

**North Yorkshire Council**

**Community Development Services**

**Harrogate and Knaresborough Area Constituency Planning Committee**

**26 MARCH 2024**

**17/01899/OUTMAJ – OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 135 DWELLINGS AND ASSOCIATED INFRASTRUCTURE WITH ACCESS TO (BUT NOT WITHIN) THE SITE CONSIDERED (SITE AREA 8.8 HA) AT LAND AT COW DYKE FARM, SKIPTON ROAD, HARROGATE, NORTH YORKSHIRE HG3 2AL ON BEHALF OF ROWAN GREEN DEVELOPMENTS LTD**

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

**1.0 Purpose of the Report**

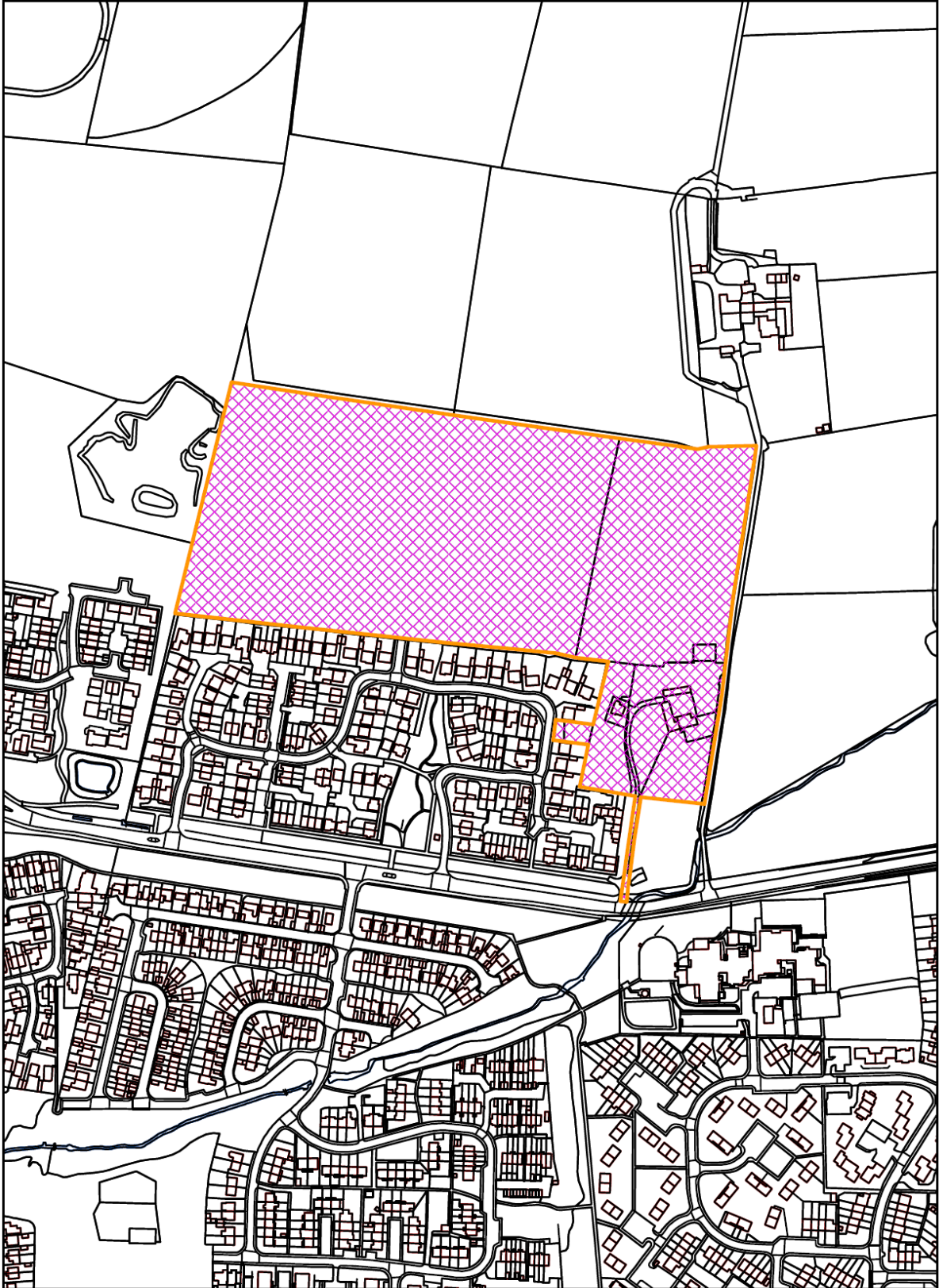
- 1.1 To determine an outline planning application for residential development of up to 135 dwellings and associated infrastructure with access to (but not within) the site (site area 8.8 ha) on land at Cow Dyke Farm, Skipton Road, Harrogate, HG3 2AL.
- 1.2 The application is to be presented to the Planning Committee as this is a significant and sensitive development.

**2.0 SUMMARY**

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

- 2.1. This is an outline application for residential development of up to 135 dwellings with all matters reserved except for access to the site (but not within) on land at Cow Dyke Farm, Skipton Road. Up to 54 affordable dwellings would be provided on-site.
- 2.2. The application site is located to the north of Skipton Road (A59). It is within the Harrogate development limit where most of the site (i.e. land to the north of the Cow Dyke Farm buildings) forms the H56 Housing Allocation as defined in the adopted Harrogate Local Plan. That part of the site containing the farm buildings lies outside of the allocation. The site falls within a sustainable location identified for housing and therefore the principle of the development is acceptable.
- 2.3. The proposed development will make a valuable contribution to meeting housing need, including the delivery of affordable housing. The proposal will have an acceptable impact on the character and appearance of the area and no issues are raised at this outline stage in terms of highway matters, trees, ecology, or amenity.
- 2.4 There is however an outstanding objection from the Lead Local Flood Authority (LLFA) to the Flood Risk Assessment & Outline Drainage Strategy (dated February 2023). An updated version of this document (dated September 2023) has been submitted to address the concerns raised and officers are awaiting comments from the LLFA.

- 2.5 Having regard to the overall planning balance and taking all matters into consideration it is recommended that planning permission is granted, subject to confirmation from the LLFA that with the development in place there would be no increase in surface water run-off and that it would not increase the risk of flooding elsewhere.



# Location Plan

Scale 1:4,000



© Crown copyright and database rights 2017 Ordnance Survey 100019628

14/03/2024

### **3.0 Preliminary Matters**

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. The outline application has been presented to Members at Planning Committee on two previous occasions.
- 3.3. The first scheme presented on 13 March 2018 sought outline consent for up to 180 dwellings with access to, but not within, the site considered. Members raised concerns about the density of the scheme and resolved that the application be refused.
- 3.4. Prior to the formal decision notice being issued, the applicant contacted the then case officer proposing a reduction in housing numbers to up to 145 dwellings as well as changes to the Concept Masterplan showing illustrative densities across the site. No changes were proposed regarding the principal vehicle and pedestrian access arrangements which would be via two access points from within the Bellway Homes development to the south.
- 3.5. The revised scheme was reported to Planning Committee on 24 April 2018 where Members resolved to grant permission subject to conditions and completion of a S106 agreement to secure transport initiatives and the receipt of a satisfactory S38 Highways Adoption Agreement Plan showing the full extent of roads to be constructed to adoptable standards.
- 3.6. At the time when Members considered the proposed scheme in April 2018, the Bellway Homes development (south of the application site) was under construction and the S38 Highways Adoption Plan provided by Bellway Homes did not include the two proposed access points for the application site within their intended adopted highway. The Local Highway Authority (LHA) required an updated plan to ensure the proposed scheme on the application site would have safe and suitable access. It needed to be demonstrated that the application site abutted an adopted or adaptable highway. Further, issues subsequently arose relating to the title of the land which meant the legal agreement could not be completed. As such, a formal decision has never been issued.
- 3.7. Matters relating to title and the areas intended for highways adoption have now been resolved to the satisfaction of the LHA. However, there have since been material changes to the national and local planning framework, including the adoption of the Harrogate Local Plan. This necessitates a re-assessment of the proposed scheme to ensure it is compliant with the latest national and local planning framework.
- 3.8. Biodiversity documentation was submitted in November 2022 and a further round of statutory and public consultation was carried out in December 2022 / January 2023.
- 3.9. Another round of statutory and public consultation was undertaken during March 2023 following receipt of the following documents on 1 March 2023:
  - Air Quality Assessment (28 February 2023)

- Biodiversity Net Gain Report (November 2022) and associated biometric calculations and ecology information
  - Updated Tree Survey (27 February 2023)
  - Flood Risk Assessment & Outline Drainage Strategy (February 2023)
  - Heritage Statement (24 February 2023)
- 3.10. Discussions with officers have since continued to take account of issues raised from the March 2023 consultation. Furthermore, officers noted that the proposed on-site drainage attenuation had not been identified on the Concept Masterplan and so the areas previously identified for housing development had to be reviewed.
- 3.11. The following updated information was submitted on 21 February 2024:
- Amended Concept Masterplan – Illustrative Densities (Ref. YOR.2822\_de\_013 Rev 0):
  - Sketch Framework (Ref. P22-1680\_DE\_001\_0001 Ref F):
  - Character Area Mood Board:
  - Landscape Mood Board:
  - Sketch Framework & Illustrative Densities (Ref. P22-1680\_DE\_001\_0005 Rev A):
  - Design and Access Statement Addendum:
  - Flood Risk Assessment & Outline Drainage Strategy (Rev G): and
  - Planning Statement Addendum
- 3.12. Statutory and public consultation is currently being undertaken on the latest updated information. Comments received after the writing of this report will be reported verbally at the Planning Committee meeting.

#### Concept Masterplan: Summary of Proposed Changes

- 3.13. As this application is for outline permission, there is no detailed layout for consideration. However, the submitted Concept Masterplan shows the development parameters. The main key changes to the development proposal and as shown on the updated Concept Masterplan are:
- Reduction from up to 145 dwellings to up to 135 dwellings
  - Alteration to density zones shown across the site – including reduced areas of higher density
  - Larger area of Public Open Space provided towards north-west corner
  - Central green corridor (existing trees / hedges running north to south) widened
  - Removal of development areas around the retained farmhouse building and replaced with open space
  - Attenuation tank and pond located to north and south of farmhouse
- 3.14. The application is supported by Sketch Framework Plans which shows how the site could be developed based on the parameters established by the Concept Masterplan. The Design and Access Statement, together with the Character and Landscape Mood Boards, set out the design approach to the site and identify the key principles which have guided the development of the sketch framework for the scheme.

#### Relevant Planning History

- 3.15. Whilst not relevant to the application site itself, there are sites identified in the Local Plan as housing commitments on land immediately adjoining the south and west boundaries of the current proposal site.
- 3.16. Land to the south, off Skipton road Ref. H71: completed residential development comprising 170 dwellings undertaken by Bellway Homes Ltd (permission refs. 14/03119/FULMAJ and 16/02337/DVCMAJ)
- 3.17. Land to the south-west, off Skipton Road Ref. H72: completed development by Persona comprising 210 dwellings (permission refs. 14/00854/OUTMAJ and 17/01398/REMMAJ) with a later approval for 10 dwellings (19/04830/FULMAJ).
- 3.18. Land to the west, off Otley Road Ref. H73: Permission has previously been granted for the construction of 135 dwellings by Persona (permissions 14/02944/OUTMAJ as varied by 17/00760/DVCMAJ and 17/01399/REMMAJ). The access point from Otley Road alongside the internal road connecting this site to H72 to the south have been constructed.
- 3.19. Application ZC23/03834/FULMAJ - A new detailed planning application for development on H73 was submitted in October 2023 by Story Homes Ltd and Home Group Ltd. The proposal is for the construction of 146 dwellings with associated, parking, landscaping and infrastructure. The access and internal road already constructed on site have been incorporated into the proposed development. The application is currently under consideration.

#### **4.0 Site and Surroundings**

- 4.1. The application site is located to the north of Skipton Road (A59) towards the north-western edge of Harrogate. It comprises approximately 8.8 hectares of agricultural land. The largest portion of the site is rectangular in shape and comprises two fields of agricultural grassland separated by hedgerow with hedgerow trees. The field boundaries are predominately of hedgerow although the western and eastern boundaries are more heavily treed. Land rises from south to north with the gradient becoming more pronounced towards the north western extent of the site.
- 4.2. The smaller portion of the site on the southern extent contains buildings and grassland associated with the former Cow Dyke Farm. The farmhouse and its courtyard are a non-designated heritage assets. Access to the site is currently from Skipton Road.
- 4.3. The eastern boundary of the site is adjacent to a tree lined track which serves Grange Farm to the north and is also a public right of way (PROW), part of the Harrogate Ringway route. As noted above, there are committed housing sites to the south and west of the application where residential development has been completed.
- 4.4. Most of the site is allocated for housing in the Local Plan, Allocation H56: Land to the north of Cow Dyke Farm with an identified indicative yield of 139 dwellings. That part of the site containing the farm buildings lies outside of this allocation.



## 5.0 **Description of Proposal**

- 5.1. This application seeks outline permission for residential development comprising up to 135 dwellings with associated infrastructure. Access to the site (but not within) is to be considered.
- 5.2. All matters relating to appearance, layout, scale, landscaping and access within the site are reserved for consideration under a future reserved matters application(s).
- 5.3. The Concept Masterplan shows the key development parameters which any future detailed reserved matters applications will need to adhere to. These include:
- Development parcels comprising 'Character Areas' of varying densities
  - Large landscape buffers provided around the perimeter of the site, including a minimum 10m deep planted buffer along the northern site boundary
  - Central 'green corridor' (existing trees / hedges running north to south)
  - Retention of trees and hedgerows (except where gaps would need to be created for access) and enhancement / infilling gaps to the existing tree and hedgeline along the eastern side
  - Public Open Space (circa 3.6 ha) with main space provided at the highest part of the site (north-west corner)
  - SuDs drainage (circa 0.4 ha)
  - Retention of existing former Cow Dyke Farmhouse and associated courtyard
  - Potential links to surroundings
- 5.4. The Concept Masterplan includes illustrative densities showing how the development would be split into three zones of varying densities ('Character Areas'). A higher density would be provided towards the southern half of the site where the topography of the site is relatively flat and the development backs onto the Bellway Homes site. It is intended that development here would extend along a Primary Street running east to west as shown on the Sketch Framework Plans. This area would be built to a density of 35 dwellings per hectare (dph) and contain circa 61 units.
- 5.5. The 'Home-Zone' area is confined to the centre of the site where it is intended that development would step up the slope north to south at a medium density range of 25 dph containing circa 32 units.
- 5.6. The edges of the development and that part of the site closest to the existing farmhouse buildings are proposed to be at a low density of 20 dph and contain circa 42 units. Development here would be 'feathered' and loosely arranged to aid the transition between built form and its landscaped edge.
- 5.7. Public open space would be provided at approximately 3.6 hectares of site area, leaving a net developable area of approximately 5.2 hectares.

- 5.8. The main vehicle access would be from Malham Drive to the south (within the Bellway Homes development) with a secondary access point also from Malham Drive serving the far south-eastern extent of the site. The existing access directly from the A59 to the south of the site would provide a separate pedestrian link to Skipton Road.

## **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:

- Harrogate District Local Plan 2014-2035 (adopted March 2020)

### Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is the North Yorkshire Local Plan 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 Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2023
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing SPD June 2021
- Providing Net Gain for Biodiversity SPD June 2021
- Provision of Open Space and Village Halls SPD June 2021
- Heritage Management Guidance SPD November 2014
- Landscape Character Assessment February 2004

## **7.0 Consultation Responses**

- 7.1. Four rounds of consultation have taken place during the course of the application with the latest round being carried out February / March 2024. The responses below focus on the most recent comments received from consultees. Any further comments received will be reported at the Planning Committee meeting. The comments have been summarised below.

- 7.2. **Killinghall Parish Council:** Neither objects nor supports the scheme. Comments: incursion and visual effect on site line from Killinghall with height on units on site boundary; housing density; sewage issues; problematic site access during construction caused by HGVs next to bridge on Skipton Road with poor vision; no



pavement on east side of Skipton Road; use of existing site being used for access; roads on existing site are narrow and many parked cars and disruption to residents; lane leading to Grange Farm is a public right of way and could be used by cyclists.

- 7.3. **Environment Agency:** Site is within Flood Zone 1 and so no comments to make on flood risk grounds.
- 7.4. **Natural England:** No objections.
- 7.5. **NHS Integrated Care Board:** Awaiting comments following re-consultation.
- 7.6. **NYC Archaeology Officer:** Condition required to secure Archaeological Written Scheme of Investigation.
- 7.7. **NYC Design and Conservation:** Cow Dyke Farm is a non-designated heritage asset which contributes to local distinctiveness. There should be no development at the eastern part of the site in order to minimise harm to its setting.
- 7.8. **NYC Ecology Officer:** Conditions recommended to require submission of a Construction Ecological Management Plan, updated Biodiversity Net Gain Assessment and Biodiversity Enhancement Management Plan.
- 7.9. **NYC Education:** Developer contributions will be required for funding school expansion and new school places at both primary and secondary level. Preliminary total calculation - £1,189,381.05
- 7.10. **NYC Environmental Health:** Conditions required in relation to land contamination, noise and Construction Management Plan. A Dust Management Condition will be required to minimise impact on air quality.
- 7.11. **NYC Highways:** No objections following receipt of an updated Transport Assessment (Feb 2023). Conditions previously recommended and monies to secure Travel Plan monies are still relevant. The latest indicative sketches will need further discussion at the relevant time.
- 7.12. **NYC Housing:** No Objections. Comments made on future site layout requirements. Affordable housing condition will apply.
- 7.13. **NYC Lead Local Flood Authority:** Awaiting comments on an updated Flood Risk Assessment and Outline Drainage Strategy (Sept 2023). Objections raised to an earlier version of the document (February 2023).
- 7.14. **NYC Minerals and Waste:** No comments to make. Site is not within a minerals or waste safeguarding zone.
- 7.15. **NYC DCS - Open Space:** Developer contribution will be required to fund maintenance of on-site open space (if adopted) and enhancement of various off-site open spaces in the locality and Killinghall Village Hall. Preliminary calculation -

£369,194.18 total for off-site provision and on-site maintenance (if on-site open space is adopted).

- 7.16. **Police Architectural Liaison Officer:** Makes recommendations for the detailed site layout to minimise the risk of crime. If the scheme includes a community garden, details of the management of this space will be required.
- 7.17. **Yorkshire Water:** No objections subject to drainage conditions.

#### Local Representations

- 7.18. Around 70 local representations have been received over the four rounds of consultation undertaken, including from the Harrogate branch of the Campaign to Protect Rural England. A summary of the comments is provided below, however, please see website for full comments.
- 7.19. Objections:
- Adverse impact on character of Special Landscape Area
  - Adverse visual impact on exposed hillside
  - Loss of agricultural land
  - Loss of trees, hedgerows and wildlife habitat
  - Loss of privacy and reduction in light quality
  - Harm to amenity value of adjacent public right of way
  - Development will add to existing traffic congestion on inadequate road network
  - Insufficient access points to the site
  - Impacts during construction in terms of noise and air pollution
  - Inadequate foul and surface water drainage infrastructure
  - New houses will increase risk of flooding / surface run-off to existing houses
  - Farm vehicles will be a danger to pedestrians on Grange Farm track
  - Proposed link from site to public right of way should be removed as it may not be able to be provided
  - Insufficient infrastructure to accommodate additional housing
  - The new settlement at Kirk Hammerton would be a more suitable location for all of Harrogate's future housing needs
  - Coalescence between Harrogate and Killinghall
- 7.20. To date, one local representation has been received in response to the February / March 2024 consultation round. It is queried whether Malham Drive will be able to cope with the increase in domestic traffic as well construction traffic given existing problems with vehicles parking on Malham Drive.
- 7.21. Local representations were made as part of the earlier rounds of public consultation concerned that the site was outside of development limits and would encroach into the countryside. These comments pre-dated the adopted Local Plan and are now not relevant as the site is within defined development limits for Harrogate.

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

- 8.1. An Environmental Impact Assessment Screening Opinion was issued on 23 March 2017 (ref. 17/01037/SCREEN) confirming that the environmental effects of the

proposed development were not likely to be so significant that would warrant submission of an Environmental Impact Assessment as defined by the Environmental Impact Assessment (EIA) Regulations as amended. The development does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended).

## **9.0 Main Issues**

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

- Principle of development
- Housing Mix
- Affordable Housing
- Design and Sustainability
- Heritage
- Amenity
- Landscape and Trees
- Public Rights of Way
- Ecology
- Highways and Access
- Flood Risk and Drainage
- S106 Agreement

## **10.0 ASSESSMENT**

### **Principle of Development**

- 10.1. Section 38(6) of the Planning and Compulsory Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Harrogate Local Plan is the starting point for the determination of any planning application.
- 10.2. Policy GS1 of the Local Plan states provision will be made in the former Harrogate district over the plan period (2014-2035) for a minimum of 13,377 new homes, including affordable housing.
- 10.3. Policy GS2 sets out a settlement hierarchy and advises that growth will be focussed in the settlements listed. Harrogate is identified as one of the main settlements where major allocations of land will be provided to deliver new homes. It is one of the settlements that offers the greatest range of jobs, shops and services and is well connected in terms of public transport. Harrogate is therefore a highly sustainable location.
- 10.4. Policy GS3 advises that within development limits, proposals for new development will be supported provided they are in accordance with other relevant policies of the Local Plan. The application site is located within the development limit for Harrogate.
- 10.5. When previously considered at Planning Committee in April 2018, the land to the north of the Cow Dyke Farm buildings was identified as a draft allocation within the Council's Publication Draft Local Plan (2018). This draft allocation has been taken

forward in the adopted Local Plan as H56: Land to the north of Cow Dyke Farm. As such, most of the proposed development continues to be sited on land allocated for housing purposes. The land containing the former farm buildings is outside of this allocation but there are no planning reasons why the land can't come forward for development. The entire application site is within development limits and is in a sustainable location where development is supported. The principle of development is therefore acceptable.

- 10.6. The former Harrogate area currently has a 7.7 year housing land supply. Although there is now no formal requirement set out in the NPPF for a local planning authority with an up to date local plan to demonstrate a minimum 5-year supply of deliverable land it is important that housing delivery is maintained, particularly in respect of sites that have been allocated for such purposes.

#### Site Allocation Requirements

- 10.7. Local Plan Policy DM1 advises that development of the site (Ref. H56) should meet specific requirements. These are listed below together with a comment on how the application responds to each of the requirements.

1) Development of the eastern portion of the site should minimise harm to, and enhance where possible, the setting of the traditional Cow Dyke Farm buildings, including leaving land to the north free of development.

Response: Land around the farm buildings would be utilised for on-site drainage attenuation. Buffer planting would be provided to the north of the farmstead. The development parcel at the site entrance is set back from the farmstead and is of low density.

2) Creation of a green infrastructure link with development to the west (H73), introduce new native tree and shrub planting in the west of the site adjacent to the disused former quarry adjacent to the site boundary in order to enhance this green infrastructure asset which forms public open space for the adjacent development (H73). Provide a pedestrian link to the quarry where possible.

Response: Public open space is proposed towards the north-west corner of the site with further tree planting. A potential link to H73 site is shown on the Concept Masterplan.

3) Retain protected trees on the southern site boundary.

Response: These two trees are to be retained and are shown on the submitted sketch framework.

4) Retain and repair boundary hedgerows on site; enhance on-site planting with new native tree species within the development.

Response: Boundary hedges are proposed to be enhanced along with new native tree species planting.

5) Introduce new native tree and shrub planting along the northern boundary to reduce visibility of new development above the skyline and aid integration with the surrounding countryside.

Response: There would be a minimum 10m planting buffer provided along the northern boundary.

6) Ensure sufficient distance is left between planting (both new and retained, on-site and off-site) and new build in order to ensure that trees and hedgerows can reach maturity and be retained in the long-term without affecting residential amenity.

Response: Sufficient distances will be left between planting (both new and retained on and off-site) and new built development. This matter will be considered at the detailed reserved matters stage.

7) Provide vehicle, cycle and pedestrian access through the adjacent sites (i.e. H71, H72 and H73). More than one access point will be required.

Response: Routes through the site and through to the neighbouring development sites would be provided and multiple access points are shown on the Concept Masterplan and sketch framework.

8) Provide pedestrian and cycle links within the site and from the site to connect with adjacent development sites, including H71, H72 and H73, and existing areas in order to provide convenient routes to nearby housing as well as local services and facilities. In addition, provide a pedestrian link to the public footpath adjacent to the eastern site boundary in order to provide convenient access to the countryside and wider public rights of way network.

Response: Routes through the site and through to neighbouring development sites would be provided. There is an existing pedestrian link to the public footpath to the east which would be retained. In this way the scheme provides good connectivity which is important for placemaking.

9) Protect and enhance the recreational and amenity value of the adjacent public footpath.

Response: Buffer planting is proposed along the eastern site boundary which would comprise enhancement and infilling of gaps to the existing tree and hedgeline between the site and the adjacent public footpath.

- 10.8. In summary, it is considered that with the parameters in place as shown on the Concept Masterplan, a detailed scheme can come forward that is capable of fully achieving the site allocation requirements.

### **Housing Mix**

- 10.9. Local Plan Policy HS1 requires housing developments to deliver a range of house types and sizes that reflect and respond to identified housing needs. On

developments of 10 or more dwellings, 25% of the market units should be built to be accessible and adaptable homes. As this is an outline application with layout and scale reserved, these matters would be considered in future detailed applications if outline planning permission is granted. Conditions are proposed to ensure the requirements of the policy will be met.

### **Affordable Housing**

- 10.10. Local Plan Policy HS2 requires 40% affordable housing on qualifying greenfield developments. This would equate to up to 54 affordable homes on-site.
- 10.11. The Council's Housing Team will comment on detailed layouts and housing design at the reserved matters stage. No issues are raised at the outline stage.
- 10.12. Any reserved matters application would be expected to accord with the full requirements of Policy HS2 including that the affordable homes are indistinguishable from the market housing, being distributed across the site and integrated with the scheme design and layout. This will be secured by condition to require a scheme for affordable housing to be submitted as part of any application for reserved matters. A S106 legal agreement will secure the detail at reserved matters stage.

### **Design and Sustainability**

- 10.13. The NPPF places great importance on the creation of healthy and safe communities and the creation of high quality buildings and places. The National Design Guide also provides guidance on how well-designed places can be achieved in practice.
- 10.14. Local Plan Policy HP3 sets out the criteria against which all development proposals will be assessed. Development should incorporate high quality building, urban and landscape design that protects, enhances or reinforces those characteristics, qualities and features that contribute to local distinctiveness.
- 10.15. The design and appearance of the scheme will be assessed at the detailed reserved matters stage when it must be demonstrated how the proposal meets the requirements of Policy HP3 as well as the site-specific requirements for the site allocation. However, the Design and Access Addendum, indicative sketch framework plans and 'mood boards' set out the design principles on which a future scheme will be based.
- 10.16. A key design principle is the proposed three Character Areas' to provide visual interest and variation as well as allow the scheme to respond to the differing topography and conditions across the site. The character areas will be designed around a hierarchy of streets and landscaped open spaces to ensure a legible and permeable development. At the main site entrance will be the 'Primary Street' area which will be defined by a tree lined primary road with residential dwellings fronting onto the road. The central 'Streets and Homezones' area would see development at a lower scale with secondary streets serving smaller areas of development. The 'Organic Edge' would provide a more informal character where built development would be 'feathered', designed to integrate with the open landscape with dwellings



fronting onto open space which will aid the transition between buildings and open countryside.

- 10.17. An important part of any future detailed design assessment in relation to scale will be the residential quality of new dwellings. In this respect, the dwellings will be expected to, as a minimum, meet the Nationally Described Space Standards (NDSS) in accordance with Local Plan Policy HPS5.
- 10.18. The Police Designing out Crime Officer has confirmed that the original comments made on the application remain relevant. The only additional comment in respect of the latest Addendum documents would concern the management of a community garden which is shown on the indicative sketch framework plans. This matter would be considered at the reserved matters stage and is capable of being dealt with by condition(s).

#### Sustainability

- 10.19. Policy CC4 of the Local Plan requires proposals to be designed to reduce the extent and impacts of climate change. All developments are required to reduce carbon dioxide emissions through the application of the energy hierarchy. An Energy Statement will be required as part of any reserved matters application to explain how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions. This can be secured by condition.

#### **Heritage**

- 10.20. Section 16 of the NPPF sets out national policy in relation to heritage assets. Specifically, paragraph 209 advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.21. Local Plan Policy HP2 advises that planning applications affecting heritage assets will be determined in accordance with national planning policy. The policy goes on to advise that applicants should ensure that proposals affecting a heritage asset (designated and non-designated), or its setting, protect or enhance those features which contribute to its special architectural or historic interest.
- 10.22. The buildings associated with Cow Dyke Farm located on the southern portion of the site are in varying states of repair. The 19<sup>th</sup> century farmhouse, in natural stone and slate, and its immediate rear courtyard are a non-designated heritage asset that contributes to local distinctiveness. There are later barn buildings to the rear and a 20<sup>th</sup> century bungalow to the west.
- 10.23. The application is supported by a Heritage Statement. The historic farm buildings and the associated rear courtyard are proposed to be retained thereby keeping those elements of most significance in accordance with the NPPF and Local Plan Policy H2. The other buildings are proposed to be demolished to facilitate the proposed

development, but these are considered to be of low to no significance. The Council's Conservation Officer does not object to the loss of the later buildings and their loss was accepted when the proposed scheme was considered by the former Harrogate Council Members in April 2018.

- 10.24. One of the site specific requirements for the housing allocation is that development on the eastern portion of the site should minimise harm to the setting of the farm buildings, including leaving land to the north of the farmstead free of development.
- 10.25. The updated Concept Masterplan shows drainage attenuation tank and pond to be sited to the north and south of the farm buildings within landscaped open space rather than residential development surrounding the farm as originally proposed. There would be an area of low density housing located at the site entrance on this side of the site but the housing would be set back from the heritage buildings.
- 10.26. It is acknowledged that the proposed development would result in a change to the setting of the non-designated heritage asset in terms of some loss of rural context. However, this can be mitigated through careful consideration of layout, scale and landscaping at the detailed design stage. It is also the case that the context of the wider area has changed through other residential developments that have been built in the vicinity.
- 10.27. No information has been provided about future proposals for the farm building itself and this, together with information about how the new dwellings respond to the setting of the historic farm will form a key part of the assessment at any reserved matters stage.
- 10.28. The Principal Archaeologist has confirmed that the Addendum documents do not raise any new issues. Archaeological matters can be satisfactorily addressed with conditions in place.
- 10.29. When taking all matters into consideration and taking a balanced judgement on the application proposal, it is considered that any harm resulting from the loss of buildings of low significance and the impact of the new development on the significance and setting of the non-designated heritage asset would not be so harmful as to outweigh the benefits of delivering housing on an allocated site. Further, any harm is capable of being reduced or mitigated through careful and sensitive design at the reserved matters stage.

### **Amenity**

- 10.30. Local Plan Policy HP4 requires development proposals to be designed to ensure they will not result in significant adverse impacts on the amenity of occupiers and neighbours.
- 10.31. It is recognised that the proposal would change the context for existing residents, particularly those adjoining the site to the south. The reserved matters applications will however deal with matters of layout, scale, appearance and landscaping to ensure that sufficient distance would exist between existing and proposed dwellings

as well as between the new dwellings themselves to ensure that residential amenities can be safeguarded.

- 10.32. The Council's Environmental Health Officer has recommended conditions to control noise, site contamination, dust management and the need for a construction management plan to minimise impacts during the construction phase. Subject to these conditions, it is considered the proposal would not have a significant effect on residential amenities or the amenity of the area generally.

### **Landscape and Trees**

- 10.33. Policy NE4 aims to protect landscape character, including trees and walls that contribute to the character and appearance and local distinctiveness of the landscape.
- 10.34. Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement unless there are clear and demonstrable reasons why removal would aid delivery of a better development.
- 10.35. The site is located within Landscape Character Area 24: Lower Nidderdale Valley as defined in the Harrogate Landscape Assessment. It is also within a special landscape area Warren Top – Knox Hill, Oak Beck Valley which is valued for the high quality landscape and importance to the setting of Harrogate. Development proposals within special landscape areas must avoid significant loss of key characteristics that contribute to the quality of the area and be designed to integrate the urban edge with the countryside and to enhance the appearance of the urban fringe.
- 10.36. The landscape detail of the scheme would be dealt with at the reserved matters but it is important that the parameters are established at the outline stage. The updated Concept Masterplan shows a larger area of public open space to be provided (circa 3.6 ha) on the highest northern section of the site and incorporates a large green landscape buffer between areas of new development and the adjoining countryside. The retention and enhancement of important existing site features such as existing trees and hedgerows is also a key principle of development on the site. The green corridor (existing trees / hedges running north to south) has been widened. These features will be important in aiding integration of the scheme to its surroundings in the longer-term.
- 10.37. It is intended that the scheme would incorporate a hierarchy of green spaces and linkages within the development including pocket parks and squares to larger meadow lands, community garden and perimeter trails around the site. This will ensure there would be a variety of useable outdoor spaces and opportunities for informal play. Green links and vistas would be provided to allow views through to the open space to the north.
- 10.38. The officer report presented to the former Harrogate Council Members in April 2018 concluded that development of the site would not cause significant harm to landscape character and appearance. Any minor harm could reasonably be mitigated

at the detailed design stage providing an integrated approach to the design of the scheme is followed. The updated Concept Masterplan and supporting indicative sketch framework plans show a landscaped led approach to development which is positive.

- 10.39. A material consideration when assessing impact on landscape character is that the development would be seen in the context of the existing development to the south and south-west. The development would extend no further north than the housing allocation (H73) to the west and it sits within Harrogate development limit. It would therefore not extend into the countryside. Arguably, with the adjacent developments to the south and south-west now completed, the potential for impacts arising to both views and landscape character would be reduced with the proposed development forming an extension to these schemes.
- 10.40. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

### **Public Rights of Way**

- 10.41. Local Plan Policy HP5 aims to protect the recreational and amenity value of public rights of way and supports their enhancement. There are no PROWs through the site but there is one that runs adjacent to the eastern site boundary in a north / south direction providing access from Skipton Road to Grange Farm and other dwellings located north of the application site (Footpath 15.65/19/2). This footpath also forms part of the Harrogate Ringway, a 20 miles recreational route which travels in and around Harrogate.
- 10.42. There are other public footpaths within close proximity to the site to the north such as public footpaths 15.65/11.1 and 15.65/19/1 which run east / west from High Warren Farm to Knox village.
- 10.43. There is an existing link from Cow Dyke Farm to the public footpath and the updated Concept Masterplan shows this to be retained for use as a pedestrian link from that part of the site. It is proposed that the hedgerow along the eastern site boundary is enhanced with new native species planting.
- 10.44. It is acknowledged that the character of the PROW adjacent to the development site would change but it is already apparent when walking the route that the user is approaching a settlement edge. It is also the nature of the Harrogate Ringway path that it passes in and out of residential development around the town. With enhanced planting along the boundary, it is considered there would be no harm to the amenity value of the route.

### **Ecology**

- 10.45. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 requires proposals for major developments to avoid any net loss of biodiversity and supports schemes which achieve a net gain.

- 10.46. Updated Tree Survey, Preliminary Ecological Appraisal and Biodiversity Net Gain (BNG) Assessment with spreadsheet calculations have been submitted and reviewed by the Council's Ecology Officer and Tree Officer.
- 10.47. The existing buildings and some trees on site have some potential to support bat roosts. Some of the trees surveyed may also qualify as veterans in which case they would need to be treated as irreplaceable habitat under the NPPF. It will therefore be necessary to assess the potential veteran status of the trees prior to the site layout being finalised at the reserved matters stage and to inform the final BNG calculations. The buildings and trees with bat roost potential must also be surveyed for bats prior to the submission of any future reserved matters application.
- 10.48. A Construction Ecological Management Plan will be required by condition to include measures to safeguard habitats and protected species during the construction works and to also create integrated provision for bats, nesting birds and movement of hedgehogs.
- 10.49. There is also evidence of badger at the site and so an up to date survey for their potential presence on site will be needed. Hedgehogs are likely to utilise the site and so provision for hedgehogs to be able to move through the site must be included within the detailed boundary treatments. Harm to nesting birds during construction and compensatory / enhancement measures will need to be incorporated into the final design of a scheme. A Construction Ecological Management Plan must be submitted with any reserved matters application.
- 10.50. In terms of Biodiversity Net Gain (BNG), the majority of existing habitat (proposed to be lost) is low-value grassland and the post-development habitats will be dominated by the creation of developed land and gardens. However, the retention of the majority of trees and hedgerows and the provision of a sizeable area of public open space which will be managed and targeted to achieve 'good condition' will result in an on-site biodiversity net gain of 17.86% for area-based habitats and 23.61% for hedgerows.
- 10.51. The BNG calculations are considered sufficiently robust to demonstrate the application will be able to meet the requirements of Policy NE3(e) on site, but they will need to be updated to incorporate the detailed design at reserved matters stage.
- 10.52. The future reserved matters application(s) must be supported by a Biodiversity Enhancement Management Plan (BEMP) to demonstrate how the target habitats and their proposed condition will be achieved, maintained and monitored for a minimum of 30 years. The implementation of the BEMP would need to be secured through a S106 agreement.

### **Highways**

- 10.53. Local Plan Policy T11 requires developments to create safe and accessible communities and encourage sustainable travel behaviour.
- 10.54. The development would be accessed through Malham Drive (Bellway Homes development) which is accessed via two priority-controlled T-junctions each with a

right turn lane provided on the A59 Skipton Road. Two links are proposed from the Bellway Homes site into the application site, one on the northern boundary of the Bellway Homes site and one on the eastern boundary. Each link, and the principal spine road through the site, would be 5.5m wide with 2.0m wide footways on both sides of the carriageway.

- 10.55. The highway authority requested during the course of the application an updated Transport Assessment to take account of the completed Bellway Homes residential development to the south as well as other nearby developments that had been completed or were currently under construction since the original transport assessment was carried out. Revised traffic flow information and accident data have been included.
- 10.56. The status of the land required to gain access from the Bellway Homes development also needed to be confirmed in relation to the required S38 Highways Adoption Plan.
- 10.57. An updated Transport Assessment (April 2023) was submitted which establishes the base 2023 traffic flows including growth to 2028 taking account of predicted traffic from committed schemes in the locality. It concludes that the impact of traffic generated by the development on the surrounding highway network is minimal and would not have a detrimental impact.
- 10.58. The highway authority advise that it has been satisfactorily demonstrated that traffic flows would have a minimal impact on the junctions in the locality and therefore no objections are raised. Some of the highway improvements recommended in 2017 have now been delivered by other developers given the length of time that has passed, with the exception of improvements to Oaker Bank Roundabout which are still necessary and should be undertaken as part of this current application.
- 10.59. All planning conditions previously recommended are still applicable in addition to £5,000 Travel Plan monitoring fee and co-ordinator fund for sustainable transport measures which should be secured in a S106 agreement.
- 10.60. The highway authority notes that there are some proposed features shown on the latest indicative sketch layout which will need be discussed further, particularly in respect of suggested location for street trees. No objections are however raised in principle and this matter can be dealt with at the detailed design stage.
- 10.61. Queries have been raised about the adequacy of Malham Drive to cope with additional traffic, including construction vehicles. The highway authority confirm that Malham Drive was designed with the capacity of taking on new housing on the application site and therefore it can accommodate the development traffic. Construction traffic will need to be managed in an appropriate way and this can be dealt with through the submission of a Construction Environmental Management Plan.

### **Flood Risk and Drainage**

- 10.62. Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate run off, giving priority to sustainable drainage systems wherever possible. advises that developments will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere. Local concerns are raised about potential flooding.



- 10.63. Policy NE2 requires all proposed development to be served by an adequate supply of water, appropriate sewerage infrastructure and that there is sufficient sewage treatment capacity to ensure there is no deterioration of water quality.
- 10.64. The application site is located within Flood Zone 1 and is therefore at a low risk of flooding. Site topography falls from north-west to south-east from approximately 100m to 70m across the site. An updated Flood Risk Assessment and Outline Drainage Strategy (September 2023) has been submitted.
- 10.65. Surface water attenuation will be provided on site in the form of an attenuation tank and open pond storage as shown on the updated Concept Masterplan. The attenuation will be designed to cater for up to a 1 in 100 year storm with 10% urban creep and 45% climate change allowance. Foul drainage is expected to go to mains sewer. As this is an outline application and detailed layout is not for consideration, conditions will be necessary to ensure that requirements can be met.
- 10.66. The Environment Agency and Yorkshire Water have no objections to the scheme subject to the imposition of conditions. The Lead Local Flood Authority raised an objection to an earlier version of the flood risk and outline drainage document (February 2023) in that its provisions did not satisfy the latest requirements for climate change, including not meeting the correct urban creep uplift.
- 10.67. The updated flood risk and drainage information has been revised to address the LLFA concerns. Comments from the LLFA are awaited and will be reported verbally at the Planning Committee meeting.

### **Loss of Agricultural Land**

- 10.68. The application site comprises Grade 3 agricultural land (good to moderate). At 8.8 ha the development of this land for housing would not be considered to represent the 'significant' loss of agricultural land as envisaged by the NPPF. In any event, the site is allocated for housing development and so the loss of agricultural land has already been taken into account as part of the Local Plan adoption process. Members did not raise objections in this respect when the application was previously considered in April 2018.

### **S106 Legal Agreement**

- 10.69. Local Plan Policy TI4 expects developers to make reasonable on-site provision and / or off site contributions towards infrastructure and services in order to cater for the needs generated by the development. The following table sets out the contributions required, which will be secured by a S106 Agreement at reserved matters stage, expect for the Travel Plan Monitoring Fee which will be secured prior to the grant of outline permission.

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Biodiversity Net Gain – to be achieved on site	Implementation, management and monitoring of habitats	30-year period. Requirement for a bond as financial backing for the maintenance and monitoring obligations.
Education – Primary School	To be agreed at reserved matter stage, calculation provided	To be agreed
Education –	To be agreed at reserved	To be agreed

Secondary School	matters stage, calculation provided	
Off-Site Open Space Provision and management (including village halls)	To be agreed at reserved matters stage, calculation provided	To be agreed
Travel Plan	£2500 Co-ordinator Fund £5,000 Monitoring Fee	To be agreed
NHS Integrated Care Board	Awaiting comments - TBC	

10.70. It is considered that the above S106 Heads of Terms are necessary, directly related to the development and fairly and reasonably related in scale and kind to the development and as such complies with the Community Infrastructure Levy (CIL) Regulations 2010.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1. The principle of residential development is established through the inclusion of most of the site as a Housing Allocation within the adopted Harrogate Local Plan and the remainder of the site outside of the H56 allocation is within development limits.
- 11.2. Members have previously resolved to grant planning permission for housing development on the site subject to conditions and completion of a S106 Agreement in April 2018.
- 11.3. The details of the scheme will be considered at the reserved matters stage. However, it is considered that with the parameters set out in the Concept Masterplan (as updated) and with appropriate conditions in place it has been satisfactorily demonstrated that any future proposals are capable are meeting the requirements of Local Plan policies.
- 11.4. It does however remain to be confirmed that the outline details are considered acceptable to the Lead Local Flood Authority to be assured that there be no issues in terms of flood risk and surface water drainage.

## **12.0 RECOMMENDATION**

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

### **Recommended conditions:**

#### **Condition 1 Time Limit**

Application for the approval of reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. The development hereby permitted shall be begun on or before the expiration of two years from the final approval of reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

**Condition 2 Reserved Matters**

No development shall take place without the prior written approval of the Local Planning Authority of all details of the following reserved matters:

- a) Access within the site;
- b) Appearance;
- c) Landscaping;
- d) Layout; and
- e) Scale.

Thereafter the development shall not be carried out otherwise than in strict accordance with the approved plans.

Reason: To safeguard the rights of control by the Local Planning Authority in respect of the reserved matters.

**Condition 3 Approved Plans**

The development hereby permitted shall be carried out in strict accordance with the following drawings:

Site Location Plan (Dwg. YOR.2822\_001 Rev A)

Concept Masterplan – Illustrative Densities (Dwg YOR.2822\_DE\_013 Rev O)

Reason: To ensure compliance with the approved drawings.

**Condition 4 Housing Mix**

Any application for the reserved matter layout shall provide for up to 135 dwellings and accord with the requirements of Local Plan Policy HS1: Housing Mix and Density with reference to the latest HEDNA.

Reason: In the interests of general amenity and in accordance with Policy HS1 of the Local Plan.

**Condition 5 Affordable Housing**

The development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. Affordable housing shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 40% of housing units;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider (or the management of the affordable housing if no registered provider is involved);
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to comply with Policy HS2 of the Local Plan and the Affordable Housing SPD.

**Condition 6 Tree Protection**

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

Reason: In order to ensure protection of retained trees in accordance with Policy NE7 of the Local Plan.

**Condition 7 Tree Protection**

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

Reason: In order to ensure protection of retained trees in accordance with Policy NE7 of the Local Plan.

**Condition 8 Construction Ecological Management Plan**

A Construction Ecological Management Plan must be submitted for the written approval of the Local Planning Authority in association with any reserved matters application. The Plan must be supported by up to date survey information on the potential presence of protected, priority and invasive species and to include mitigation proposals, based on the results of the updated surveys together with the recommendations of Section 6 of the Preliminary Ecological Appraisal, including (but not restricted to) bats, badgers, hedgehogs and nesting birds, and protection of retained trees and hedgerows. Trees T12, T14, T15 and T16 must be assessed for their potential veteran status and protected accordingly, should they be considered to represent 'irreplaceable habitat' in accordance with the NPPF.

Reason: To prevent harm to protected species and retained habitats during the course of the development and to provide opportunities for species to be able to continue to utilise the site following its redevelopment and in accordance with Policy NE3 of the Local Plan.

**Condition 9 Biodiversity Net Gain**

An updated Biodiversity Net Gain Assessment must be submitted in association with any reserved matters application in order to reflect any changes which result from the final version of the detailed site layout, together with a Biodiversity Enhancement Management Plan to demonstrate how the target habitats and their proposed condition will be achieved, maintained and monitored for a minimum of 30 years.

Reason: In order to demonstrate quantitatively that a minimum of 'no net loss' of biodiversity will be achieved in accordance with Policy NE3 of the Local Plan and the 'Providing Net Gain for Biodiversity' SPD.

**Condition 10 Contamination**

Groundworks, unless that required for reasons of contaminated land site investigation, shall not commence until a land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

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

**Condition 11 Remediation**

Where site remediation is recommended in the Local Planning Authority approved Phase II Site Investigation Report, groundworks shall not commence until a land contamination remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

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

**Condition 12 Unexpected Contamination**

Land contamination remediation of the site shall be carried out and completed in accordance with the Local Planning authority approved Remediation Strategy. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all ground works in the affected area (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

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

**Condition 13 Verification Report**

Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a land contamination

Verification Report shall be submitted to the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Verification Report in respect of those remediation measures have been approved in writing by the Local Planning Authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

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

**Condition 14 Archaeological Written Scheme of Investigation**

No demolition or site clearance shall commence until an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

1. the programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. the programme for post investigation assessment
4. provision to be made for analysis of the site investigation and recording
5. provision to be made for publication and dissemination of the analysis and records of the site investigation
6. provision to be made for archive deposition of the analysis and records of the site investigation
7. nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Thereafter no demolition or site clearance shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: Because the site is of archaeological interest and in accordance with Policy HP2 of the Local Plan.

**Condition 15 Archaeological Post Investigation**

No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition X and the provision made for analysis, publication and dissemination of results and subsequent archive deposition has been secured.

Reason: Because the site is of archaeological interest and in accordance with Policy HP2 of the Local Plan.

**Condition 16 Construction Management Plan**

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

Reason: In the interest of public safety and amenity in accordance with Policy HP4 of the Local Plan.

### **Condition 17 Highway Works**

No development related to the formation of any highway to be retained upon completion of the development shall be carried out until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority:

- a) Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
  - i. the proposed highway layout including the highway boundary
  - ii. dimensions of any carriageway, cycleway, footway, and verges
  - iii. visibility splays
  - iv. the proposed buildings and site layout, including levels

- v. accesses and driveways
- vi. drainage and sewerage system, including measures to prevent surface water from non-highway areas discharging onto the public highway
- vii. lining and signing
- viii. traffic calming measures
- ix. all types of surfacing (including tactiles), kerbing and edging
- b) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre of each proposed road showing:
  - i. the existing ground level
  - ii. the proposed road channel and centre line levels
  - iii. full details of surface water drainage proposals
- c) Full highway construction details, including:
  - i. typical highway cross-sections to scale of not less than 1:50 showing a specification of all the types of construction proposed for carriageways, cycleways and footways, footpaths
  - ii. when requested, cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
  - iii. kerb and edging construction details
  - iv. typical drainage construction details
- d) Details of the method and means of surface water disposal
- e) Details of all proposed street lighting
- f) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features
- g) Full working drawings for any structures which affect or form part of the highway network
- h) A programme for completing the works

The development shall only be carried out in accordance with the approved drawings and details.

Reason: To secure an appropriate highway in the interests of highway safety and the general amenity of the development in accordance with Policy T11 of the Local Plan.

### **Condition 18 Highway Improvements**

There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on site in connection with the construction of the access road or building(s) or other works until

- i. Details of the following off-site required highway improvement works have been submitted to and approved in writing by the Local Planning Authority: Improvements to the A59/B6161 roundabout
- ii. An independent Stage 1/2 Road Safety Audit for the agreed highway works has been carried out in accordance with HD19/15 – Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.
- iii. A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity in accordance with Policy T11 of the Local Plan.

**Condition 19 Highway Improvements**

No dwelling shall be occupied until the off-site highway improvements to the A59/B6161 roundabout have been constructed in accordance with the details approved under Condition 18.

Reason: In the interests of highway safety and amenity in accordance with Policy T11 of the Local Plan.

**Condition 20 Highway Works**

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 by 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 in accordance with Policy T11 of the Local Plan.

**Condition 21 Highway Works**

There shall be no movement by construction or other vehicles between the highway and the application site (except for the purpose of constructing the initial site access) until that part of the access(es) extending 20m into the site from the carriageway of the existing highway has been made up and surfaced in accordance with the approved details and/or Standard Detail Number E6 and the published Specification of the Local Highway Authority. All works shall accord with the approved details. Any damage during use of the access until the completion of all the permanent works shall be repaired immediately.

Reason: To ensure safe and appropriate access in the interests of highway safety in accordance with Policy T11 of the Local Plan.

**Condition 22 Parking**

No dwelling shall be occupied until the access, parking, manoeuvring and turning areas for that dwelling have been constructed in accordance with the details to be submitted and 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 in accordance with Policies T13 and HP4 of the Local Plan.

**Condition 23 Travel Plan**

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

- i. Agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a programme for delivery;
- ii. A programme for the delivery of any proposed physical works;
- iii. Measures for the on-going monitoring and review of the Travel Plan;
- iv. A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development;
- v. Effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development; and
- vi. Specific measures to reduce generated trips through the A59/A61 roundabout and A61/Jennyfield Drive junction.

The development must be carried out and operated in accordance with the approved Travel Plan. Those parts of the approved Travel Plan that are identified as being capable of implementation after occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented as long as any part of the development is occupied.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

#### **Condition 24 Drainage**

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.

Reason: In the interests of satisfactory and sustainable drainage.

#### **Condition 25 Construction Surface Water Management Plan**

No development including earthworks shall take place until a suitable temporary construction surface water management plan has been submitted and approved in writing by the Local Planning Authority. Method statements and plans/drawings detailing surface water management proposals must include the following:

- a. temporary drainage systems, including any dewatering;
- b. measures for managing pollution / water quality and protecting controlled waters and watercourses, including any emergency control measures;
- c. measures for managing any on or offsite flood risk associated with construction (if applicable);
- d. required consents, e.g., Land Drainage Act, Environmental Permit (if required);
- e. construction management, maintenance and remediation schedule.

Reason: To ensure that surface water quality and quantity is managed through construction and prevent the impact of work off site.

#### **Condition 26 Surface Water Drainage**

As part of any reserved matters application and prior to commencement on site, drawings shall be submitted and agreed by the Local Planning Authority showing details of the proposed surface water drainage strategy. No piped discharge of

surface water from the application site shall take place until the approved works to provide a satisfactory outfall has been completed. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and will include:

- a) Peak flow rates of discharge to the public sewer network, rate to be agreed with Yorkshire Water;
- b) A drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 40% to account for climate change and urban creep can be stored on site without the risk to people or property and without increasing the restricted flows off site;
- c) Full hydraulic calculations to confirm attenuation storage requirements;
- d) Proposed control measures to manage pollution from vehicle parking and hard standing areas, if required;
- e) An exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting areas that could flood and to what depth. The plan must demonstrate that exceedance flows will not cause risk or flooding to property / people on or off site;
- f) Details with regard to the maintenance and management of the approved scheme to include: drawings showing any surface water assets to be vested with the statutory undertaker / highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme / sustainable urban drainage systems throughout the lifetime of the development including:
  - (i) Details to demonstrate how the maintenance of any privately managed surface water drainage scheme will be funded for the lifetime of the development;
  - (ii) Details of the organisation appointed to undertake future management and maintenance of the private surface water drainage systems on behalf of the residents, including full contact details and to whom will be responsible for appointing a new maintenance contractor if the existing company fails in its duties for any reason, or ceases to exist;
  - (iii) Drawing showing any surface water assets that will not be maintained at public expense;
  - (iv) A maintenance and operation manual for the privately managed surface water drainage systems itemising the tasks to be undertaken and frequency required;
  - (v) A plan showing the extent of land ownership along with easements and rights of way for access to carry out maintenance on third party land if required;
  - (vi) Physical access arrangements in perpetuity;
  - (vii) Written confirmation that the management and maintenance of any privately managed / maintained communal drainage systems not adopted by a public organisation will be written into the deeds for each house with any new owners or future owners required to formally acknowledge their maintenance responsibility. A

copy or copies, as applicable, of the deeds shall be submitted to the Local Planning Authority prior to the initial occupation of the dwelling, or dwellings, to which they relate (in the case of identical deeds other than property address details, a single copy with a list of the properties so covered by the general terms of the deeds).

Thereafter development shall be carried out and operated in accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with Policy CC1 of the Local Plan.

**Condition 27 Noise**

Before construction work commences, an acoustic report from a suitably competent person specifying the measures to be taken to protect the development from pre-existing noise sources shall be submitted to and approved in writing by the Local Planning Authority. The report shall:

- a) Determine the existing noise climate
- b) Predict the noise climate in amenity / garden areas (daytime), bedrooms (night time) and other habitable rooms of the development (daytime)
- c) Detail the proposed attenuation / design necessary to protect the amenity of the occupants of the new residences (including ventilation, if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall thereafter be retained.

Reason: In the interests of residential amenity and in accordance with Policy HP4 of the Local Plan.

**Condition 28 Open Space and Village Halls**

Concurrent with the submission of any reserved matters application, a scheme for the provision, maintenance and management of on-site and off-site public open space and village hall provision to serve the development, or alternative arrangements for the public open space and village hall provision, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In accordance with Policy HP7 of the Local Plan and the Provision for Open Space in Connection with New Housing Development SPD.

**Condition 29 Designing out Crime**

Concurrent with any reserved matters application for layout, a report detailing the crime prevention measures to be incorporated into the development shall be submitted for approval by the Local Planning Authority. The details shall show how the issues raised in the Police Designing Out Crime Officer responses to the outline planning application are to be addressed. The development shall be carried out in accordance with the approved report.

Reason: To satisfy the National Planning Policy Framework in respect of design.

**Condition 30 Accessible Homes**



Prior to the commencement of foundations, details shall be submitted to the Local Planning Authority to confirm that 25% of market dwellings and all affordable dwellings will meet accessible homes standards (M4(2)) with 10% of affordable dwellings also meeting M4(3) wheelchair accessible homes. No works to the foundations shall take place until the Local Planning Authority has agreed the details in writing and the development shall be implemented in accordance with the approved details.

Reason: In accordance with Policies HS1 and HS2 of the Local Plan.

### **Condition 31 Vehicle Charging Points**

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

Reason: In order to mitigate climate change in accordance with Policies TI1, TI3 and CC4 of the Local Plan.

### **Condition 32 Broadband Infrastructure**

All dwellings hereby approved shall have either access for Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds or a download connection of at least 30Mbps and provision for Fibre to the Premises broadband at a future date.

Reason: To ensure appropriate broadband access is provided.

### **Condition 33 Energy Statement**

Concurrent with the submission of reserved matters, an Energy Statement shall be submitted to the Local Planning Authority for approval. The Statement shall demonstrate how the energy hierarchy has been applied to make the fullest contribution to reducing greenhouse gas emissions in accordance with Local Plan Policy CC4 and in support of the Harrogate Borough Council: Carbon Reduction Strategy (2018) (or any relevant strategies) and the Climate Change Act 2008. Works shall not commence until the Energy Statement has been approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved Energy Statement.

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

**Target Determination Date:** 28 March 2024

**Case Officer:** Helen Goulden, [helen.goulden@northyorks.gov.uk](mailto:helen.goulden@northyorks.gov.uk)