of their site is developable, which part should be allowed to flood, and what types of flood mitigation measures should be used. However, in many cases these maps can prove to be inaccurate for detailed planning applications and are in need of refinement.
- Specialist consultants use detailed hydraulic modelling techniques to get a more accurate understanding of flood risk on a site. This is plotted onto a plan and provides a more detailed representation of the flood risk on a site. The applicant has undertaken this work for Prices Paving in Snape and this has resulted in an amended flood zone and confirmed to be accurate by the Environment Agencies response."
- 10.30 As the site is within Flood Zone 1 the risk of the site flooding is low. The FRA demonstrates the site can be safely developed without risk from flooding and

that suitable flood risk and drainage measures can be designed to accommodate the proposed development.

- 10.31 The LLFA have reviewed the updated information and are satisfied with the detail provided at this stage recommending a number of conditions to ensure an adequate drainage strategy is secured at the detailed design stage. Given that the application is in outline with all matters reserved except for access, for a site which is largely previously developed land in flood zone 1 and as stated above the submitted FRA demonstrates that the site can be safely developed without risk from flooding, it is considered that this information can be secured through appropriately worded planning conditions which request submission of this information at a later stage (pre-commencement of development) once the detailed design is fixed.
- 10.32 Concerns have been raised with regard to the capacity of the sewage network in the area. Yorkshire Water have commented on the application raising no objection to the proposed foul sewer connection stating there is capacity within the network for this development's foul water. Additionally, it is noted that sewage network capacity issues are an operational matter to be dealt with separately from planning legislation.
- 10.33 The surface water management report submitted sets out that surface water drainage via a combination of infiltration and an existing surface water pipe which crosses the site which is capable of being utilised for the application site's surface water and outfalls into the adjacent watercourse to the north of the site. Discharge into a watercourse is the sequentially most preferable method where infiltration and soakaways have been discounted therefore this method of dealing with surface water is considered acceptable. The Lead Local Flood Authority has agreed this position on the basis of the brown field run off rate. As such the design of any scheme for Reserved Matters would need to demonstrate how these requirements are to be met.
- 10.34 The applicant has submitted details of attenuation and disposal to the surface water network (the stream to the north of the site) at a rate that has been agreed as acceptable by the LLFA. This system will control the run-off rate of surface water, taking out significant spikes in the run off rate by appropriate levels of on-site attenuation in tanks.
- 10.35 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore, subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.
- 10.36 There remains a residual risk in terms of flooding owing to the only point of access being within Flood Zone 3. There is no alternative point of egress in case of flooding. The mapping below shows that the majority of the roads in the vicinity are in flood zone 3, with the preferred route being a right turn out of the site and then south out of the village. This results in a short length of road in Flood Zone 3. The applicant's agent has advised that the potential depth of flooding is limited to approximately 300mm. Whilst not ideal, it is considered

that the short distance and limited potential depth of flooding is an acceptable level of risk.



Impact on neighbouring amenity

- 10.37 The application is in outline for access only and as such the layout of the proposed development is not yet fixed.
- 10.38 The applicant has submitted an indicative site layout, which while not binding demonstrates that the site is able to accommodate up to 32 dwellings and provide suitable outdoor amenity areas for future residents. It is considered that, subject to assessment of matters reserved for future consideration including layout, scale, appearance and landscaping, the site could be developed maintaining suitable privacy distances and as such without having a detrimental impact upon neighbouring amenity.
- 10.39 The development of this site for housing is considered to be acceptable in terms of the residential amenity of existing and proposed housing.
- 10.40 Any development will likely result in some disruption and localised amenity impact during the construction process. These impacts would be localised, only last for a short period of time and could be suitably mitigated through the developer adhering to a construction management plan and restriction of working hours during construction. It is considered conditions can secure full details of site operation, wheel cleaning and working hours at the site.
- 10.41 The proposal accords with Policy E2 of the Local Plan.

Ecology

- 10.42 A Preliminary Ecological Assessment (PEA) has been submitted in support of the application which identifies that the site has no particular significance to

flora and fauna. The PEA concludes that there is negligible value for roosting bats overall with none of the existing buildings proposed for demolition suitable for roosting bats due to their construction. The site does however provide suitable foraging and commuting habitat for bats particularly to the southern end of the site. The site is also of moderate value to nesting birds to the site boundary particularly within the hedges and trees. The value for nesting birds is not restricted solely to the site but abundant in the surrounding countryside to the south east and west.

- 10.43 The PEA recommends retention of all hedgerows and trees on the site, implementation of a sensitive lighting scheme to avoid indirect disturbance of foraging bats, birds and small mammals. The PEA also recommends landscape planting should comprise native species or species of known wildlife value in order to enhance the ecological value of the site. Removal and replacement of the ornamental cherry laurel hedge to the north of the site and replacement with a native hedge to enhance habitat connectivity within the site. The incorporation of bird and bat boxes/bricks within new properties or on suitable mature trees to be retained within the site in order to enhance habitat availability post development.
- 10.44 It is considered conditions can secure these details being submitted and approved at the appropriate stage. Subject to the implementation of the above measures the site would benefit from a biodiversity net gain post development in accordance with Policy E3 of the Local Plan.

Land contamination

- 10.45 A Preliminary assessment of land contamination (PALC) and Phase I Site investigation report (Phase I) has been submitted in support of the application. The councils Environmental Health officers dealing with land contamination have assessed the information submitted and commented that that there is potential for contamination from previous uses at the site and concurs with the conclusion that a Phase II site investigation and Risk Assessment should be undertaken.
- 10.46 No issues of land contamination have been identified that would preclude the development of this site subject to conditions regarding any remediation requirements. The Environmental Health Officer has raised no concerns about the proposed development in these terms. A suite of conditions are proposed to ensure further investigation and appropriate remediation takes place.

Open space, sport and recreation

- 10.47 Policy IC3 and Appendix E set out the policy context for open space, sport, and recreation within the district. The SPD Public Open Space adopted in 2011 requires on site Public Open Space for amenity purposes, space that is equipped for children's play and for young people.
- 10.48 As the application is in outline with all matters reserved, at this stage the layout of the site and as such layout of the open space is not known. However, it is calculated that under the SPD a provision of 1046.59 sq. m of public amenity space would be required for this scheme including an equipped children's play area.

- 10.49 On the indicative plan an area of open space is shown to the southern end of the site, which is considered adequate at this stage to demonstrate the site can accommodate this quantum of development as well as provide the required open space provision. Full details of the provision and management of the open space can be secured through a section 106 agreement attached to any grant of permission.
- 10.50 Taking all the above into consideration, the proposal therefore is considered able to meet the requirements of Policy IC3 and the Public Open Space SPD.

Other Matters

- 10.51 Hambleton District Council published a Statement of Community Involvement (SCI) document titled 'Getting Involved in Planning Applications'. This encourages developers to undertake pre-application discussions with both the local authority and relevant stakeholders. Page 3 states that the Council will encourage applicants of major development to carry out an appropriate level of consultation with the community reflecting the nature and scale of the proposed development.
- 10.52 The applicant carried out community engagement through the form of a leaflet campaign carried out August to September 2020. The method of this engagement and findings are set out in the applicants Statement of Community involvement which was submitted with the application.
- 10.53 Whilst it is noted that the Parish Council have raised concern with the extent and level of engagement it is considered that the applicant has fulfilled their requirement with regard to the Localism Act, NPPF and Hambleton Statement of Community Involvement guidance. The level of engagement although to some extent limited was appropriate to the scale of the development. The applicant has stated they have considered the responses received through this engagement exercise within their submission.

11.0 Planning Balance and Conclusion

- 11.1 It is considered that the principle of development on this site is acceptable, given the site's location within a service village and the site being occupied by a range of commercial buildings immediately adjacent the built form of the settlement. The harmful impact of the development on the setting of heritage assets, even having given this harm, great weight, is considered sufficiently off-set by public benefit comprising the provision of both affordable and market housing along with the removal of the existing development from the site. The scale of housing proposed and access to the site is considered appropriate.
- 11.2 The proposed quotient of affordable housing meets the requirements of HG3 when taking into consideration the vacant building credit set out in national policy and the Council's Housing SPD and as such is considered to be acceptable.
- 11.3 The Highway Authority has confirmed that the existing road network can accommodate the development and there are no highway safety or operation concerns with the access proposed.

- 11.4 Matters pertaining to site drainage are considered addressed either through the submission or by conditions set out in the recommendation. The proposed development is considered to result in no additional risk in terms of flooding. There is a small residual risk in terms of the access route from the site which goes through Flood Zone 3. This risk is considered to be small and insufficient to warrant refusal of the application.
- 11.5 On balance the proposed development of this site for housing is considered acceptable and as such recommended for approval.

12.0 Recommendation

12.1 That:

- a) Planning Permission be **GRANTED** subject to the conditions set out below and;
- 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.

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

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

Condition 2: The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority:

- (a) The layout of the site
- (b) The siting, scale, design and external appearance of each building, including a schedule of external materials to be used;
- (c) the landscaping of the site.

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

Condition 3: The permission hereby granted shall not be undertaken other than in complete accordance with the location plan as received by Hambleton District Council on 15 September 2020 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole.

Condition 4: The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

Condition 5: There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority.

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

Condition 6: Prior to the commencement of development, full details of all existing and proposed site levels shall be provided to and approved in writing by the Local Planning Authority. The levels shall be taken from a known datum and shall include all existing and proposed site levels along with finished floor, eaves and ridge levels of all proposed buildings. The development shall then be implemented in accordance with the approved details.

Reason: In order that the development is appropriate in terms of the character and amenity of the area and in compliance with policy E1 and E5 of the Local Plan.

Condition 7: No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Model Procedures for the Management of Land Contamination CLR11, has been submitted to and approved by the local planning authority.

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.

Condition 8: Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

Condition 9: Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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.

Condition 10: 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.

Condition 11: No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

Reason: In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution in accordance with Local Plan Policies.

Condition 12: The development hereby approved shall be for no more than 32 dwelling units and shall comply with the mix, size and type requirements of the Council's Housing SPD.

Reason: In order that the Local Planning Authority can control the intensity of the use of the site to ensure that the use does not exceed the capacity of the environment to cope with the demands placed upon it in accordance with the Local Plan policies noted above.

Condition 13: Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the

construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

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

Condition 14: No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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.

Condition 15: There must be no access or egress by any vehicles between the highway and the application site until splays detailed in drawing number P21047-0114 are provided giving clear visibility of 36m to the West and 38m to the East measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

Condition 16: There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- 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 have been constructed in accordance

with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Condition 17: No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise;
13. an undertaking that there must be no burning of materials on site at any time during construction;
14. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
15. details of the measures to be taken for the protection of trees;
16. details of external lighting equipment;
17. details of ditches to be piped during the construction phases;
18. a detailed method statement and programme for the building works; and
19. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

Condition 18: Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for

movement of hedgehogs. The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

Reason: To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

Condition 19: Prior to any above ground development on the site a biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority. The biodiversity enhancement plan shall include measures to ensure the site achieves biodiversity net gain in accordance with the details submitted within the Preliminary ecological appraisal prepared by Naturally Wild ref SHA-20-03 R1 August 2020.

Reason: To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.

Notes:

- 1 If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
- 2 The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:
1 x 240 litre black wheeled bin for general waste
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling;
and
1 x 55 litre blue recycling box for glass bottles and jars.

In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from North Yorkshire Council (Waste and Streetscene). If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at www.northyorks.gov.uk or by telephoning 0300 131 2 131.
- 3 It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

- 4 The proposals should cater for all types of vehicles that will use the site. The parking standards are set out in North Yorkshire County Council's 'Interim guidance on transport issues, including parking standards' and subsequent amendments.
- 5 The applicant's attention is drawn to the Design out Crime report ref: 417-1-2020 MR, provided by North Yorkshire Police, in particular the applicant is encouraged to incorporate the advice and recommendations into the detailed design of any future reserved matters application.

Target Determination Date: 15 December 2020

Case Officer: Mr Peter Jones - peter.jones@northyorks.gov.uk

This page is intentionally left blank

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

14TH SEPTEMBER 2023

22/00127/REM - APPLICATION FOR APPROVAL OF RESERVED MATTERS (CONSIDERING APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOLLOWING APPROVAL 19/02101/OUT FOR OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCLUDING ACCESS) FOR THE CONSTRUCTION OF UP TO 25 NO. RESIDENTIAL DWELLINGS (AS AMENDED)

AT: WHITE HOUSE FARM, STOKESLEY

ON BEHALF OF: BRIERLEY HOMES LIMITED

Report of the Assistant Director Planning– Community Development services

1.0 Purpose of the Report

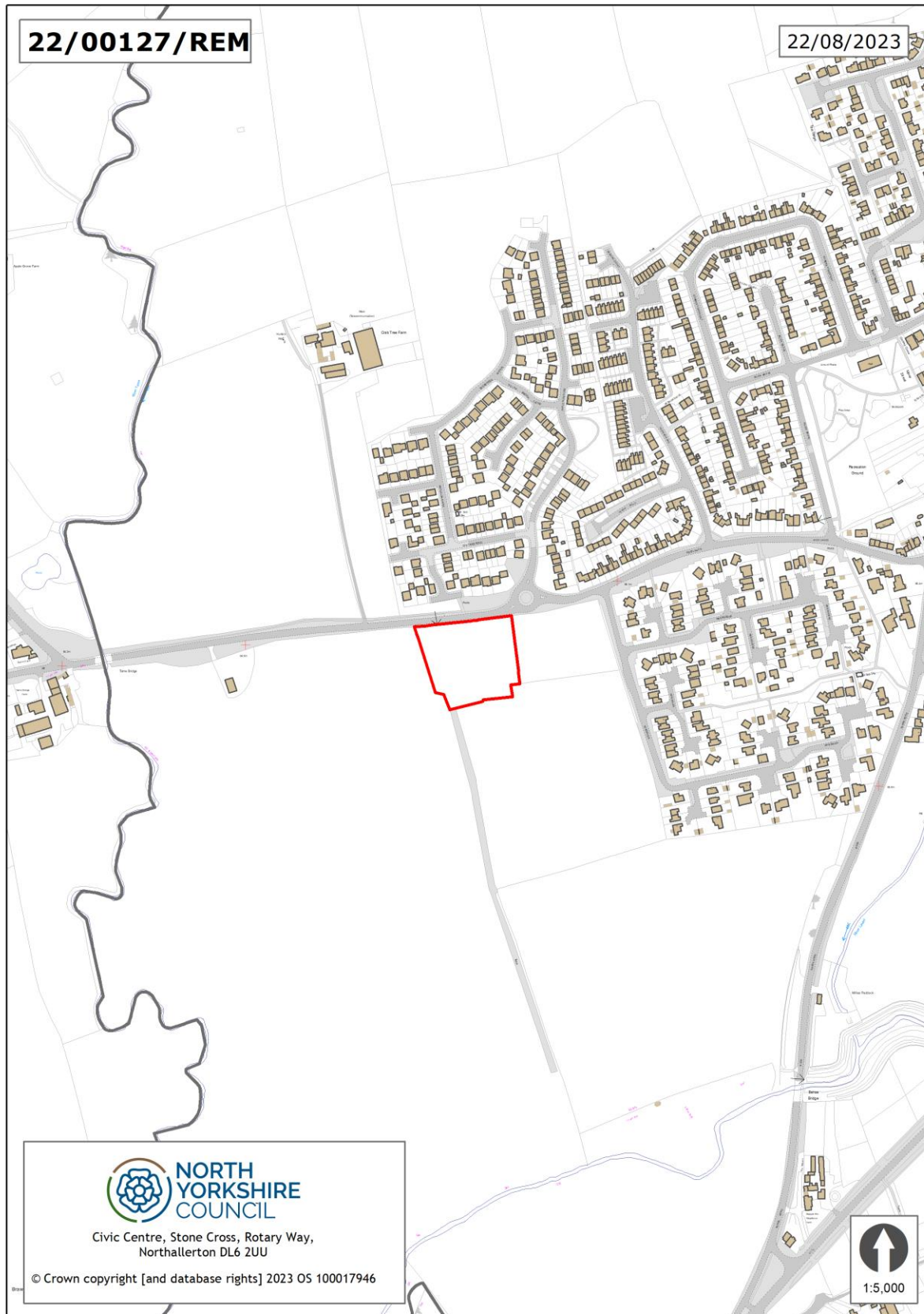
- 1.1 To determine an approval of reserved matters application in respect of a residential development on land at White House Farm, Stokesley. The reserved matters subject to consideration are: appearance, landscaping, layout and scale, with access having been considered as part of the outline permission approved in August 2020.
- 1.2 This application is brought to the Planning Committee as it has been 'called in' by the Divisional Member over concerns regarding housing size, types and tenures and the need to meet the local needs of Stokesley.

2.0 Summary

RECOMMENDATION: That reserved matters approval (for appearance, landscaping, layout and scale) is **GRANTED**.

- 2.1 The application (as amended) seeks the approval of the reserved matters of appearance, landscaping, layout and scale) for a scheme up of to 25 residential dwellings at White house Farm, Stokesley.
- 2.2 The application site is located to the south of Westlands on the western edge of Stokesley and set within open farmland. The site was previously occupied by a range of modern and traditional farm buildings which were largely in a state of dereliction and disrepair, although the buildings were demolished and the site cleared in early 2023 as the site was considered unsafe.
- 2.3 The application is recommended for approval subject to receiving positive representations from statutory and technical consultees (including the Local

Highway Authority and Natural England) that remain outstanding, and subject to any recommended condition, including those recommended by Officers within section 12 of this report.



3.0 **Preliminary Matters**

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

[Online Related Documents](#)

3.2 Additional and amended plans and other application documents were submitted to the LPA and subsequently uploaded to Public Access in August, 2023.

3.3 The following applications related to the application site are detailed below:

ZB23/01269/FUL - Application for new agricultural access track and associated landscaping and infrastructure. To be determined.

ZB19/02101/DCN - Discharge of conditions 16 (Construction Management Plan) and 17 (Lighting) from previously approved application 19/02101/OUT. To be determined.

19/02101/DCN01 - Application to discharge conditions 10 (ground investigation/remediation) and 12 (energy efficiency/renewable) for previously approved application 19/02101/OUT. To be determined.

19/02101/DCN - Application to discharge of conditions 4, 6, 7, 13,14,18 and 20 for previously approved application 19/02101/OUT. To be determined.

22/02718/DPN - Application to determine if prior approval is required for proposed demolition 15no. Buildings. Prior approval not required (granted) 21.12.2022.

19/02101/OUT - Outline planning application with all matters reserved (excluding access) for the construction of up to 25 no. residential dwellings. Approved, 21.08.2020.

16/01138/S106 - Variation of the Section 106 Agreement associated with application ref. 14/02578/OUT, Refused, 21.11.2017. The application was refused for the following reason:

'The proposed variation of the Section 106 Agreement to allow the reduction in the affordable housing offer is not considered to have been sufficiently justified in the supporting information to warrant the reduction proposed which is significantly below the 50% target set within Local Development Framework Policy CP9 and adopted Supplementary Planning Document on Affordable Housing. As such the amendment to the Section 106 Agreement cannot be supported as the proposed amendment is considered to fail to accord with the requirements of CP9 and DP15 of the Local Development Framework Core Policies and Development Policies DPD along with the Hambleton Affordable Housing Supplementary Planning Document.'

14/02578/OUT - Outline application for the construction of 25 dwellings with all matters reserved excluding access, Approved 25.04.2016. A Section 106 agreement was completed requiring:

- 37.5% of the overall dwellings [capped at a maximum of 9 dwellings] to be affordable housing units with the size and type of the affordable units to be agreed in writing by the Council's Housing Manager.
- 30% of the affordable housing to be 'intermediate' units, and 70% 'social rented affordable housing units'.
- A Market Housing Units Mix Strategy to be provided to include market units that are: 10% 2-bed bungalows and a 'significant proportion of two/and/or three bedroom dwelling houses.
- An Open Space Strategy to be submitted and approved prior to the commencement of the development, and to be implemented prior to the occupation of 50% of the market units.

No subsequent reserved matters application was submitted, and this permission was not implemented.

11/01300/OUT - Outline application for the construction of up to 213 dwellings, employment use (class B1) up to 2,900 sqm including means of access. Refused, 11.05.2012.

A subsequent appeal was allowed in part and dismissed in part, 29.05.2013, i.e. the housing (on the northern side of Westlands) dismissed and the employment use (on the site of the current application) allowed. It is worth noting that the Council had not objected to the employment development but unlike the Inspector it did not have the power to issue a split decision.

02/01524/OUT - Outline application for the construction of a care home with day centre facilities and 36 apartments for the elderly –Refused. , 21.11.2002. A subsequent appeal was dismissed, 27.10.2003.

4.0 Site and Surroundings

- 4.1 The application site is located to the south of Westlands on the western edge of Stokesley and set within open farmland. The site was previously occupied by a range of modern and traditional farm buildings which were largely in a state of dereliction and disrepair, although the buildings were demolished and the site cleared in early 2023.
- 4.2 To the west edge of the site is a tall (6 to 7m) Leyland Cypress hedge. The road boundary to the north was previously formed by a hawthorn hedge, although this was removed in the spring of 2023 without consent.

5.0 Description of Proposal

- 5.1 This application (as amended) seeks the approval of the reserved matters (appearance, landscaping, layout and scale) following the granting of outline planning permission (ref. 19/02101/OUT) in August 2020 for up to 25 residential dwellings and infrastructure, including pumping station. Access was considered as part of the outline permission and is therefore not proposed to be considered as part of this reserved matter submission.
- 5.2 The layout of the scheme makes provision for a landscape buffer along the frontage (northern) boundary of the site, as well as an area of public open

space within the eastern part of the site. The eastern part of the site also contains an underground surface water attenuation tank topped with wildflower planting and a pumping station compound. Additional landscaping is proposed in the form of hedgerows on the site boundaries and within the site, as well as the planting of individual trees within the landscape buffer, public open space and within individual plots. The site access would be onto Westlands to the north. Parking provision would be provided through a combination of detached single garages, private driveways and areas of visitor parking.

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
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:
Town Council: Stokesley Town Council have submitted two representations:

The following comments/observations to the application were as originally submitted:

“Members would like confirmation of the viability of the site in advance of any agreement so that we do not end up in the position where they reduce the number of affordable houses. Members also supported the police observation regarding the open post and rail fencing and would prefer to see hedging planted to soften the look of the site when approaching Stokesley.”

The following additional comments/observations (as summarised) were submitted:

- Support the principle of housing on the site, but consider it important that the site delivers a mix of dwellings that meet the requirements of local residents, and therefore object to the proposed development as originally submitted.

- The current application must now be considered against the recently adopted Local Plan and, where relevant, accompanying documents such as the newly compiled consultation draft of the Housing Supplementary Planning Document (SPD).
- The proposed mix for the White House Farm Development is for 7 affordable dwellings or 28% of the total housing, thereby failing to meet the Local Plan Affordable Housing Requirement.
- The market housing mix is predominantly 4 bed properties meaning that both market housing and the total proposed housing mix on the site do not meeting the latest Housing SPD statement.
- The application is silent with respect to the landscape treatment of the western boundary. Concerns expressed about the boundary treatments and integrating the 'edge-of-settlement' development with its rural surroundings.
- Given the history of previous applications which sought to develop this site, provision of a full financial viability assessment in support of the current application is requested.
- Concern that specific house types within the scheme as originally submitted did not comply with the NDSS.
- Note that the hedgerow along the front of the site has been removed.

Division Member: Has called in the development.

Civil Aviation Authority (CAA): No response received.

Environment Agency: No response received.

National Air Traffic Services (NATS): The proposals do not conflict with their safeguarding criteria.

Natural England: Have been consulted on the amended/additional plans and information. Confirmation is sought from Natural England that the provisional nutrient credit certificate submitted by the agent is sufficient to ensure the scheme is 'nutrient neutral'.

Neighbourhood Policing Team: No objections.

NY Designing Out Crime Officer (DOCO): The DOCO has provided the following specific comments/recommendations in relation to the application as originally submitted: In relation to designing out crime, having reviewed the documents submitted, it is noted that the developer wishes to provide residents with views of the landscape from within their homes and that in order to do this a low-level stock proof fence is used where rear gardens abut to a field. It is further noted that for plots 13 to 18 that the stock proof fencing is to be supplemented with hedge planting. However, for plots 19 to 25 this is not the case. It is recommended that the boundary treatment to the rear of plots 19 to 25 is also supplemented, with for example, thorny hedging, as it is considered only having low level stock proof fencing makes these properties vulnerable to crime such as burglary.

NYC Environmental Health: EH have made the following comments in relation to the application as originally submitted:

Due to the close proximity to residential dwellings, in the interest of nearby residents, Environmental Health have recommended conditions (as summarised below):

- a) No construction work shall take place outside the hours of 08:00-18:00 hours Monday to Friday, 08:00-13:00 hours Saturday and not at all on Sundays/Public Holidays without the prior written permission of the Local Planning Authority.
- b) The prior approval of a Construction Management Plan to mitigate the effects of construction, to include noise, vibration and dust mitigation/suppression measures, the storage of plant and materials, and the location of the site compound.
- c) The prior approval of an external lighting scheme.

NB - It is noted that very similar conditional requirements were imposed on the outline permission, so it would not be expedient to impose these recommended conditions as part of any reserved matters approval.

NYC Environmental Health (Contaminated Land): EH have made the following comments in relation to the application as originally submitted:
From a contaminated land perspective EH, have no observations/comments to make.

NYC Lead Local Flood Authority (LLFA): LLFA have made the following comments in relation to the application as originally submitted:
“The LLFA have no further additional comments to add with respect to drainage for this reserved matters application, having already provided comments and requested further information in support of the discharge of conditions application (19/02101/DCN) on the 15th February 2022, for the same development.”

NYC Local Highway Authority (LHA): The LHA have been reconsulted on the amended/revised plans, and a formal recommendation is expected for the Planning Committee Meeting. Discussions between the Case Officer and Highways Officer regarding the amendments suggest that the removal of the previously proposed agricultural access from the application site has addressed their main previously expressed concern in relation to the development and a positive recommendation is therefore anticipated, although the formal LHA recommendation (and any recommended conditions) will be reported to the Planning Committee.

Northumbrian Water Limited (NWL): NWL have made the following comments in relation to the application as originally submitted:
“We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Underground Drainage GA Plan and Chamber Schedules-P1. In this document it states the foul flows shall discharge to the foul sewer at manhole 7204, whilst the surface water flows shall discharge to the surface water sewer at manhole 7206 at a restricted/ pumped discharge rate of 5l/sec. Based on these comments, they have recommended a condition requiring the development to be implemented in accordance with the aforementioned document, including ensuring that foul flows discharge to the foul sewer at manhole 7204 and ensuring that surface water discharges to the surface water sewer at manhole 7206, as well as ensuring that the surface

water discharge rate does not exceed the available capacity of 5l/sec that has been identified in this sewer, although final surface water discharge rate shall be agreed by the Lead Local Flood Authority.”

NB – As there is a condition on the outline permission requiring specific details of the proposed drainage scheme to be agreed, the matters raised by NWL (including those within their recommended condition) can be addressed through the relevant discharge of conditions application, rather than this reserved matter application.

Teesside International Airport Safeguarding Team: Have raised no objections.

Yorkshire Wildlife Trust: No response received.

Local Representations

- 7.2. 2 local representations have been received in total, objecting to the proposals as originally submitted. A summary of the comments is provided below, however, please see Public Access for full comments:
- The agreed 30 per cent affordable housing provision should be adhered to, and enforced by the Council, noting that Local Plan viability testing has shown that a 30% affordable housing target is viable in the majority of development scenarios.
 - It is important that the agreed proportion of affordable housing provision is retained as it is important to providing (affordable) housing for locals and those who work in social care, healthcare and who are employed in local employments.
 - In terms of environmental impact, it is noted that HDC reinforced its commitment to tackling climate change. Ensuring the inclusion of best available technologies into any planning consents to improve environmental performance, with appropriate enforcement/monitoring is the only way to ensure this happens and changes the current state.
 - Ensuring appropriate controls with enforcement that are fit for purpose is essential.

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. Outline planning permission was granted in August, 2020 for up to 25 dwellings, with access considered as part of the outline permission. This application therefore considers the remaining reserved 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
 - 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
- 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
- Nutrient Neutrality

10.0 **Assessment**

Principle of Development

- 10.1 Outline planning permission (with access) was approved on the site in August, 2020 for up to 25 dwellings with a Section 106 agreement completed requiring the provision of 30 per cent affordable housing. Therefore, the principle of up to 25 dwellings on the site has already been established.

Affordable Housing

- 10.2 Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing to make provision for 30 per cent affordable housing (subject to viability) for proposals with 10 or more units within non-rural parishes such as Stokesley.
- 10.3 Affordable housing provision is not however a reserved matter *per se* and the affordable housing parameters for the development were legally established through the Section 106 agreement completed in August 2020 in relation to the outline planning permission (19/02101/OUT) Although the outline planning permission was considered/determined in respect of the policies of the now superseded Local Development Framework (LDF), the Section 106 agreement also required 30 per cent affordable housing provision, but with a requirement for a maximum of 7 affordable dwellings to be provided.
- 10.4 The proposed development is for 25 dwellings within the site, seven of which are proposed to be affordable homes. This would meet the requirement of the Section 106 agreement in respect of providing a maximum of seven affordable homes, although it is acknowledged that in doing so, seven affordable dwellings would equate to 28 per cent on-site affordable housing provision and an on site shortfall (below the 30 per cent requirement) of 0.5 of an affordable unit.
- 10.5 The Council's Housing SPD states that where the 30 per cent affordable housing requirement results in an on-site shortfall of a fraction of a unit, a financial contribution will be sought for the remaining fraction based on the 'affordable housing requirement calculation' as set out within Appendix C of the Housing SPD. This financial contribution can then be used towards the provision of affordable housing elsewhere.

10.6 While the agent considers that the provision of seven affordable units on site would be compliant with the Section 106 agreement and therefore any additional provision would not be strictly necessary, he has informed Officers that the applicant would be willing to consider a financial contribution equivalent to 0.5 of a dwelling if the Council considered that it was required. The issue of affordable housing provision is a matter that is considered, and where necessary, secured as part of the outline planning permission through the completion of a Section 106 agreement, as has been the case with the White House Farm development. There is no requirement for the applicant to vary of the terms of the previously agreed/signed Section 106 agreement for this application and it is beyond the scope of a reserved matter application to reconsider the affordable housing provision for the development agreed previously. As the provision of seven on site affordable units shown within the amended proposed layout would be compliant with the Section 106 agreement signed in relation to the outline planning permission, any additional on-site affordable units (greater than the seven shown) is therefore not required.

Housing Mix

10.7 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 Strategic Housing Market Assessment (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, including a housing mix table (table 3.1) providing percentage mix ranges for 1, 2, 3 and 4+ bed market and affordable properties:

	Table 3.1 Housing SPD		Proposed Housing Mix	
<i>House Size</i>	<i>Market</i>	<i>Affordable</i>	<i>Market (18 Units)</i>	<i>Affordable (7 Units)</i>
1 bed	5-10%	20-25%	0% (0)	0% (0)
2 bed	40-45%	50-60%	11.11% (2)	71.43% (5)
3 bed	40-45%	10-20%	11.11% (2)	28.57% (2)
4+ bed	0-10%	0-5%	77.78% (14)	0% (0)

10.8 The agent has acknowledged that the proposed housing mix 'does differ' from the percentage mix ranges of table 3.1 of the Housing SPD. The agent has confirmed that the priority of the proposed scheme has been to deliver the 30 per cent affordable provision required by the aforementioned Section 106 agreement despite the challenge to viability of needing to address abnormal costs on site. As such, a higher proportion of larger (4+ bed) market properties are proposed. Overall, the agent has stated that the proposed scheme has prioritised the delivery of the required affordable housing provision, whilst seeking to address the under provision of semi-detached properties in Stokesley (as identified within the SHMA) within the Plan Area as means of achieving a sustainable housing mix for the development, instead of focussing on the above housing mix target ranges of table 3.1 of the Housing SPD.

- 10.9 The agent has also been keen to emphasise that the affordable housing mix is 'broadly compliant' with the target affordable housing mix for 2 and 3 bed properties with the lack of any 4+ bed and single bed properties allowing the target range percentages to be exceeded in both cases (the agent has stated that the provision of single bed properties would not be appropriate on a constrained site where only 25 dwellings would be delivered). Given the broader objective within the SHMA and Housing SPD to deliver a greater number of 'smaller' properties, i.e. 2 and 3 bedroomed dwellings (affordable or otherwise), the proposed housing mix helps to achieve this objective with 44 per cent of the total dwellings being 2 and 3 bedroom homes.
- 10.10 The agent has also drawn attention to the specific wording of Policy HG2 which not only requires a range of house types and sizes to be provided that reflects and responds to the existing and future needs of the district's households as identified in the SHMA, but also having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing.
- 10.11 This is taken further within paras. 3.5-3.6 of the Housing SPD which states that the council recognises that notwithstanding the Council's wish to see the target mix of table 3.1 delivered across the Plan Area, it recognises that different housing mixes will be appropriate in different locations, and therefore 'other considerations'; in determining an appropriate mix for an individual site is likely to include: site location and characteristics; existing local housing stock characteristics and current housing market conditions. Proposals that do not reflect the target mix (of table 3.1) will be required to justify the mix proposed against such considerations.
- 10.12 In this regard, the agent has provided the following comments/observations:
- The [housing] market has demonstrated that bungalows and a significant proportion of 2 and 3 bed market homes are not deliverable on the site with a 'full' [policy compliant] affordable housing contribution.
 - The 2016 SHMA recognised that Stokesley has typically represented a popular retirement destination where older people tended to remain and thus sales and availability were generally lower, suggesting that a localised need exists for 3 and 4 bed family homes given the lack of a general churn of existing dwellings within the [housing] market.
 - The approved housing development to the immediate north by Taylor Wimpey (15/01943/REM) comprised 47 per cent 2 and 3 bedroomed dwellings. The proposed development is similar with 44 per cent of the overall mix comprising 2 and 3 bedroomed homes albeit on a much smaller site with bespoke constraints.
 - The proposals would cater for current market signals and a demand for 4 bedroom family homes in Stokesley particularly with flexible office and home working arrangements becoming the norm.
- 10.13 The overall mix of housing proposed and the deliverability of this site needs to be considered in the light of the wider planning history of this site in terms of the viability context, which has been shown, throughout to be poor, owing to the significant abnormal costs associated with the development of the site, in part owing to the extensive clearance and remediation works required. In conclusion, the proposed housing mix fails to fall within the housing mix

percentage ranges for both market and affordable housing as set out within table 3.1 of the Housing SPD, the contents of which is a material consideration in the determination of this application. The lack of any single storey properties and single bed units also fails to provide a wider spectrum of house types and sizes as recommended within the SHMA and Housing SPD.

- 10.14 The agent is correct in stating that the housing mix ranges (within table 3.1) are not intended to be applied strictly and as a 'one size fits all' approach, with both Policy HG2 and the Housing SPD expecting other housing market and site-specific considerations to also be taken into account also in determining whether the proposed development would provide an appropriate range of house types and sizes, although suitable justification is required where a different housing mix is proposed. As summarised in paragraph 10.12 above, there are site and viability constraints associated with the development of the site, including the removal of the agricultural buildings and remediation of the agricultural site. There is also considered to be some merit in the arguments put forward about the local housing needs of Stokesley, and reasonable weight needs to be given to the provision of a relatively large proportion of 'smaller' 2 bed properties (both affordable and market units) which the Housing SPD identifies as being needed across the Plan Area, and which in total would constitute a not insignificant 28 per cent of the proposed housing.

Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.15 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.
- 10.16 Following discussions between Officers and the agent regarding the NDSS requirements (for built in storage in particular), revised house type plans have been submitted that has sought to address insufficient built-in storage for some house types to meet the NDSS requirements. The revised proposed individual house type plans demonstrate that the Gross Internal Areas (GIA), bedroom sizes and proposed built-in storage for each dwelling would meet 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

- 10.17 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.)

- 10.18 The proposed layout makes effective and efficient use of the application site and has a legible layout. The proposed scheme has a varied mix of house types and designs. Equally, a variety of external materials and design features are proposed for the dwellings, including the use of brick and render and both red and grey roof tiles, with the design and appearance of dwellings not dissimilar to those of the recently completed Taylor Wimpey scheme opposite the site.
- 10.19 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 Landscape Character

- 10.20 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.)
- 10.21 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.
- 10.22 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.
- 10.23 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 Local Plan as a Green Infrastructure Corridor.

- 10.24 A revised Soft Landscape Proposals Plan (Ref.F) has been submitted with the application. This shows that a 'landscape buffer' (which is also public open space) to be created along the frontage of the site adjacent to the southern side of Westlands. An existing unmanaged conifer hedge would be removed although a new mixed hedgerow would be planted along the frontage. The rest of the buffer would be seeded with a grass/wildflower mix. A row of additional tree planting is proposed immediately behind the new hedgerow within the buffer, while a second row of trees would be planted to the south of the first row, just outside of the buffer but along the northern curtilage boundaries of the properties within the northern part of the site.
- 10.25 Extensive new hedgerow planting is also proposed along the southern and eastern boundaries, adjacent to the pumping station, and to the side and frontages of dwellings. The amended plans show that replacement hedging would be planted to the site frontage (within the landscapes buffer area) to accommodate for the existing hedgerow recently removed without consent. Individual tree planting is also proposed within the frontages of many of the properties, as well as in the small, areas of public space scattered through the layout of the development. The area of public open space would also contain a number of individual and multi-stemmed trees situated within the grassed area. Within the POS would be three designated grassed areas with the planting of bulbs, while an area to the south of the pumping station (and above the underground attenuation tank) would be given over to wildflower planting.
- 10.26 Overall , the proposals would provide a varied landscaping scheme that would be congruous with the site's 'edge-of-settlement' location and its semi-rural surroundings, while enhancing green infrastructure, in accordance with policies E1, E4 and E7 of the Local Plan.

Ecology and Biodiversity Net Gain

- 10.27 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC's, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.28 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.
- 10.29 The impact on ecology and biodiversity are issues that were considered as part of the outline application (although it is noted that there was no specific target/requirement in the Development Plan (i.e. the superseded LDF) to

achieve BNG at the time the outline application was considered, and there were no requirements (in terms of any conditions of the outline permission) to demonstrate biodiversity net gain or agree a strategy for biodiversity enhancement, mitigation or management. Nonetheless, the landscape strategy has sought to maximise opportunities to enhance biodiversity on-site, with a submitted Biodiversity Net Gain Report indicating a net gain in hedgerow units being achievable (132.04%) but a decrease in half a habitat unit (32.71%) as natural scrub cannot be replaced within the scheme. In the circumstances, the enhancement to hedgerows is considered to represent a reasonable and sustainable approach to biodiversity enhancement within the site which can easily be managed through the lifetime of the development. While the likely loss of part of a habitat unit is acknowledged, the nature of the existing habitat to be lost (natural scrub) would be difficult to protect, replace or mitigate for within the site given the nature of the development approved at outline stage. Overall, the landscaping scheme is considered to provide a reasonable and pragmatic approach to providing and maintaining biodiversity on site and within the development.

Amenity

10.30 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.)

10.31 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.

10.32 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

- 10.33 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.)
- 10.34 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.)
- 10.35 It is worth clarifying that access has already been considered at outline stage and considered to be acceptable, and therefore does not need to be reconsidered as part of the reserved matters approval.
- 10.36 The LHA has been consulted on the application and have not raised any significant issues, although the LHA did previously express concern regarding the provision of an agricultural field access within the development, although this has subsequently been removed from the latest proposed layout plan and is subject to a separate planning application in its own right.
- 10.37 As stated in section 7 above, the LHA have been reconsulted on the amended/revised plans, and a formal recommendation is expected for the Planning Committee Meeting. Discussions between the Case Officer and Highways Officer regarding the amendments suggest that the removal of the previously proposed agricultural access from the application site has addressed their main previously expressed concern in relation to the development and a positive recommendation is therefore anticipated, although the formal LHA recommendation (and any recommended conditions) will be reported to the Planning Committee.
- 10.38 In terms of connectivity, the proposed layout shows a path running through the public open space would connect the top and bottom roads and provides a natural link through the development.
- 10.39 The proposed plans show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards.

Flood Risk and Surface Water Drainage/Management

- 10.40 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.)
- 10.41 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.)
- 10.42 The application site is located predominantly in Flood Zone 1, but with areas within Flood Zone 2 of the Environment Agency's flood maps. Issues of flood risk and surface water drainage were considered in detail at outline stage (with details required to be submitted and discharged 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, other than it is noted that the proposed layout has been designed to avoid locating dwellings within the areas of the site within Flood Zone 2 with these areas consisting of garden areas. The Lead Local Flood Authority have suggested within their response that the precise details of the drainage scheme need to be submitted and considered as part of the discharge of conditions application (rather than through this reserved matters application)

Water Supply and Foul Drainage

- 10.43 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.)
- 10.44 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

- 10.45 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. 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.)
- 10.46 Issues of land and groundwater contamination were considered at outline stage and addressed through planning conditions, 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

- 10.47 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.) 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. 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.
- 10.48 There is a requirement through a condition on the outline application to provide details of renewable energy generation 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 carbon savings and climate change mitigation for the development.

Crime, Anti-Social Behaviour and Secured by Design

- 10.49 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.)

- 10.50 It is stated within the Design and Access Statement that the proposed design, landscaping and layout of the development has been based on Secured by Design principles, including the provision of external lighting, the open nature of pedestrian routes, the provision of 1.8m high fencing backing onto public areas, additional deterrents provided by shrubbery planting, the positioning of dwellings and windows to provide natural surveillance, the provision of off-street parking and the provision of certified windows and doors.
- 10.51 The Designing Out Crime Officer (DOCO) commented on the application and raised a relatively minor issue regarding the boundary treatments of a number of plots for 'designing out crime' reasons. The revised proposed layout and landscaping plans have sought to address the DOCO's concerns in these regards with amendments to the respective plot boundaries.

Aerodrome Safeguarding

- 10.52 The site is located within the designated Aerodrome Safeguarding Area for Teesside International Airport. Teesside International Airport have been consulted on the application (as has NATS and the CAA) and no objections have been raised.
- 10.53 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.

Nutrient Neutrality

- 10.54 In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This effects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment. LPAs can only approve a project if they are sufficiently certain it will have no negative effect on the habitat site's condition.
- 10.55 The LPA (as the Competent Authority) has undertaken an Appropriate Assessment in relation to the implications of the proposed development on the Teesmouth and Cleveland Coast SPA.
- 10.56 As confirmed by Natural England advice, high concentrations of nutrients in the water can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. The proposed development has the potential to increase the total nitrogen within the Tees catchment and add to the current exceedance, thus having a significant impact on the SPA. This impact can however be mitigated

through the purchase by the applicant of sufficient nutrient credits from Natural England, such that the development would not have a likely significant impact on the SPA.

- 10.57 A Nutrient Neutrality Feasibility Assessment has subsequently been submitted to the LPA. This confirms that there would be a positive total nitrogen load as a result of the development that would need to be 'made neutral'. The agent has subsequently confirmed that the developer is seeking to achieve nutrient neutrality for the proposed development through the purchase of Natural England credits through their nutrient credit purchase scheme. In this regard, the agent has subsequently submitted a copy of a provisional nutrient credit certificate (dated 26.05.2023) which demonstrates provisional agreement from Natural England of the purchase of 52.54 credits, although a final certificate will only be signed/issued by Natural England once the required monies are paid to Natural England.
- 10.58 Nevertheless, the provisional certificate confirms that a provisional certificate may be relied on by a Competent Authority as confirmation that the developer has reserved (with Natural England) the number of nutrient credits as stated within the provisional certificate. The credits are reserved for a specific period of time (i.e. 36 weeks) and confirmation must be provided to Natural England (by the developer) within that time that planning permission has been approved.
- 10.59 Officers have sought confirmation from Natural England that the specific number of nutrient credits (as stated within the provisional certificate) are sufficient to mitigate the positive (net) total nitrogen generated by the development and that an appropriate assessment has been appropriately undertaken. Subject to receiving this confirmation, the purchase of the specific amount of nutrient credits stated within the provisional certificate is considered to provide appropriate mitigation, but a Grampian-style condition would need to be imposed requiring a copy of a final (signed) credit certificate to be provided to the LPA prior to the commencement of the development.
- 10.60 On 29th August, 2023 the Government announced its intention (through amendments tabled to the Levelling Up and Regeneration Bill, which is currently in the House of Lords) to remove the 'nutrient neutral' requirement on new development across the country, including development within the River Tees Catchment such as the White House Farm development currently under consideration, with the Government instead committing to address the causes of nutrient pollution through other mechanisms, including 'catchment-specific solutions'.
- 10.61 Although the Levelling Up and Regeneration Bill is at a relatively advanced stage (i.e. with the House of Lords) it is important to note that it is not yet law, therefore as of September, 2023 the 'nutrient neutral' requirement still applies to this proposed development and remains an important planning consideration. Nevertheless, given the strong likelihood that the Bill (with its amendments) will pass into law, it is considered expedient that the aforementioned 'Grampian-style' condition is worded to account for this likely change in the law and allow the development to commence without confirmation of the purchase of the required nutrient credits if such agreement is provided in writing by the LPA prior to the commencement of the

development. The LPA would only agree in writing to this where there had been a subsequent change in the law regarding the need for development to be 'nutrient neutral'.

11.0 Planning Balance and Conclusion

- 11.1 Subject to specific conditions and receiving positive representations from statutory and technical consultees (including the Local Highway Authority and Natural England) 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 Subject to specific conditions and receiving positive representations from technical and statutory consultees (including the Local Highway Authority and Natural England) that remain outstanding, 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:

BH20002-APP-94-XX-DR-C-2020-S1 P03

BH20002-APP-94-XX-DR-C-2100-S1 P02

BH20002-APP-XX-00-DR-A-200 P2

BH20002-APP-XX-00-DR-A-001 P8

BH20002-APP-XX-00-DR-A-050-P2

BH20002-APP-XX-00-DR-A-051 P6

BH20002-APP-90-DR-C-2400 P03

BH20002-APP-90-M3-C-3000 P03

BH20002-APP-XX-00-DR-A-101 P3

EDS 07-0102.05 Version D

BH20002-APP-XX-00-DR-A-100 P3

BH20002-APP-XX-00-DR-A-108 P3

BH20002-APP-XX-00-DR-A-106 P4

BH20002-APP-XX-00-DR-A-103 P3

C002-A

BH20002-APP-94-XX-DR-C-7200 P02

BH20002-APP-XX-00-DR-A-104 P3

BH20002-APP-XX-00-DR-A-105 P3

BH20002-APP-XX-00-DR-A-1001 P1
BH20004_APP_ZZ_XX_DR_A_300 P1
BH20004_APP_ZZ_XX_DR_A_S01_301 P1
BH20002-APP-XX-00-DR-A-107 P4
0401 P5
EDS-07-0102.05 Version A
LL01 Rev.F
P21042-EngSt_C
0402 P1
0403 P1
0404 P1

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

Condition 3: Landscape Management Plan

No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on LL01 Rev.F has been carried out. 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: 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 5: Nutrient Credit Certificate

Unless otherwise confirmed in writing by the Local Planning Authority, the development shall not commence until a valid final Nutrient Credit Certificate signed on behalf of Natural England within Section 9 of the certificate has been submitted to the Local Planning Authority confirming the purchase of 52.54 nutrient credits.

Confirmation for the purchase of the stated Nutrient Credits is required prior to the commencement of the development to confirm that the required number of

nutrient credits have been purchased from Natural England to mitigate the nutrient load generated by the development.

Reason: To ensure that the proposed development is nutrient neutral and to appropriately mitigate the risk of harm to the Teesmouth and Cleveland Coast Special Protection Area in accordance with policies S1 and E3 of the Local Plan.

Target Determination Date: 11.07.2022

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

This page is intentionally left blank