

North Yorkshire Council

Community Development Services

RICHMOND (YORKS) AREA CONSTITUENCY COMMITTEE

14TH SEPTEMBER 2023

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

AT: WHITE HOUSE FARM, STOKESLEY

ON BEHALF OF: BRIERLEY HOMES LIMITED

Report of the Assistant Director Planning– Community Development services

1.0 Purpose of the Report

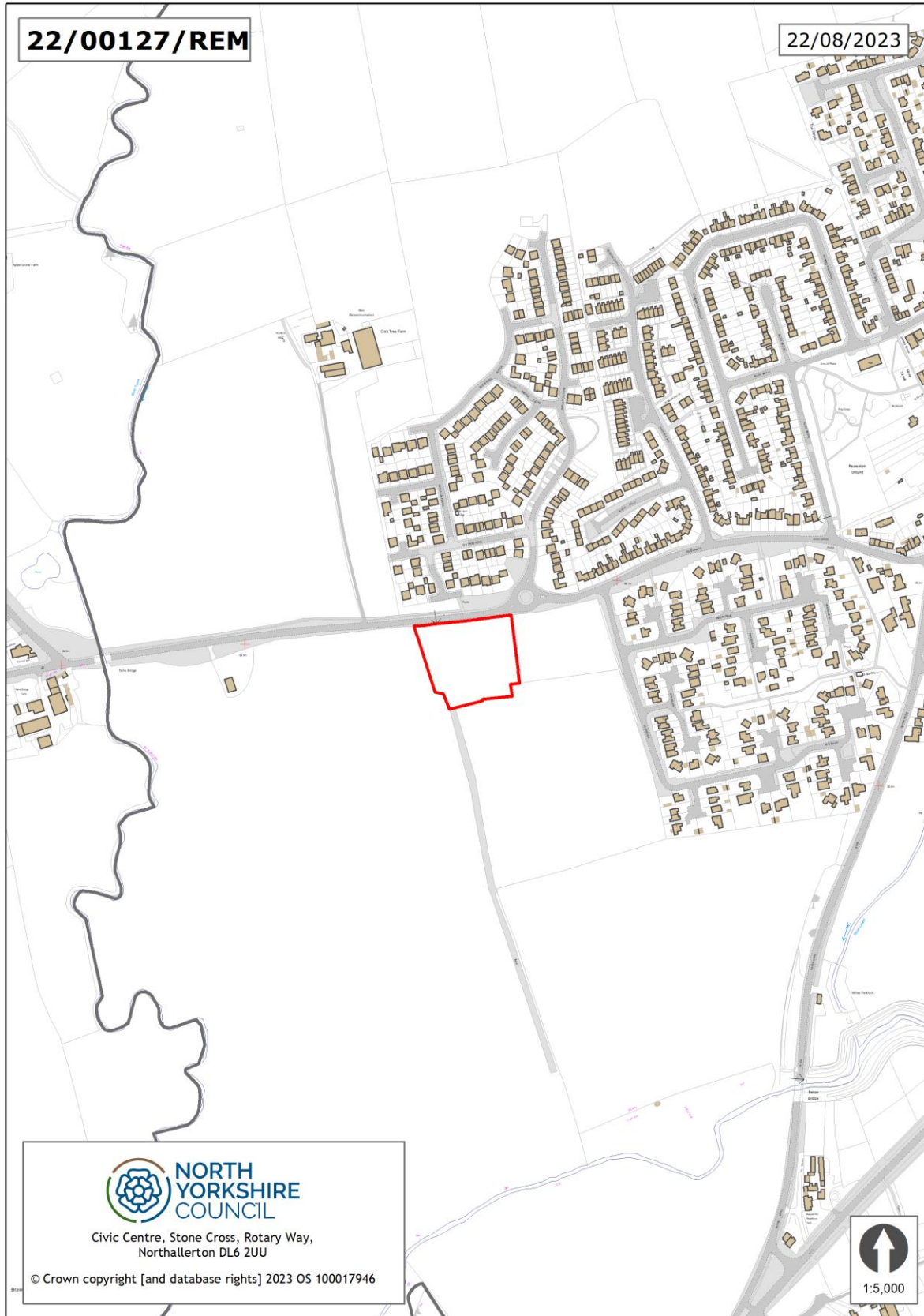
- 1.1 To determine an approval of reserved matters application in respect of a residential development on land at White House Farm, Stokesley. The reserved matters subject to consideration are: appearance, landscaping, layout and scale, with access having been considered as part of the outline permission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

2.0 Summary

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

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

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



3.0 **Preliminary Matters**

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

[Online Related Documents](#)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.0 Site and Surroundings

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

5.0 Description of Proposal

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

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

6.0 Planning Policy and Guidance

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

Adopted Development Plan

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

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below. It is considered to carry no weight due to the current early stage of plan preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021 (NPPF)
 - National Planning Practice Guidance (PPG)
 - National Design Guide 2021 (NDG)
 - Housing Supplementary Planning Document 2022 (SPD)

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below:
Town Council: Stokesley Town Council have submitted two representations:

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

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

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

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

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

Division Member: Has called in the development.

Civil Aviation Authority (CAA): No response received.

Environment Agency: No response received.

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

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

Neighbourhood Policing Team: No objections.

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

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

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

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

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

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

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

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

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

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

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

Teesside International Airport Safeguarding Team: Have raised no objections.

Yorkshire Wildlife Trust: No response received.

Local Representations

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

8.0 Environment Impact Assessment (EIA)

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

9.0 Main Issues

- 9.1. Outline planning permission was granted in August, 2020 for up to 25 dwellings, with access considered as part of the outline permission. This application therefore considers the remaining reserved matters of appearance, landscaping, layout and scale. The key considerations in the assessment of this application (relating to the aforementioned reserved matters) are:
- Affordable Housing
 - Housing Mix
 - Nationally Described Space Standards (NDSS) and Adaptable Homes
 - Design

- Landscaping, Green Infrastructure and Impacts on the Landscape and the Settlement's Setting/Character
- Ecology and Biodiversity Net Gain
- Amenity
- Highway Safety and Connectivity
- Flood Risk and Surface Water Drainage/Management
- Water Supply and Foul Drainage
- Contamination and Pollution
- Climate Change Mitigation and Carbon Savings
- Crime, Anti-Social Behaviour and Secured by Design
- Aerodrome Safeguarding
- Nutrient Neutrality

10.0 Assessment

Principle of Development

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

Affordable Housing

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

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

Housing Mix

10.7 Part (f) of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA)...having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area, including a housing mix table (table 3.1) providing percentage mix ranges for 1, 2, 3 and 4+ bed market and affordable properties:

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

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

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

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

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

Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.15 In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.
- 10.16 Following discussions between Officers and the agent regarding the NDSS requirements (for built in storage in particular), revised house type plans have been submitted that has sought to address insufficient built-in storage for some house types to meet the NDSS requirements. The revised proposed individual house type plans demonstrate that the Gross Internal Areas (GIA), bedroom sizes and proposed built-in storage for each dwelling would meet the relevant requirements of the NDSS, and the scale of the individual dwellings would comply with Policy HG2 of the Local Plan in this regard.

Design

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

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

- 10.18 The proposed layout makes effective and efficient use of the application site and has a legible layout. The proposed scheme has a varied mix of house types and designs. Equally, a variety of external materials and design features are proposed for the dwellings, including the use of brick and render and both red and grey roof tiles, with the design and appearance of dwellings not dissimilar to those of the recently completed Taylor Wimpey scheme opposite the site.
- 10.19 Overall, the layout, design and external appearance of the proposed development would comply with the requirements and expectations of Policy E1 of the Local Plan.

Landscaping, Green Infrastructure and Landscape Character

- 10.20 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the District by supporting proposals where (amongst other less relevant considerations) it:
- considers the degree of openness and special characteristics of the landscape (criterion a.); and
 - protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
- 10.21 In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 10.22 Criterion b. of Policy E1 (Design) of the Local Plan states that a proposal will be supported where it respects and contributes positively to local character, identity and distinctiveness in terms of (inter alia) native tree planting and landscaping. In respect of existing trees and hedgerows, Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.
- 10.23 Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of

green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor.

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

Ecology and Biodiversity Net Gain

- 10.27 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINC, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.)
- 10.28 In accordance with the Environment Act (2021) and the NPPF, Policy E3 is clear that all development is expected to demonstrate the delivery of a net gain in biodiversity or Biodiversity Net Gain (BNG), with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy.
- 10.29 The impact on ecology and biodiversity are issues that were considered as part of the outline application (although it is noted that there was no specific target/requirement in the Development Plan (i.e. the superseded LDF) to

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

Amenity

10.30 Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns. In order to achieve this 'high standard of amenity', E2 states (amongst other less relevant matters) that proposals will be required to ensure:

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

10.31 The Council considered at outline stage that the proposed development was capable of being achieved without resulting in any significant or unacceptable amenity impacts, in terms of both existing residents in the surrounding area, and in terms of future occupants of the proposed development.

10.32 There are no other material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of residential amenity.

Highway Safety and Connectivity

- 10.33 Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
 - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
 - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and
 - appropriate provision for parking is incorporated...(criterion g.)
- 10.34 Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.35 It is worth clarifying that access has already been considered at outline stage and considered to be acceptable, and therefore does not need to be reconsidered as part of the reserved matters approval.
- 10.36 The LHA has been consulted on the application and have not raised any significant issues, although the LHA did previously express concern regarding the provision of an agricultural field access within the development, although this has subsequently been removed from the latest proposed layout plan and is subject to a separate planning application in its own right.
- 10.37 As stated in section 7 above, the LHA have been reconsulted on the amended/revised plans, and a formal recommendation is expected for the Planning Committee Meeting. Discussions between the Case Officer and Highways Officer regarding the amendments suggest that the removal of the previously proposed agricultural access from the application site has addressed their main previously expressed concern in relation to the development and a positive recommendation is therefore anticipated, although the formal LHA recommendation (and any recommended conditions) will be reported to the Planning Committee.
- 10.38 In terms of connectivity, the proposed layout shows a path running through the public open space would connect the top and bottom roads and provides a natural link through the development.
- 10.39 The proposed plans show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards.

Flood Risk and Surface Water Drainage/Management

- 10.40 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations):
- avoiding development in flood risk areas...(criterion a.);
 - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and
 - reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)
- 10.41 Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals):
- surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and
 - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)
- 10.42 The application site is located predominantly in Flood Zone 1, but with areas within Flood Zone 2 of the Environment Agency's flood maps. Issues of flood risk and surface water drainage were considered in detail at outline stage (with details required to be submitted and discharged through several conditions attached to the outline permission) and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of flood risk and surface water drainage, other than it is noted that the proposed layout has been designed to avoid locating dwellings within the areas of the site within Flood Zone 2 with these areas consisting of garden areas. The Lead Local Flood Authority have suggested within their response that the precise details of the drainage scheme need to be submitted and considered as part of the discharge of conditions application (rather than through this reserved matters application)

Water Supply and Foul Drainage

- 10.43 Policy RM1 (Water Quality, Supply and Foul Drainage) states that a proposal will only be supported where it can be demonstrated that:
- there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water and groundwater...(criterion a.); and
 - there is, or will be, adequate water supply and treatment capacity in place to serve the development. (criterion b.)
- 10.44 Foul drainage and water supply were considered in detail at outline stage and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of water supply and foul drainage.

Contamination and Pollution

- 10.45 One of the seven 'Sustainable Development Principles' within Policy S1 of the Hambleton Local Plan is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality...(criterion f.) In addition, in order to maintain a high standard of amenity, criterion d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination. Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine:
- the nature, extent and any possible impact (part a.); that there is no inappropriate risk to a controlled waters receptor (criterion b.); and
 - suitable remediation measures (criterion c.)

- 10.46 Issues of land and groundwater contamination were considered at outline stage and addressed through planning conditions, and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of contamination on the site.

Climate Change Mitigation and Carbon Savings

- 10.47 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (criterion g.) This is taken further by criterion k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations.
- 10.48 There is a requirement through a condition on the outline application to provide details of renewable energy generation and there are no material issues associated with the proposed layout, scale, landscaping and external appearance of the proposed development as submitted that would affect the consideration of carbon savings and climate change mitigation for the development.

Crime, Anti-Social Behaviour and Secured by Design

- 10.49 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural

surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.)

- 10.50 It is stated within the Design and Access Statement that the proposed design, landscaping and layout of the development has been based on Secured by Design principles, including the provision of external lighting, the open nature of pedestrian routes, the provision of 1.8m high fencing backing onto public areas, additional deterrents provided by shrubbery planting, the positioning of dwellings and windows to provide natural surveillance, the provision of off-street parking and the provision of certified windows and doors.
- 10.51 The Designing Out Crime Officer (DOC0) commented on the application and raised a relatively minor issue regarding the boundary treatments of a number of plots for 'designing out crime' reasons. The revised proposed layout and landscaping plans have sought to address the DOC0's concerns in these regards with amendments to the respective plot boundaries.

Aerodrome Safeguarding

- 10.52 The site is located within the designated Aerodrome Safeguarding Area for Teesside International Airport. Teesside International Airport have been consulted on the application (as has NATS and the CAA) and no objections have been raised.
- 10.53 On this basis, it is considered that the application does not raise any aerodrome safeguarding issues, and complies with the requirements of Policy E2 of the Local Plan in this regard.

Nutrient Neutrality

- 10.54 In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This effects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment. LPAs can only approve a project if they are sufficiently certain it will have no negative effect on the habitat site's condition.
- 10.55 The LPA (as the Competent Authority) has undertaken an Appropriate Assessment in relation to the implications of the proposed development on the Teesmouth and Cleveland Coast SPA.
- 10.56 As confirmed by Natural England advice, high concentrations of nutrients in the water can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. The proposed development has the potential to increase the total nitrogen within the Tees catchment and add to the current exceedance, thus having a significant impact on the SPA. This impact can however be mitigated

through the purchase by the applicant of sufficient nutrient credits from Natural England, such that the development would not have a likely significant impact on the SPA.

- 10.57 A Nutrient Neutrality Feasibility Assessment has subsequently been submitted to the LPA. This confirms that there would be a positive total nitrogen load as a result of the development that would need to be 'made neutral'. The agent has subsequently confirmed that the developer is seeking to achieve nutrient neutrality for the proposed development through the purchase of Natural England credits through their nutrient credit purchase scheme. In this regard, the agent has subsequently submitted a copy of a provisional nutrient credit certificate (dated 26.05.2023) which demonstrates provisional agreement from Natural England of the purchase of 52.54 credits, although a final certificate will only be signed/issued by Natural England once the required monies are paid to Natural England.
- 10.58 Nevertheless, the provisional certificate confirms that a provisional certificate may be relied on by a Competent Authority as confirmation that the developer has reserved (with Natural England) the number of nutrient credits as stated within the provisional certificate. The credits are reserved for a specific period of time (i.e. 36 weeks) and confirmation must be provided to Natural England (by the developer) within that time that planning permission has been approved.
- 10.59 Officers have sought confirmation from Natural England that the specific number of nutrient credits (as stated within the provisional certificate) are sufficient to mitigate the positive (net) total nitrogen generated by the development and that an appropriate assessment has been appropriately undertaken. Subject to receiving this confirmation, the purchase of the specific amount of nutrient credits stated within the provisional certificate is considered to provide appropriate mitigation, but a Grampian-style condition would need to be imposed requiring a copy of a final (signed) credit certificate to be provided to the LPA prior to the commencement of the development.
- 10.60 On 29th August, 2023 the Government announced its intention (through amendments tabled to the Levelling Up and Regeneration Bill, which is currently in the House of Lords) to remove the 'nutrient neutral' requirement on new development across the country, including development within the River Tees Catchment such as the White House Farm development currently under consideration, with the Government instead committing to address the causes of nutrient pollution through other mechanisms, including 'catchment-specific solutions'.
- 10.61 Although the Levelling Up and Regeneration Bill is at a relatively advanced stage (i.e. with the House of Lords) it is important to note that it is not yet law, therefore as of September, 2023 the 'nutrient neutral' requirement still applies to this proposed development and remains an important planning consideration. Nevertheless, given the strong likelihood that the Bill (with its amendments) will pass into law, it is considered expedient that the aforementioned 'Grampian-style' condition is worded to account for this likely change in the law and allow the development to commence without confirmation of the purchase of the required nutrient credits if such agreement is provided in writing by the LPA prior to the commencement of the

development. The LPA would only agree in writing to this where there had been a subsequent change in the law regarding the need for development to be 'nutrient neutral'.

11.0 Planning Balance and Conclusion

- 11.1 Subject to specific conditions and receiving positive representations from statutory and technical consultees (including the Local Highway Authority and Natural England) that remain outstanding, it is considered that the details submitted in relation to appearance, landscaping, scale and layout meets the relevant requirements of the policies of the Local Plan, the NPPF and the PPG, and it is therefore recommended that the approval of reserved matters application is approved.

12.0 Recommendation

- 12.1 Subject to specific conditions and receiving positive representations from technical and statutory consultees (including the Local Highway Authority and Natural England) that remain outstanding, that reserved matters for appearance, landscaping, layout and scale is **APPROVED** subject to conditions listed below.

Conditions:

Condition 1: Time Limit

The development hereby permitted shall be begun within two years of the date of this permission.

Reason: To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.

Condition 2: Approved Plans

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

BH20002-APP-94-XX-DR-C-2020-S1 P03

BH20002-APP-94-XX-DR-C-2100-S1 P02

BH20002-APP-XX-00-DR-A-200 P2

BH20002-APP-XX-00-DR-A-001 P8

BH20002-APP-XX-00-DR-A-050-P2

BH20002-APP-XX-00-DR-A-051 P6

BH20002-APP-90-DR-C-2400 P03

BH20002-APP-90-M3-C-3000 P03

BH20002-APP-XX-00-DR-A-101 P3

EDS 07-0102.05 Version D

BH20002-APP-XX-00-DR-A-100 P3

BH20002-APP-XX-00-DR-A-108 P3

BH20002-APP-XX-00-DR-A-106 P4

BH20002-APP-XX-00-DR-A-103 P3

C002-A

BH20002-APP-94-XX-DR-C-7200 P02

BH20002-APP-XX-00-DR-A-104 P3

BH20002-APP-XX-00-DR-A-105 P3

BH20002-APP-XX-00-DR-A-1001 P1
BH20004_APP_ZZ_XX_DR_A_300 P1
BH20004_APP_ZZ_XX_DR_A_S01_301 P1
BH20002-APP-XX-00-DR-A-107 P4
0401 P5
EDS-07-0102.05 Version A
LL01 Rev.F
P21042-EngSt_C
0402 P1
0403 P1
0404 P1

Reason: To ensure that the development is carried out in accordance with the approved plans listed above.

Condition 3: Landscape Management Plan

No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, unless the landscaping scheme shown on the landscaping plan received by Hambleton District Council on LL01 Rev.F has been carried out. Following its implementation, the management of the landscaping scheme shall be carried out in accordance with the recommendations contained with the submitted Landscape Management Plan, unless otherwise agreed in writing by the Local Planning Authority.

Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

Reason: To ensure that the approved landscaping scheme is managed and maintained appropriately, in accordance with Policies E1 and E4 of the Local Plan.

Condition 4: External Material – Samples

Samples of the external materials to be used for the development hereby approved shall be provided to and agreed in writing by the Local Planning Authority prior to any works involving external elevational treatments taking place. The development shall thereafter be implemented in accordance with the approved samples.

Reason: In the interests of the design and visual amenity of the development and in accordance with Policy E1 of the Local Plan

Condition 5: Nutrient Credit Certificate

Unless otherwise confirmed in writing by the Local Planning Authority, the development shall not commence until a valid final Nutrient Credit Certificate signed on behalf of Natural England within Section 9 of the certificate has been submitted to the Local Planning Authority confirming the purchase of 52.54 nutrient credits.

Confirmation for the purchase of the stated Nutrient Credits is required prior to the commencement of the development to confirm that the required number of

nutrient credits have been purchased from Natural England to mitigate the nutrient load generated by the development.

Reason: To ensure that the proposed development is nutrient neutral and to appropriately mitigate the risk of harm to the Teesmouth and Cleveland Coast Special Protection Area in accordance with policies S1 and E3 of the Local Plan.

Target Determination Date: 11.07.2022

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