

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Constituency Committee**

**13 APRIL 2023**

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

At: Old Hatchery, Blind Lane, Aiskew

For: Tony Gillman (Blind Lane Land Limited)

**Report of the Corporate Director – Community Development Services**

**1.0 Purpose of the Report**

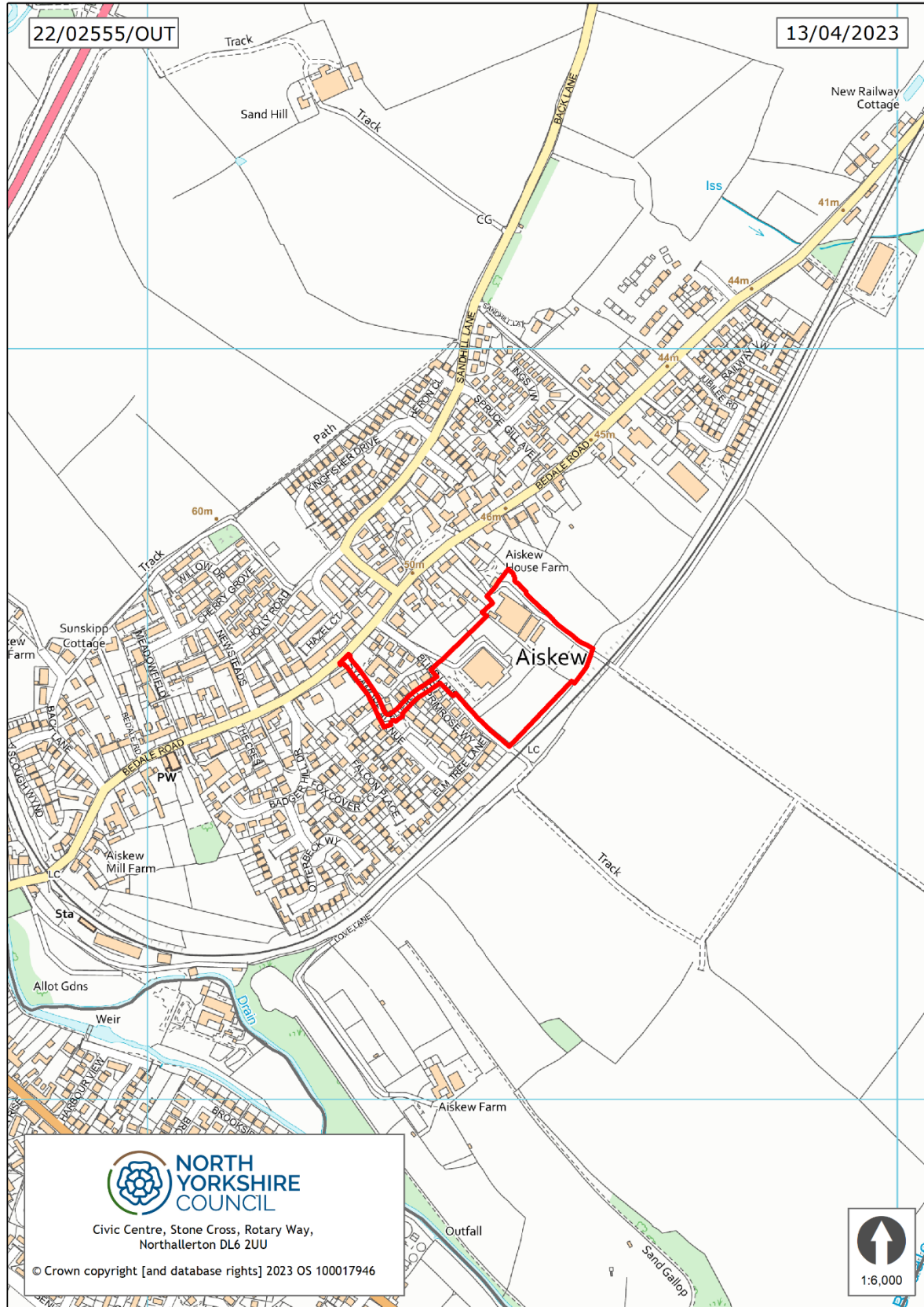
- 1.1 To determine a planning application for outline planning application for the development of up to 88 dwellings (as amended) on land at Old Hatchery, Blind Lane, Aiskew.

**2.0 Executive Summary**

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

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

13/04/2023



### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found here:-  
[https://documents.hambleton.gov.uk/PublicAccess\\_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DC&FOLDER1\\_REF=22/02555/OUT](https://documents.hambleton.gov.uk/PublicAccess_LIVE/SearchResult/RunThirdPartySearch?FileSystemId=DC&FOLDER1_REF=22/02555/OUT)
- 3.2. During the course of the application, an amended indicative layout plan has been submitted (Rev.T) along with relevant updates to a number of the accompanying statements and assessments to reflect this amended layout. The revised indicative layout plan shows the removal of the existing manure heap from the eastern corner of the application site following the successful purchase (on behalf of the applicant) of this land. This has allowed this part of the application site to be integrated within the proposed developable area of the residential development, with a resultant increase in the indicative number of units from 83 (as shown on the originally submitted indicative layout plan) to 88.
- 3.3. As shown on the amended indicative layout plan (Rev.T), this increase in developable area would potentially facilitate a different road layout and orientation of properties resulting in a better amenity (privacy/overlooking) relationship between dwellings within the proposed development and the approved care home development on land immediately to the north of the site. The revised indicative plan also shows a potentially new position for the SuDS basin within the southern corner of the site. Environmental Health and local residents have been reconsulted on the aforementioned amended indicative layout plan and assessments/statements.
- 3.4. It should be noted that the revised indicative layout plan (Rev.T) only shows 87 residential plots. An additional plot is proposed on land outside of the 'land-edged-red' of the current application (labelled as plot 80 on the revised indicative layout plan), but is part of a separate planning application (22/00958/FUL) for a single dwelling that has yet to be determined by the Local Planning Authority.
- 3.5. The following planning history is considered relevant.
- 81/0144/FUL - Extension to Existing Chicken Hatchery - GRANTED
  - 87/0188/FUL - Alterations to Two Existing Bungalows - GRANTED
  - 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink - GRANTED
  - 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – GRANTED

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

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

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

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

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

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

Adjacent sites:

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

#### **4.0 Site and Surroundings**

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

## **5.0 Description of Proposal**

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

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Hambleton Local Plan – February 2022

### Guidance - Material Considerations

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

## **7.0 Consultation and Re-consultation Responses**

### Re-consultation

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

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

#### Original Consultation

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

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



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

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

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

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

## **9.0 Main Issues**

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

## **10.0 Assessment**

### Principle of Development

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

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

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

#### Housing Windfall Development (Policy HG5)

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

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

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

#### Affordable Housing

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

#### Housing Mix

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

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

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

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

- 10.16 The expected housing mix reflects the Council’s objective of increasing the number of two and three bedroom homes, improving options for smaller families and couples and allowing older people to downsize. The mix for affordable housing is intentionally weighted towards one and two-bedroom houses reflecting the demand for, and turnover of, one-bedroom homes in this sector and statutory homeless responsibilities of local authorities, although it is recognised that the need for affordable housing of different sizes will vary by area at a more localised level and over time, therefore the housing mix range should be taken into consideration alongside details of households currently on the Home Choices Housing Register in the local area and the stock and turnover of existing properties. Paragraph 3.6 of the Housing SPD is clear that any development proposals that do not reflect the expected housing target mix (as detailed in the table above) will be required to justify any alternative proposed housing mix for the site. As identified within the SPD and the supporting text of the Hambleton Local Plan, Hambleton has a very low proportion, and overall shortage, of bungalows within its housing stock.
- 10.17 As an outline application, the precise housing mix would be subsequently agreed through the discharge of a planning condition, however the agent has supplied an indicative mix with the current application which he is indicated is proposed to be taken forward as part of any reserved matters submission and discharge of conditions application, should outline permission be granted. Although the market housing mix falls short of the expectations of table 3.1 of the Housing SPD in terms of the provision of single bed and two bed properties, the overall housing mix is considered to be an appropriate one, with the on-site affordable housing providing four much needed affordable, single bed quarter houses. The fact that the proposals are delivering several smaller-scale bungalows on site also has to be given reasonable weight in consideration of the housing mix. The Planning Statement confirms that 87 per cent of the dwelling on site are proposed to be between 1-3 beds. Overall, the development is considered to be able to provide an appropriate housing mix, in accordance with Policy HG2 of the Hambleton Local Plan.

## Housing adaptability and Nationally Described Space Standards (NDSS)

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

## Highway safety, accessibility, permeability and connectivity

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

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

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

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

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

#### Impact on the Public Right of Way network

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

## Design

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

## Climate Change and Carbon Savings

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



## Amenity

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

## Crime, anti-social behaviour and Secured by Design

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

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

#### Designated heritage impacts

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

#### Impact on archaeology (as a non designated Heritage Asset)

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

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

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

#### Flood risk and surface water drainage

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

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

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

#### Water supply and foul drainage

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

## Contamination and pollution

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

## Aerodrome safeguarding

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

## Ecology and Biodiversity Net Gain

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

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

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

#### Trees, hedgerows and Green Infrastructure

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

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

## Open Space

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

## **11.0 Planning balance and conclusion**

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

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

## **12.0 Recommendation**

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

### **Section 106 requirements:**

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

### **Recommended conditions:**

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



Reason

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

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

Reason

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

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

Reason

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

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

Reason

To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.

5. The development must not be brought into use until the access to the site at Bluebell Way has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The access must be formed to give a minimum carriageway width of 5.5metres, and that part of the road extending into the site must be constructed in accordance with Standard Details issued by the local highway authority. All works must accord with the approved details.

Reason

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

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

Reason

In the interests of highway safety.

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

Reason

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

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

Reason

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

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

Reason

To establish measures to encourage more sustainable non-car modes of transport.

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

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

**Reason**

In the interest of highways safety and public amenity.

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

**Reason**

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

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

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

Reason

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

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

Reason

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

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

Reason

To accommodate flows in storm events and allow for future maintenance

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

Reason

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

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

Reason

In the interest of satisfactory and sustainable drainage.

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

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

Reason

In the interest of biodiversity.

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

Reason

In the interest of biodiversity.

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

Reason

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

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

Reason

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

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

Reason

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

**Target Determination Date:** 28.02.2023

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

