

**North Yorkshire Council**  
**Community Development Services**  
**Thirsk and Malton Constituency Area Planning Committee**

**15<sup>TH</sup> JUNE 2023**

**22/02862/FUL- DEMOLITION OF EXISTING AGRICULTURAL OUTBUILDINGS AND SINGLE STOREY EXTENSION TO END HOUSE, STAINTHORPE ROW AND PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING 42 NEW DWELLINGS (C3), MEANS OF ACCESS, SITE INFRASTRUCTURE, OPEN SPACE AND ASSOCIATED LANDSCAPING AS AMENDED ON 04 APRIL 2023**

**AT OS FIELD 4234, SOUTH OTTERINGTON, NORTH YORKSHIRE  
ON BEHALF OF MR JOHN BEDDOW**

**Report of the Assistant Director - Planning**

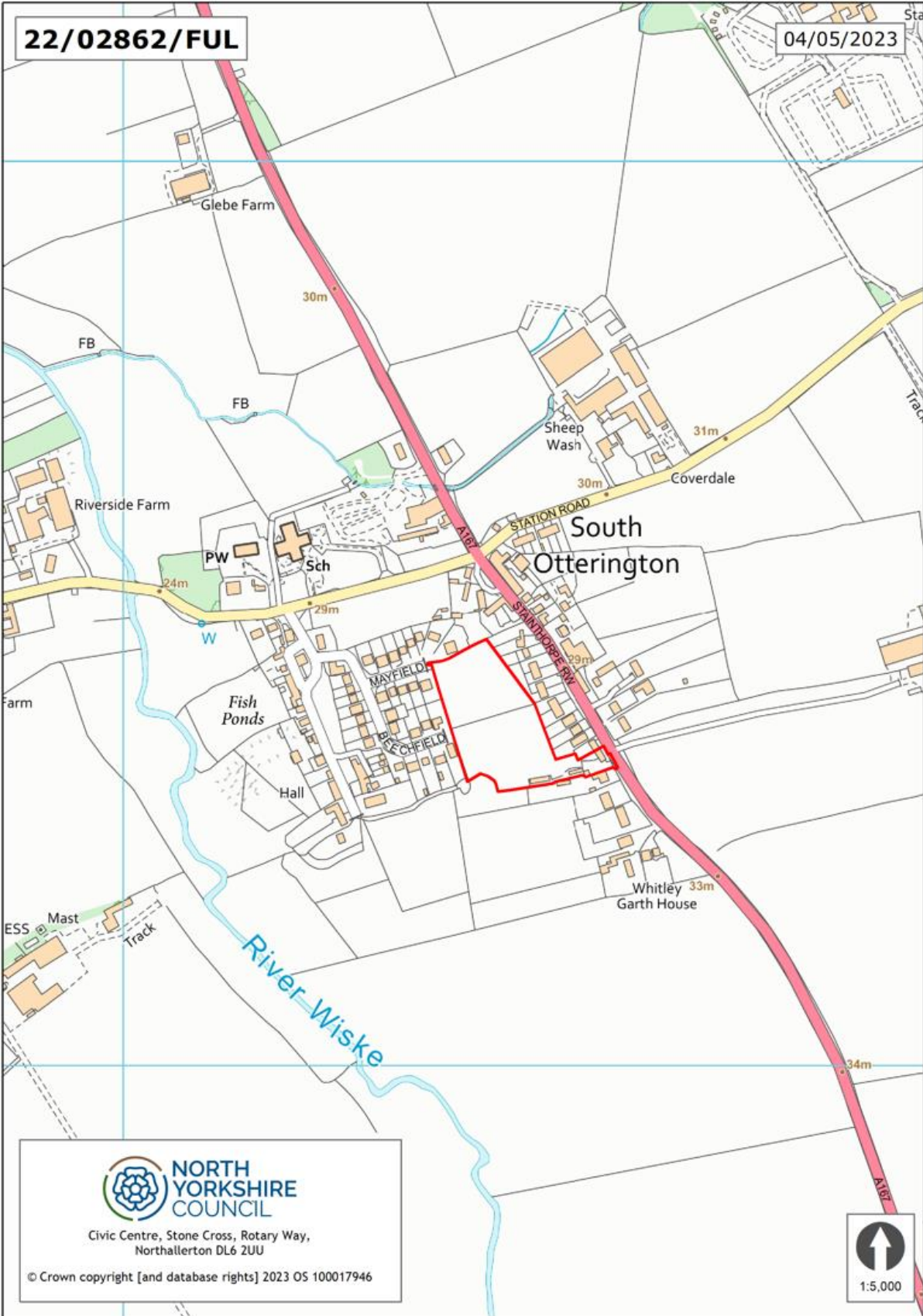
**1.0 Purpose of the Report**

- 1.1 To determine a planning application for Demolition of existing agricultural outbuildings and single storey extension to End House, Stainthorpe Row and proposed residential development comprising 42 new dwellings (C3), means of access, site infrastructure, open space and associated landscaping as amended on 04 April 2023.
- 1.2 This matter is brought to Planning Committee owing to the level of public comment and through earlier commitments of the Council for the matter to be considered by Planning Committee.

**2.0 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 is for the development of 42 homes on a site, allocated in the Hambleton Local Plan for housing. The site is located in the centre of South Otterington on an area of grassed paddock.
- 2.2. The site is surrounded on three sides by existing housing development but is open to the countryside to the south.
- 2.3. The general principle of housing development on this site is established through the housing allocation in the Hambleton Local Plan. The main issues through the course of the application have been the number of units and housing mix, along with the details of the proposed layout. It is considered that these matters have been adequately addressed through amendments to the proposed development.



22/02862/FUL

04/05/2023

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### **3.0 Preliminary Matters**

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

[PublicAccess REF=22/02862/FUL](#)

3.2. Through the course of the application revised details have been sought with regard to access, layout, the position and form of public open space, housing mix and tenure split. The main changes are to the housing mix which now incorporates a mix of dwelling types that responds positively to identified housing need in the Local Plan area. The Public open space has been incorporated to the south of the development, to soften the transition to the open countryside beyond.

3.3. There are no relevant planning applications for this application.

### **4.0 Site and Surroundings**

4.1. The application site is a field within South Otterington surrounded on three sides by existing housing and open to the wider countryside to the south. The site is allocated in the Hambleton Local Plan for Housing under SOT1 allocated for approximately 40 dwellings. The site is 1.53Ha in area.

4.2. The site boundaries are largely formed by the rear and side gardens of existing dwellings, with a fenced boundary to the south effectively forming an existing field boundary.

4.3. The site exhibits evidence of ridge and furrow across the site.

### **5.0 Description of Proposal**

5.1. The application is for full planning permission for 42 dwellings of a mix of sizes and types and includes 30% affordable Housing.

5.2. Access is to be taken from the A167 which runs, north -south, beyond the housing to the east of the site. The access would run through an existing gap in the built frontage into the site, before turning north to provide access to the remainder of the site. Alterations are proposed to a dwelling at the access point. There is a public right of way running across the south of the site, which will be incorporated into the access and the public open space.

5.3. The application initially included provision of 40 units, the majority of which were larger dwellings which failed to meet the identified mix requirements. Through discussion with the developer around the housing mix, the proposals have resulted in a greater percentage of smaller units, but an increase in overall numbers to 42. This is considered generally in-line with the allocation policy which seeks "approximately" 40 units. Through the course of the

adoption of the plan it is understood that the capacity requirements stated in the plan assumed a 5% cushion and as such 42 units is considered generally acceptable.

## **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 the 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
- Joint North Yorkshire Waste and Mineral Plan – February 2022

### Guidance - Material Considerations

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Housing Size, Type and Tenure – July 2022
- Supplementary Planning Document - Sustainable Development - Adopted 22 September 2009

## **7.0 Consultation Responses**

- 7.1. Parish Council: Object on the following grounds:

- Local people given too short a period to respond
- The objections previously raised have not been addressed through the amended scheme
- Community engagement did not occur until well into the design stage
- 93% of respondents to the consultation stated that the village is not well served by local services and transport
- Insufficient parking
- Poor public open space provision
- Harmful impact from increased traffic
- Additional houses have already been built in the village and as such this development is no longer needed
- The other small-scale developments are more in-keeping with the village
- This development results in a 30% increase in the size of the village
- There will be no benefits to the village
- Local transport connections are very poor
- Proposal is too urban in appearance

- Should include one bed houses and 2 bed bungalows in the mix (Note that this is now included in the mix)
- Number of units should be drastically reduced
- Development will result in a loss of light to existing properties
- Question what will happen to End House
- Concern about road safety and road speeds in the area
- Request that a 40mph zone is included along with traffic calming measures
- Pedestrian crossings should be installed on the A167 across the Avenue to ensure safe access to the pub and the school
- The single access road is inadequate for a development of this size
- Surface water flooding issues. Building 42 homes on this site will lead to flooding in the vicinity.
- The archaeology on this site extends back to 1088 and it is believed that there is a medieval village
- More extensive investigation is necessary before any grant of planning permission
- Any change to the footpath must be of equal amenity value
- The development will harm local ecology
- Greater thought about the design and layout to benefit ecology is necessary

- 7.2. Ministry of Defence - The MoD has no safeguarding objections to the proposed development.
- 7.3. Highways – No objections subject to standard conditions.
- 7.4. Public Rights of Way - No objections but note that there is a PROW within or adjacent the site. The PROW runs across the southern portion of the site running east to west from the site entrance. Sets out the requirement to follow procedure with regard to footpath diversion.
- 7.5. Ramblers – Object owing to the adverse impact on the existing right of way. The existing path is a pleasant route over a grass field and is greatly appreciated by local residents. The amenity will be lost. There is sufficient space to avoid the need for a roadside footpath along the southern boundary. The diverted path should have a minimum width of 3m.
- 7.6. Yorkshire Water - No comments on the revised proposals. No objections, subject to conditions.
- 7.7. Lead Local Flood Authority – The Lead Local Flood Authority has asked a series of questions which have been answered by the applicant. The final comments of the LLFA are awaited and will be reported to Committee.

### Local Representations

- 7.8. 55 local representations have been received all of which are objecting. A summary of the comments is provided below, however, please see Public Access for full comments using the link at the beginning of this report.
- 7.9. Objections:
- Insufficient facilities to support this development
  - Development should be providing starter homes
  - Highway safety concerns about the access onto the A167
  - Access is directly opposite the access into the site on the east side of the A167
  - 30mph limit on the road is largely ignored
  - Traffic calming is required in the village already. This site should be serviced by a mini roundabout
  - A controlled crossing is needed for the school
  - There are no community benefits from this scheme
  - Public Open Space too small, lacks equipment and is located in the wrong place
  - Gardens too small and too close to existing neighbours
  - Existing occupiers will be disturbed by noise
  - Visitor parking is insufficient and will lead to on street parking
  - Tranquillity of the area will be spoiled
  - Harmful impact on ecology, bat survey is poor having been undertaken in late August
  - Badgers, Hare and other creatures occupy the field
  - Harmful impact on residential amenity
  - Limited support for development through public consultation process, which has not responded to concerns raised
  - Harmful impact on foul drainage owing to lack of capacity for cumulative development in the locality
  - Harmful impact on Broadband Bandwidth
  - Lack of local public transport with very limited bus service of three buses each way per day.
  - Proposals are too urban in character
  - Much of the hedge and trees shown as being retained within the development are actually in the neighbouring property and as such this is misleading
  - Surface water drainage issues which will only get worse over time resulting in flooding
  - Proposed development is too dense and represents over-development of the site
  - Represents a 40% increase in the size of the village or a 50% taken with other recent development
  - Proposals do not result in any new amenities for the community
  - Impact on Heritage assets in terms of the PROW and the ridge and Furrow and loss of Dew Pit. The field archaeology has not been researched sufficiently to determine whether or not there is harm
  - The re-route of the PROW is not acceptable as it fails to recognise the historical importance of the route

- This site is the only publicly accessible greenspace in the village
- Harmful impact on horse in adjacent field
- The proposed foul pumping station is not on the plans, where would it be located? (Officer note: This is added in the amendment)
- Design is not appropriate to this rural location
- In the consultation:
  - Only 4% of residents support the site location (Q1 in the survey). We are with the 70% who disagreed or strongly disagreed with the development being allowed to go ahead as currently proposed.
  - Approx 75% were strongly or simply against the layout (Q2) with just 11% in favour.
  - Approx 56% were not in favour of the proposed mix of housing
  - There was considerable consensus when it came to reading the comments which broadly align with a number of our objections above. The density of development, lack of parking provision, increased traffic levels, the impact on school and healthcare capacity, lack of village amenities and impact on village character being mainstays.
- A compliant housing mix would result in a lower density and more opportunity for open space.
- Open space in the village is limited and the proposals do not provide sufficient children's play space.
- The submission at the time of the allocation demonstrated how the site should be developed.
- Far too many 4 bed units.
- Bungalows should be included.
- Affordable units should be more spread out in groups of two.
- There is no gas supply to the village and yet the energy statement suggests the use of gas.
- Air source heat pumps are noisy and noise mitigation for existing residents may be necessary.
- Vehicle charging will further increase the load in the area which may need reinforcement.
- The energy and carbon reduction statement is flawed. The development will result in increased emissions and failure to meet the Council's climate change commitments
- Ground Source heat should be used and not air source. Quieter and more efficient.
- 0.88% improvement in fabric performance is very poor
- Need more clarity on the developer's energy strategy

Amendments to the proposals were sought and the amended scheme subjected to 10 days further representation period.

29 of the total objections were received following the renotification. Many reiterated issues raised in the earlier objections. It should be noted that none of the earlier objections were withdrawn as a result of the amendments.

## **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:
- the principle of the development in this location
  - affordable housing and housing mix
  - layout and design
  - the implications for heritage assets
  - residential amenity
  - access/highway safety
  - drainage & flood risk
  - Ecology, trees and biodiversity net gain

## **10.0 Assessment**

### Principle of Development

- 10.1. The application site is allocated in the Hambleton Local Plan for housing, as SOT1 which sets the parameters for the development of the site. It is considered that the general principle of housing development in this location is supported.
- 10.2. The allocation policy sets out the detailed parameters for the development of the site as set out below. The majority of these matters are picked up in the following sections of this report, but for clarity the policy parameters and principles for the development of the site are set out below:

### Access and highways

- Works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Mayfield Road and Beechfield Road and to Stainthorpe Road (A167). Vehicular access is to be on Stainthorpe Road (A167).

### Biodiversity and landscaping

- Biodiversity and landscape features should be retained, including hedgerows and mature trees. Boundary features enhanced to screen views of the site from the south.
- A preliminary ecological appraisal and possible ecological impact assessment will be required. Mitigation will be required to deal with any risk of habitat loss. Habitats must be protected from adverse impacts, such as obtrusive light.

### Heritage



- A heritage statement will be required to take into consideration historical landscape of the area and include conservation measures as the site contains part of a well preserved ridge and furrow field system.
- The site is considered to have archaeological potential, particularly for later prehistoric and Romano-British settlement, and an archaeological assessment will be required.

#### Design

- A design statement outlining the proposals will be required to show how the development will successfully integrate with the surrounding area including the neighbouring residential area. The statement will also address the constraints and opportunities of the site, whilst also paying attention to scale, height, massing and density considerations. The brief should guard against impacts of overshadowing and overlooking.

#### Affordable Housing

- 10.3. The application proposes 30% affordable housing. 30% of 42 units equates to 12.6 units. The affordable units will be provided in accordance with the tenure split contained within the Council's Supplementary Planning Guidance (1/3 social rent, 1/3 affordable rent and 1/3 intermediate product) with the 0.6 of a unit being provided by way of a commuted sum.

#### Housing Mix

- 10.4. The housing mix on the original submission was 6 x 2 bed, 6 x 3 bed, 23 x 4 bed and 5 x 5 bed. This was considered to fail to meet the requirements for locally identified housing needs and as such an amendment was sought.
- 10.5. The application has been amended and now proposes the following mix, which is considered compliant with the Council's policy. It is noted that all unit types are compliant with the Nationally Described Space Standards.

#### Overall Mix

Type	Description	Number	Percentage
1 Bed	Apartment	4	9.5 %
2 Bed	Semi	6	14%
2 Bed	Bungalow	10	24%
3 Bed	Semi	8	19%
3 Bed	Detached	10	24%
4 Bed	Detached	4	9.5%
		42	

## Affordable Mix

Type	Description	Number
1 Bed	Apartment	4
2 Bed	Semi	6
3 Bed	Semi	2
Total		12

- 10.6. Overall, this demonstrates an overall provision of 90% 1, 2 and 3 bed houses. This is considered to respond well to the identified need for smaller housing and it is particularly noteworthy that the proposal includes 24% bungalows and 9.5% single bed units. It is considered that the proposed mix is in line with the requirements of Local Plan policy and those of the Council's Supplementary Planning Guidance on size, type and tenure.
- 10.7. The matter of the scale of development has been subject of a number of representations. This has included the cumulative impact resulting from other permissions in the village, which it is stated did not form part of the consideration at the time that the Local Plan was adopted. Whilst it is important to understand the issues of cumulative impact, it is not the case that 40 units was set as the overall limit for the village. Both the allocation and windfall policies would apply, without prejudice to one another. The Local Plan having been adopted in 2022 remains up-to-date and should be given full weight in the consideration of the application.
- 10.8. There have been a number of approvals in the village in the recent past, the most pertinent of which is the development of 5 houses, immediately east of the site.
- 10.9. Whilst there is clearly a quotient of change resulting from new development in the village, this is considered to be consistent with the requirements of the Local Plan.

## Heritage

- 10.10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.11. There are no designated heritage assets within the site, non-designated assets including the ridge and furrow will be dealt with toward the end of this section. The development has the potential to impact on the setting of heritage assets in the vicinity. A Heritage Impact Assessment has been submitted with the application.

- 10.12. Paragraph 197 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where harm is identified the development should only be approved where Public benefits are identified, sufficient to offset the identified harm.
- 10.13. The Local Plan echoes national policy and requires the protection and enhancement of the historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements, policy S1 part e.
- 10.14. Policy S7 requires that heritage assets are conserved in a manner appropriate to their significance. Policy E5 - Development Affecting Heritage Assets, will only support proposals where those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved, those elements that contribute to the archaeological interest and setting of a scheduled monument or other archaeological site of national importance will be conserved.
- 10.15. Designated Heritage Assets (listed buildings) with potential to be impacted by the development comprise St Andrew's Church and the Rectory located to the north west of the site, approximately 200m away from the site boundary and separated from the site by existing housing. There is no direct intervisibility between the application site and the heritage assets in the vicinity.
- 10.16. It is considered that the land, subject of this application, may have had relevance in terms of the significance of the Church but that this is long lost since the wider development in the locality. It is considered that the proposed development results in no harm to the significance of the assets in terms of the setting of the heritage assets.

#### Non-Designated Heritage Assets

- 10.17. The NPPF requires that harmful impacts on non-designated heritage assets are considered in the planning balance. The main impact resulting from this application is on the ridge and furrow found in the field. North Yorkshire County Council's Archaeologist has been consulted and their comments are awaited.

#### Design and Layout

- 10.18. Policy S1 states amongst other matters that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities through the effective use of land, creating healthy, safe and

attractive living environments whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements. Policy E1 requires that all development should be of a high quality, reinforcing local distinctiveness and helping to create a strong sense of place. The policy then sets out a number of detailed criteria against which the development should be tested.

- 10.19. The layout has been subject to change through the course of the application owing in part to a change in the housing mix but also to facilitate a better landscape buffer and public open space provision to the south of the site.
- 10.20. South Otterington falls into three main character areas. The frontage development along the A167 (Stainthorpe Road) the mainly 20th century housing to the west and the school and church to the north. The frontage development whilst generally linear in character lacks any specific character with a mix of single and two storey development of various ages.
- 10.21. The housing to the west is of an estate form, common throughout the district but lacking in local distinctiveness.
- 10.22. The application proposes a relatively standard housing development approach with a central road layout feeding into discreet housing areas within the site. The layout is considered to make good use of the site without resulting in an overly dense layout providing for sufficient private and public amenity space through the site.
- 10.23. In terms of house design, the application proposes a relatively good mix of well detailed house types incorporating high quality external brick detailing and cottage style fenestration. Walls are finished in brick under a pantile roof. There are a mix of materials in the area, but dwellings are mainly finished in brick under pantile. It is considered that the proposed design is appropriate to the village location and that the requirements of policy are met in terms of design and local distinctiveness.

#### Residential Amenity

- 10.24. Policy E1 seeks to ensure that new development does not result in harmful impact on residential amenity. A number of concerns have been identified in representations in terms of potential impact on residential amenity. These concerns have centred around the overall change to the site from a field to a residential development and the additional noise and disturbance that this will lead to but also raise issues around loss of light owing to the proximity of development to existing homes.
- 10.25. It is clear that the development will result in a change to the character of the area. However, this change is not considered to result in any significant loss of amenity sufficient to result in a recommendation for refusal.

- 10.26. The development has the potential to impact in terms of overshadowing and privacy owing to the proximity to the gardens and homes that bound the site. Separation distances, face to face between the proposed and existing dwellings are generally of the order of 21m. Where, in one case this is approximately 19m, the proposed new dwelling is a bungalow and the neighbouring structure is a conservatory extension the separation distance and boundary treatment is considered to be acceptable. The applicant in revising the layout was specifically requested to ensure that their survey included all extensions, not always shown on Ordnance Survey plans.
- 10.27. Through the submission and the submitted drawings it is clear that there is no requirement to alter site levels across the development, which could have otherwise impacted on the relationship between properties.
- 10.28. It is considered that the height relationships and separation distances between properties is acceptable and that the development will result in no significant loss of residential amenity and is otherwise in compliance with policy E1.

#### Ecology and Biodiversity

- 10.29. Policy Requirements are set out in policy E3 and all development is expected to demonstrate the delivery of a net gain for biodiversity.
- 10.30. A tree survey and impact assessment has been submitted with the application. This shows that two hedges are to be removed at the site entrance to facilitate the proposed development. The assessment also highlights a number of off-site trees that could impact on the development and in some cases require maintenance work including Crown Lifting over the site. Otherwise, the assessment sets out the requirements for tree protection measures to be implemented. Should the application be approved, the tree measures should be a conditional requirement of any grant of planning permission.
- 10.31. A bio-diversity net gain assessment has been submitted which sets out the current position with regard to the biodiversity on the site and the methodology and steps to be taken to achieve a net gain.
- 10.32. The proposed development is not within nor close to any designated habitat in terms of a European site or SSSI. Policy E3 seeks to protect the ecological environment and sets an expectation for the delivery of Biodiversity Net Gain from all development. The application includes an assessment of the existing biodiversity of the site along with a plan for net gain.
- 10.33. The applicant's report states; "The baseline habitats on site provide a total of 3.45 Biodiversity Units and 0.03 Hedgerow Units. The habitats on site post-development provide a total of 4.61 Biodiversity Units and 0.4 Hedgerow Units. This leads to a net Biodiversity Unit Change of +1.16 equating to a

33.75% net gain and a Hedgerow Unit change of 0.37 equating to a 1156.32% net gain in hedgerow units.

10.34. The target Net Gain as set out in the Environment Act is 10%, although the Local Plan does not set a specific percentage. It is considered that the net gain envisaged through the development, of 33.75% is more than sufficient to meet the requirements of policy E3 and the NPPF.

10.35. Concern has been raised in representations over the loss of habitat that results from the development of this field within the village on which it is understood a variety of wildlife is regularly witnessed. Clearly, the development will result in a significant change to the habitat, but it is recognised that private gardens and well-designed public amenity areas can result in a net gain for wildlife through the provision of a better mix of habitat.

#### Drainage and Flood Risk

10.36. The application site is located in Flood Zone 1, the area at the lowest risk of flooding. Owing to the scale of development and policy requirements a Flood Risk Assessment has been submitted with the application. Through the course of the allocation process, through the adoption of the Local plan, it was identified that a portion of the site suffers from surface water flooding. The allocation policy requires that any application address this surface water issue. The application includes surface water attenuation and the application has been subject to consultation with the Lead Local Flood Authority.

10.37. A Flood Risk Assessment and Drainage Strategy has been submitted with the application. The development is entirely within Flood Zone 1, the area at lowest risk from flooding. The river Wiske is located approximately 290m to the west of the site. The Environment Agency Flood risk maps also look at surface water flooding and it has been previously identified that a small portion of the site suffers from surface water flooding. The EA maps suggest that part of the site is at medium risk of surface water flooding as a result of the 1in100 year rainfall event.

10.38. The Flood Risk Assessment quantifies the flood risk and concludes that the risks can be adequately mitigated through on-site attenuation and drainage design measures.

10.39. The proposed drainage strategy for surface water is to attenuate surface water and pump to the combined sewer in the road, discharging. Discussions with Yorkshire Water have sought to limit discharge to 2.5l/s due to the capacity of the foul sewer. This limitation has been incorporated into the design.

10.40. Finished floor levels, it is stated, will be set at 28.3m across the site approximately 0.3m above the average site level of 28m. This is sufficient to protect new homes from flooding up to the 1 in 1000 year flooding event.

- 10.41. The nearest foul water pipe is understood to be an adopted sewer located along the A167. Owing to the level change between the site and the sewer a pumping station is required to discharge the foul water from the site into the adopted sewer network.
- 10.42. Additional information has been requested by and submitted to the Lead Local Flood Authority, dealing with issues including micro-drainage calculations and drainage maintenance.
- 10.43. The Drainage management plan sets out the maintenance schedule and responsibilities for on-site drainage management. The non-adopted elements of the proposals are to be maintained by a Management Company. The final confirmation of the acceptance of the drainage details is awaited from the LLFA at the time of writing.

#### Access and Highways

- 10.44. The application proposes that the access is taken from the A167 to the north of the site, through a significant gap in the built form, in a location where the public right of way runs across the site. The access then leads into the site and forms a central spine road running south to north through the site.
- 10.45. The allocations policy sets out that works are required to extend and improve pedestrian links, including the provision of pedestrian and cycle access to Mayfield Road and Beechfield Road and to Stainthorpe Road (A167). Vehicular access is to be on Stainthorpe Road (A167).
- 10.46. Concern has been expressed in representations that the development of the site is heavily dependent upon the private car. It is noted that there are limited bus services through the village with a south bound service to Thirsk at 11.43, 13.33 and 14.58 and North bound service to Northallerton at 10.55, 12.45 and 14.15, but that it is accepted that there would remain a dependence on the private car.
- 10.47. In terms of pedestrian access, footpaths are provided onto Stainthorpe Road in tandem with the vehicular access to the site. A pedestrian / cycle route is provided to the north west corner of the site via Mayfield, which provides access beyond to the school. There is no proposal to connect via Beechfield owing to land ownership issues. It is accepted that the provision of a single point of connection to the north west is sufficient to provide an adequate level of connectivity although not strictly meeting the requirements of the allocation policy.
- 10.48. The application takes into account the existing public right of way which runs east to west through the southern portion of the site. Currently the public right of way runs across the open field. The proposals result in the right of way

being run, in part, along the footpath adjacent the access road. Clearly, an individual using the right of way would have a different experience owing to the proposed development as the route will now run next to a housing estate rather than the open field.

- 10.49. Following amendment to the layout the footpath is now incorporated through the public open space which is a significant improvement over the original submission and provides for a more commodious route for walkers. A footpath diversion will be necessary to allow for the alteration of the route.
- 10.50. Representations have raised concerns about the amount of parking including visitor parking on the site, stating that the proposals will lead to an influx of on-street parking through the development and in the wider vicinity.
- 10.51. Parking space requirements are in-line with Council Policy and the application has been considered by the Highway Authority who have raised no concerns about the proposed development. It is considered that matters pertaining to access and road layout are acceptable and in compliance with Policy IC2.
- 10.52. During the course of the application a third party has identified ownership of land at the head of Mayfield where the footway connection is to be made in compliance with the Local Plan. There was an associated error in the submitted certification and relevant land owner notification which has now been rectified.
- 10.53. In discussion with the Highway Authority it has been established that the extent of the adoption includes the land adjoining the application site and as such there is no impediment to the formation of the proposed access. This has been put to the correspondent and their position awaited.
- 10.54. In order to understand the implications, should the access not be formed, officers have walked the site and the routes through to the school and the village church and public house. Even without the proposed footpath link, the alternative routes around the village give access within approximately 10 minutes, on foot. This is considered a reasonable timeframe and as such even should it be established that the route through Mayfield can not be achieved, this should not be an impediment to development.
- 10.55. It is considered that the proposed development has a satisfactory form of access and that the development will not result in a harmful impact on road safety or the use of the Public Right of Way across the site.

#### S106 Legal Agreement

- 10.56. The following Heads of Terms have been agreed with the applicant for this application.



<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	30% 12 Units to be delivered on site with remainder by commuted sum.	
POS Bond	To be confirmed	Commencement

10.57. 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.

#### Equalities

10.58. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

10.59. It is considered that the design and layout of the site is in compliance with other relevant legislation, which has otherwise been subject to assessment under the Equalities Act. As such matters such as access widths and gradients are appropriate for all access users. No specific equalities matters have been raised through representations which are not otherwise addressed through other sections of this report.

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

11.1. The site is an allocated housing site in the adopted Local Plan. It is considered that other recent development in the village is not prejudicial to the implementation of this allocated site in terms of the cumulative impact of development in the village and as such the principle of development remains acceptable.

11.2. Technical matters pertaining to drainage and highways have been addressed and are considered to be in-line with relevant Local Plan Policy.

11.3. The impact of the development on residential amenity has been addressed and is considered to be acceptable both in terms of the residents of the proposed development as well as the occupiers of neighbouring development in the vicinity of the site.

- 11.4. Both surface and foul water disposal has been assessed and has been found to be acceptable subject to final confirmation by the LLFA.
- 11.5. Given the general character and form of the settlement the proposed layout and design is considered to be reflective of local character and is considered to be acceptable.
- 11.6. Clearly, the proposed development results in change to the character of the site and owing to the scale of the development, to the character of the village. Representations have set out the nature of the concerns. However, it is considered that the development is in accordance with the Development Plan and that material considerations raised against the proposed development are insufficient to warrant a recommendation for refusal.

## **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 Table 1.
- 12.2 Recommend that the footpath diversion be put in place in accordance with the approved layout plan.

### Recommended Conditions and Reasons for Conditions.

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

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

- 2 The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) set out below, unless otherwise approved in writing by the Local Planning Authority.

Site Location Plan	RES964-BHA-ST-XX-DR-A-0500-S4-P04
Proposed Site Layout	RES964-BHA-ST-XX-DR-A-1202-S4-P10
Coloured Site Layout	RES964-BHA-ST-XX-DR-A-1220-S4 P05-
Proposed Site Sections	RES964-BHA-ST-XX-DR-A-1300-S4-P01
External materials Plan	RES964-BHA-ST-XX-DR-A-1400-S4 P02
Boundary Treatment Plan	RES964-BHA-ST-XX-DR-A-1410-S4 P07
Arncliffe Boundary detail	RES964-BHA-ST-XX-DR-A-1415-S4-P02
Parking Strategy Plan	RES964-BHA-ST-XX-DR-A-1420-S4 P03
Refuse Collection and Storage Plan	RES964-BHA-ST-XX-DR-A-1430-S4 P03
Drainage Plans	Provided in Appendix B of Flood Risk Assessment and Drainage Strategy, prepared by Fairhurst
Topographical Survey	Provided in Appendix A of Flood Risk Assessment and Drainage Strategy, prepared by Fairhurst

Access Plans	Provided in Appendix B of the Transport Statement, prepared by S.A.J. Consultants
Landscaping Plan	L950-ONE-ZZ-XX-DR-L-0201-P05
764 - Proposed Floor Plans	RES964-BHA-V1-ZZ-DR-A-1501-S4P02
764 - Proposed Elevations	RES964-BHA-V1-ZZ-DR-A-1601-S4 P03
932 - Proposed Floor Plans	RES964-BHA-V2-ZZ-DR-A-1502-S4 P03
932 - Proposed Elevations	RES964-BHA-V2-ZZ-DR-A-1602-S4 P03
Ravensworth - Floor Plans	RES964-BHA-V3-ZZ-DR-A-1503-S4 P02-
Ravensworth - Elevations	RES964-BHA-V3-ZZ-DR-A-1603-S4 P03-
Redbourne - Floor Plans	RES964-BHA-V4-ZZ-DR-A-1504-S4 P02-
Redbourne - Elevations	RES964-BHA-V4-ZZ-DR-A-1604-S4 P05-
Southwold - Floor Plans	RES964-BHA-V5-ZZ-DR-A-1505-S4 P02-
Proposed Elevations	RES964-BHA-V5-ZZ-DR-A-1605-S4 P03
Stockwood - Floor Plans	RES964-BHA-V6-ZZ-DR-A-1506-S4 P02-
Stockwood - Floor Plans	RES964-BHA-V6-ZZ-DR-A-1506-S4 P02-
Tattenhoe - Floor Plans	RES964-BHA-V7-ZZ-DR-A-1507-S4 P02-
Tattenhoe - Elevations	RES964-BHA-V7-ZZ-DR-A-1607-S4 P03-
Wollaton - Floor Plans	RES964-BHA-V8-ZZ-DR-A-1508-S4 P02-
Wollaton - Elevations	RES964-BHA-V8-ZZ-DR-A-1608-S4 P03-
Roseberry II - Floor Plans	RES964-BHA-V9-ZZ-DR-A-1509-S4-P02-
Roseberry II - Elevations	RES964-BHA-V9-ZZ-DR-A-1609-S4 P03
Roseberry II - Elevations	RES964-BHA-V9-ZZ-DR-A-1609-S4 P03-

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

- 3 Prior to the commencement of development except for initial site clearance and the formation of the access, full site levels shall be submitted to and approved by the Local Planning Authority. Levels shall include existing and proposed site levels along with finished floor, eaves and ridge heights.

Reason In order to protect the character and amenity of the area and to comply with policy E1 and E2.

- 4 The site shall be development with separate systems of drainage for foul and surface water or and off site. The separate systems should extend to the points of discharge to be agreed. The peak pumped foul water discharge from the site must not exceed three litres per second.

Reason In the interest of satisfactory and sustainable drainage.

- 5 There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage work, details of which will have been first submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
  - ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority.

Reason To ensure that no surface water discharges take place until proper provision have been made for its disposal.

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

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

- 7 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 shall take place on any phase of the road construction works until full detailed engineering drawings of all aspects of road 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 shall be carried out in compliance with the approved engineering drawings.

Reasons for Condition: To ensure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.

Informative for the Condition: 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 drawings will still need to be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

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.

- 8 No part of the development to which this permission relates shall 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, shall be in accordance with a programme submitted to and approved in writing with the Local Authority before any part of the development is brought into use.

Reason for the condition: 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.

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.

- 9 No dwelling must be occupied until a tactile paved crossing point has been constructed at the junction of Stainthorpe Row and the estate road in accordance with the approved drawing number JN2568-Dwg-0001A.

Reason To provide for adequate and satisfactory pedestrian facilities in the interest of safety and the general amenity of the development.

- 10 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.

- 11 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 for the condition: In accordance with policy number 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 of the development \*\*\*\*

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.

- 12 No development shall commence until a Construction Management Plan has been submitted to, and approved in writing, by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved plan. The plan shall include, but not be limited to, arrangements for the following in respect of (where applicable each phase of the works):
- a) details of any temporary construction access to the site, including measures for removal following completion of the construction works
  - b) restriction on the use of access for construction purposes
  - c) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
  - d) the parking of contractors' site operatives and visitor vehicles

- e) areas for storage of plant and materials used in constructing the development clear of the highway
- f) details of site working hours
- g) details of the measures to be taken for the protection of trees and;
- h) contact details for the responsible person (site manager/office) who can be contacted in the event of any issues

Reason for the condition: In the interest of public safety and amenity in accordance with Hambleton Local Plan Policy S1, E1 and E2.

- 13 The development hereby approved shall be implemented in accordance with Biodiversity Net Gain plan set out in the submitted Biodiversity Net Gain Assessment prepared by Biodiverse and received on 13 December 2022.

Reason In order to ensure that the requisite biodiversity net gain is achieved in accordance with Policy E3.

- 14 Prior to other works commencing on site the 1.7m high close boarded fence, shown on drawing 1410 Rev P07, on the south side of the entrance to the site and conterminous with the adjacent dwelling, shall be installed.

Reason In order to protect the amenity of the neighbouring occupier.

**Target Determination Date:** 14.03.2023

**Case Officer:** Peter Jones, [peter.jones@northyorks.gov.uk](mailto:peter.jones@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**

Appendix A.

