

North Yorkshire Council

Community Development Services

Richmond (Yorks) Area Constituency Planning Committee

8th February 2024

22/02907/FUL – Application for the construction of 23 dwellings

At: OS Field 9021, Cross Lane, Burneston, North Yorkshire

On behalf of: Loxley Homes (Burneston) Ltd

Report of the Assistant Director Planning– Community Development services

1.0	PURPOSE OF THE REPORT
1.1	To determine a planning application for the construction of 23 dwellings on land at OS Field 9021, Cross Lane, Burneston.
1.2	This application is brought in front of the Planning Committee owing to the complex planning matters it involves.

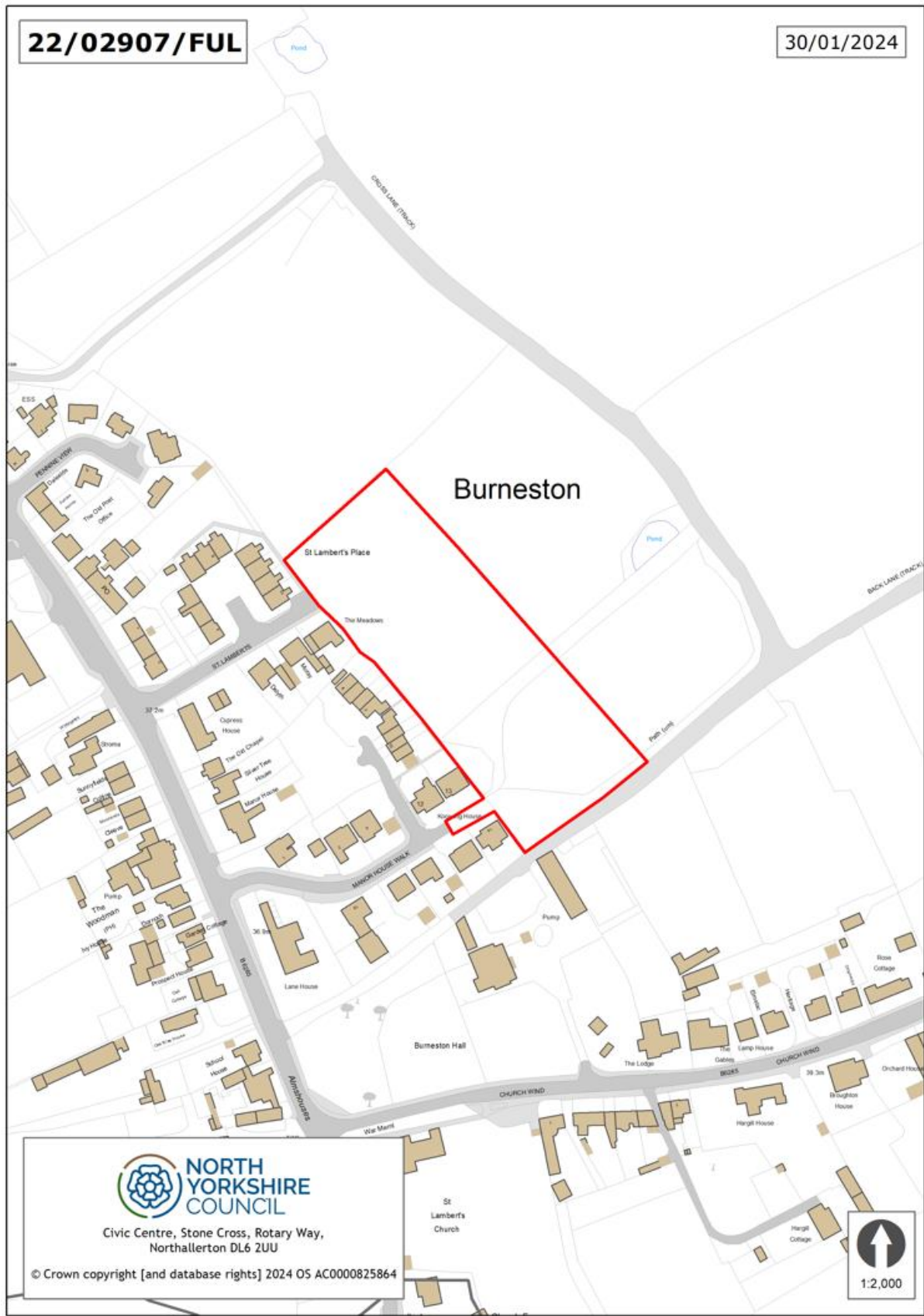
2.0 SUMMARY

RECOMMENDATION: That planning permission be **GRANTED** subject to the conditions listed below and completion of a S106 agreement to deliver 30% affordable housing.

- 2.1 Full planning permission is sought for the construction of 23 dwellings and associated operational development including a new access road leading off the existing residential streets of both St Lamberts Drive at the northern edge of the site and Manor House Walk to the south.
- 2.2 The site itself sits directly adjacent to the north east of the village of Burneston. The site is allocated for residential development in the Hambleton Local Plan for approximately 25 units under allocation BUR1. As such, the principle of the proposed use has already been established. The main determining issues are therefore the impact on the setting of the Burneston Conservation Area, design, residential amenity and the impact on highway safety.

22/02907/FUL

30/01/2024



3.0 PRELIMINARY MATTERS

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

[Documents for reference 22/02907/FUL: Public Access](#)

3.2 Through the course of the application there has been a change to the proposed housing mix and the overall layout to address concerns with the concentration of the affordable housing units in one part of the site.

3.3 There is one relevant previous planning application for this application which is detailed below:

- 20/02420/FUL - Proposed Construction of 9 Dwellings and Associated Infrastructure - Refused 02.08.2021 for the following reasons:

1. The proposed development, owing to the relationship with the neighbouring bungalows is considered to result in an overbearing relationship owing to the rising ground and the height of the proposed dwellings. The development is considered to have a detrimental impact on the amenity of residents of adjacent bungalows amounting to an unacceptable loss of amenity in breach of policy DP1 of the adopted Local Development Framework.
2. It is considered that the proposed two-storey houses would not be in-keeping with the adjacent bungalow development and would have a detrimental impact on the character of the area and the character of the open countryside surrounding the village. This impact is exacerbated by the nature of the rising ground and the resultant relative height and prominence of the development. The proposed development is considered to fail to accord with the requirements of Development Policy DP10, DP30 and DP32.
3. The proposed site location would extend outside the draft Local Plan allocation BUR1 site boundary with the siting of four houses on unallocated land. The extension of the site beyond the allocation is not considered to be justified in this case. Additionally, and owing to the height of the proposed dwellings and the rising nature of the site, the extension beyond BUR1 will have a harmful impact on the character and appearance of the site and that of the countryside surrounding the village, in breach of adopted policy DP10, DP30 and DP32.

4.0 SITE AND SURROUNDINGS

- 4.1 The site comprises parts of two parcels of agricultural land directly to the north east of the village of Burneston. It covers approximately 1ha in area. The existing cul-de-sacs named St Lamberts Drive and Manor House Walk are adjacent the site to the south west. Both of these lead to the B6285 which is the main road that runs north-south through the village.
- 4.2 The agricultural fields in question are fairly well contained within landscaping on three sides, with a fairly substantial tree belt located approximately 85m to the north east of the north eastern edge of the site. Beyond this landscaping is an expanse of arable farmland before the A1(M) corridor which is circa 550m to the east.
- 4.3 The boundary of the Burneston Conservation Area runs close to the southern edge of the site as it strays eastwards from the main historic core of the village in order to incorporate Burneston Hall, a grade II listed building which sits approximately 45m south west of the edge of the site. The north eastern boundary of the Conservation Area sits the other side of the aforementioned existing cul-de-sacs and therefore is detached from the site to a greater extent.

- 4.4 The site is wholly within flood zone 1. There are no other site constraints by way of statutory or non-statutory designations.

5.0 DESCRIPTION OF PROPOSAL

- 5.1 Permission is sought for the construction of 23 dwellings. The proposed layout is linear, with two lines of dwellings either side of a road running north west-south east through the site. This will connect to the two existing cul-de-sacs immediately adjacent. The majority of the units will be along the north eastern boundary of the site in a row of 13. The other 10 units will be opposite, with two units at the north western and southern corners of the site perpendicular to the other dwellings in order to front the shared access as it adjoins St Lamberts Drive and Manor House Walk.
- 5.2 There are 11 different house types proposed. The majority are semi-detached, with 14 in total. The other 9 are detached. The majority are fairly consistent in terms of design, with a dual pitched roof and adjoining garages. 5 of the units are slightly different with a gable end to the main frontage. Plot 3, in the very south east corner of the site, is the largest of all of the proposed dwellings and has a unique design. It will have an inverted L plan with a higher eaves level and shallower pitched roof. The adjoining garage also has a bedroom above. There are also 3 bungalows proposed comprising a pair of semi-detached units and a single smaller standalone unit. The proposed layout also includes the provision of public open space (POS) across areas of the site adjacent to the two access points.
- 5.3 Of the 23 proposed dwellings, 7 will be affordable housing units. The proposed housing mix for both the affordable and market units is as follows:

Affordable

- 2 x 1 bed (including 1 bungalow)
- 4 x 2 bed (including 2 bungalows)
- 1 x 3 bed

Market

- 6 x 2 bed
- 8 x 3 bed
- 1 x 4 bed
- 1 x 5 bed

6.0 PLANNING POLICY AND GUIDANCE

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

Adopted Development Plan

- 6.2 The Adopted Development Plan for this site is the Hambleton Local Plan.

Emerging Development Plan - Material Consideration

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

Guidance - Material Consideration

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

- Housing SPD
- Public open space, sport and recreation SPD

7.0 CONSULTATION RESPONSES

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

Consultees

7.2 Parish Council - Object for the following reasons:

- The proposal conflicts with the Local Plan as it will have a detrimental impact on the natural, built and historic environment, the countryside and cannot be accommodated within the capacity of existing or planned infrastructure.
- Lack of infrastructure to support the development, for example healthcare services.
- Highway safety concerns owing to increased traffic in the village.
- Inadequate bus services to support the development.
- The sewage system does not have the capacity to cope with the development.
- Flood risk.
- Loss of grade 1/2 agricultural land.
- Harm to archaeological interest of the site.
- Harm to ecology.

7.3 Environmental Health - No objection subject to condition requiring a Construction Management Plan to be submitted.

7.4 Environmental Health (Contaminated Land) - No objection subject to condition requiring the applicant to submit details to the LPA in the event of the discovery of unexpected contamination during construction.

7.5 Historic England - No advice offered.

7.6 Housing Department - Initially raised concerns with the proposed housing mix and the concentration of affordable housing units in one part of the site. Following revisions on both of these aspects, they confirmed concerns had been addressed. In their response it is identified that there are 265 families/individuals with a registered interest of housing in the Bedale sub-area.

7.7 LLFA – An update will be provided at the Committee meeting.

7.8 North Yorkshire Police Designing Out Crime Officer - Request a condition requiring details to be submitted in relation to a number of matters raised relating to designing out crime which include boundary treatments, lighting and secure cycle storage.

7.9 NYC Heritage Services (Archaeology) - Initially identified that the site is of archaeological interest owing to evidence of former earthworks in the southern part of the development area and ridge and furrow surviving in the northern part. Consequently, requested a scheme of archaeological evaluation including a geophysical survey followed by trial trenching. Following the submission and review of these additional reports it was concluded that, owing to the trial trenches not showing evidence of anything of interest, there is considered to be no below ground archaeological constraint to the development. However, note that the impact of the proposal on the ridge and furrow should be taken into consideration as part of the balanced decision-making process.

7.10 NYC Highways Department - Whilst it is acknowledged that the site has been allocated for development through the Local Plan, concern was raised regarding the current level of on-

street parking found to take place along both St Lambert's Drive and Manor House Walk and the potential for obstruction of both construction vehicles during the construction phase along with potential obstruction upon completion. This was raised with the developer who, in response, carried out an assessment of the area and is confident that this is not the case. Consequently, no objection is raised subject to conditions requiring detailed engineering drawings to be submitted, all highway work to be carried out in accordance with the relevant NYC specifications, a Construction Management Plan to be submitted, and preventing garages being converted to habitable rooms.

7.11 RAF Safeguarding - No objections.

7.12 Yorkshire Gardens Trust - No comments to make.

7.13 Yorkshire Water - Are content that the Drainage Strategy and Flood Risk Assessment are acceptable and therefore offer no objection subject to a condition requiring the details therein to be implemented.

Local Representations

7.14 68 local representations have been received, all of which object to the proposal. A summary of the comments is provided below, however, please see the website for full comments:

- Lack of bus services allowing connections to jobs and services which will lead to reliance on private cars which is unsustainable.
- Inadequate sewerage system to serve the development.
- Impact on wildlife.
- Loss of privacy for adjacent residents owing to the removal of landscaping.
- Concerns with noise and disturbance during construction.
- Highway safety concerns owing to increased traffic, on-street parking, and lack of suitable and safe access - especially at school drop-off times.
- The development will increase flood risk in the locality.
- Cause overshadowing on neighbouring dwellings.
- Too much development in Burneston recently.
- Lack of facilities within the village.
- Loss of mature trees and hedges.
- The additional on-street parking and construction traffic will make it difficult for residents of the adjacent properties to get around, especially those in wheelchairs, and make access for emergency service vehicles difficult.
- Use of LPG to heat homes being unfriendly to the environment and any increase in the LPG tank increases health and safety risks.
- Inaccurate data provided in the Transport Statement.
- Loss of archaeological interest.
- Loss of footpath that has been used by residents for over 20 years and therefore should be classed as a PROW.
- Lack of capacity for additional people using healthcare services 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 key considerations in the assessment of this application are:

- Principle of development
- The impact on the historic environment (impact on the setting of the Burneston Conservation Area, adjacent listed building, and archaeological interest)
- Design
- Residential amenity
- Housing mix and affordable housing provision
- Landscaping and biodiversity net gain
- Ecology
- Public open space
- Access and highway safety
- Drainage and flood risk

10.0 ASSESSMENT

Principle of Development

10.1 Policy S2 of the Local Plan sets out the strategic priorities and requirements for the Hambleton area and outlines a total of 7716 dwellings will need to be delivered across the plan period. Policy S3 goes on to outline that "To help maintain the sustainability of rural communities and to address affordable housing and other housing requirements, limited development will be located in service villages and secondary villages where there are a good range of services and facilities to support the level of growth proposed. The sites allocated in these villages can be developed in a way that does not detract from their character and form."

10.2 The site in this instance is one of the allocated sites referred to above and has been assessed through the Local Plan process as suitable for a residential development of around 25 units. The proposal is broadly in line with this allocation, albeit with a smaller proposal of 23 units. Nevertheless, this difference is fairly small and on the whole the proposed development is in line with the allocation in the Local Plan. On that basis, the development is considered to be acceptable in principle.

Impact on the Historic Environment

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

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

10.5 Policies S7 and E5 of the Local Plan also relate to the historic environment and development affecting heritage assets. These policies require heritage assets to be conserved in a manner appropriate to their significance and where a heritage asset is identified, a proposal will be required to assess the potential for adverse impacts on the significance of the historic environment. Similar to the NPPF, policy E5 also states that any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification and less than substantial harm to the significance of a designated heritage asset will only be supported where the harm is outweighed by the public benefits of the proposal including, where appropriate, securing its optimum viable use.

10.6 The first issue of note is the impact of this development on the setting of the Burneston Conservation Area (BCA), the boundary of which runs close to the south western corner of

the site. A Heritage Statement has been submitted which outlines the historic evolution of the village and historic mapping therein shows how the historic core of the village is primarily focused along the B2685 which is just to the west of the site, as well as the junction with Church Wind to the south west of the site, where the two focal points of the village still stand - i.e. Burneston Hall and St Lambert's Church.

- 10.7 Owing to modern backfill development behind the older buildings that front the B2685, namely Manor House Walk and St Lambert's Drive, the relationship between the site and the northern half of the Conservation Area is now very much detached and the site no longer contributes to the overall setting of this part of the BCA and therefore this development is considered to have a neutral impact in this respect.
- 10.8 That said, there is still a degree of association between the site and the area of the Conservation Area around Burneston Hall, a grade II listed former vicarage to the south west of the site that was historically associated with St Lamberts Church. In this regard, the development will also have the potential to impact the setting of this listed building. The Heritage Statement refers to the informal track that runs between the north of the grounds of Burneston Hall, between it and the site. It is understood this is used by residents of the village similar to how a PROW would be used, although it is not adopted in this respect, and in turn means the site potentially plays a greater role in the setting of the BCA and Burneston Hall. However, the track is flanked by the tall wall which surrounds the grounds of Burneston Hall on one side and landscaping on the other. These features mean that views either side are by no means open and therefore it does not necessarily afford users of the track views across the site and into the Conservation Area or the grounds of Burneston Hall, or vice versa. The proposal will clearly extend the built form further north west along this track. However, given the existing character being enclosed, this change is considered not to equate to harm to one's experience of the setting of either the Conservation Area or Burneston Hall if they were to use this track. Consequently, it is considered that the development will have a neutral impact in this respect which equates to no harm.
- 10.9 Both the NPPF and policies S7 and E5 of the Local Plan also require an assessment of the impact of a development on the archaeological interest of a site. This site has been identified by the Council's Principal Archaeologist as being of interest in this way owing to the Historic Environment Record includes evidence of former earthworks in the southern part of the development area and ridge and furrow surviving in the northern part. In order to assess the former, trial trenching was undertaken a reviewed by the Council's archaeologist. The results of this trenching were that no finds of any significance were made and therefore it is considered that there is no below ground archaeological constraint to the development.
- 10.10 Nevertheless, the partial loss of the ridge and furrow system resulting from the development is still a material consideration and has to be given weight in the planning balance. It is noted that this feature is a contributing factor to the wider agricultural setting of the village and as a result is of local significance. Nevertheless, this development will only lead to the partial loss of this particular ridge and furrow system, which will still be evident to the east of the site. The benefits resulting from the development in terms of ensuring one of the districts allocated housing sites comes forward, and in turn the provision of affordable housing units, means that the minimal harm resulting from the loss of part of this non designated feature of local significance is outweighed.
- 10.11 All in all it is considered that the development will have an acceptable impact on the setting of the nearby Conservation Area and listed buildings, as well as the archaeological interest of the site. As a result, the proposed development is considered to comply with the requirements of policies S7 and E5 of the Local Plan and the NPPF.

Design

- 10.12 Policy E1 of the Local Plan relates to design and requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. It goes on to list a number of more specific requirements such as ensuring development:
- responds positively to its context and has drawn inspiration from the key characteristics of its surroundings, including natural, historic and built environment, to help create distinctive, high quality and well-designed places;
 - respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials, native tree planting and landscaping; and
 - 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.
- 10.13 On the whole, the proposal is considered to be acceptable on design grounds. The number of units proposed fits comfortably within the overall site whilst maintaining a similar density to that on Manor House Walk to the south west. The individual house types are high quality and similar in character and appearance to a number of other existing buildings in the village. In this respect the requirements of policy E1 are met, although a condition is recommended requiring specific details of the proposed materials to be agreed prior to above ground development.
- 10.14 North Yorkshire Police's Designing Out Crime Officer has reviewed the overall site layout and is generally content that the development is acceptable in this respect. The comments relating to the boundary treatments are noted and a condition requiring details of boundary treatments to be submitted is recommended to allow this matter to be assessed further.
- 10.15 Based on the above, it is considered the proposal meets the requirements of policy E1 and is acceptable on design grounds.

Residential Amenity

- 10.16 Policy E2 of the Local Plan states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 10.17 Generally, the proposed development effectively represents an extension to the two existing cul-de-sacs and as a result it does not give way to any unusual relationships between the new dwellings and the existing that one wouldn't expect in a residential area. It is noted that plots 18-23 back onto the rear gardens of the existing dwellings on Manor House Walk. Separation distances between the dwellings will be approximately 19m which is ample to ensure mutual privacy, especially with suitable intervening landscaping and boundary treatments.
- 10.18 At the north western corner of the site, there are a pair of semi-detached bungalows which will help to mitigate against the fact these are adjacent the rear of existing bungalows on St Lamberts Drive and ensure there will be no overshadowing or overbearing effect for the residents of these existing dwellings. Whilst this is not the case to the south west and the existing dwelling on Manor House Walk will be adjacent to a two-storey unit, these dwellings will have a standard side-by-side relationship with adequate separation distance to ensure no harm in terms of overshadowing or overbearing impacts.

- 10.19 In terms of the proposed units, the layout is such that there are no concerns in terms of privacy or daylight provision. Furthermore, each unit is served by private amenity space commensurate with the size of the dwelling.
- 10.20 All in all the development is considered to be in line with the requirements of policy E2 and will not harm the living conditions of existing residents whilst also ensuring a high standard of amenity for the occupants of the proposed dwellings.

Housing Mix and Affordable Housing Provision

- 10.21 Policy HG2 of the Local Plan requires all new residential development to assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure. Also relevant is policy HG3 which sets out that all developments over 9 units will be required to deliver a 30% provision of affordable housing, with an even split of tenure between affordable rented, social rented and intermediate dwellings, and that these units should be spread evenly around the site. The Housing SPD goes in to more detail regarding target housing mix for both affordable and open market dwellings. These are as follows:

No. of bedrooms	Affordable	Market
1	20-25%	5-10%
2	50-60%	40-45%
3	10-20%	40-45%
4	0-5%	0-10%

- 10.22 The proposal includes 7 affordable housing units which is in line with the target percentage set out in policy HG3. The proposed mix for these units is as follows:
- 2 x 1 bed units (25%)
 - 4 x 2 bed units (60%)
 - 1 x 3 bed units (15%)
- 10.23 The proposed mix is therefore in line with the targets set out in the Housing SPD. The Council's Housing Department have also confirmed they are content with the proposed mix. These units will be spread around the site as opposed to concentrated in one particular area. This is also in line with the requirements of policy HG3.
- 10.24 It is proposed that the tenure mix will be split between shared ownership and affordable rent - four units and three units respectively. Discussions between Officers and the affordable housing provider have taken place over the course of the application as concerns were initially raised regarding the fact this is not in line with the requirements of policy HG3. It has been stated by the affordable housing provider that in their experience it is difficult to have affordable rent and social rent units on the same development owing to the differing amounts occupants would be expected to pay for similar units. On this basis, the proposed tenure mix has been accepted by the Housing Department on this occasion and therefore this minor conflict with policy HG3 is given limited weight.
- 10.25 In terms of the market housing, the proposed mix is as follows:
- 6 x 2 bed units (38%)
 - 8 x 3 bed units (50%)
 - 1 x 4 bed units (6%)
 - 1 x 5 bed units (6%)
- 10.26 The proposed mix is broadly in line with the targets set out above. It is noted that there are no 1 bed units provided and this is in conflict with the Housing SPD. However, it is also acknowledged it is not always practical to provide such house types on smaller developments such as this. Consequently, on balance this minor conflict is given limited weight and the housing mix is considered acceptable as a whole.

Landscaping and Biodiversity Net Gain

- 10.27 Policy E3 of the Local Plan now requires all development to demonstrate the deliverability of a net gain in biodiversity. A BNG Report has been submitted in support of this application. The impact on the existing trees on the site is also a material planning consideration and therefore an Arboriculture Impact Assessment has also been submitted.
- 10.28 The BNG Report outlines that through the delivery of modified grassland and urban tree planting, the development will lead to a net gain of 24.70% in habitat units. Furthermore, through the native hedgerow with trees, the development will deliver a net gain of 25.75% in hedgerow units. It is recommended a Biodiversity Management and Monitoring Plan is produced and therefore this is recommended as a condition. On this basis the proposal will meet the requirements of policy E3.
- 10.29 The Arboriculture Impact Assessment outlines that the vast majority of the trees on site are of a low category rating. Nevertheless, they will be retained on the most part. Trees will be removed for the two accesses, as well as along the western boundary to ensure boundary treatments can be installed. That said, all trees that are to be removed are categorised as low quality or unsuitable for retention and therefore their loss will not be harmful. A Tree Protection Plan has been submitted which will ensure the retained trees will be protected during construction. It is recommended a condition is included requiring this to be implemented. On this basis, the impact on the existing trees will be acceptable.

Ecology

- 10.30 The impact of a development on protected species is a material planning consideration. An Ecological Impact Assessment was submitted in support of this application which concludes that ultimately the overall impact on protected species will be negligible except for nesting birds. The trees and hedgerows on-site were assessed as being of a high value for nesting birds. To mitigate the impact, the report advises any clearance works should be undertaken outside of bird nesting season. If this cannot be done, a bird nesting survey will have to be undertaken prior to any clearance works. A condition requiring this recommendation to be implemented is recommended.
- 10.31 Through the course of the application, a neighbour provided photographic evidence of a Great Crested Newt in their garden, which directly abuts the site. The aforementioned Ecological Impact Assessment had assessed the site as being unsuitable to support GCN and eDNA tests of nearby ponds had returned negative results. Nevertheless, the evidence from the resident show's newts are in the surrounding area. In order to overcome this issue, the applicant has applied to Natural England's District Level Licensing Scheme. This allows developers to make a financial contribution to strategic, off-site habitats instead of carrying out on-site assessment and subsequent mitigation. The agent has provided a provisional certificate which shows their application was successful. On this basis, the issue of the impact on GCNs has been overcome and should not prevent determination of this application.

Public Open Space

- 10.32 Policy IC3 and appendix E of the Local Plan set out the requirements in relation to the provision of public open space as part of residential developments. The proposed layout includes two areas of POS which equate to around 120sqm. Burneston as a whole also has a recreational ground which would be a 2 minute walk from the site. On this basis it is considered that the occupants of the development will have ample open space which will be accessible from the development. A condition is recommended which requires the submission of a maintenance plan for the POS. On this basis, the requirements of policy IC3 are met.

Access and Highway Safety

- 10.33 The BUR1 allocation required vehicular and pedestrian access to be provided from both St Lamberts Drive and Manor House Walk. The proposed plans are in line with this. Concerns have been expressed by local residents about vehicles parking on the side of both of these roads and thus rendering these accesses too narrow which will compromise highway safety, particularly during drop off and pick up times for the adjacent school. Following discussions with the Highway Authority, the applicant provided a Technical Note produced by their highways consultant which set out an assessment of the on-street parking at the two access roads and ultimately concluded the following:
"There was no peak or off-peak parking observed on Manor House Walk, nor during the school drop off and pick up periods. Thus trips generated by the development onto Manor House Walk will not be impeded by indiscriminate parking and will have an insignificant impact on the operation of the junction of the B6265 and Manor House Walk.
This technical note demonstrates that the parking observed on St Lamberts Drive is almost exclusively the result of parents parking and dropping off/picking up school children. Parking observed along B6285 and St Lamberts Drive during the drop off (0830-0900) and pick up periods (1500-1530) is observed to disperse quickly and is not observed to occur during the off peak period.
The number of trips generated by the residential development on St Lamberts Drive is shown to be minimal during the periods of time where parking demand is highest, therefore the potential for conflict between vehicles entering and leaving from the two access points is also low."

- 10.34 Based on this, the Highway Department have not objected to the application subject to conditions. Officers are content that the development will remain accessible moving forward and would not compromise highway safety.

Drainage

- 10.35 Policies RM1 and RM3 of the Local Plan require a sustainable approach to drainage and for all development to be served by a drainage system that will be safe for the lifetime of the development. The Drainage Strategy outlines that foul water will connect to an existing sewer on Manor House Walk and St Lamberts Drive. Yorkshire Water have confirmed this is acceptable and therefore in terms of foul water drainage, the proposal is considered acceptable.
- 10.36 In terms of surface water management, the proposal is more complex. Owing to ground conditions, it has been found that infiltration methods of drainage are not feasible. Furthermore, there are no watercourses in the locality that can be discharged to directly from the site. Consequently, the development will drain to several other existing drains in the locality. Plots 11-17 and the north western part of the site will drain to an existing combined sewer in St Lamberts Drive. The remaining plots in the centre and south eastern part of the site will drain to an existing private drain that serves Manor House Walk which ultimately discharges into a culvert within the village.
- 10.37 The Council have received objections from members of the public which have raised concerns around the capacity of the existing infrastructure and the risk of flooding if the proposed development is allowed to connect to it. Furthermore, it has also been raised that the existing drain often overflows, which creates issues in the surrounding area. The applicant has submitted a CCTV Survey of the drainage infrastructure which is to be reviewed by the LLFA. This should provide clarification that the drain is able to take the additional water from the development. An update will be provided to Members on this matter at the Committee meeting. Subject to this confirmation, it is considered that the proposed surface water management is acceptable.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The principle of a residential development on this site was established through its adoption in the Hambleton Local Plan. The above assessment demonstrates that it is also in line with the other relevant Local Plan policies in regard to design, the impact on the historic environment, residential amenity, housing mix, affordable housing provision, biodiversity net gain, and highway safety. On this basis, approval is recommended.

12.0 RECOMMENDATION

- 12.1 That Permission be granted subject to the following conditions and
- 12.2 Satisfactory completion of a S106 legal agreement to delivery a policy compliant 30% affordable housing.

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

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

Condition 2 - The development shall be undertaken in accordance with the following plans, received by North Yorkshire Council on 02.11.2023, 23.10.2023, 19.10.2023, 31.07.2023 and 19.12.2022:

- Proposed Site Plan - SK02 Revision I
- Site Sections 2 - SK06
- The Ilkley Proposed Elevations (Garage) - OM23-201
- The Ilkley Proposed Elevations - OM23-200 Revision B
- The Ilkley Proposed Plans OM23-100 Revision B
- The Barton.Colton Proposed Elevations - AH12.35-200
- The Barton.Colton Proposed Plans - AH12.35-100
- The Routen Proposed Elevations - AH23-200 Revision B
- The Routen Proposed Plans - AH23-100 Revision B
- The Ripley Proposed Elevations - AH22-200 Revision A
- The Ripley Proposed GA Plans - AH22-100 Revision B
- The Rosedale Proposed Elevations - AH24-200 Revision A
- The Rosedale Proposed GA Plans - AH24-100 Revision A
- The Helmsley (Pantile) Proposed Elevations - OM50-200 Revision A
- The Helmsley (Pantile) Proposed Plans - OM50-100 Revision A
- The Bedale Proposed Elevations - OM37-200 Revision A
- The Bedale Proposed Plans - OM37-100 Revision A
- The Brompton (Pantile) Proposed Elevations - OM34-200 Revision A
- The Brompton (Pantile) Proposed Plans - OM34-100 Revision A
- The Grassington (Pantile) Proposed Elevations - OM44-200 Revision A
- The Grassington (Pantile) Proposed Plans - OM44-100 Revision A
- The Grassington (Pantile) Proposed Plans 2 - OM44-101 Revision A
- The Dacre Proposed Elevations - OM33-200 Revision A
- The Dacre Proposed Plans - OM33-100 Revision A

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

Condition 3 - No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have

been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

Condition 4 - The protection measures outlined in the Arboricultural Method Statement - Revision A and shown on the accompanying plan referenced AIA TPP Revision A received by the Council on 21.09.2023 shall be implemented in full and remain in place during the construction phase of the development.

Reason: To ensure the trees that are to be retained are protected in the interests of the visual amenity of the locality.

Condition 5 - Prior to the first dwelling coming into use, the landscaping and habitat creation shown on the drawing on page 17 of the BNG Report shall be implemented in full.

Reason: To ensure compliance with policy E3 of the Local Plan.

Condition 6 - Prior to above ground works commencing, a Biodiversity Management and Monitoring Plan which includes monitoring for 30 years in relation to the landscaping scheme shall be submitted to the Local Planning Authority. This must then be implemented in full and remain in place for the 30 year period.

Reason: To ensure compliance with policy E3 of the Local Plan.

Condition 7 - The mitigation measures recommended in section 5 of the Ecological Impact Assessment shall be implemented in full, including any clearance works taking place outside of bird nesting season. If this cannot be ensured then a nesting bird survey must be undertaken prior to works commencing.

Reason: To ensure the protection of any species within the site and the locality.

Condition 8 - Prior to construction of any building or regrading of land commencing, details of finished site levels and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.

Reason To ensure the levels are acceptable in relation to the surrounding area and prevent loss of amenity.

Condition 9 - Prior to occupation of the first dwelling, a Maintenance Plan for the Public Open Space shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of the general amenity of the area and to ensure the upkeep of the POS in line with the requirements of policy IC3 of the Local Plan.

Condition 10 - Above ground construction shall not be commenced until details relating to boundary walls, fences and other means of enclosure for all parts of the development have

been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To protect the amenity of the neighbouring residents and to ensure that the development is appropriate to the character and appearance of its surroundings.

Condition 11 - The development shall be carried out in accordance with the details shown on the submitted plan, "Flood Risk Assessment and Drainage Strategy' 5180/FRA01 (rev B) prepared by ID Civils, dated 15/11/22", unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage.

Condition 12 - The Surface Water Drainage Maintenance and Management Schedule received by North Yorkshire Council shall be implemented in full and remain in place for the lifetime of the development.

Reason: To ensure adequate drainage infrastructure remains in place for the development.

Condition 13 - In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

Condition 14 - A construction management scheme shall be submitted to and agreed in writing with the Local Planning Authority before works commence. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site impacting on existing noise sensitive premises.

This is to include details of

- the siting of materials and machinery, staff welfare facilities, office location, staff/contractor parking,
- construction site traffic movements including deliveries,
- siting of any lighting provision, type and controls
- how dust emissions will be reduced, monitored and managed.
- Details of any piling to take place including duration and equipment type to be used.
- How machinery, equipment and earth works will comply with the British Standards BS 5228-1:2009 Code of practice for noise and vibration control on construction and open sites, Part 1 : Noise
- In circumstances where vibration is a potential source of impact it is anticipated that an appropriate vibration / screening survey or prediction report be proposed and details submitted.
- Details of the community engagement arrangements will be in place throughout ground preparation and construction phases.

Reason: to prevent nuisance to nearby residents.

Condition 15 - Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any

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

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

Condition 16 - No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

Condition 17 - The development must not be brought into use until the access to the site at both St Lamberts Drive and Manor House Walk have been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.

- Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
 - Provision to prevent surface water from each plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
 - The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.
 - Measures to enable vehicles to enter and leave the site in a forward gear.
- All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Condition 18 - No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

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

Condition 19 - Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason: In accordance with policy number and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development

Condition 20 - No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

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

Reason: In the interest of public safety and amenity.

Target Determination Date: 4 April 2023

Case Officer: Mr Nathan Puckering - nathan.puckering@northyorks.gov.uk