

**North Yorkshire Council**

**Community Development Services**

**RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE**

**14<sup>TH</sup> SEPTEMBER 2023**

**20/02047/OUT - APPLICATION FOR OUTLINE PLANNING PERMISSION WITH SOME MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF UP TO 32 DWELLINGS, WITH PUBLIC OPEN SPACE, LANDSCAPING, AND SUSTAINABLE DRAINAGE SYSTEM (SUDS) AND VEHICULAR ACCESS POINT FROM THE AVENUE.**

**AT: PRICES PAVING AND TILES LIMITED, THE MANOR HOUSE, SNAPE, BEDALE, NORTH YORKSHIRE, DL8 2SZ,  
ON: BEHALF OF PRICES PAVING & TILE LTD**

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

**1.0 Purpose of the report**

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

**2.0 Summary**

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

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

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



### **3.0 Preliminary Matters**

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

Planning History

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

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

### **4.0 Site and Surroundings**

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

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

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

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

### **5.0 Description of Proposal**

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

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

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

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

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

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

## **6.0 Planning Policy and Guidance**

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

### Adopted Development Plan

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

### Emerging Development Plan - Material Consideration

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

### Guidance - Material Consideration

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

## **7.0 Consultation Responses**

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

### Consultees

- 7.2 Parish Council

Snape and Thorpe Parish Council -  
1. Background

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

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

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

## 2. Particular areas of concern to the Parish Council

### Number of houses

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

### Flood Management

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

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

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

### Sewerage system

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

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

### Contamination of the site from its prior use

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

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

### Roads and Traffic

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

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

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

### 3. Errors

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

### 4. Assumptions

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

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

## 5. Conclusions

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

The Council makes the following observations:

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

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

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

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

Parish Council additional comments.

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

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

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



## 1. Flooding risk to the Community

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

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

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

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

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

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

The Parish Council's objections are currently the following:

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

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

### 3. Sewage system

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

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

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

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

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

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

### 4. Affordable housing

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

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

## 7.3 NYC Highways - No objections subject to conditions.

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

#### Local Representations

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

#### Objections

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

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

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

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

## **9.0 Main Issues**

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

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

## **10.0 Assessment**

### Principle of Development

- 10.1 At the time the application was submitted the northerly portion of the site was allocated for residential development under Allocation BH8 of the former Local Development Framework. Subsequently a new Local Plan was adopted in February 2022. At the point of the adoption of the new Local Plan the previous LDF allocations cease to be and carry no weight in decision making. Given the adoption of the new Plan, the site's former status as an allocated site can no longer be given weight in the determination process although it must be noted that the application was submitted when the allocation was up-to-date planning policy. The Local Authority has an obligation to determine the planning application based on the current adopted Local Plan and the following assessment is based only on adopted policy as a result.
- 10.2 The application site forms previously developed land within the settlement of Snape. Policy S3 defines Snape as a Service Village meaning it is a suitable place for development in terms of the sustainability of location.
- 10.3 Policy HG5 Windfall Housing Development makes provision for residential housing development within and adjacent to the built form of the settlement. Policy S5 defines the built form of the settlement as the closely grouped and

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

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

Affordable housing provision, housing mix and quantum of development

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

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

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

Impact on heritage, character, appearance and visual amenity

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

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

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

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

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

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

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

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

Highways Safety, Access and Car parking

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

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

Flooding and drainage

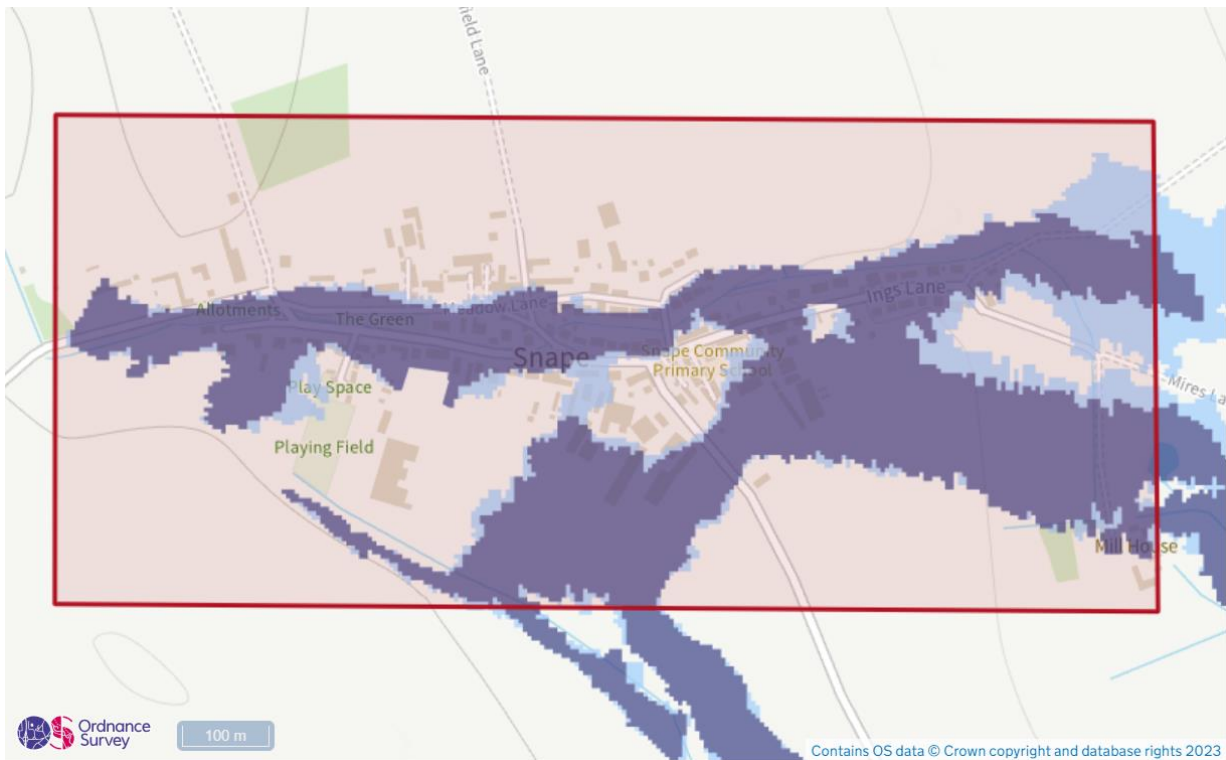
- 10.28 The site was originally shown on the Environment Agency (EA) Flood Maps as within Flood Zones 2 and 3. The applicant and their flood risk consultant has undertaken significant amounts of work under the guidance of the EA, carrying out and submitting hydrological modelling and calculations. The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



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

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

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



#### Impact on neighbouring amenity

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

#### Ecology

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

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

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

#### Land contamination

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

#### Open space, sport and recreation

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

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

#### Other Matters

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

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

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

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

## **12.0 Recommendation**

12.1 That:

- a) Planning Permission be **GRANTED** subject to the conditions set out below and;
- b) A Section 106 agreement be completed to ensure provision of affordable housing along with management of the Sustainable Drainage and Public Open Space as necessary.

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

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

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

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

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

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

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

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

Reason: In the interest of satisfactory and sustainable drainage.

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

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

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

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

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

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

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

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

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

Condition 10: In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of highway safety.

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

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

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance



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

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

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

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

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

Reason: In the interest of public safety and amenity.

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

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

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

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

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

Notes:

- 1 If the developer is looking to have new sewers included in a sewer adoption agreement with Yorkshire Water (under Section 104 of the Water Industry Act 1991), he should contact our Developer Services Team (telephone 0345 120 84 82, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition as supplemented by Yorkshire Water's requirements.
- 2 The applicant is advised that prior to the initial occupation of any individual dwelling hereby permitted, the following bins and recycling box conforming to European Standard EN840 should be provided by the developer for the exclusive use of the occupants of that dwelling:  
1 x 240 litre black wheeled bin for general waste  
1 x 240 litre black wheeled bin with a blue lid for mixed household recycling;  
and  
1 x 55 litre blue recycling box for glass bottles and jars.  
  
In order to guarantee EN840 compliance the Council will only collect from bins and boxes sourced from North Yorkshire Council (Waste and Streetscene). If the developer does not pay for bins and boxes, each new resident will be required to pay for them. In the event that no payment is made, the Council will not collect waste and recycling from the dwelling concerned. Further details of the Council's Waste and Recycling Collection Policy and the charges for bins and boxes is available at [www.northyorks.gov.uk](http://www.northyorks.gov.uk) or by telephoning 0300 131 2 131.
- 3 It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

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

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

Target Determination Date: 15 December 2020

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