

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Constituency Committee  
9<sup>th</sup> November 2023**

**ZB23/01079/REM – Reserved matters application under outline permission  
22/02555/OUT for the erection of 87 dwelling houses (C3) with siting, Landscaping,  
Design and External Appearance**

**At: Old Hatchery, Blind Lane Aiskew  
On behalf of: Mr Colin Bennett (Keepmoat homes)**

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

**1.0 Purpose of the Report**

1.1 On 10<sup>th</sup> August, 2023, the Richmond (Yorks) Area Constituency Planning Committee considered a planning application for reserved matters (of siting, landscaping, design/external appearance) for the erection of 87 dwelling houses following the granting of outline planning permission (ref. 22/02555/OUT) on land at Old Hatchery, Aiskew. The Committee resolved to conditionally approve the reserved matters application, subject to conditions, on the basis of a 'policy-compliant' 30 per cent affordable provision. Since then a Housing Association has become involved in the development and is seeking to provide all of the properties as affordable homes. The un-determined application is brought back to the Committee to consider the proposal for the residential scheme to provide for 100 per cent (on-site) affordable housing provision.

**1.1a Addendum**

- 1.1b On 10<sup>th</sup> August, 2023, the Richmond (Yorks) Area Constituency Planning Committee (hereafter referred to as the 'August, 2023 Committee') considered a planning application for reserved matters (of siting, landscaping, design/external appearance) for the construction of 87 dwelling houses, following the granting of outline planning permission (ref. 22/02555/OUT) on land at Old Hatchery, Aiskew. The Committee resolved to conditionally approve the reserved matters application, subject to conditions.
- 1.1c Following the August, 2023 Committee meeting, and prior to reserved matters approval being issued in accordance with the Committee's resolution, the applicant informed Officers of the intention for the development to be developed as a 100 per cent affordable housing scheme rather than the 30% affordable development originally submitted.
- 1.1d As the August 2023 Committee had considered and decided the proposals on the basis of a 'policy-compliant' 30 per cent affordable provision, the application is brought back to the Committee to consider the proposal for the residential scheme to provide for 100 per cent (on-site) affordable housing provision.
- 1.1e To clarify, the proposal to provide a 100 per cent affordable scheme has not included any additional or amended plans or documents. Therefore, the layout, scale, landscaping and appearance (including house types and their design) of the development would remain unchanged from the proposals the 10<sup>th</sup> August, 2023 Committee considered. As such, the

conclusions reached by Officers in section 10 of this report remain unchanged and still relevant on issues of Nationally Described Space Standards, design (including house types and sizes), landscape, ecology, amenity, highway safety, PROW impact, flood risk and drainage, contamination, climate change, crime and aerodrome safeguarding.

#### 1.1f Affordable Housing

*The contents of this section should supersede the details and conclusion within paragraph 10.2 below relating to the 30 per cent (or 30.68 per cent affordable provision).*

Although the proposals are seeking to provide for a scheme where 100 per cent of the dwellings on-site would be affordable units, as the application site is within (rather than outside but adjacent to) the built form of Aiskew, the proposals cannot be wholly supported as either an 'entry-level' or 'rural' exception scheme by virtue of Policy HG4 (Housing Exceptions) of the Local Plan. The appropriate consideration of the proposed housing scheme remains as a 'windfall' housing site located within the built form of Aiskew. The outline permission has already approved the location of the development (i.e. as a housing windfall development), and there are no reasons for Members to reconsider this matter in light of the proposed 100 per cent affordable housing provision.

1.1g Policy HG3 (Affordable Housing Requirements) of the Local Plan requires all developments involving the provision of new market housing to provide 30 per cent affordable housing for schemes involving 10 or more units. This level of affordable housing provision was secured through a Section 106 agreement prior to the issuing of the outline permission (ref. 22/02555/OUT), although the revised Planning Layout [Overall] Plan (Rev. Y) which has been submitted with the reserved matters application shows the provision of 87 dwellings, 27 of which were proposed to be affordable housing units, equating to a total, on-site affordable housing provision of 30.68 per cent. Therefore, the Committee considered the proposals in August with a modest increase in affordable housing provision above the 30 per cent Policy HG3 requirement. The proposals to provide for 100 per cent affordable units would equally be in accordance with the affordable housing requirements of Policy HG3 of the Local Plan.

1.1h In terms of the affordable housing tenure mix, Members are reminded that the Section 106 agreement (completed prior to the issuing of the outline permission) states that the affordable dwellings to be provided on-site are to be delivered as 'Rented Affordable' and 'Shared Ownership' units, with para. 1.4 of the Agreement stating that the proportion shall be: 70% 'Affordable Rents' and 30% 'Shared Ownership Lease', or an alternative different tenure split agreed in writing between the Owner and the Council's Housing Services Manager (para.1.4.3) or in accordance with the Affordable Housing Scheme which is to be submitted and agreed prior to the commencement of the development and which will include the location, size and type (i.e. tenure) of each Affordable Unit.

#### Section 106 Agreement

1.1i In light of the proposed 100 per cent scheme, the applicant is seeking to agree a 'Deed of Variation' with the Council to amend the wording of the Section 106 agreement for the development (completed prior to the issuing of the outline permission).

#### Conclusion

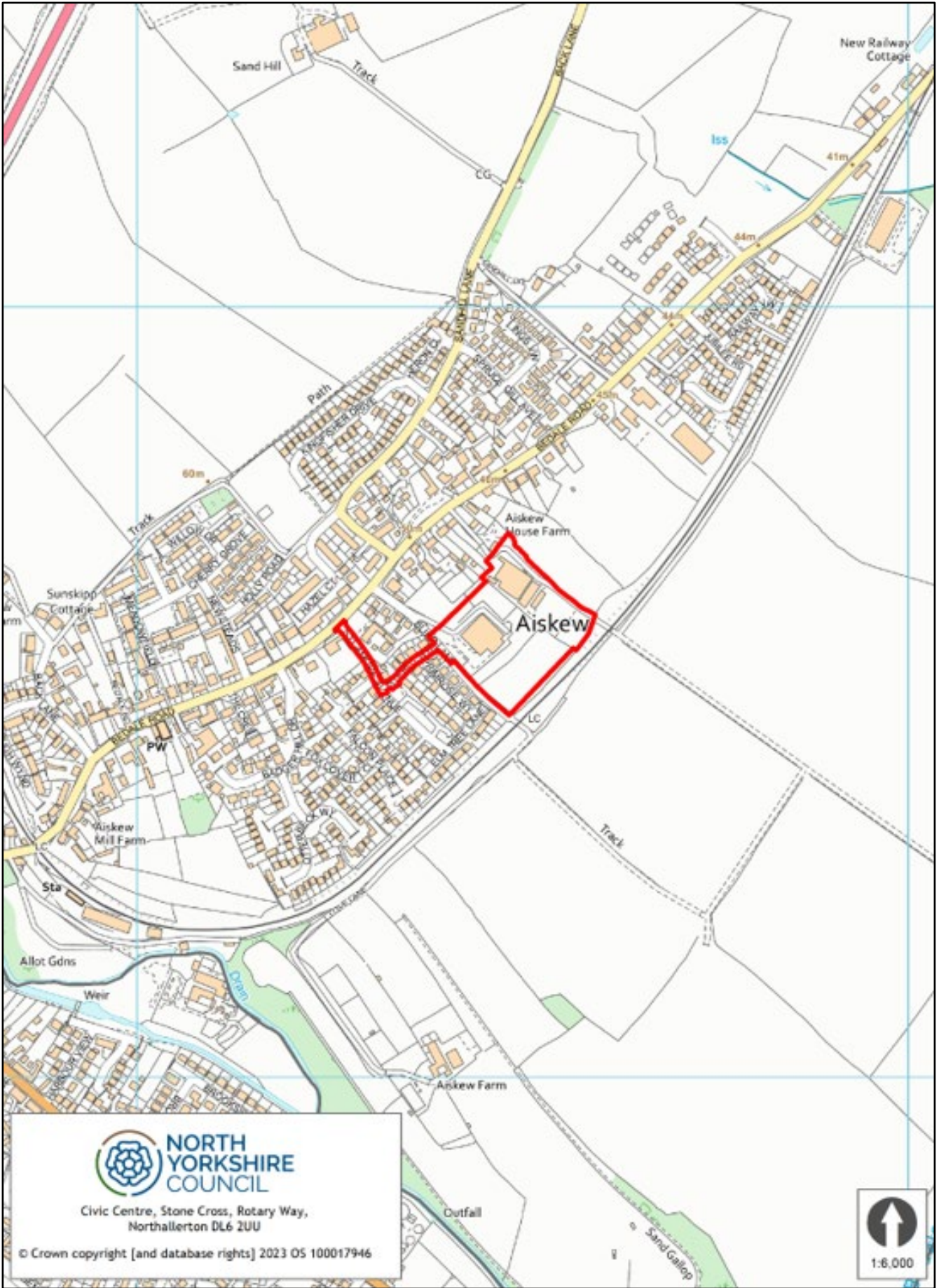
1.1j The provision of a 100 per cent affordable housing scheme does not alter the Local Plan and national policy considerations for determining this planning application. Although the proposals are likely to result in a greater public benefit as a result of the 'over-supply' (in the context of Policy HG3 of the Local Plan) of affordable housing within the development, as the proposals as previously submitted (and considered by the Committee) were policy compliant and considered acceptable, it is not necessary to prescribe the proposed over-

supply of affordable housing any material weight in the planning balance. The overall conclusions and recommendations of this report therefore remain unchanged.

## 2.0 **Summary**

**Recommendation:** That reserved matters approval be **Granted** subject to conditions (as listed within section 12 of this report)

- 2.1 This application seeks the approval of the reserved matters of appearance, landscaping, layout and scale following the granting of outline planning permission in May 2023 for 87 dwellings. Details of the access were considered (and approved) as part of the outline permission and as such the principle and access is not for further consideration. The application site is located on the south east side of Aiskew, south of the A684 (Bedale Road) and north of the Wensleydale Railway. The site features agricultural and commercial buildings previously used as a piggery and hatchery respectively. Subject to specific conditions and receiving positive representations from technical consultees (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.



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### **3.0 Preliminary Matters**

3.1. Access to the case file on Public Access can be found here: - [Public Access](#)

3.2 The following planning history is considered relevant:

- 81/0144/FUL - Extension to Existing Chicken Hatchery – GRANTED (07.01.1982)
- 87/0188/FUL - Alterations to Two Existing Bungalows – GRANTED (17.11.1987)
- 00/50017/P - Change of use of existing disused chicken hatchery to the manufacture and packing of organic and traditional food and drink – GRANTED (05.06.2000)
- 04/00072/FUL - Construction of a timber store and amendment to Condition 03 of planning consent 2/00/004/0092F – GRANTED (14.04.2004)
- 20/02882/OUT - Outline planning application with access considered for the development of up to 88 dwellings – REFUSED (on 12.08.2022) There were four reasons for refusal.
- 22/02555/OUT - Outline planning application for the development of up to 88 dwellings (as amended) – GRANTED (25.05.2023)
- ZB22/02555/DCN – Discharge of Conditions Application for conditions 3, 10, 11, 15, 20, 21, 25 and 27 for 22/02555/OUT – YET TO BE DETERMINED.
- ZB22/02555/DCN01 – Discharge of Conditions Application for conditions 14, 17, 19, and 24 for 22/02555/OUT – YET TO BE DETERMINED.

3.3 Adjacent sites:

- Land to the south of 28 Bedale Road 14/01228/FUL - Construction of 41 no. dwellings, provision of access and associated landscaping – Granted
- Land to rear of 28 – 34 Bedale Road 11/02543/FUL - Construction of 59 dwellings and associated roads, sewers and landscaping – Granted
- The Bungalow, Blind Lane (to the north of the site) 18/02032/FUL - Demolition of all existing site structures and construction of a care home facility (as amended) – Granted (December, 2018) A section 73 application was approved in April, 2021 to increase the capacity of the care home.

3.4 It should be noted that the proposed site layout plan shows 87 residential plots. An additional plot is proposed on land outside of the 'land-edged-red' of the current application (labelled as 'plot 80' on the site layout plan), but is part of a separate planning application (ZB23/01078/FUL) for a single dwelling that has yet to be determined by the Local Planning Authority and is proposed to be determined under delegated powers once the current application has been determined, note that this unit is included in the affordable housing calculation.

### **4.0 Site and Surroundings**

4.1. The 2.7 ha application site is located on the south east side of Aiskew – south of the A684 (Bedale Road) and north of the Wensleydale Railway. The site features agricultural and

commercial buildings previously used as a piggery and hatchery respectively. The applicant indicates that part of the hatchery site is occupied by a tenant for storage and food processing and the piggery which has been vacant for a number of years is now semi-derelict and overgrown.

- 4.2. The site is split in two by a mature leylandii hedge/tree line with the piggery buildings to the north and the hatchery to the south. An area of open space lies to the south. Existing access can be gained firstly from Blind Lane via an unadopted road, secondly via a shared track between 54 and 56 Bedale Road and thirdly from the south over the Wensleydale railway line. A public right of way runs along the western boundary of the site linking Bedale Road to Love Lane through Blind Lane.

## **5.0 Description of Proposal**

- 5.1. This application seeks the approval of the reserved matters of appearance, landscaping, layout and scale following the granting of outline planning permission in May 2023 for up to 88 dwellings. Details of the access were considered (and approved) as part of the outline planning permission.

## **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 the 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:

**Parish Council:** No representations received.

**Division Member:** No representations received.

**Clinical Commissioning Group (CCG):** No representations received.

**Defence Infrastructure Organisation (RAF Safeguarding):** The DIO have confirmed that the application site is close to the operational airfield of RAF Leeming, and as such, may be

affected by military aircraft-generated noise. Note that no noise impact assessment has been submitted in support of the application, and therefore they consider that insufficient information has been submitted to adequately assess the levels of noise currently experienced at the site due to military aviation. A N.I.A. should be submitted in support of the application. However, if the Council is minded to approve the application, the following condition is recommended to be imposed:

- Securing mitigation measures to achieve daytime noise levels of 35dB LAeq (16 hrs) within living rooms between 0700 and 2300 hours, and night-time levels of 30 dB LAeq (8 hrs) within bedrooms between 2300 and 0700 hrs.

**Natural England:** No comments to make on the application.

**Network Rail:** No objections to the principle of the development, noting that there were conditions imposed on the outline permission relating to the railway, including details/requirements for the drainage scheme, construction methodology, boundary treatments, excavations and earthworks within proximity to the railway and the landscaping/planting scheme.

**NYC Environmental Health:** No objections in principle but state that it will be necessary to secure (by condition) appropriate mitigate measures to control the impact of noise, noting that neither the noise assessment nor odour assessment, submitted with previous applications [i.e. including the associated outline permission: 22/02555/OUT), appear to be included in the documents supporting this application. Significant changes to the development may require review of these assessments. NB – it is noted that the EH's response makes reference to potential odour impacts from the manure heap. This has now been removed and is no longer a necessary consideration.

**NYC Environmental Health (Contamination Land):** Having assessed the submitted application documents, Environmental Health have confirmed that they have no observations/comments to make, and therefore have no objections to the scheme from a contaminated land perspective.

**NYC Housing Manager:** Have noted that the associated outline permission requires 30% affordable housing; this equates to 26.4 homes (26 on-site and a commuted sum for the 0.4 balance). The house type mix of the proposed 26 affordable homes is appropriate to meet evidenced needs. The outline permission required a tenure mix of 70% Affordable Rent and 30% Shared Ownership. In order to best meet local needs I recommend that six of the 3-bed houses and two of the 2-bed house be Shared Ownership; with the remaining eighteen affordable homes being Affordable Rent.

Officer Note: A market unit has been changed to an affordable unit, following discussion with the applicant.

**NYC Lead Local Flood Authority (LLFA):** No representations received.

**NYC Local Highway Authority (LHA):** The LHA have made the following comments/observations:

- The LHA would prefer a black-coloured road surface within the development, rather than red (a commuted sum for maintenance will be sought from the developer if red is used).
- Street lighting will be required.
- Landscape features (e.g. trees) shall be placed 2.5m back from the edge of the highway; no shrubs should overhang the highway.
- No highway construction details have been provided with the application.



- The design of speed humps should be designed to avoid the trapping of water on the carriageway.

**NYC Neighbourhood Policing Team:** No representations received.

**NYC Planning Policy:** No representations received.

**NYC Public Rights of Way Team (PROW):** PROW have stated that a public right of way is within/adjoining the application site boundary (an accompanying plan identifies the PROW as public footpath ref. 10.4/6/2.) which runs along Blind Lane from its junction with Bedale Road) the PROW have confirmed that any resulting permanent, physical impact on the PROW will require a Public Path Order/Diversion Order under Section 257 of the Town and County Planning Act (1990) to be made; any temporary impact will require an application for a Temporary Closure Order. Where public access is to be retained during the development period, it shall be kept free from obstruction with regard had for the safety of its users at all times.

**NY Police: Designing Out Crime Officer (DOCO):** A Designing Out Crime Report has been submitted by the DOCO. The Report raises several Designing Out Crime-related issues which it recommends should be addressed prior to the approval of this reserved matters application:

- Surveillance of access point in south-east corner of site could be improved
- Vulnerable rear boundary treatments to some properties
- Management plan required for Public Open Space
- Lack of appropriate demarcation to some house frontages
- Climbing aids created
- Remote parking (Plot 46)
- Surveillance of some parking provision could be improved
- Additional lighting of doorsets required
- Details of appropriate street lighting required.

**The Ramblers:** No representations received.

**Wensleydale Railway:** No representations received.

**Yorkshire Water Services (YWS):** No representations received.

**Yorkshire Wildlife Trust:** No representations received.

#### Local Representations

7.2. Five local representations have been received, all of which are objecting. A summary of the comments is provided below, however, please see Public Access for full comments:

- There are existing sewage problems in the area which will be exacerbated by the proposed development.
- The proposed access to the development (across Blind Lane) would be dangerous; Blind Lane is a public footpath and is used by farm vehicles.
- The proposed access would adversely affect the small, quiet feel of Sycamore Avenue and Bluebell Way and the wider existing/adjacent residential development, increasing noise, disturbance and safety risk to playing children.
- The development will result in an increase in traffic movements (including along Bedale Road), thus having an adverse impact on the local road network, including 'wear and tear' of the highway.
- Blind Lane should be used as an alternative access to the development.
- Concerns about construction vehicles passing down the 'narrow' Blind Lane.



- Surface water issues on site.
- Parking would be excessive during and after the construction of the development.
- The presence of Tawny Owl in the wooded area adjacent to Bedale Road; Buzzards have also been seen in the area.

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

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

## **9.0 Main Issues**

- 9.1. The outline permission was granted outline planning permission in May, 2023 for 88 dwellings, with access considered as part of the outline permission. This application therefore considers the remaining 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 and 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
- Impact on the Public Right of Way (PROW) Network
- 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

## **10.0 Assessment**

### Affordable Housing and Housing Mix

- 10.1 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 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.
- 10.2 The proposed layout (as shown on the latest The Planning Layout – Overall Plan – Rev. Y) shows the provision of 87 dwellings, 27 of which are shown as being affordable housing units. This equates to a total, on-site affordable housing provision of 30.68 per cent. The proposed layout is therefore consistent with the policy expectation of 30 per cent provision.
- 10.3 In terms of the affordable housing mix, the Section 106 agreement (completed prior to the issuing of the outline permission) states that the 30% affordable dwellings to be provided on-site are to be delivered as 'Rented Affordable' and 'Shared Ownership' units, with para. 1.4 of the Agreement stating that the proportion of the Affordable Housing Units shall be:

70% 'Affordable Rents' and 30% 'Shared Ownership Lease', or an alternative different tenure split agreed in writing between the Owner and the Council's Housing Services Manager (para. 1.4.3) or in accordance with the Affordable Housing Scheme which is to be submitted and agreed prior to the commencement of the development and which will include the location, size and type (i.e. tenure) of each Affordable Unit. The Council's Housing Development Officer has confirmed that he is satisfied with the proposed housing sizes for each of the two affordable housing types.

#### Nationally Described Space Standards (NDSS) and Adaptable Homes

- 10.4 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.
- 10.5 The latest 'Planning Layout – Overall Plan' and the individual house type plans demonstrate that the GIA, bedroom sizes and proposed internal storage for each dwelling meets 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

- 10.6 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.);
- 10.7 The latest 'Planning Layout – Overall Plan' and the individual house type plans show details of the overall design layout of the development as well as the appearance (including the form, external materials, and scale) of dwellings and garages. The proposed layout makes effective and efficient use of the application site and has a legible layout with dwellings predominantly located off the main, central access road and with the main area of Public Open Space (with retained mature tree) sited relatively centrally in the scheme, rather than located within a corner of the site. The proposed scheme has a pleasing mix of house types, sizes and forms, including bungalows, two storey quarter houses, two storey semi and terrace properties and two-and-half-storey detached properties.
- 10.8 Equally, a variety and aesthetically-appealing variety of external materials and design features are proposed for the dwellings, including different brick types and render for the external walls and pantile and dark grey (concrete) tile roof coverings as well as flat roof dormers within the roofs of the two-and-a-half storey dwellings, not dissimilar to the character and appearance of the adjacent housing development to the south west (i.e. Bluebell Way, Sycamore Avenue *et.al.*)
- 10.9 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 Character

- 10.10 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.)
- 10.11 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.
- 10.12 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.
- 10.13 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 Hambleton Local Plan as a Green Infrastructure Corridor.
- 10.14 An (amended) Landscape Masterplan has been submitted with the application which identifies the existing trees and planting proposed to be removed, retained and planted as a result of the proposed development. This shows that there would be tree planting within the front gardens of the majority of properties (where the space is not required for parking provision), helping to create a 'tree-lined' character along most of the main access road within the site.
- 10.15 The Landscape Masterplan also shows that several existing trees would be removed from within the site (including the mature conifer hedgerow which runs through the centre of the site) and trees close to the south-western boundary with Blind Lane and the proposed site access. A mitigation for this loss and as an ecological enhancement, a tree belt of various native species is proposed along the northern side of the Wensleydale Heritage Railway Line. This has the potential to result in a relatively substantial net gain in terms of both landscaping and ecology, however it is noted that the majority of the proposed tree belt is outside of the 'land-edged-red'. To be able to give the proposed tree belt appropriate weight, confirmation has been sought from the agent that the land outside of the 'land-edged-red' is within the ownership of the applicant and whether its provision can be required as part of a unilateral undertaking. The agent has subsequently confirmed that some of the land involved is in the ownership of the Wensleydale Railway with agreement with the application to plant the land in accordance with a licence, although further clarification on the precise arrangements in this regard is being sought by Officers. Although both Network Rail and the Wensleydale Railway have been consulted on the application (and raised no objections), further clarification is also sought from both, that they have no concerns regarding the location, extent and species of the proposed tree belt in terms of the operation

and safety of the railway and that the proposed tree belt is capable of complying with condition 23 of the outline permission. Officers will update Members on this matter prior to the Committee Meeting (via the update list), or at the Committee Meeting.

- 10.16 A Landscape Management Plan has also been submitted with the application which sets out the long-term, landscape management for the proposed landscaping, including all new planting, seeded areas and retained trees. If planning permission is granted, then it is recommended that the recommendations within the L.M.P. are required by condition.

#### Ecology and Biodiversity Net Gain

- 10.17 Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. 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.) 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.
- 10.18 The impact on ecology was considered through the outline application following the submission of an Ecological Appraisal. Condition 24 of the outline permission requires a biodiversity scheme to be submitted to and approved prior to the commencement of the development which demonstrates how a measured net gain in biodiversity would be achieved. There is therefore no need to revisit the potential impact of the development on ecology that was considered at outline stage or require/re-impose any ecological and biodiversity gains required by existing conditions. However, Officers are satisfied that the proposed landscaping, design and layout details are capable of achieving a marked gain in biodiversity, subject to the precise gain and a detailed Biodiversity Scheme being subsequently agreed through the discharge of condition 24.

#### Amenity

- 10.19 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.)
- 10.20 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. It should be noted that Environmental Health have commented that no acoustic or odour assessments have been submitted to accompany this reserved matters application, although both types of assessment (i.e.. An Odour Risk Assessment and Noise Assessment ) The O.R.A. only identified a single 'Source Odour Potential', i.e. the manure storage area which has been removed from scheme layout, and therefore there is not considered to be any material or unacceptable odour issues that would potentially affect the levels of amenity enjoyed by the future occupants of the proposed dwellings.
- 10.21 The results and recommendations of the N.A. (R.4; November, 2022) are still considered to be of relevance, i.e. that guidance noise levels within the proposed garden areas can be easily achieved across the site and that internal noise levels can be achieved across the site with windows open. Mitigation to reduce the daytime noise levels to the gardens to plots 13 to 26 resulting from the adjacent railway line in the form of the erection of 2m high acoustic fencing, is recommended within the N.A. Subject to the implementation of specific recommended mitigation measures, the N.A. concluded that noise would not be a 'prohibitive factor' in the determination of the application. If reserved matters approval is granted, it is recommended that a condition is required acoustic fencing to be installed in accordance with the N.A. and approved plans.
- 10.22 The Defence Infrastructure Organisation have noted within their consultation response the potential of noise impacts on future residents resulting from military aircraft, stating that no Noise Assessment has been submitted with the reserved matters application. If reserved matters approval is given, they recommend that in light of no Noise Assessment being submitted with the reserved matters submission, that a condition is added requiring mitigation measures to achieve daytime noise levels of 35dB LAeq (16 hrs) within living rooms between 0700 and 2300 hours, and night-time levels of 30 dB LAeq (8 hrs) within bedrooms between 2300 and 0700 hrs. It is noted that the N.A. submitted with the outline application has considered noise impacts based on the aforementioned levels, and considered that the noise levels would be met, subject to the mitigation in the form of acoustic fencing. It is noted however that the Noise Assessment makes no mention of aircraft noise, and Officers will seek clarification from the agent prior to the Committee Meeting to confirm that aircraft noise was accounted for within the noise survey and the results/recommendations of the N.A.
- 10.23 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

- 10.24 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.)

10.25 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.)

10.26 The proposed plans show a level of on-site parking provision to meet the Local Highway Authority's (LHA) minimum parking standards. The formal recommendation of the LHA is awaited, but they have indicated that subject to some points of clarification and minor amendments, the proposals are likely to be acceptable. The formal recommendation of the LHA will be reported to Members prior to the Committee Meeting.

#### Impact on the Public Right of Way (PROW) Network

10.27 Policy IC2 (Transport and Accessibility) states that the Council will seek the retention and, where relevant, the enhancement of existing rights of way (criterion c.). Similarly, Policy E4 (Green Infrastructure) that the Council will seek to take opportunities to protect and enhance the public right of way network, avoiding unnecessary diversions and through the addition of new links (criterion f.)

10.28 The landscaping and layout proposed does not raise any concerns in relation to the existing PROW network.

#### Flood Risk and Surface Water Drainage/Management

10.29 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.)

10.30 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.)

10.31 The application site is located within Flood Zone 1 of the Environment Agency's flood maps, and as such is in an area at the lowest risk of fluvial flooding. Issues of flood risk and surface water drainage were considered in detail at outline stage (with details required to be

submitted and discharge 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.

#### Water Supply and Foul Drainage

- 10.32 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.)
- 10.33 Policy RM2 also states that new development should ensure that surface water is always drained and managed separately from foul water, which is a requirement that should be conditioned if outline planning permission is approved.
- 10.34 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

- 10.35 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.
- 10.36 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.)
- 10.37 Issues of land and groundwater contamination 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 contamination on the site.

#### Climate Change Mitigation and Carbon Savings

- 10.38 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.)
- 10.39 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.



- 10.40 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.
- 10.41 The proposed house type plans show a 'PV zone' on the roofs of all proposed house types. Although this 'PV Zone' is only indicative, if reserved matters approval is granted, it is recommended that a condition is attached requiring details of the numbers and locations of the PV panels (based on the indicative PV Zones) to be submitted as part of a carbon savings and renewable energy scheme

#### Crime, Anti-Social Behaviour and Secured by Design

- 10.42 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.)
- 10.43 The Designing Out Crime Officer (DOCO) has raised several design and layout issues with the proposed scheme in terms of crime and anti-social behaviour. The agent has sought to proactively address most of the matters raised and has submitted amended plans in this regard. The DOCO's formal response to these amendments is awaited and will be reported to Members prior to the Committee Meeting once received, although Officers are satisfied that the amended scheme has adequately addressed the main issues raised by the DOCO.

#### Aerodrome Safeguarding

- 10.44 The site is located within the designated Safeguarding Area for RAF Leeming. The MOD have been consulted on the application and have not raised any objections.
- 10.45 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,

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

- 11.1 Subject to specific conditions and receiving positive representations from technical consultees (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 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:

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

#### Condition 3: Landscape Management Plan

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: Acoustic Fencing and Boundary Treatments/Enclosures

Prior to the first occupation of any of the dwellings within plots 13-26, the acoustic fencing shall be fully erected in accordance with the location, design specifications, height and other details as per the approved External Finishes Overall Layout Plan (QD1730-330-03 Rev.Q); Enclosure Details Plan (QD1730-333-01 Rev.C) and section 8 of the Noise Assessment (NJD21-0144-001R/R4). The acoustic fencing shall remain in situ as approved for the lifetime of the development.

All other boundary treatments and enclosures shall be installed in accordance the approved details prior to the first occupation of the dwellings hereby approved as per the approved External Finishes Overall Layout Plan (QD1730-330-03 Rev.Q) and Enclosure Details Plan (QD1730-333-01 Rev.C)

Reason: To ensure that occupants of the approved dwellings sited to the south-eastern boundary of the application site have a good level of amenity, and that the boundary and enclosures of the development are appropriate to the character of the development in accordance with the approved plans and Policy E1 of the Local Plan.

#### Condition 5: 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 6: Carbon Savings

Prior to the commencement of the development, a carbon savings and renewable energy scheme shall be submitted demonstrating how all practical and viable measures to provide carbon savings; renewable energy and make prudent and efficient use of natural resources will be implemented. The scheme shall include, but not be limited to, details of the precise details and number of PV panels to be installed on the roof slopes of dwellings in general accordance with the PV Zone areas identified on the approved house type plans for each approved dwelling type. The scheme shall include details of electric vehicle charging. Once approved, the development shall be undertaken in accordance with the approved scheme.

#### Condition 7: Unexpected Contamination

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the local planning authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the local planning authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the local planning authority before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the local planning authority.

**Target Determination Date:** 17.08.2023

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