

**North Yorkshire Council**

**Community Development Services**

**Skipton and Ripon Area Constituency Committee**

**01 AUGUST 2023**

**21/01833/FULMAJ – ERECTION OF 23NO. RESIDENTIAL DWELLINGS INCLUDING ASSOCIATED ACCESS, LANDSCAPING AND DRAINAGE WORKS AT LAND COMPRISING FIELD AT 432860 465889, KNARESBOROUGH ROAD, BISHOP MONKTON ON BEHALF OF KEBBELL DEVELOPMENT LTD**

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

**1.0 Purpose of the Report**

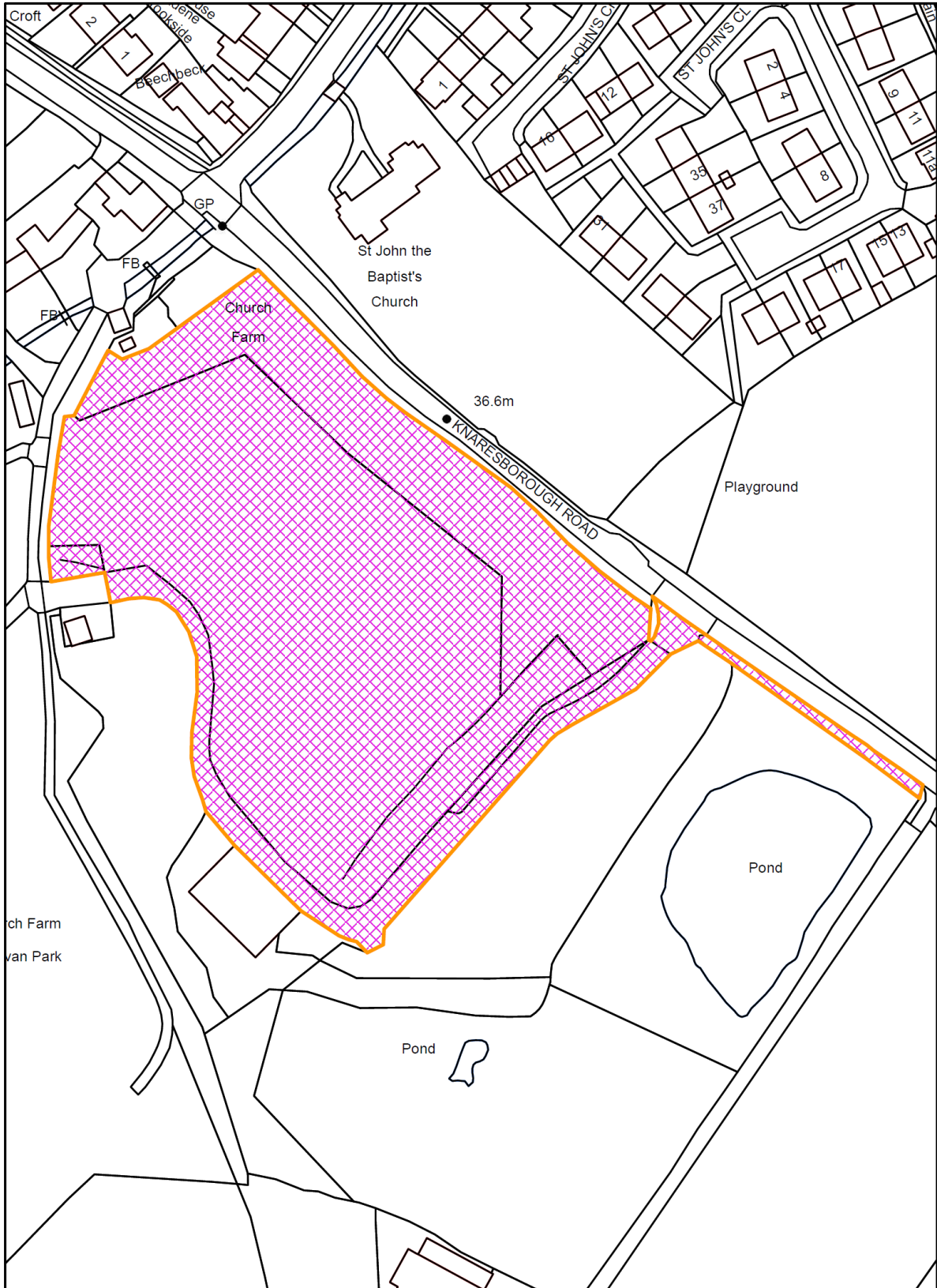
- 1.1 To determine a planning application for the erection of 23no. dwellings including associated access, landscaping and drainage works on land comprising field 432860 465889, Knaresborough Road, Bishop Monkton.
- 1.2 The application is brought to committee, as it is a sensitive site and raises significant material planning issues.

**2.0 SUMMARY**

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

- 2.1. This is a full planning application for the development of 23 dwellings including access, landscaping and drainage works. The site is identified as housing allocation BM3: Land at Church Farm, Bishop Monkton in the adopted Harrogate Local Plan with an indicative yield of 32 dwellings.
- 2.2. The application was deferred at the Skipton and Ripon Area Planning Committee on 6<sup>th</sup> June for four reasons. The applicant has considered these reasons and a full update is provided in the Update section below.
- 2.3. The application site is a paddock on the southern edge of Bishop Monkton, fronting Knaresborough Road. A caravan park is located to its west, the access for which will serve the proposed development. Trees on the site are protected by a Tree Preservation Order. The site lies outside but adjacent to the conservation area and the Grade II Listed Church of Saint John the Baptist.
- 2.4. Residential development of the site is acceptable in principle. Key issues relate to heritage, design and layout, highways, flood risk, drainage and trees. The full list of main issues is set out at Section 9.0.

- 2.5. There are no objections from statutory consultees. Having regard to the overall planning balance, the development is considered sustainable and approval is recommended subject to conditions and S106 agreement.



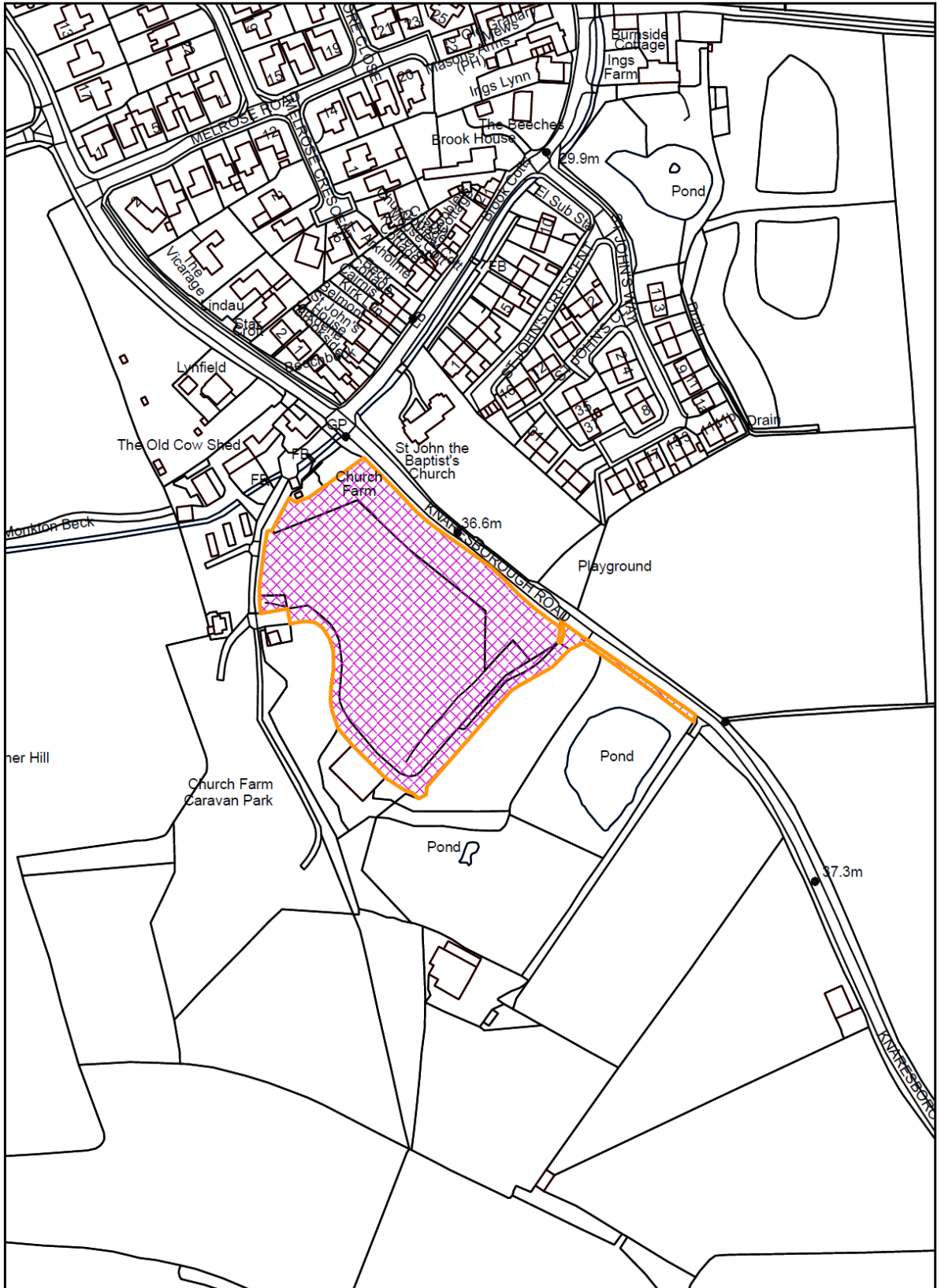
# Location Plan

Scale 1:1,250



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20/07/2023



# Site Plan

Scale 1:2,500



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20/07/2023

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#)
- 3.2. Originally submitted as a scheme for 28 dwellings, the application has been subject to detailed negotiation with Officers to resolve issues relating to impact upon trees and heritage assets, flood risk and drainage, highways and design. The scheme was subsequently reduced in scale, to 23 dwellings.
- 3.3. There is no relevant planning history.

### **4.0 UPDATE**

- 4.1 This application was considered at the Skipton and Ripon Area Planning Committee on 6<sup>th</sup> June 2023. Members resolved to defer the application for four reasons, as follows:
- i) To enable further information to be provided from the Council's Highways Department regarding safety concerns in relation to the siting of the proposed chicane and lack of footpath along the road and the impact upon the setting of the church and the conservation area as a result of the highway works;
  - ii) To ask Yorkshire Water to respond to concerns relating to foul water drainage issues in the village;
  - iii) To request that representatives from Highways and Yorkshire Water attend committee;
  - iv) For the applicant to consider possible amendments to address Members concerns regarding the impact of the development upon the adjacent Conservation Area and the part removal of the roadside hedge.

- 4.2 These requests have been considered as follows:

#### **Highways**

- 4.3 Discussions have been held between the Council's Highways Officer and the applicant regarding the proposed traffic calming measures, in particular the location of the proposed chicane, which is sited after the proposed crossing to the playground. Members queried whether this should be placed before the proposed crossing. Highways Officers have been re-consulted and have confirmed that the chicane is in the optimum location as vehicles will slow down as they approach it and the crossing point.
- 4.4 If the chicane was placed on the other side of the crossing to the playground (the southern side) the speed limit would need to be moved. Vehicles would also have the opportunity to speed up after the chicane and before the crossing point, therefore potentially causing more of a road safety issue.
- 4.5 The location of the chicane is immediately after the crossing to the playground with signage and road markings warning vehicles of both the playground and the traffic calming. This will ensure that vehicles will have slowed down as they approach the crossing.
- 4.6 Highways have confirmed that the proposed traffic calming is the most appropriate solution for this scheme. Measures such as speed humps were considered however, as the road is used by buses and other large vehicles, these may cause discomfort for



people travelling within the vehicles and speeds may not reduce as much, or be as effective on slowing vehicles as a chicane.

- 4.7 Members had concerns about the works appearing incongruous and over engineered for the village setting. Some Members queried whether the measures would include features such as railings. It can be confirmed that although the design has not been finalised, it is envisaged at this stage that the works for the chicane would include buildouts, which are kerbing and bitmac, with the main impact being two bollards on the buildouts. Advance warning signs and road markings are also included. Whilst it is acknowledged that there will be a visual impact, such measures are not unusual in villages or conservation areas and there are plenty of examples of highway works adjacent to listed buildings and within conservation areas where the works are considered to be essential to benefit highway safety. Any visual impact has to be weighed against the highway safety benefits and it is considered that in this instance these have greater weight in the planning balance. The design of the highway works is controlled by Condition 8, which includes any structures used and can be used to control the design of the bollards if required.

### **Yorkshire Water**

- 4.8 Members requested further information from Yorkshire Water regarding foul water drainage issues in the village. Yorkshire Water has provided the Council with an explanation of why they did not object to the application. This is published on the Council's website and a summary provided here.
- 4.9 Yorkshire Water advised that there were two reasons they did not object. The first related to the fact that this site is an allocated site for housing and it was not felt that, as a water company, they should be stopping development. Yorkshire Water prefer to work with developers to create sustainable drainage solutions for development.
- 4.10 The second and perhaps more pertinent reason, is that data held by Yorkshire Water suggests that most, if not all, of the sewage escapes are caused by blockages. These blockages are predominantly caused by individuals misusing the sewer network. Yorkshire Water have provided a list of each report of sewage escape or restricted toilet use (RTU) since the beginning of 2022. These were caused by blockages in the system from excessive use of toilet paper, drainage rods stuck in the pipes and a blockage of fats, oils and grease.
- 4.11 The sewage escapes reported to Yorkshire Water are generally not caused by capacity issues but by blockages. Yorkshire Water acknowledged that the network is getting close to capacity and are taking steps to improve the resilience of the network. However, they do not expect a development of this size, with sustainable drainage of surface water, to add much pressure to the network.
- 4.12 Comment was made as to whether Yorkshire Water are a statutory consultee for planning applications. It is clarified that Yorkshire Water are not listed as a statutory consultee. A statutory consultee is a body that must be consulted on planning applications. However, as the operators of the water and sewage network in Yorkshire, the Council always consult Yorkshire Water for their comments on development proposals irrespective of their statutory status. If Yorkshire Water were to object, this would be a material consideration in the decision making process and a matter the Council would expect to be resolved prior to any decision being made.

### **Attendance at Committee**

- 4.13 A Highways Officer will be in attendance at the Committee to answer any further queries Members may have.

- 4.14 Yorkshire Water have advised that they will not be able to send a representative.

**Impact Upon the Conservation Area and Part Removal of the Hedge**

- 4.15 Concerns were expressed regarding the extent of the loss of hedgerow along Knaresborough Road to enable a footpath to be provided. It is important to note that the creation of a level footpath along the edge of the site is a requirement of the allocation in the Local Plan and it was acknowledged within the site allocation that this may necessitate the loss of part of the hedge in order to achieve this. In approving the site allocation as part of the adoption of the Local Plan, the Council has accepted the principle of removal of some of the hedge, if required for pedestrian access.
- 4.16 The applicant has considered the Committee's request to retain more of the hedge. However, due to the level change in the northeast corner, they advise that it would not be feasible to bring a footpath into the site at that point, without significant changes to site levels that would have an even greater impact upon the hedge and other trees along the northern and eastern boundary. It is their view that there are no other alternatives that would retain more of the hedge and provide the required path and no revisions to the scheme are put forward.
- 4.17 A response provided from the applicant (dated 6<sup>th</sup> July 2023) provides details of two alternative proposals for the footpath; one providing a stepped access and one providing a ramped access. The stepped access would not be acceptable due to the need to provide a level, inclusive access for all users. A ramped access would result in an extra 13m of hedgerow loss and an additional six trees. It is therefore concluded that the most appropriate option is that currently under consideration.
- 4.18 Comments have been received by local residents regarding the age of the hedge. There is no definition in legislation of an 'ancient' hedge. The Hedgerow Regulations 1997 provide a means of ensuring the removal of any important hedges are the subject of an application for consideration prior to their removal. These regulations define an 'important' hedgerow as one which has existed for 30 years or more and satisfies at least one of the criteria listed in Part II of Schedule I of the Regulations. These criteria include matters relating to ecology, e.g. species richness and presence of red-data species and also matters relating to their archaeological, historic or landscape value.
- 4.19 The applicants have submitted an assessment of the hedgerow, which concludes that the hedge does not meet any of the criteria in the Regulations that would identify it as an important hedge. A formal assessment of whether the hedgerow is defined as important under the definition of the Regulations has not been undertaken by the Council, however from evidence submitted to the Council, it would appear that the hedge may meet the criteria set out in the Regulations in relation to historic grounds. The Regulations require any works to an important hedgerow to be approved by the Local Planning Authority prior to the works commencing.
- 4.20 It is important to understand that definition of the hedge being important under the Regulations does not prevent its removal. It is also important to note that hedgerow removal as part of an approved planning application is exempt from the Regulations under Section 6(e). This states that the removal of any hedgerow to which the Regulations apply is permitted if it is required for carrying out development for which planning permission has been granted or is deemed to have been granted. This permitted development right applies in this case and there is no requirement for the applicant to submit a separate Hedgerow Removal Notice for consideration. The amount of weight to be given to whether the hedge is defined as important under the Regulations is therefore very limited.

- 4.21 The importance of the hedgerow has been considered in relation to ecology and the character and appearance of the conservation area as part of the determination of this application. As concluded within the Heritage section below, the impact of removal of part of the hedge has been taken into account in the planning balance. It is the contribution that this specific hedge makes to the significance of the conservation area of the village as a whole that should be assessed. The contribution of the hedge, when considered as part of the whole conservation area, is small and its loss would represent a minor harm to the conservation area.
- 4.22 It is concluded that this minor level of harm will have an adverse impact upon the setting of the site and the character of the conservation area and this is considered to be less than substantial harm as defined in paragraph 202 of the NPPF. In making this assessment, weight is also given to the mitigation provided through the planting of a replacement hedge on the inside of the proposed path, which will substantially reduce any harm over time. As required by paragraph 202, this harm should be weighed against the public benefits of the proposal. It is considered, on balance, that the public benefit of providing housing, affordable housing and a level path, which links the village to the play area, outweighs the less than substantial harm to the conservation area. Officers are therefore satisfied that the applicant has investigated all options relating to the required path and that the loss of part of the hedge is acceptable in the planning balance.
- 4.23 Local Representations since Planning Committee**
- 4.24 Since the planning committee (on 6<sup>th</sup> June), seven further representations have been received from local residents, the Local History Group and the Bishop Monkton Action Group. These comment on the historic nature of the hedge and why it should be retained, upon the site assessment process that informed the Local Plan site allocations and drainage.
- 4.25 The impact upon the hedge has been considered within this Update section. With regards to the site assessment process, the comments regarding the conclusions of the site assessment are noted in relation to the retention of existing planting on the site. The site assessment acknowledges that some harm will occur but that the harm is capable of mitigation. The proposed replacement planting of that part of the hedge to be removed and landscaping across the whole site is considered acceptable mitigation in this instance.
- 4.26 Comment has also been made that the current plans have not been assessed by the Council's Conservation and Design Officer. This review has taken place and the full comments are available on the Council's website. The Conservation Officer advises that although there would be harm initially with the removal of the hedgerow, the replanting and growth of the replacement hedge would reinstate the important natural boundary opposite the listed building. The harm is less than substantial but is outweighed by the public benefits of providing a level footpath and mitigated by reinstatement of a new hedgerow.
- 4.27 A letter has also been received concerning whether any potential for flooding of adjacent land as a result of the proposed drainage scheme has been considered. All aspects of the drainage scheme, including any potential impact on land and property outside of the application site area has been considered by the Lead Local Flood Authority, who have confirmed the scheme proposed is acceptable. As covered in the Flood Risk and Drainage section below, the drainage design restricts run-off rate to less than greenfield run-off rates, which means that existing surface run-off rates will be reduced. This is a betterment in terms of surface water discharge and will control the flowrate.



- 4.28 One letter of support has been submitted commenting that further development would be of benefit to the village to bring in new people to support the school, church and pub. The letter also queries the factual correctness of statements provided in relation to sewage outfall into the beck, which can also be caused by the sewage treatment plant in the village discharging to the beck, and that their property last flooded in 2007 due to waterlogged land, not overflowing drains.
- 4.29 The previous report to committee follows below, with the exception of the section on Affordable Housing, which has been updated to take into account further guidance on First Homes.

## **5.0 Site and Surroundings**

- 5.1 The application site is a paddock on the southern edge of Bishop Monkton, to the west of Knaresborough Road. To the north are a number of dwellings, separated from the site by existing trees and the Bishop Monkton Beck; to the west is a caravan park and to the east, on the opposite side of Knaresborough Road, is the Grade II Listed Church of Saint John the Baptist and church ground. To the south of the church ground is a playground.
- 5.2 The total site area measures approximately 2 hectares, however only 1.3 hectares form the residential development. An area of approximately 0.7 hectares to the south east of the access road is proposed to be used for ecological and drainage purposes only. Access to the site is via the existing access to the caravan park from Knaresborough Road. A footpath connection in the northwest of the site will connect to the existing public right of way passing through the caravan park.
- 5.3 Trees on the site are protected by a Tree Preservation Order and are located along the northern, southern and eastern boundaries. The site lies outside but adjacent to the conservation area, which covers the central part of the village.
- 5.4 Bishop Monkton is identified as a service village in Policy GS2 of the Local Plan. The site is located within walking distance of the village and also provides a new footpath for existing residents to reach the playground opposite the site.

## **6.0 Description of Proposal**

- 6.1 This application seeks Full Planning Permission for 23 dwellings, including access, landscaping and drainage works.

## **7.0 Planning Policy and Guidance**

- 7.1. 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

- 7.2. The Adopted Development Plan for this site is:

- Harrogate District Local Plan 2014-2035 adopted December 2020

### Guidance - Material Considerations

- 7.3. Relevant guidance for this application is:

- National Planning Policy Framework 2021
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing SPD adopted June 2021
- Providing Net Gain for Biodiversity SPD adopted June 2021
- Provision of Open Space and Village Halls SPD adopted June 2021
- Bishop Monkton Conservation Area Character Appraisal adopted October 2008

## **8.0 Consultation Responses**

- 8.1. The following consultation responses have been received and have been summarised below.
- 8.2. Parish Council: The Parish Council objects on the grounds of drainage (both surface and foul water) and flooding, impact upon the St John's Church and the conservation area, highway safety, biodiversity and cumulative impact.
- 8.3. Arboriculture – No objection, recommends conditions.
- 8.4. Building Control – No objection. Permission should only be granted conditionally and subject to the provision of a satisfactory ground stability report and ground stability declaration form and mitigating measures.
- 8.5. Conservation and Design – concerns regarding design, impact upon the conservation area and St John's Church. These concerns have been resolved.
- 8.6. Ecology – No objection, recommends condition and S106.
- 8.7. Environment Agency – No objection, recommends conditions.
- 8.8. Environmental Protection – no objection, recommends conditions.
- 8.9. Estates – No objection.
- 8.10. Highways – No objection, recommends conditions.
- 8.11. Highways - PROW – No objection.
- 8.12. Housing – No objection.
- 8.13. LLFA – No objection, recommend condition.
- 8.14. MOD – No objection.
- 8.15. North Yorkshire Police – No objection.
- 8.16. Open Space – Commuted sum required (see Table 1).
- 8.17. Planning Services (Minerals and Waste) – No objection.

- 8.18. Yorkshire Water – No objection, recommends conditions.

#### Local Representations

- 8.19. 128 local representations have been received of which 1 are in support and 127 are objecting. Comments have also been received from local interest group Bishop Monkton Action Group (BMAG) who object to the application. A summary of the comments is provided below, however, please see website for full comments.
- 8.20. Support: Welcomes new housing to the village.
- 8.21. Objections: Objections , including those from BMAG, cover a range of matters including surface water drainage, flood risk, impact upon the sewerage system, traffic impact, highway and pedestrian safety, removal of the hedge and trees, unsustainable location, impact upon the local school and doctors, overdevelopment, impact upon the conservation area and the character of the village, design, style and layout, loss of biodiversity, impact upon the listed church, lack of engagement with local residents, lack of public transport in the village, lack of employment and services in the village, landscape impact, gypsum, light pollution.
- 8.22. St John the Baptist Church object to the development on the grounds of: harmful impact upon the setting and appearance of the church; adverse impact upon the conservation area; highway safety concerns; inadequate pedestrian connections and ecological harm.

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

- 9.1. 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.

### **10.0 Main Issues**

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

- Principle and Compliance with Site Requirements
- Affordable Housing
- Heritage
- Design and Layout
- Highways and Accessibility
- Flood Risk and Drainage
- Landscaping and Trees
- Public Rights of Way
- Ecology
- Environmental Health
- S106 Agreement
- Other Matters

## 11.0 **ASSESSMENT**

### Principle of Development

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The Harrogate District Local Plan 2014-2035 was adopted by Harrogate Borough Council on 4 March 2020. Following adoption, a legal challenge was raised against the new settlement policies. In line with the court order received, the whole of the plan was remitted to the Council and formally adopted, with the new settlement policies, on 9 December 2020. All the policies in the Local Plan can therefore be given full weight.
- 11.2. Local Plan Policy GS1 advises that provision will be made in the district, over the plan period, for a minimum of 13,377 new homes, including affordable housing. Policy GS2 sets out a settlement hierarchy; Bishop Monkton is identified as a Service Village, where land will be allocated for new homes to support the continued provision of a basic range of services and facilities. Policy GS3 advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. The site lies within the development limits of the village.
- 11.3. The Council's Local Plan makes allocations of land and sets development limits to meet the housing needs of the District. Policy DM1 identifies the application site as housing allocation BM3: Land at Church Farm, Bishop Monkton. The principle of housing development is therefore acceptable.
- 11.4. The area covered by the former Harrogate Borough Council has a healthy land supply position, currently 7.3 years when compared against the housing requirement with an appropriate buffer. Accordingly, the policies which are most important for determining the application are not considered to be out of date. Full weight can be afforded to the housing policies of the Local Plan.
- 11.5. Policy DM1 lists a number of site requirements relating to the design of the site as follows:
- a) The design of the site should reflect the qualities of the adjacent Bishop Monkton Conservation Area and positively contribute to the approach to the conservation area in order to enhance or better reveal its significance.
  - b) Development should be designed to minimise harm to the significance of the nearby Grade II Listed St John's Church including ensuring appropriate building heights, allowing views through the development, creating vistas of the church, improving the settlement edge to aid transition from built form to open countryside and improved integration of the play equipment at the edge of the village.
  - c) Investigate the potential for the creation of a small SuDS wetland in the north or north-west of the site close to the Bishop Monkton Beck.
  - d) Retain the hedgerow and woodland tree belt along the northern site boundary and introduce additional native hedgerow and native tree planting along the north-western site boundary.

- e) Retain the hedgerow along the north-eastern site boundary where possible. Any unavoidable loss, for example to allow provision of a footway (as per requirement g) should be compensated for by new native planting elsewhere within the site.
  - f) Provide vehicle, cycle and pedestrian access from Knaresborough Road.
  - g) Create a footway on the southern side of Knaresborough Road to the site entrance and, if necessary, beyond the site entrance to provide safe and convenient pedestrian routes to both the centre of the village and the children's play area opposite the site.
  - h) Provide a pedestrian link from the north-west of the site to the adjacent public footpath in order to access the countryside and wider public rights of way network.
  - i) Provide a Transport Assessment, Travel Plan, Heritage Statement, Landscape and Visual Impact Assessment, Ecological Appraisal and Flood Risk Assessment.
- 11.6. The proposal satisfies all the site requirements as summarised below and within the relevant sections of this report.
- 11.7. The boundary of the Bishop Monkton Conservation Area follows the opposite side of Knaresborough Road, around the Church. The design and layout of the site reflects the conservation area and positively contributes to this approach to the village. This is expanded upon within the Heritage section.
- 11.8. Site requirement (b) seeks to minimise harm to the significance of St John's Church, a Grade II Listed Building. The positioning and heights of the dwellings and landscaping creates an acceptable edge to the village. A new internal path will link the village to the playground with a crossing provided over Knaresborough Road.
- 11.9. The existing ground conditions are very low permeability clay soils therefore soakaways and the provision of a SuDS wetland are not considered suitable for the site.
- 11.10. The existing woodland and hedgerow along the northern and north-western boundaries are retained apart from a small area near to the attenuation tank. A number of new trees and hedgerows are proposed within the gardens to the dwellings.
- 11.11. An area of hedge along the north-eastern boundary of the site needs to be removed in order to provide a level footpath along the edge of the site that will link the village to the play area. This is acknowledged within the site requirements. Compensatory planting is provided within the site and the hedgerow will be replaced behind the path.
- 11.12. Vehicle, cycle and pedestrian access is provided from Knaresborough Road.
- 11.13. A footway is provided along the internal eastern boundary of the site to link the village, through the site, to the play area, as noted above.
- 11.14. A pedestrian link is included in the northwest corner of the site to link to the adjacent public footpath.
- 11.15. All required documents were submitted alongside the application.



### Affordable Housing

- 11.16. Local Plan Policy HS2 requires 40% on site provision of affordable housing. The scheme may require First Homes as part of that provision. Affordable homes must be integrated within the development and visually indistinct from the market dwellings.
- 11.17. The application proposes 9 affordable homes, which is policy compliant. The mix includes one, two, three and four bed houses offered for rent and shared ownership. Provision of all affordable housing tenures will be controlled via a S106 agreement.
- 11.18. The affordable housing mix is acceptable and the homes are well integrated throughout the site and designed so that they are indistinguishable from the market properties. All affordable homes meet the NDSS requirements and National Design Guide requirements relating to natural light and ventilation. The Council's Housing Officer has confirmed support of the scheme, which satisfies the requirements of Policy HS2.

### Heritage

- 11.19. Section 72 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 and enhancing the character and appearance of a Conservation Area.
- 11.20. 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.
- 11.21. Local Plan Policy H2 advises that planning applications affecting heritage assets will be determined in accordance with national planning policy. Section 16 of the NPPF (Conserving and Enhancing the Historic Environment) sets out national policy in relation to heritage assets. Paragraph 199 advises 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. Paragraph 200 advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The policies seek to protect the significance of heritage assets but also advocate a balanced approach, weighing any harm against the benefits of the proposal.

### *Impact Upon the Conservation Area*

- 11.22. The boundary of the Bishop Monkton Conservation Area follows the eastern side of Knaresborough Road, on the other side of the application site and enclosing the Church of Saint John the Baptist and its grounds. The church is a Grade II Listed Building (considered below) and the boundary walls are noted as important boundaries. The hedge along the eastern boundary of the site is noted as a significant field boundary/hedge, enhancing the landscape setting of the village, and two landmark

trees are noted within the woodland belt in the north of the site. The view out of the village from the rear of the church along Knaresborough Road is noted as a key view.

- 11.23. The site and its hedgerow and tree planted boundaries currently contributes to the landscape setting of the village and the setting of the church. However, it is important to recognise that this is an allocated site in the Local Plan. The proposed scheme has been revised substantially since originally submitted and it is considered that, taking into account the Local Plan site requirements, the public benefits of the proposal outweigh the less than substantial harm afforded to the significance of the conservation area.
- 11.24. Dwellings are set back from Knaresborough Road, allowing for views through the development and towards the church. The dwellings have their gables towards Knaresborough Road. Whilst it would normally be preferable for dwellings to face the road, it is felt that, in this instance, given the need to retain as many of the trees and hedging along Knaresborough Road as possible, the proposed layout is acceptable. The gaps between dwellings help to reduce the visual impact of the houses in the approach to the village.
- 11.25. A portion of the boundary hedge and tree planting along Knaresborough Road will be removed to provide a path along the site frontage and eastern side of the site. There is currently no footpath along Knaresborough Road and the scheme proposes a new footpath along the edge of the site, which will link the village to the playground opposite. As a result of level changes and to provide an inclusive path without steps, part of the hedge needs to be removed. It is acknowledged that this will have an impact upon the setting of the site and the character of the conservation area. However, the path is a site requirement and it is considered on balance, that the public benefit of providing a level path, which links the village to the play area, outweighs the less than substantial harm to the conservation area. A replacement hedge will be planted between the path and the road with new tree planting behind. The below ground attenuation tank will be located at the north eastern corner, which means that this area of the site remains a green space free from development, helping to minimise the impact. Approaching the village, the hedge and tree planting remains at the south eastern side of the site helping to retain and soften the appearance of the site. Whilst the existing hedge along the field boundary to the south of the site will be removed for the access and visibility splay, this will be replanted with new trees and hedging along the access road.
- 11.26. The design of the proposed dwellings reflects the character of dwellings within the village, including two contrasting styles of sash windows, head and cill details, stone door canopies to larger detached dwellings and small pitched roof timber canopies to smaller dwellings. Chimneys are included to the majority of house types. A number of the larger dwellings have ground floor bay windows. Materials are a mix of brick and natural stone walls with natural slate and clay pantile roofs. A condition is attached requiring the submission of samples for approval.
- 11.27. In summary, the concerns of the Council's Conservation and Design Officer have been considered and the scheme has been amended to overcome these where possible. It is concluded that the proposal will lead to less than substantial harm to the significance of the conservation area. However, this is outweighed by the public benefits of providing

housing, including affordable housing and a new footpath link from the village to the play area. It therefore meets the requirements of paragraph 202 of the NPPF and Policy HP2 of the Local Plan as well as satisfying site requirement (a).

*Impact Upon Church of Saint John the Baptist*

- 11.28. The application site forms part of the setting of the Church of Saint John the Baptist (the “Church”), which is a Grade II Listed Building. The proposed development opposite the church will alter its setting however the layout has been designed to minimise impact.
- 11.29. Views from the cross-roads of Knaresborough Road and St John’s Road show that the site is viewed in the same context as the church and this needs careful consideration. Removal of the hedge to create the path will also have an adverse impact upon the setting of the church. The new dwellings will be visible from this perspective and seen in the same view. In order to help mitigate this impact, the dwellings are set back from Knaresborough Road and the number of dwellings close to the road is reduced to three, reducing the built form in proximity to the church. Due to the location of the attenuation tank, the north eastern part of the site, closest to the church remains open, which helps to minimise impact upon the setting of the church. Replacement hedge and tree planting will help assimilate the development over time.
- 11.30. As with the assessment in relation to the conservation area, the proposed development will have a less than substantial harm to the significance of the church. However, it is considered that the provision of housing, on an allocated site, and the provision of a level path, which connects the village to the playground, are public benefits that outweigh this harm. Site requirement (b) is also satisfied.

Design and Layout

- 11.31. Local Plan Policies HS1, HS5, HP3 and HP4 set out expectations for well-designed schemes. The NPPF places great importance on the creation of healthy and safe communities and the creation of high quality buildings and places. The National Design Guide also provides additional guidance on how well designed places can be achieved in practice.
- 11.32. The applicant has worked with Officers to create a layout that is considered to be well-designed with good connectivity and replacement landscaping. Dwellings are set back from Knaresborough Road to retain the existing hedge and trees. A new path, as discussed above, is proposed along the internal northeast edge of the site to link the village to the playground. This will include off-site highways works to provide a crossing point near to the crossroads of Knaresborough Road and St John’s Road and a new crossing from the site to the playground. A link to the existing public right of way is also proposed in the northwest corner of the site. These access links satisfy site requirements (g) and (h).
- 11.33. An area of open space around a mature Horse Chestnut tree is provided at the entrance to the site and a further area of open space is provided at the north eastern corner. There is good surveillance over these open spaces, as they are overlooked by existing

dwelling. The new footpath passes through an area of open space planted with existing and proposed trees and is also overlooked by windows in the gable ends of the adjacent dwellings. A Public Space Management Plan has been submitted to identify those areas which will be passed to a management company; this will be controlled via a S106 Agreement.

- 11.34. The application proposes a range of house types and materials (a variety of brick, natural stone, natural slate and pantile), which provides interest across the scheme. Dwellings are set back from the access road through the site with front gardens and hedge planting, irrespective of tenure. Parking is a mix of garages, frontage and side parking. The proposed layout responds to the location of the site at the edge of the village, adjacent to the conservation area and the listed church with the design details according with Local Plan Policy HP3.
- 11.35. Each dwelling is provided with an acceptable level of private amenity space of an adequate size for the likely occupancy. Dwellings are positioned to ensure there will be no adverse amenity impacts through overlooking, loss of privacy, overbearing or loss of light. Policy HP4 is therefore satisfied.
- 11.36. Policy HS1 requires the provision of a range of house types and sizes to reflect and respond to the identified needs of the district, referencing the latest Housing and Economic Development Needs Assessment (HEDNA). The HEDNA recommended mix for open market units and the proposed mix is shown in the following table. Whilst the proposal does not strictly meet the HEDNA mix, it is considered that the proportion of dwelling sizes is acceptable for this edge of village location. Policy HS1 also requires 25% of the market dwellings to be built to accessible and adaptable homes. All houses (market and affordable) will meet the accessible and adaptable homes standard.

<b>Number of Bedrooms</b>	<b>HEDNA Mix</b>	<b>Proposed Mix</b>
1-Bed	0-5%	0%
2-Bed	30-35%	28.5%
3-Bed	40-45%	42.8%
4-Bed	20-25%	28.5%

- 11.37. Policy HS1 also expects new development to meet a minimum net density of 30 dwellings per hectare. A net density of 17.6 dwellings per hectare is proposed. The site is subject to a number of constraints, including the need to retain existing trees where possible and the impact upon the adjacent conservation area and church. A lower density is considered acceptable in this instance, given the context of the site.
- 11.38. Policy HS5 requires all new market and affordable homes to meet, as a minimum, the relevant Nationally Described Space Standards. The applicants have provided information to confirm the proposed dwellings meet the standards.

11.39. Policy CC4 requires developments to make the fullest contribution to reducing greenhouse gas emissions. The applicant has submitted an Energy Report, which sets out the measures proposed. All dwellings will be designed to include high levels of insulation, reduce heat loss, use energy efficient lighting, minimise water consumption, have high performance glazing and energy efficient white goods, leading to a 10-16% reduction in carbon emissions over building regulations requirements. All dwellings will have solar panels and electric vehicle charging points, the detail of which will be controlled by condition.

#### Highways and Accessibility

11.40. Local Plan Policy T11 requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Vehicular access is proposed using the existing access to the adjacent caravan park, which will be widened along the frontage of the development. The main access is taken from this road and serves the majority of the site. A secondary access further west will serve five dwellings.

11.41. A pedestrian footpath is provided within the site along the eastern boundary. A pedestrian connection to the existing public right of way to the northwest is also provided. The access points satisfy site requirement (f).

11.42. It is understood that the Local Highway Authority has met with the Bishop Monkton Action Group to discuss potential amendments to the access and footpath arrangements, including extending the site footpath along Knaresborough Road to the junction with St John's Road, relocation of the attenuation tank, improved signage and cycle routes. These suggested amendments have been considered by both Highways and the applicant and a detailed response is provided on the application file. A summary of the response is provided below.

11.43. Attenuation tank – It is not possible to amend the location of the attenuation tank. It has been sited close to the outfall position and in one of the lower areas of site, which is typical for attenuation features, so that it maximises the area that can be drained by gravity while also minimising excavation required. The tank will be adopted and requires easements for future maintenance in accordance with Yorkshire Water standards. The tank is positioned as close as possible to the dwellings, whilst still achieving the necessary easement.

11.44. Extension of footpath along Knaresborough Road – Consideration has been given to extending the footpath along the western side of Knaresborough Road to cross at the junction with St John's Road. There is an existing culvert and root protection areas of the trees close to the beck that prevent being able to achieve a sufficient width of path along the western side of Knaresborough Road. A footpath of sufficient width can be achieved on the eastern side of Knaresborough Road. The proposed traffic calming measures and additional signage are considered to be sufficient to ensure vehicles entering the village from the south have adequate forward visibility and awareness of the crossing.



- 11.45. Improved signage – Improved signage has been provided to warn drivers of the playground and crossing. This is shown on the revised Proposed Traffic Calming Plan Rev D.
- 11.46. Provision of off-road cycle routes – There are no off-road cycle routes in the vicinity of the site, therefore highways would not require the provision of such for this scheme. Cyclists would use the highway, as at present, to connect to any routes outside of the village.
- 11.47. The Local Highway Authority has assessed the application and confirms that they are satisfied with the submitted details.
- 11.48. A number of off-site highways works are included to ensure pedestrian and vehicular safety:
- To provide a crossing point at the junction of St Johns Road and Knaresborough Road;
  - To provide a chicane on Knaresborough Road prior to the site entrance;
  - Improved signage at the entrance to the village and by the playground crossing; and
  - To provide a footway from the site to the playground opposite the site.
- 11.49. The proposal is considered to accord with national and local planning policies in relation to highways and accessibility and the Local Highways Authority therefore recommend approval subject to conditions and S106 contributions as noted in Table 1 below.

#### Flood Risk and Drainage

- 11.50. Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems where possible. The application site lies within Flood Zone 1 and is at a low risk of surface water flooding. An area to the south of the access road, in flood zones 2 and 3 has been included within the site area for drainage, landscaping and biodiversity purposes. However, this area will not form part of the residential development, all development will take place within Flood Zone 1, and a condition is proposed to control this. The Environment Agency has advised that they do not object providing all built development is located in Flood Zone 1 and that there are no land level changes in Flood Zones 2 and 3. The applicant has confirmed that these areas will not be subject to any changes to levels.
- 11.51. The Bishop Monkton Beck runs along the northern boundary of the site and does cause substantial flooding issues as it passes through the village. As a result, the applicant has been requested to consider which areas of the site currently directly contribute to the beck. Levels on the site are raised centrally and then fall to the west and east. The pond to the east of the site has an overflow drain, which discharges into an adjacent ditch before outfalling to the beck. This has influenced the proposed drainage design.
- 11.52. The proposed drainage strategy includes an attenuation tank in the northeast corner of the site, which will enable controlled discharge to the beck. The drainage design

proposes an attenuation volume of up to 380m<sup>3</sup> based on a 1 in 100 year annual rainfall event with an allowance of 30% for climate change. The surface water runoff rate will be restricted to 3l/s, which is less than greenfield runoff rates, and means that existing surface water run-off from the site will be reduced. This is a betterment in terms of surface water discharge and will control the flowrate. The Lead Local Flood Authority has assessed the drainage report and strategy and confirms that this demonstrates a reasonable approach to the management of surface water on the site. Conditions are recommended to ensure that the development is carried out in accordance with the submitted drainage designs, to restrict the maximum flowrate and to require details of maintenance and management of the storage facility.

- 11.53. BMAG (Bishop Monkton Action Group) have submitted a number of objections to the development in relation to the existing flooding and sewerage issues in the village. It is understood that a meeting has been held between BMAG and Yorkshire Water to discuss these issues and a letter from BMAG dated 17<sup>th</sup> April 2023 summarises this however the Council has not had sight of the full correspondence. Extracts from the letter from Yorkshire Water advise that the drainage issues currently experienced by the village are Yorkshire Water internal operational issues and that Yorkshire Water has identified the village as requiring improvement, although no definite timescale has been provided this.
- 11.54. Foul water drainage is proposed to an existing foul water sewer to the north of the site. Improving the Yorkshire Water systems in the village are not within the applicant's control and it would be considered unreasonable to expect the applicant to be able to achieve such improvements. The applicant has demonstrated that the application site can be properly drained for both foul and surface water discharges and Yorkshire Water, the Environment Agency and the LLFA have confirmed they do not have objections to the scheme.

#### Landscaping and Trees

- 11.55. Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of the settlement. New development should be designed to ensure a satisfactory relationship between buildings and new and existing trees.
- 11.56. Tree Preservation Order 21/00059/TPORDR protects the existing trees along the northern and eastern boundaries, two areas along the southern boundary and ten individual trees along the southern side of the access road.
- 11.57. An important element of the layout design has been to retain as many trees and hedges as possible, whilst appreciating that this is an allocated site for housing development. Some losses are inevitable, however it is considered that the resulting scheme retains as many trees and hedges as possible and offers a good level of replacement planting for those that are to be removed.
- 11.58. As mentioned elsewhere in this report, removal of part of the roadside hedge and some trees within the site is necessary to enable creation of a level footpath to connect the village to the site and the playground beyond. The hedge will be replaced on the inside

of the footpath, which will mature over time so the site appears as existing with a gap for the path. Hedgerow planting as front and rear boundary garden treatment, is also included, as well as replacement trees within the site. The proposal satisfies site requirements (d) and (e) in this regard.

- 11.59. The Council's Arborist has considered the submitted details and is satisfied with the information provided. Conditions are proposed to require an updated landscaping scheme, to include crate system details for planting, to protect the existing trees to be retained and to provide a monthly report to the Council to demonstrate that the trees are being protected in accordance with the submitted detail.

#### Public Rights of Way

- 11.60. Policy HP5 protects the recreational and amenity value of public rights of way and supports their enhancement. An existing public footpath runs to the north and west of the application site, through the caravan park to the west. One of the site requirements is the provision of a pedestrian link from the northwest side of the site to the public right of way. This is provided between plots 12 and 14 and therefore satisfies site requirement (h) and Policy HP5 of the Local Plan.

#### Protected Species, Biodiversity and Off-Site Habitats

- 11.61. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 requires proposals to protect and enhance features of ecological and geological interest and major developments should avoid any net loss of biodiversity.
- 11.62. The applicant has submitted a Biodiversity Net Gain Design Report, Defra Metric calculation and Ecological Impact Assessment, which have been considered by the Council's Ecologist. The area to the south of the access road is included for ecological enhancements, as well as the planting on the development site. An overall net gain of 7.65% for habitat units and 10.07% for hedgerows is demonstrated. Provision for the long term establishment and management of habitats is to be incorporated into the S106 Agreement, to be secured for a minimum of 30 years and monitored by a suitably qualified ecological clerk of works.
- 11.63. A Construction Ecological Management Plan will be required by condition to include measures to safeguard retained habitats and protected species during the construction works and to also create integrated provision for bats, nesting birds (including swifts) and movement of hedgehogs.
- 11.64. Great Crested Newts have recently been found to be present in Bishop Monkton in association with a development site within 400m of the application site. Whilst no GCN's have been found at the site to date, the applicant has opted to join Natural England's District Level Licence scheme, which obviates the need to provide any further surveys, or assessment. A copy of a certificate to verify that a District Level Licence has been received must be provided to the Council prior to commencement of works.

- 11.65. The application complies with the requirements of Policy NE3 subject to conditions and S106 requirements.

#### Environmental Health

- 11.66. Local Plan Policy NE9 deals with unstable and contaminated land, including subsidence due to gypsum dissolution in the Ripon area. With regards to gypsum, a ground stability report and declaration form signed by a Competent Person (as defined in the Policy) are required.
- 11.67. Land Contamination – Phase 1 and Phase 2 contaminated land reports and gas monitoring for the site have been submitted. The Council's Environmental Health Officer is satisfied with the results provided and recommends a condition relating to unexpected land contamination.
- 11.68. Gypsum – The site lies in an area of suspected gypsum dissolution. The submitted Phase 1 and Phase 2 reports and Ground Stability Assessment investigate the presence of gypsum under the site. The results showed that dissolution of gypsum under the site had occurred in the past. There were no underground caves or voids present beneath the site, but there is gypsum present, which poses a low risk to the site. There is also possible dissolution at the existing pond to the south of the site, however there seems to have been little activity in recent years. It is concluded that this risk can be mitigated through the use of shallow raft foundations for all dwellings.
- 11.69. The Council's Building Control team, advises that planning permission should only be granted conditionally and subject to the provision of a suitable, satisfactory ground investigation report and provision of the completed ground stability declaration form and mitigating measures. These documents have been provided and the requirements of Policy NE9 are satisfied. A condition is proposed to require the development to be carried out in accordance with the submitted Ground Stability Assessment.
- 11.70. A Construction Management Plan will be required by condition to control construction impacts relating to dust and noise. This is the most appropriate method of control to deal with planning impacts of the construction phase.

#### Other Matters

- 11.71. A Minerals Assessment has been submitted in relation to minerals potential across the site. This has been assessed by Planning Services and is considered to be acceptable.
- 11.72. 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.

11.73. The proposed residential development is considered to have a positive effect on persons with The Equality Act protected characteristics. The proposed layout includes a level footpath for all users to access the site and the playground to the southeast of the site, public open space and pedestrian connections that are well overlooked

S106 Legal Agreement

11.74. 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	40% on-site provision	9 dwellings
Off-Site Open Space Provision and Management	Bishop Monkton Village Hall Grassed area Bishop Monkton Cemetery Bishop Monkton Boules Bishop Monkton playground	£39951.48
On-Site Open Space Provision and Management	Maintenance Payment	£12635.88 either to the Council or to a Management Company as financial security for ongoing maintenance of on-site public open space obligations over 10 years
Village Hall	Bishop Monkton Village Hall	£35035.49
Travel Plan Monitoring	Monitoring	£5000
BNG	Management and Monitoring of habitats	30 year period. Requirement for a bond as financial backing for the maintenance obligations

11.75. Local Plan Policy T14 requires developers to make reasonable on-site provision and/or off-site provision and/or contributions towards infrastructure and services in order to cater for the needs generated by development. Table 1 above sets out the S106 contributions required for this development.

11.76. 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.

11.77. The application is also subject to the Community Infrastructure Levy (CIL), which will be charged at £50 per square metre.

## **12.0 PLANNING BALANCE AND CONCLUSION**

12.1 The principle of residential development is established through the inclusion of this site as a housing allocation in the adopted Local Plan in accordance with policies GS1, GS2, GS3 and DM1.



- 12.2 The proposed development is of a good quality design that respects the site constraints whilst ensuring that it retains and builds upon the natural features of the site. The scheme provides a new pedestrian route through the site, linking the village to the village playground to its south and meets all site requirements as set out in Policy DM1.
- 12.3 The development has been found to be acceptable in relation to affordable housing, design, highways and accessibility, flooding and drainage, biodiversity, trees, public rights of way, land contamination and gypsum.
- 12.4 Whilst there will be some level of harm to the conservation area and setting of the listed church, this has been assessed as being less than substantial harm with this being outweighed by the public benefits of the provision of housing, including affordable housing, and the provision of a level path, which connects the village to the playground.
- 12.5 On balance it is concluded that the proposal is acceptable and approval is recommended subject to conditions and the completion of a S106 Agreement.

### **13.0 RECOMMENDATION**

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

#### **Recommended conditions:**

##### **Condition 1**

The development hereby permitted shall be begun on or before 3 years from date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

##### **Condition 2**

The development hereby permitted shall not be carried out otherwise than in strict accordance with the submitted details set out below and as modified by the conditions of this consent:

Location Plan – BMKH-PHS-XX-XX-DR-A-9001-S2 Rev P04

Proposed Site Plan – BMKH-PHS-XX-XX-DR-A-9003 Rev P27

Landscape Masterplan – JBAB-ZZ-CA-DR-L-3601-s4-P06-Landscape\_Masterplan Rev P06

Planting Plan (1 of 4) – JBAB-ZZ-CA-DR-L-3601-S4-P01-Planting\_Plan\_01 – Rev 01

Planting Plan (2 of 4) - JBAB-ZZ-CA-DR-L-3603-S4-P01-Planting\_Plan\_02 – Rev 01

Planting Plan (3 of 4) - JBAB-ZZ-CA-DR-L-3604-S4-P01-Planting\_Plan\_03 – Rev 01

Planting Plan (4 of 4) - JBAB-ZZ-CA-DR-L-3605-S4-P01-Planting\_Plan\_04 – Rev 01

Boundary Treatment Plan – BMKH-PHS-XX-XX-DR-A-9002 Rev 09

Proposed Materials Layout – BMKH-PHS-XX-XX-DR-A-9005 Rev P10

Proposed EV Charge Point Locations – BMKH-PHS-XX-XX-DR-A-9008 Rev P05

Proposed Accessible/Adaptable Homes – BMKH-PHS-XX-XX-DR-A-9019 Rev P02

Public Space Management Plan – BMKH-PHS-XX-XX-DR-A-9020 Rev P01

Boundary Treatment Types – BMKH-PHS-XX-XX-DR-A-9012 Rev P01  
 Boundary Treatment Types Sheet 2 – BMKH-PHS-XX-XX-DR-A-9021 Rev P01  
 Sections Through Highway and Proposed Footpath – BM03-BGP-01-ZZ-DR-C-90-4-01107 Rev P01  
 External Works GA – BM03-BGP-01-ZZ-DR-C-90-4-01110 Rev P05  
 Proposed Traffic Calming – 100-SK-001 Rev D  
 House Type AHT1 – 2B4P – BMKH-PHS-XX-XX-DR-A-1024 Rev P04  
 House Type AHT1 – Pair – 2B4P – BMKH-PHS-XX-XX-DR-A-1030 Rev P01  
 House Type 11 – 3B5P – BMKH-PHS-XX-XX-DR-A-1011 Rev P06  
 House Type 11 – 3B5P Attached Garage – BMKH-PHS-XX-XX-DR-A-1028 Rev P02  
 House Type AHT12 – 4B6P – BMKH-PHS-XX-XX-DR-A-1021-S2 Rev P06  
 House Type AHT13 – 1B2P – BMKH-PHS-XX-XX-DR-A-1023 Rev P03  
 House Type 14 – 4B6P – No Garage – BMKH-PHS-XX-XX-DR-A-1029 Rev P02  
 House Type 14 – 4B6P – Attached Garage – BMKH-PHS-XX-XX-DR-A-1014 Rev P07  
 House Type AHT14 – 3B5P – BMKH-PHS-XX-XX-DR\_A-1032 Rev P01  
 House Type 15 – 3B5P – BMKH-PHS-XX-XX-DR-A-1015 Rev P05  
 House Type 19 – 2B4P – BMKH-PHS-XX-XX-DR-A-1034 Rev P02  
 House Type AHT20 – 3B5P – BMKH-PHS-XX-XX-DR-A-1033 Rev P02  
 House Type 23 & 24 – BMKH-PHS-XX-XX-DR-A-1035 Rev P02  
 Garage Types – BMKH-PHS-XX-XX-DR-A-120 Rev P02

Reason: In order to ensure compliance with the approved drawings.

### **Condition 3**

No development shall take place on the hatched area identified on Location Plan BMKH-PHS-XX-XX-DR-A-9001-S2 Rev P04.

Reason: In order to comply with Local Plan Policy DM1.

### **Condition 4**

The development shall be built in accordance with the following submitted designs:

- Drainage Layout GA, Billingham George & Partners, Ref: BM03-BGP-01-ZZ-DR-C-52-01130, PO8, 11.04.202;
- Impermeable Areas Plan, Billingham George & Partners, Ref: BM03-BGP-01-ZZ-DR-C-52-01101, PO5, 11.04.2023;
- Flood Exceedance Plan, Billingham George & Partners, BM03-BGP-01-ZZ-DR-C-52-01102, PO5, 11.04.2023; and
- Drainage Philosophy, Billingham George & Partners, Ref: 20T2198, Issue 006, 11/04/202).

The flowrate from the site shall be restricted to a maximum flowrate of 3.0 litres per second. A 30% allowance shall be included for climate change and an additional 10% allowance for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change plus urban creep critical storm event. Principles of sustainable urban drainage shall be employed wherever possible.

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

## Pre-Commencement

### **Condition 5**

No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.

### **Condition 6**

No development shall commence until a detailed scheme for the maintenance and management of the storage facility has been submitted for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity.

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

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

### **Condition 8**

The following schemes of off-site highway mitigation measures, as indicated on Fore drawing 3255/100/SK001/D Proposed Traffic Calming, must be completed as indicated below:

- i) To provide a crossing point at the junction of St John Road & Knaresborough Road prior to occupation of the first property;
- ii) To provide a chicane as shown in the scheme drawings at Knaresborough Road before the site entrance prior to occupation of the first property;
- iii) To provide a footway from the development access to the play area opposite the site;
- iv) To provide signage at the entrance of the village and along Knaresborough Road.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

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

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

#### **Condition 9**

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

- i) Vehicular, cycle, and pedestrian accesses;
- ii) Vehicular and cycle parking;
- iii) Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- iv) Loading and unloading arrangements.

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

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

#### **Condition 10**

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

- i) Details of any temporary construction access to the site including measures for removal following completion of construction works;
- ii) Restriction on the use of existing access on Knaresborough Road access for construction purposes;
- iii) Wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;

- iv) The parking of contractors' site operatives and visitor's vehicles;
- v) Areas for storage of plant and materials used in constructing the development clear of the highway;
- vi) Details of site working hours;
- vii) Details of the measures to be taken for the protection of trees; and
- viii) Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity.

#### **Condition 11**

A concise Construction Ecological Management Plan must be submitted for the written approval of the LPA prior to the commencement of works. It must include (but not be limited to) measures for the avoidance of harm to protected and priority species (such as nesting birds, hedgehogs and toads) during the course of works, the provision of a sensitive lighting scheme and specifications (including locations) of integrated bat and swift bricks and access opportunities for hedgehogs. It should also include a copy of the GCN District Level Licence certificate from Natural England. The agreed CEcMP must be available on site, at all times during construction, for use by site managers and operatives.

Reason: To avoid harm to protected and priority species during the course of works and to provide for use of the site by wildlife species following its redevelopment.

#### **Condition 12**

Before any materials are brought onto the site or any development is commenced, the developer shall implement the agreed specification for root protection area (RPA) (as per Elliott Consultancy Impact Assessment dated March 2023) fencing in line with the requirements of British Standard BS 5837: 2012 Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan and for the entire area as specified in accordance with BS 5837:2012. The developer shall maintain such fences until all development the subject of this permission is completed.

Reason: In order to ensure protection of existing trees in accordance with Policy NE7.

#### **Condition 13**

No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme are in place.

Reason: In order to ensure protection of existing trees in accordance with Policy NE7.

#### Early Stage/ Construction Period

#### **Condition 14**

Notwithstanding the details on the drawings hereby approved, no works above slab level shall take place until an updated detailed scheme for landscaping, including the

planting or trees and/or shrubs and the use of surface materials, shall be submitted to the Local Planning Authority (LPA). No development shall take place until the LPA has approved such a scheme which shall specify materials, species, tree and plant sizes, number and planting densities, details of required crate systems specification and the timing of the implementation of the scheme, including any earthworks required. The landscaping of the site shall be carried out in accordance with the details hereby approved.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity in accordance with Local Plan Policy NE7.

**Condition 15**

The applicant is to retain, throughout the development process, including the proposed tree planting (as per the approved plans), the arboricultural consultant who is to forward a monthly progress report to the LPA for approval. The progress report is required to demonstrate that the trees are being protected in accordance with the submitted detail, and any approved Method Statement or other documentation, during the course of the development. The retention of the arboricultural consultant will aid in the development process where it applies to trees in all forms e.g. no dig road, Root Protection Area enforcement and tree planting.

Reason: In order to ensure protection of existing trees in accordance with Policy NE7.

**Condition 16**

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy. Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

Reason: In the interests of general amenity and in accordance with Local Plan Policy NE9.

**Condition 17**

Before the first use of any materials in the external construction of the roof and walls of the development hereby approved, samples of those materials, including mortar sample and finish, shall have been made available for inspection by, and the written



approval of, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In order to ensure that the materials used conform to the amenity requirements of the locality in accordance with Local Plan Policy HP3.

**Condition 18**

The ground levels must not be altered within Flood Zone 3 as shown on the Environment Agency Flood Map unless otherwise agreed in writing with the Local Planning Authority in conjunction with the Environment Agency.

Reason: To ensure there is no loss of storage from the flood plan and that flood flows are not diverted off-site.

**Condition 19**

Notwithstanding details as approved by Conditions 4 (Drainage Layout GA BM03-BGP-01-ZZ-DR-C-52-01130 Rev P08), should any further alterations be considered necessary to levels on site, full details of existing and proposed site levels, finished floor levels and any changes to the surrounding landform must be submitted in writing to the Local Planning Authority and approved prior to any such changes taking place.

Reason: In the interests of general amenity.

**Condition 20**

There must be no access or egress by any vehicles between the highway and the application site at Knaresborough Road until splays are provided giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety

**Condition 21**

There must be no access or egress by any vehicles between the highway and the application site at Knaresborough Road until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down the 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.

Pre-Occupation

**Condition 22**

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

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

**Condition 23**

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.

**Condition 24**

Prior to the first occupation of the development, a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan will include: -

- Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- A programme for the delivery of any proposed physical works;
- Effective measures for the on-going monitoring and review of the travel plan;
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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.

**Condition 25**

In the event of failure of any trees or shrubs, planted in accordance with any scheme approved by the Local Planning Authority, to survive for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced by the developer with such live specimens of such species in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity in accordance with Local Plan Policy NE7.

**Condition 26**

Prior to the occupation of any dwelling hereby permitted an electric vehicle infrastructure and implementation plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter.

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy TI1 and CC4.

**Condition 27**

Prior to occupation of the dwellings a scheme for the installation of solar panels to include details and timing of installation pre-occupation shall be submitted in writing for the written approval of the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy CC4.

**Condition 28**

Prior to occupation of any dwelling details shall be submitted in writing for the written approval of the Local Planning Authority to confirm that the solar panels have been installed in accordance with the approved details in condition 26 and certified in accordance with MCS standards (or any future such standards).

Reason: To safeguard the environment and mitigate climate change in accordance with Local Plan Policy TI1 and CC4.

**Condition 29**

The development must be carried out in accordance with the foundation design and mitigation included in the Ground Stability Assessment by GeoInvestigate, reference G20280 dated April 2021.

Reason: In the interests of amenity and in accordance with with Local Plan Policy NE9.

**Condition 30**

Prior to the installation of any windows or doors, window and door design and section details shall be submitted for the written approval of the Local Planning Authority and the development shall be carried out in strict accordance with the approved details.

Reason: In order to ensure that the materials used conform to the amenity requirements of the locality in accordance with Local Plan Policy HP3.

**Target Determination Date:** 04 August 2023

**Case Officer:** Kate Broadbank [Kate.broadbank@northyorks.gov.uk](mailto:Kate.broadbank@northyorks.gov.uk)

**Appendix A – Proposed Layout Plan**

### APPENDIX A – PROPOSED SITE LAYOUT PLAN

