

North Yorkshire Council

Community Development Services

Thirsk and Malton Constituency Area Planning Committee

23 MAY 2024

22/01290/MFUL - Erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping on land at OS field 0042, East Street, Swinton, Malton on behalf of Karbon Homes

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine a planning application for the erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping on land at OS Field 0042, East Street, Swinton, Malton.
- 1.2 The application is reported to the Area Planning Committee for determination because it is considered that significant planning issues have been raised.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to any further requirements of the Lead Local Flood Authority and the conditions listed in Section 12 of this report and the completion of a Section 106 legal agreement with terms as detailed in Table 1 (contained within Section 10.81 of this report).

- 2.1. The proposed development comprises the erection of 20no. affordable dwellings with a mixture of 1-4 bedroom, single and two storey dwellings arranged as a combination of semi-detached and detached buildings.
- 2.2. The application site amounts to approximately 0.96 hectares and is agricultural grazing land located to the rear (east) of the existing residential properties fronting East Street, Swinton. The site abuts the village development limits which runs along the western boundary of the application site. For planning purposes the site (with the exception of the access) falls with the Wider Open Countryside.
- 2.3. The application proposes 100% affordable housing to be provided as a 'Rural Exception Site' under the provision of the Development Plan (Policy SP3).
- 2.4. The main issues through the course of the application have been housing need, design, residential amenity, access, highway safety and drainage. It is considered that these matters have been adequately addressed.

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here:-
<https://planningregister.ryedale.gov.uk/caonline-applications/>

- 3.2. The application, as initially submitted, proposed 19no. affordable dwellings but the proposals were subsequently amended to include the provision of one additional affordable unit informed by an updated housing needs report. The amendments also include a revised housing mix increasing the number of one bedroom units and a new layout informed by a noise impact assessment. The applicant submitted a full suite of amended and updated plans and application documents which have been subject to a 21 day re-consultation exercise.
- 3.3. The application details explain that the applicant (Karbon Homes) along with their partner Registered Providers and affordable housing providers, are working together with Homes England to deliver affordable new homes across the UK.
- 3.4. With regard to the site history there have been no planning applications relevant to the application site.

4.0 Site and Surroundings

- 4.1. The application site is situated to the north-eastern extent of Swinton approximately 2 miles west of Malton. The site is wholly within the parish of Swinton with neighbouring parishes being Amotherby to the west and Broughton to the east. The main part of the site is located outside but adjacent to the development limits for Swinton. The strip of land forming the access to the site from the west is located within development limits. For planning purposes the site falls with the Wider Open Countryside.
- 4.2. The application site is 0.96 hectares in size and broadly rectangular shaped. The site is relatively flat, open agricultural land using for grazing. The site is bounded to the west by existing residential dwellings which front East Street with agricultural land to the east and south. A pond is located in the remainder of the field immediately to the east of the application site. The land to the north of the site forms part of the playing fields associated with the BSA Sports Hall and there is a scrap metal merchants to the north-west. The site boundaries on the northern and southern sides comprise established tree and hedge planting, the western boundary comprises various domestic boundary treatments enclosing the rear gardens of the adjacent properties. The eastern site boundary is arbitrary and follows no physical references on the ground.
- 4.3. East Street orientates south to north from the B1257 Malton Road which runs east to west between Malton and Hovingham. Access to the application site is via a track between two dwellings on East Street, The Nestlings and Pippins. The access track has a gated entrance to the field at the eastern end.
- 4.4. The nearest residential receptors are those to the west on East Street which comprise 7 no. relatively modern, two storey detached properties with rear gardens abutting the application site boundary.
- 4.5. The nearest public rights of way are two footpaths to the north and south of the site which connect Swinton with the village of Broughton to the east. At its closest point public footpath number 25.93/5/1 passes the site at a distance of 70 metres and public footpath number 25.93/2/1 2 is 235 metres from the application site at its closest point.
- 4.6. The application site is approximately 250 metres north of the boundary of the Howardian Hills National Landscape (formerly AONB) which is on the southern side of the B1257. The site is within Flood Zone 1.

4.7.

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5.0 Description of Proposal

- 5.1. Full planning permission is sought for the erection of 20no. dwellings comprising 3no. one bedroom, 6no. two bedroom, 9no. three bedroom and 2no. four bedroom dwellings with associated access, garaging, parking and landscaping.
- 5.2. The application proposes 100% affordable housing to be provided as a 'Rural Exception Site'. The proposed site would contain 20 affordable dwellings of which 16 would be two storey and four would be single storey bungalows. The total mix of dwellings proposed consists of: 2no. 4bed 8person units, 9no. 3bed 5person units, 2no. 2bed 4person units, 4no. 2bed 3person units and 3no. 1 bed 2person units.
- 5.3. The proposed tenure mix would be 9 no. affordable rent, 5no. shared ownership and 6no. rent to buy.
- 5.4. The dwellings would be arranged as a three sided courtyard centrally within the site with a row of dwellings running east-west parallel to the southern boundary. The dwellings would comprise a combination of detached and semi-detached with individual dwelling sizes ranging from 58m² to 130m².
- 5.5. The dwellings are to be constructed from a mix of red and buff brick with a mix of red pantile and grey smooth tile coverings to the pitched roofs. Windows and doubles would be UPVC. There would be solar pv to the roof.
- 5.6. The application is accompanied by detailed drawings of the individual dwelling types together with indicative 3D visuals. The dwellings would have either narrow or wide frontages ranging from 5.2 metres to 10.5 metres in width. The gable depths range from 6.5 metres to 9.4 metres. In terms of height the two storey dwellings would have eaves heights ranging from 5.0m-5.2 metres with the bungalows having eaves heights of 2.7 metres.
- 5.7. A communal battery storage building would be constructed adjacent to the site entrance on the northern side of the access road abutting the western boundary. The building would be single storey with a rectangular footprint of 17m². The narrow building would have a shallow pitched roof standing 3.9 metres to the apex and 2.4 metres to the eaves. Externally the building would be constructed from red brickwork with a grey slate effect roof covering. There would be external doors in the front, southern elevation and a ventilation opening in the rear (north elevation).
- 5.8. The existing access track will be upgraded to provide the primary access point for both pedestrian and vehicles. The access road would be designed with a width of 5.5 metres with a 1.8 metre wide footpath on the southern side of the road. Within the site the roadway would loop around the central courtyard buildings (plots 1-10).
- 5.9. The proposals also incorporate off-site highway widening works to East Street. The existing carriageway the subject of proposed widening is approximately 3.2 metres in width. It is proposed to widen an 18 metre length of carriageway to 4.8 metres in width sufficient for a car to pass a larger vehicle.
- 5.10. Each dwelling would have off-street parking (with EV charging) on a driveway or within a garage or carport. Each dwelling would have private amenity space and bin storage areas, along with access to communal green open space on the northern and north-western sides of the site. The on-site parking provision would also include visitor parking bays.
- 5.11. The site landscaping and green space includes the retention of approximately 2,500m² of grassland and native hedgerows and the provision of 71 metres of new

hedgerow and a total of 58 small and medium size trees. No trees would be removed as part of the proposed development. An 'L-shaped' area of green open space would be provided along the northern boundary and in the north west corner of the site. Within this grassed area a 2 metre high bund would be formed topped by a 2 metre high acoustic fence. There would be native tree planting provided to both sides of the bund/fence and generally across the green open space area. The open space would also include a 180m² informal play space. The northern, western and southern boundaries of the site would comprise a 1.8 metre high timber close boarded fence which would also run between each individual plots. The eastern boundary of the site would comprise a timber post and rail fence and a native hedgerow.

- 5.12. Surface water is proposed to be drained to watercourse to the north at a maximum discharge rate of 3.5 l/s. Foul water disposal shall be via the 150mm public combined sewer to the north of the site.
- 5.13. The application is accompanied by a Planning Statement; Design and Access Statement; Housing Needs Assessment (HNA) (revised); Transport Statement (revised); Flood Risk Assessment and Drainage Strategy (revised); Noise Assessment; Preliminary Ecological Survey Report; Biodiversity Net Gain (BNG) Report and metric; Landscape Impact Appraisal; Arboricultural Survey (revised); Arboricultural Impact Assessment; Arboricultural Method Statement; and Tree Protection Plan; and a Consultation Statement.

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:

Ryedale Plan- Local Plan Strategy (2013)

Policy SP1 General Location of Development and Settlement Hierarchy
 Policy SP2 Delivery and Distribution of New Housing
 Policy SP3 Affordable Housing
 Policy SP4 Type and Mix of New Housing
 Policy SP11 Community Facilities and Services
 Policy SP13 Landscapes
 Policy SP14 Biodiversity
 Policy SP16 Design
 Policy SP17 Managing Air Quality, Land and Water Resources
 Policy SP18 Renewable and Low Carbon Energy
 Policy SP19 Presumption in Favour of Sustainable Development
 Policy SP20 Generic Development Management Issues
 Policy SP21 Occupancy Restrictions
 Policy SP22 Planning Obligations, Developer Contributions and the Community Infrastructure Levy

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 Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2023
 - National Planning Practice Guidance
 - National Design Guide 2021

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below. Full comments are available to view on the Council's website.

Initial consultation

- 7.2. **Swinton Parish Council** - recommend refusal due to neighbour concerns
- 7.3. **Highways North Yorkshire** request further information on road widening, surfacing, visibility and the inclusion of a Transport Statement.
- 7.4. **Housing Services** This scheme is an opportunity to deliver much needed affordable housing in a popular community and Housing supports the proposal for 100% affordable housing in this location.

The (former Ryedale) Council's recently updated Strategic Housing Market Assessment (SHMA) identifies a need for 71 affordable homes per annum with a tenure split of 70% rented and 30% affordable home ownership. For this rural exception site, the detailed housing need evidence comes from the survey and the two public consultation open events held in the village. The parish survey was done in Nov/Dec 2020 and indicated that there was some local need in the parish with 7 households returning the questionnaire. This was confirmed at the first public consultation event in the village in September 2021 which was held to confirm the local support for the site. The majority of people who came to the event supported the site and another 9 households who hadn't previously responded to the survey registered a housing need on the day. A further consultation event was held in the village in June 2022 so that local residents could see detailed plans of the proposal. At this event 17 households in total registered a housing need, which included all earlier expressions of interest in the proposed homes.

The 17 households in housing need consist of 8 families, 4 couples and 5 single persons. Five households who have large families expressed a need for a 4bed house, either to rent or for affordable sale, with the majority of households wanting a two or three bedroom property. Five single people wanted a one or two bedroom property with only one of these households being elderly and needing a bungalow.

Housing welcomes the addition of bungalows on the site but request that the houses types are more closely linked to the needs of households arising from the consultation process. Housing suggest that the one 1 bed unit block is converted to two 1 bed flats.

With the dwellings all being affordable, a S106 would be required to ensure there was the relevant eligibility criteria for the allocations and for them all to remain affordable in perpetuity. Housing would want to ensure that these are allocated via

North Yorkshire Home Choice which should be written into the Section 106 Agreement.

Housing is supportive of a mix of rent and affordable sale tenures for this exception site scheme. As this is an exception site and Designated Protected Area, then all the affordable housing should remain affordable in perpetuity so that the 80% stair casing limit would apply.

The Rent to Buy product is a scheme which allows working households to rent a home at Intermediate rent providing them the opportunity to save for a deposit over time to purchase their first home. If Karbon decides to sell the Rent to Buy home to the tenant, they would only be able to do it on a restricted rural stair casing lease.

Housing is pleased to see that the developer is keen to meet nationally described space standards (NDSS).

Housing Services expect any Shared Ownership homes will be converted to affordable rent should they not proceed as Shared Ownership.

- 7.5. **Environmental Health** concerns in relation to noise, both from commercial sources and from the design involving vehicles passing under bedrooms i.e. the 'undercroft'. Request a noise risk assessment is undertaken to determine the noise levels from commercial sources close to the proposed development site e.g. nearby Scrap Metal Merchants.

The effect on the nearest noise sensitive receptors within the proposed development site shall be assessed against the noise criteria of 'at or below background levels' using BS4142: and the overall suitability, internally and externally, from steady continuous noise (distant road noise) outlined in BS8233 and WHO guidelines.

Policy requires that good internal standards within the proposed dwellings should be achieved with partially open windows, and external noise levels (from traffic noise only) should be below 50 dBL(A)eq to ensure a good standard of residential amenity for the residents of the proposed dwellings. L_{Amax} levels should be checked to ensure no more than 10-15 occurrences greater than 60dB outside occur at night. Any noise survey conducted shall report L_{Amax}, L_{eq}, L₉₀ and L₁₀ in 5 minute intervals. Any mitigation recommendations shall be predicted with and without mitigation scenario.

In addition a watching brief condition should be applied in relation to contaminated land.

- 7.6. **Flood Risk (LLFA)** notes the proposal for surface water drain to an adjacent pond or watercourse feature but the submitted documents are limited. The LLFA recommends that the applicant provides further information before any planning permission is granted. The following should be submitted and approved by the Local Planning Authority: investigation of the existing drainage features and outfalls; percolation tests on site drainage layout plan exceedance flows plan; and maintenance plan.
- 7.7. **Yorkshire Water Land Use Planning** Recommend conditions to ensure the site is developed with separate system for foul and surface water drainage.
- 7.8. **NYCC Natural Services** The Preliminary Ecological Appraisal (PEA) does not identify any need for further ecological survey and provides sufficient information to understand the ecological impacts. Protected species can be mitigated through standard measures, as set out in Section 5.1 of the PEA report; adherence to these

measures should be conditioned. Clarification requested in relation to any arboricultural works and potential impact on bats. Also, the applicant needs to demonstrate how they would deliver net gains for biodiversity.

7.9. **Archaeology Section** recommend that a scheme of archaeological evaluation should be undertaken to identify and describe the nature and significance of any surviving archaeological remains within the proposed development area, and enable an understanding of the potential impact of the proposal upon their significance. The Council's Archaeologist advises that this evaluation should comprise geophysical survey, to be followed by trial trenching, as appropriate.

7.10. **Tree & Woodland Officer** The tree report demonstrates that minimal impact to trees is anticipated. The remedial pruning proposed prior to development is not considered to be damaging to the trees and is routine tree maintenance. Unclear whether the northern boundary hedge is to be retained. A landscaping condition is recommended.

7.11. **Amotherby Parish Council (neighbouring parish)** object

Firstly - the site is inappropriate for residential development.

Secondly - the need for affordable housing in Swinton/Amotherby is met elsewhere in the (Service) Village.

The site in question was considered for residential development in the Local Plans Sites Selection Study undertaken 2017/18. The concerns identified in 2017 were associated with poor access, adverse impact on neighbours and the landscape. These reasons for deeming the sites as inappropriate for development remain.

Whilst it is understood that the proposed development is for Affordable Housing this should not weigh wholly in favour of development when previously identified reasons against development are still evident.

Policy SP3 requires rural exception site schemes to help to meet but not exceed proven local need.

The application and the support from RDC Housing Services fail to acknowledge the fact that 58 affordable units located within "the (service) village" at Amotherby have recently been passed by the Council.

Surely this development of 58 wholly affordable dwellings more than satisfies the identified local need. With the local need being satisfied elsewhere in "the (service) village" the application fails to meet the requirements of PolicySD3 of your Local Plan and an approval would "exceed proven local need".

7.12. **Humber & North Yorkshire Integrated Care Board (ICB)** The existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The proposed development will therefore generate approximately 46 residents and subsequently increase demands upon existing services. The ICB calculate the level of contribution required to create additional floorspace is £22,576.

7.13. **Economic Development** No response received.

Re-consultation (Revised description of proposal and further and revised details)

7.14. **Swinton Parish Council** "unable to make a recommendation with regard to this planning application".

- 7.15. **Highways North Yorkshire** The proposed off-site highway works involve a proposal to incorporate a carriageway widening to achieve a carriageway width of 4.8 metres over 18 metres, sufficient to pass a car and a larger vehicle as shown on figure 7.1 of the governmental publication 'Manual for Streets'. The existing carriageway width at this point is around 3.2 metres.

I have also received a Vehicle Tracking drawing indicating service vehicle swept path overlays for service vehicles turning into and out of the proposed access road from East Street. Whilst the wheel-track overlay appears to be contained within the carriageway alignment, the vehicle over-hang will adversely affect the bus stop located on the opposite side and it is considered that additional width and entry radii should be provided in this vicinity and at the proposed junction, and kerbing provided on both sides to protect potential verge damage. There is an existing road gully which will be affected by the proposed junction, and this will require re-location and an assessment of the existing carriageway profile will be required to ensure no ponding will occur in the local area, and it is likely a localised surface course overlay and carriageway strengthening will also be required to cater for construction / delivery vehicle turning manoeuvres as part of the build program.

I note that some of the consultation letters received refer to instances of pedestrians with infant / child buggies using the carriageway for access along the southern section of East Street, due to the limited width of the raised footway. A similar consequence would be encountered by wheelchair or mobility scooter users. The proposed development will increase traffic along East Street to a certain degree and could give rise to additional conflict between vehicles and vulnerable road users along this section.

To ensure inclusive mobility is recognised as part of the development, and to eliminate the potential conflict the narrow section of raised footway adjacent to the timber fence should be widened from its current 0.75 metre width to achieve an unobstructed 1.0 metre width. In certain parts the grass banking would need to be retained with a low wall or 'flag on edge' kerbing.

All of the above would need to be secured by a Section 278 Agreement of the Highways Act. Given the likely impact arising from the construction phase it is considered necessary to have these works in place prior to substantial building work on site commencing.

With respect to the proposed internal layout, the areas to be put forward for adoption and car parking levels would seem to be adequate. The highway authority will require a cycle locking ring to be provided to an external wall to all properties that cannot provide appropriate space within the proposed garages.

The use of permeable paving for adoptable areas is currently not accepted by the Local Highway Authority, and an alternative design should be submitted for consideration.

Conditions are recommended in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways; creation of pedestrian visibility splays; off-site highways works; construction of parking for dwellings; limitation on conversion of garages; and a detailed Construction Management Plan.

- 7.16. **Housing Services** supports this proposal for affordable housing in this rural location.

The (former Ryedale) Council's recently updated Strategic Housing Market Assessment (SHMA) identifies a need for 71 affordable homes per annum over the period 2021 to 2038 in order to both clear the existing waiting list backlog and meet future arising household need.

A parish housing needs survey for Swinton identified 7 households in need with a further 10 local households registering a housing need at the two public consultation events held in the village.

The applicant has also included with the amended plans a housing needs study by consultants Arc4. This study is based on the parishes of Swinton and Amotherby and also Ryedale west villages. This assessment has concluded that for Ryedale west villages over a 5 year period, a minimum of 68 additional affordable dwellings are needed: 25 social/affordable rent and 43 affordable home ownership. Housing is supportive of this study.

The Housing Options team at Ryedale has also investigated how many people have registered a housing need with NY Home Choice, which is the choice based lettings system used in North Yorkshire. For Ryedale west villages, 76 need a 1bed (38 are 60+), 39 need a 2bed (3 are 60+), 21 need a 3bed (1 is 60+) and 1 needs a 4bed. This clearly shows the level of housing need in the wider area which included the parish of Swinton.

The 1bed units has increased by two and the 4bed houses has been reduced by two. This is to reflect the level of local need for these house types more accurately.

Housing is supportive of a mix of rent and affordable sale tenures for this exception site scheme. As this is an exception site and DPA, then all the affordable housing should remain affordable in perpetuity so that the 80% stair casing limit would apply.

Housing is also supportive of the sizes of the properties which meet NDSS standards.

- 7.17. **Environmental Health** the noise report has been reviewed and the EHO is satisfied that a satisfactory level of amenity can be achieved within these proposed properties, with the mitigation as described in place.

The EHO is also satisfied based on the results of the Phase II site investigations that the contaminated land 'watching brief' condition is not necessary as the comprehensive chemical analysis shows that the samples were below the generic assessment criteria for 'residential with homegrown produce'. Therefore, the site can be determined as suitable for use and classed as very low in terms of risk to human health.

- 7.18. **Flood Risk (LLFA)** noted that the site is unsuitable for soakaways and therefore the option to discharge via infiltration has been appropriately discounted. The proposed run off destination (watercourse) and flow control are acceptable to the LLFA. However, the LLFA have requested further information in the form of a drainage layout plan; updated hydraulic calculations and maintenance plans.

- 7.19. **Yorkshire Water Land Use Planning** No observations- previous comments apply.

- 7.20. **NYC Natural Services** The BNG report and metric calculation project generous gains which are more than compliant with policy. A condition should be imposed to secure a Landscape and Ecology Management Plan, setting out how new/retained

habitats will be established, maintained and monitored for a period of at least 30 years.

- 7.21. **Archaeology Section** No objection as the site has previously been the subject of a geophysical survey (2022) which revealed negative results. The Council's Archaeologist concludes that the site has a low archaeological potential.
- 7.22. **Tree & Woodland Officer** has reviewed the Arboricultural Report undertaken by Elliot Consultancy and concur with the recommendations therein, and conclude that they should be implemented in full.
- 7.23. **Amotherby Parish Council (neighbouring parish)** object-

In the Ryedale Local Plan Local Plans Sites Development Selection Study (SDSS) undertaken in 2017/18 the site was considered unsuitable for development due to poor access (following consultation with the Highway Authority) adverse impact on neighbours (including the access) and the landscape

These constraints have not gone away. Physically the site and its surroundings have not changed. Therefore, it follows that the site is still unsuitable for development. It is surprising the Highway Authority now have no objection to the principle of the development given their stated stance of objection at the 2017/18 SDSS stage.

The revisions also continue to deny that for planning policy terms Swinton and Amotherby are one settlement. The recent approval of 58 affordable dwellings in Amotherby appears to be "swept under the carpet" in an effort to justify the local need for this development. Policy SP3 of The Ryedale Local Plan, which deals with Affordable Housing Rural Exception Sites, of which this development is one, clearly states what Local Need is in these circumstances. It states local need is "..... need in the Parish or adjoining Parish". This element of approved Local Plan Policy appears to be ignored by the applicants.

The approval of 58 units affordable housing at Amotherby more than meets the stated established need in the settlement.

- 7.24. **Humber & North Yorkshire Integrated Care Board (ICB)** No response received
- 7.25. **Economic Development** No response received

Further re-consultation (drainage information)

- 7.26. **Flood Risk (LLFA)** *To follow*

Local Representations

- 7.27. In response to consultation (late 2022) on the initial proposal for 19 dwellings the LPA received a total of 14 representations from local residents of which 12 raise objection to the application and 2 support the proposal. Full copies of all the representations received by the LPA can be accessed via the Council's Online Planning Register. A summary of the comments is provided below.

Objection

- In the Council's 2017/8 Local Plans Sites Selection Study the site was deemed unsuitable due to drainage and access concerns as part of the formulation of the Ryedale Plan – Local Plan Sites Document the Plan.

- The proposal exceeds the identified need and is contrary to Policy SP3.
- The proposed 58 houses for Amotherby being built by Yorkshire Housing would be more than sufficient to fulfil the local needs for the two villages which the council has always referred to as joint villages
- There should be an up to date needs survey undertaken
- Overdevelopment of the site
- The site would lend itself to perhaps five or six executive homes
- There is other land in the village more suitable.
- Wouldn't affordable housing be better off built nearer to where applicants work? There are very few employment opportunities in the village.
- East Street is in poor condition and more traffic will erode the street further.
- Increased volume of car traffic on East Street- it is only wide enough for one vehicle at a time on the upper section and cannot be widened towards the top. The only available passing places are private driveways.
- A 20 mph speed limit and traffic calming measures could alleviate some of the danger.
- Car parking in East Street is an issue at present
- At the moment traffic is often heavy and if it gets worse, which is inevitable, it could easily become unworkable and hazardous.
- The pavement provision on East Street is inadequate especially for vulnerable users and those with pushchairs
- There is limited public transport, transport to schools, childcare, etc due to necessity to have at least one car the location is not affordable for the intended occupants.
- The housing stock proposed does not reflect the style of Swinton and the surrounding homes that these houses will be adjacent too.
- The gable end of the dwelling 'Smethwick' will have an overbearing impact
- Overlooking and loss of privacy and blocking natural light
- Light and noise pollution to existing residents
- The land is too wet
- The drainage system in the village is already overloaded
- Increased risk of surface water flooding to neighbours and the adjacent sports pitches during heavy rainfall
- Electrical infrastructure needs upgrading before any further properties are added.
- It would be better to retain green fields and wildlife

Support

- Affordable housing is a necessity for young families.
- Without this affordable housing development, as a young family in the village, we will not be able to potentially own our own home.
- We love the area we live in and would be disappointed if one day we have to leave due to our housing situation.
- Working families cannot afford a 10% deposit on a home with a private rented home to run.
- Our family either work or go to school in the local area. This is the only step on the housing ladder we have chance of getting.

7.28. Following receipt of a revised application, updated supporting statements and amended plans the LPA completed a further consultation exercise with local residents and members of the public. In response the LPA received 6 representations from local residents which all raise objections to the application. A summary of the comments additional to those stated above is provided below.

- The housing needs survey carried out for the parish of Swinton identified a need for 16 affordable homes, which has since increased to 17, however the scheme

before the Council exceeds the identified need and has been increased from 19 to 20 dwellings since submission.

- This is the wrong location for this development
- There is brownfield land available at the former Malton Foods factory in Amotherby
- The addition of an improved passing place is welcomed we do not consider this goes far enough to address the highway safety implications of the increased number of vehicles using this stretch of road as a result of the development.
- This layby will inevitably be utilised as additional car parking for the public house at busy times.
- The proposed layout fails to reflect the existing settlement pattern and is therefore considered to be harmful.
- The Design and Access Statement fails to include our extension when calculating the separation distance from our property (Smethwick) to unit 20 and states incorrectly a separation distance of 27 metres however when taking into account our extension this is reduced to 23 metres.
- There will be road noise from vehicles that go directly past 'Pippins'
- The battery storage facility will significantly impact the outlook from 'Pippins'
- Gases released from the battery storage facilities will impact health
- Noise from the battery storage facilities will impact on enjoyment of garden.
- The battery storage facility is a fire risk

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 the development;
 - Affordable Housing- mix, type and size;
 - Design, form and scale and impact on the character of the settlement;
 - Residential amenity;
 - Highways;
 - Flood risk and drainage;
 - Biodiversity & ecological impact;
 - Archaeological impact;
 - Other matters;
 - Community Infrastructure Levy (CIL); and
 - Section 106 legal agreement.

10.0 ASSESSMENT

Principle of the Development

- 10.1. Policy SP1 of the Ryedale Plan- Local Plan Strategy (2013) sets out a hierarchy of settlements and seeks to focus new housing within the Principal Towns, Market Towns and Service Villages. Swinton is one of the identified Service Villages (Amotherby and Swinton) where the Development Plan supports limited small scale housing growth.

- 10.2. The application site is outside of but adjacent to the development limits of Swinton. Development Limits for settlements define the boundary within which development in principle will be generally acceptable.
- 10.3. Policy SP2 of the Ryedale Plan- Local Plan Strategy (2013) identifies that sources of new housing in 'Service Villages' such as Swinton includes 100% Rural Exception Sites outside of and on the edge of development limits in line with Policy SP3. The Local Plan Strategy acknowledges that the (former) Ryedale area has an acute need for affordable housing and is one of the least affordable areas in Yorkshire in which to live. The Plan puts in place a range of policy mechanisms to seek to meet full affordable housing needs. It supports a range of 'traditional' responses to the delivery of affordable housing, including new build provision, provided through the release of Rural Exception Sites.
- 10.4. Rural Exception Sites are sites that are released to provide affordable housing in locations which would not normally be used for housing. They provide an important opportunity to address affordable housing need in smaller communities and are a long standing mechanism supported by national policy to support the provision of rural affordable housing.
- 10.5. The NPPF (2023) defines 'Rural exception sites' as *"Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding"*.
- 10.6. Within paragraph 82 of the NPPF (2023) policy states that *"Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this"*.
- 10.7. Policy SP3 of the Ryedale Plan- Local Plan Strategy (2013) in relation to 'Rural Exception Sites' states that *'Proposals for affordable housing schemes outside of the Development Limits of all settlements with a population of 3,000 or less will be supported where:*
- A scheme will help to meet but not exceed proven local need ****
The site is contiguous with the Development Limits of the settlement or is physically and visually well connected with the settlement.
The affordable homes provided are available to households in local housing need in perpetuity'.
- ***Local need meaning need in the Parish or adjoining Parish*
- 10.8. National planning practice guidance explains that *"Rural exception sites should seek to address the affordable housing needs of local communities. They can be used to deliver any form of affordable housing, including First Homes, provided this is*

supported by appropriate evidence of local need, such as a local housing needs survey”.

- 10.9. The parish housing needs surveys have identified 17 households in need. Amotherby Parish Council (neighbouring parish) along with a number of the objectors state that the recently approved scheme in Amotherby (reference 21/01530/MFUL) provides 58 affordable units therefore the needs of Swinton (17 affordable units) will be met by this approved scheme. The objectors argue that this single approved scheme goes a long way to meeting the needs of the Ryedale West Villages area.
- 10.10. It is understood that the start date at the Amotherby site has been put back to March 2025. It is also relevant to note that the approved development at Amotherby is not a 'Rural Exception Site' and was not proposed on the basis of address a specific local affordable housing need.
- 10.11. In addition to the parish housing needs surveys the applicant's has completed a Housing Needs Assessment (HNA) based on the parishes of Swinton and Amotherby and also Ryedale West villages. The Assessment identifies a five year housing need for the Ryedale West Villages of a minimum of 68 additional affordable dwellings. The Council's Housing Officer supports the conclusions reached by the HNA.
- 10.12. It is also relevant to note that the (former) Ryedale Council's recently updated Strategic Housing Market Assessment (SHMA) identifies a need for 71 affordable homes per annum over the period 2021 to 2038 in order to both clear the existing waiting list backlog and meet future arising household need.
- 10.13. The Council's Housing Officer has also investigated how many people have registered a housing need with North Yorkshire Home Choice, which is the choice based lettings system used in North Yorkshire. For Ryedale west villages, 76 need a 1bed (38 are 60+), 39 need a 2bed (3 are 60+), 21 need a 3bed (1 is 60+) and 1 needs a 4bed. This clearly shows the level of housing need in the wider area which includes the parish of Swinton.
- 10.14. The Council's Housing Officer is also satisfied with the applicant adopting the suggested revisions to increase the number of 1bed units by two and reduce the 4bed units by two. This is to reflect the level of local need for these house types more accurately.
- 10.15. The proposals would provide an additional 20 affordable homes within the Plan Area. It is considered that the conclusions of the HNA are robust and the North Yorkshire Home Choice data is compelling and there remains a pressing need for affordable housing in locality.
- 10.16. Whilst the concerns from the neighbouring Parish Council that the proposal exceeds proven local need are noted it is considered that the direct need for affordable housing locally, identified through North Yorkshire Home Choice, should be given significant weight in the assessment of this scheme. The arguments made that the application should be refused on the basis that the proposal provides three additional

units more those identified in the Swinton Parish Housing Needs survey (17) cannot be supported.

- 10.17. As such, the principle of proposed development on the application site is in accordance with the local planning policy objectives.

Affordable Housing- mix, type and size

- 10.18. The applicant is proposing to deliver a mix of affordable rent, shared ownership and rent to buy. The proposed mix of affordable housing is set out in the table below:

No of dwellings	Tenure Type	Clarification of tenure type
9	Affordable Rent	Affordable Rent is set at 80% of market rent and eligibility criteria is set by the Local Authority, Ryedale District Council.
6	Rent to Buy	The Rent to Buy product is a scheme which allows working households to rent a home at Intermediate rent providing them the opportunity to save for a deposit over time to purchase their first home. If Karbon decides to sell the Right to Buy home to the tenant, they would only be able to do it on a restricted rural stair casing lease.
5	Shared Ownership	Shared ownership eligible customers have an option to buy a share of the property, minimum 10% initial share with the option to staircase (buying more shares), up to 80%. Ownership is capped at 80% due to the site's allocation as a Designated Protected Area and being a Rural Exception Site, these measures ensure that the affordable housing is secured for future generations.

- 10.19. The dwellings would comprise a combination of detached and semi-detached with individual dwelling sizes ranging from 58m² to 130m². Within the revised scheme the 1 bed units have increased by two and the 4 bed units has been reduced by two.
- 10.20. The Council's Housing Officer states that this scheme is an opportunity to deliver much needed affordable housing in a popular community and Housing supports the proposal for 100% affordable homes in this rural location. The Council's Housing Officer also notes that the proposed mix and types reflect local housing need and that all affordable units will meet nationally described space standards (NDSS) which is supported. The Council's Housing Officer highlights that as this is an exception site and DPA, then all the affordable housing should remain affordable in perpetuity so that the 80% stair casing limit on ownership would apply.
- 10.21. Policy SP21(b) confirms that the occupancy of affordable housing units secured through the use of the Rural Exceptions Policy will be restricted to households in housing need who cannot afford to meet their housing requirements in the open housing market. The policy sets out the cascading eligibility clauses which would be written into the Section 106 agreement.
- 10.22. The affordable housing mix, tenure and minimum floor areas will be secured via the Section 106 agreement. In light of this it can be confirmed that the application complies with the requirements of Policy SP3.

Design, form and scale and impact on the character of the settlement

- 10.23. Paragraph 135 of the NPPF (2023) states that decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 10.24. Policy SP16 of the RPLPS states that *“Development proposals will be expected to create high quality durable places that are accessible, well integrated with their surroundings and which: Reinforce local distinctiveness ; Provide a well-connected public realm which is accessible and usable by all, safe and easily navigated; and Protect amenity and promote well-being”*. The policy goes on to state *“To reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings”*.
- 10.25. Policy SP20 of the RPLPS states that *“New development will respect the character and context of the immediate locality and the wider landscape/townscape character in terms of physical features and the type and variety of existing uses”*.
- 10.26. The application site abuts the eastern extent of the village. Immediately to the west of the site the frontage residential development on East Street is predominately single plot depth. The principle of 'at depth' development has occurred at Pearson's Yard which is 50 metres to the south of the application site. The eastern boundary of the application site would align with the eastern extent of the Pearson's Yard development and the central courtyard element of the proposal is generously inset from the eastern boundary. It is considered that the site would not unduly project out from the village or impact on the existing settlement character.
- 10.27. The size and eastern projection of the site does not raise any concerns in respect to possible coalescence between Swinton and Broughton. Furthermore, due to the topography, presence of existing development and the road the development would not harm the setting of the Howardian Hills National Landscape (formerly AONB).
- 10.28. The site is to be developed at a low density which does not depart from the character of the village. The proposed site layout does contrast with the linear, frontage development to the west but does reference the former farm yard layout present at Pearson's Yard to the south. The proposed layout and density does not have an unacceptable relationship to the adjoining built development and benefits from established landscaping on the site boundary which would be retained. It is considered that the proposed layout provides for adequate relationships between dwellings within the site and that the separation distances (back to back, side to rear) between units is acceptable.
- 10.29. The fields to the east of the site are bounded by low hedges and the site is visible when approaching from the east along the public footpath that connects Swinton and Broughton. The applicant has agreed to replace the 1.8 metre high timber close boarded fence proposed the length of the eastern boundary with a timber post and rail fence with native hedgerow. This will provide a softer edge to the development particularly when viewed from the east from the nearby public footpath.
- 10.30. Although the application site is greenfield agricultural land located outside the main built form of Swinton, its adjacency to the built form means that the land is viewed within the context of the settlement. The eastern boundary of the site reflects the extent of development in Pearson's Yard to the south albeit not immediately adjacent to it. The site would not result in an unsympathetic extension into the open countryside.

- 10.31. The scale of buildings is limited to one and two storey heights. The proposed house types (semi-detached and detached, larger 'family size' houses, small 1 beds and bungalows) and variation in building footprint provides for suitable variation and visual interest. The proposed dwellings are predominately two storey houses of a type which reflects the general types of dwellings in the village.
- 10.32. The surrounding existing residential dwellings in the area are mainly constructed from buff and red brick with grey/red/brown roof tiles. The palette of materials proposed is a mix of red and buff brick with a mix of red pantile and grey smooth tile coverings to the pitched roofs. The majority of dwellings would include chimneys providing vertical emphasis and there would be suitable variation in both the eaves detail and roof pitch. Windows would be well proportioned and appropriately spaced with use of arched soldier coursing over openings. There would be an appropriate degree of variation in the door surround styles and detailing and principal elevations of two storey dwellings would include stone banding. Overall, it is considered that there is appropriate variation in house types and styles. The proposed appearance and materials of the dwellings are acceptable and would reflect local vernacular and the edge of village context.
- 10.33. The various garages and car ports across the site are relatively modest and do not dominate individual plots. The provision of in-curtilage parking would minimise the dominance of parked vehicles along the access roadway. The design also incorporates renewables in the form of roof mounted solar panels with communal battery storage along with air source heat pumps and an electric vehicle charging point to each plot which is in line with the sustainability and low carbon aims enshrined in Policy SP18.
- 10.34. As required by Policy SP3 it is considered that the site is contiguous with the Development Limits of the settlement and is physically and visually well connected with the settlement. Overall, the development will reinforce local distinctiveness and provide well-designed streets and spaces in compliance with the NPPF (2023) and Policies SP16 and SP20 of the RPLPS (2013).

Residential amenity

- 10.35. As required by Policy SP20 (Generic Development Management Issues) the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence.
- 10.36. The proposed dwellings in the central courtyard area (plots 1-10) are arranged and orientated to be largely inward facing. There would be some limited inter-visibility between habitable rooms but given the separation distances (minimum 23 metres) this would not be unacceptable. The 1.8 metre high timber fencing that is proposed to enclose the rear amenity space of each of those dwellings would provide additional privacy.
- 10.37. The plans show that the site can be developed with sufficient private amenity space for individual plots and that dwellings will be of proportions and orientations that do not result in loss of light, overlooking or loss of privacy to future occupants of the new development in accordance with Policies SP4 and SP20. The proposed site layout also shows that the dwellings would be served by suitable parking provision along

with access to the communal green space on the northern side of the development site.

- 10.38. With regard to other potential impacts on future occupants the Council's EHO requested a noise risk assessment to determine the impact of noise levels from the nearby Scrap Metal Merchants on the proposed development site.
- 10.39. The noise report includes an analysis of commercial noise and does not highlight any concerns from any night time operation. However, the assessment indicates that, without mitigation, noise associated with the commercial operations during the daytime period is considered to result in an adverse impact at the most exposed living room.
- 10.40. The revised layout has increased the stand-off between residential receptors and the scrap yard and allowed for the reorientation of the private gardens. As a result there would no longer be a reliance on acoustic fencing to the individual gardens for each plot.
- 10.41. The revised scheme includes an area of green open space to be created in the north west corner of the site meaning the nearest sensitive receptor, is 45 metres from the site boundary with the scrap yard. In addition the noise report highlights that reductions in noise levels of approximately 4dB at the most exposed facades are predicted due to the introduction of the bund/barrier in the north-west corner of the site. The plans show that within the 'L-shaped' area of green open space a 2 metre high bund would be formed topped by a 2 metre high acoustic fence. The bund would be inset from the boundary and there would be native tree planting provided to both sides of the bund/fence to reduce its visual impact. Due to the separation distances there would be no overbearing impact on existing or proposed dwellings.
- 10.42. The submitted noise report has been reviewed and the Council's EHO is satisfied that a satisfactory level of amenity can be achieved within these proposed properties, with the mitigation as described in place. A condition shall be imposed to ensure the acoustic barrier is installed prior to occupation of any dwelling and thereafter maintained in perpetuity.
- 10.43. The site would be developed with sufficient stand offs from the adjacent residential properties to the west. It is noted that objections have been received from the occupants of 'Smethwick' which is the two storey dwelling closest to plot 20 in the south-west corner of the application site. The separation distance between the side elevation of the two storey dwelling in plot 20 and the rear of 'Smethwick' to the west is 26.5 metres (side to rear). If the measurement is taken from the single storey part of 'Smethwick' which projects off the rear elevation the distance reduces to 23 metres which is not unacceptable.
- 10.44. It is not anticipated that the proposed dwelling in plot 20 would have an unacceptable overbearing effect or result in a material loss of light to the neighboring property ('Smethwick'). In terms of possible overlooking the elevation drawing indicates that the western, side elevation of the dwelling in plot 20 would be blank. A condition shall be imposed to prohibit any additional first floor windows being formed in the side (west) elevation of the dwelling in plot 20.
- 10.45. The proposed access roadway into the site from East Street would utilise the existing track (to be upgraded to adoptable standards) that runs between two existing dwellings on East Street, The Nestlings and Pippins. It is noted that concerns have been raised in relation to potential noise disturbance from vehicle movements.

- 10.46. The relationship between the side elevation of these two properties and the proposed road shown on the layout plan would not be untypical of residential layouts. At its closest point the roadway would be 6.5 metres from the side elevation of these two existing properties. It is understood that the window openings in the side elevations of these two properties do not serve habitable rooms and it is considered that noise levels from passing vehicles would not be unduly harmful.
- 10.47. The proposed battery storage units would be housed in a modest, single storey building located adjacent to the site entrance on the northern side of the access road abutting the western boundary. There have been concerns raised by the occupant of 'Pippins' which is the nearest property to the propose building. The submitted noise impact report considered the noise associated with the battery storage units. The only noise generating element of the battery storage system is the fans that cool the individual battery modules (within the structure). However, the report explains that these are equivalent to the fans that are installed in desktop computers and are exceptionally quiet. Therefore any noise impacts are likely to be negligible. There are no unacceptable health or safety risks associated with the proposed battery storage building.
- 10.48. Hours of construction shall be limited by condition and a condition shall be imposed to secure a Construction Management Plan. Overall, it is considered that the development would not give rise to conditions prejudicial to residential amenity and complies with Policy SP20.

Highways

- 10.49. Policy SP20 (Generic Development Management Issues) advises that *"Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads"*.
- 10.50. Paragraph 115 of the NPPF (2023) advises that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 10.51. East Street is two-way single carriageway with street lighting, a paved footway on the eastern side and a wide soft verge. East Street is approximately 4.8 metres wide in the vicinity of the site access and varies in width along its length towards the B1257. The comments made by Amotherby Parish Council and local residents include concerns in relation to the suitability of East Street to accommodate the additional traffic associated with proposed development.
- 10.52. The applicant's Transport Statement sets out that the development is expected to result in 17 and 13 movements (arrival + departure) in the AM and PM peak hours respectively, one every c. 4 minutes which is assessed as being negligible.
- 10.53. The proposal, which would result in an increase in vehicles using the public highway in the locality, provides for localised widening along East Street. The Transport Statement and accompanying drawings note that there is an existing access located on the western side of East Street approximately 38 metres from the junction with the B1257 which is being used as an informal "passing place". It is proposed to undertake localised widening to formalise and reconfigured the public highway in this location.

- 10.54. The existing carriageway the subject of proposed widening is approximately 3.2 metres in width. It is proposed to widen an 18 metre length of carriageway to 4.8 metres in width sufficient for a car to pass a larger vehicle.
- 10.55. The LHA have not raised any concerns in relation to the traffic to be generated by the proposed development subject to the proposed carriageway widening works being secured. In addition the LHA have noted local concern in relation to pedestrian access along East Street due to the limited width of the raised footway. In response the LHA have requested that the raised footway adjacent to the timber fence is widened from its current 0.75 metre width to achieve an unobstructed 1.0 metre width to ensure inclusive mobility. The applicant has agreed to completing the required works.
- 10.56. The access road where it enters the site off East Street would be 5.5 metres wide and would have a 1.8 metre wide footpath along its southern edge. The access roadway would extend into the site and loop around the central courtyard (plots 1-10) providing direct access to all dwellings. The access roadway within the site would be constructed to adoptable standards. The LHA have highlighted that the use of permeable paving for adoptable areas is currently not accepted although this can be addressed within the highways engineering drawings required by condition should permission be granted. The swept path analysis for the proposed junction is acceptable subject to relocation of a bus stop and road gully as requested by the LHA.
- 10.57. The site provides for adequate in-curtilage parking arrangements for the occupiers of the proposed dwellings and a swept path analysis has been completed to show that service and refuse vehicles can safely manoeuvre within the site.
- 10.58. In addition to the above mentioned off-site highway improvement works should permission be granted a number of standard conditions will be included in respect of engineering drawings for roads and sewers and programme for delivery; construction of adoptable roads and footways prior to the development being brought into use; provision of visibility splays; limitation on conversion of garages; and a detailed Construction Management Plan.
- 10.59. The site benefits from good public transport links with a bus stop just south of the access road and further bus stops on Malton Road providing direct access to surrounding towns and villages. Electric vehicle charging points shall be provided to each dwelling along with secure bicycle parking within each plot.
- 10.60. Subject to the off-site highway improvement works being secured it is considered that the site can be developed for housing without resulting in an adverse impact on highway safety or capacity and complies with the requirements of the NPPF and Policy SP20.

Flood Risk and drainage

- 10.61. The site is within Flood Zone 1, nevertheless the application is accompanied by a Flood Risk Assessment which confirms the low risk of flooding.
- 10.62. The NPPF and Policy SP17 requires development to incorporate sustainable drainage systems and techniques in line with the drainage hierarchy unless there is clear evidence that this would be inappropriate.

- 10.63. For surface water drainage it is confirmed that the site is underlaid by clay layers and is unsuitable for soakaways, therefore the option to discharge via infiltration has been appropriately discounted.
- 10.64. It is proposed that surface water drains to a watercourse feature to the north which has been confirmed as acceptable to the LLFA. The proposed peak flow rate is be controlled to 3.5l/s which is also agreeable to the LLFA.
- 10.65. However, the LLFA have requested further information in the form of a drainage layout plan; updated hydraulic calculations and maintenance plans. Members will be updated via the late pages/update list or at the Committee Meeting on any subsequent LLFA re-consultation response.
- 10.66. Foul water disposal shall be via the 150mm public combined sewer to the north of the site. There is local concern in relation to the capacity of the existing drainage system serving the village although no objections have been raised by the LLFA or Yorkshire Water who recommend the standard drainage conditions are imposed.
- 10.67. Subject to the final recommendation/conditions of the LLFA it is considered that, overall, the drainage proposals represent a reasonable approach to the management of surface and foul water arising from the development in accordance with the NPPF and Policy SP17.

Biodiversity and ecological impact

- 10.68. The application is accompanied by a Preliminary Ecological Appraisal (PEA). The PEA has been reviewed by the Council's Ecologist who notes that the site comprises agriculturally improved grassland of low nature conservation value. The PEA did not identify any need for further ecological surveys and provides sufficient information to understand the ecological impacts of the proposed development.
- 10.69. The Council Ecologist notes that the pond in the field adjoining the application site has tested negative for Great Crested Newt DNA and the PEA concludes that other risks to protected species can be mitigated through standard measures, as set out in Section 5.1 of the PEA report; adherence to these measures should be conditioned.
- 10.70. Policy SP14 of the RPLPS (2013) and the NPPF require a net gain in biodiversity to be provided as part of new development schemes. This is not a scheme which is subject to the mandatory requirement for Biodiversity Net Gain by virtue of Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021) due to it being made prior to the regulations being enacted. Nevertheless, the application is accompanied by a biodiversity net gain report and Biodiversity Metric calculation.
- 10.71. The BNG report projects an 83% uplift for area-based habitats and 43% for hedgerows. The Council's Ecologist is satisfied with the proposal and the gains are generously compliant with policy.
- 10.72. As requested by the Council's Ecologist a condition shall be imposed to secure a Landscape and Ecology Management Plan, setting out how new/retained habitats will be established, maintained and monitored for a period of at least 30 years.
- 10.73. It is considered that the development would not result in adverse impacts on habitats and protected species and appropriate mitigation and enhancement can be secured in line with the NPPF and Policy SP14.

Archaeological impact

- 10.74. The application site lays to the east of the historic core of the settlement of Swinton. Although it is outside of the medieval core of the village the wider area has evidence for multi-period archaeological remains ranging from the Mesolithic period to Anglo-Saxon.
- 10.75. The application site has previously been the subject of an archaeological geophysical survey. The survey revealed negative results and it is concluded that the site has a low archaeological potential. The Council's Archaeologist has no objections to the application. In light of this the proposed development complies with the NPPF and Policy SP12.

Other issues

- 10.76. Amotherby Parish Council and some local objectors refer to the Ryedale Local Plan Local Plans Sites Development Selection Study (SDSS) undertaken in 2017/18 stating that at that time the site was considered unsuitable for development due to poor access, adverse impact on neighbours and the landscape impact.
- 10.77. It is important to make clear that the site selection process is different to the consideration of a detailed planning application. The site selection process is an exercise in screening sites for allocation for future development. It is a high level assessment of sites to meet housing supply, it is not an exercise to identify 'rural exception sites'. The constraints identified at site selection stage apply to the site as part of the planning application determination process, however, the full application provides robust technical assessment to inform design solutions and the opportunity to embed mitigation which does not form part of the consideration at site selection stage. Therefore the objections based on the previous site selection process are unfounded.
- 10.78. The Humber & North Yorkshire Integrated Care Board (ICB) response states that the existing GP practice does not have capacity to accommodate the additional growth resulting from the proposed development. The ICB predict that the development will generate additional residents and subsequently increase demands upon existing services. The ICB calculate the level of contribution required from the proposed development to create additional floorspace is £22,576.
- 10.79. Officers have considered the request and do not agree with the proposition that the development would generate additional residents. The nature of this 'rural exception site' development is specific to addressing a local need with the affordable housing being allocation using eligibility criteria focused on those who currently live and work locally. It is likely that the occupants of the proposed housing are already registered to a GP in the locality. Furthermore, the ICB's request for a financial contribution is not supported by any specific detail of any infrastructure deficit or a plan or strategy to address the need for increased capacity. In these circumstances the LPA cannot justify requesting the financial contribution from the developer.

Community Infrastructure Levy (CIL)

- 10.80. The proposed development is a 100% affordable dwelling scheme which qualifies for mandatory relief from CIL charging.

Section 106 Legal Agreement

- 10.81. A Section 106 legal agreement will be required in line with Policies SP3, SP11 and SP22 of the Ryedale Plan Local Plan Strategy. The S106 will secure the on-site open space provision; management and maintenance and also secure the affordable dwellings and off-site highway improvements. The applicant has prepared a Draft Heads of Terms for a Section 106 agreement which is currently with the Council's Legal Team.

Category/Type	Contribution	Amount & Trigger
Affordable Housing	On-site units	20no. dwellings
POS Delivery, Management and Maintenance	On-site open space	Delivery to be agreed in Open Space Scheme.
Highway improvements	Off-site highway works	As detailed in LHA response

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1 The Ryedale Plan Local Plan Strategy (2023) identifies Swinton (along with Amotherby) as a Service Village which is considered to be a sustainable settlement and an appropriate location for small scale housing growth. The application site is adjacent to but beyond the Development Limits of Swinton and thus in a Wider Open Countryside location as defined by Policy SP1 of the Local Plan Strategy.
- 11.2 The proposal constitutes a 'Rural Exception Site' under Policy SP3 providing 100% affordable dwellings at on a site outside of and on the edge of development limits. The development of this small size site would make an important contribution towards the supply of affordable housing in accordance with Policy SP2. On this basis the principle of development in this location is supported.
- 11.3 It is noted that Amotherby Parish Council and some local objectors state that the local need for affordable housing has been addressed by a recent grant of planning permission for affordable housing in Amotherby and therefore the current proposal exceeds proven local need contrary to Policy SP3. However, it is important to acknowledge that the approved Amotherby development is not a 'Rural Exception Site' aimed to address a specific local need.
- 11.4 In addition to the Parish needs surveys and the applicant's HNA Officers have given consideration to the figures indicated in the recent Strategic Housing Market Assessment and also the current demand as illustrated by North Yorkshire Home choice data.
- 11.5 It is considered that the provision of affordable housing along with the provision of bungalows and three 1 bed units are material considerations that should be given considerable weight in the planning balance because the proposed development would help to address affordability issues and demand in the local housing market.
- 11.6 These material considerations, and the substantial weight afforded to them, would further justify approving the application.
- 11.7 It is well established that housing targets (including those for affordable housing) are not intended to be a ceiling to prevent additional units from being built beyond the stated targets, and there are benefits to providing affordable housing provision within

residential schemes, not least to seek to mitigate the current affordability issues and trends within the housing market.

- 11.8 The proposal respects the character of the settlement and would suitably integrate with the development to the south and west. The highways concerns have been the subject of a robust assessment and the proposed mitigation suitably addresses previous highway safety and accessibility concerns. There are also wider public benefits arising from the scheme of off-site highway improvements for vehicular traffic and pedestrians that would be secured as part of the development.
- 11.9 The proposed development is not considered to have an unacceptable impact on landscape character, residential amenity, ecology, archaeology or flood risk. The proposal represents a sustainable affordable housing solution which incorporates renewables and good design quality.
- 11.10 On balance this proposed 'Rural Exception Site' development for 100% affordable housing meets the criteria set out in Policies SP2 and SP3 and it is further considered that there is a reasonable identified need for the proposed development. This application complies with the Development Plan and NPPF (2023), with no other material considerations indicating otherwise, the application is recommended for approval.

12.0 RECOMMENDATION

- 12.1 That planning permission be **GRANTED** subject to any further requirements of the Lead Local Flood Authority and subject to the below conditions and completion of a Section 106 legal agreement with regard to affordable housing Public Open Space and off site highway improvements as detailed in Table 1.

Recommended conditions:

Commencement time limit

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

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

Approved plans

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan ref. 522-001 Rev H, dated 17.01.2024
 Proposed Site Plan ref. 522-004 Rev R, dated 13.12.2023
 Tenure Plan ref. 522 020 Rev B, dated 13.12.2023
 4B8P- Floor Plans ref. 4B8P-C-001, dated 10.2023
 3B5P- Detached Floor Plans ref. 3B5P -D-001 Rev C, dated 11.10.2023
 3B5P- Detached Floor Plans ref. 3B5P-001 Rev a, dated 10.10.2023
 2BB- Floor Plan ref. 522-2BB-001, dated 10.2023
 2B4P- Floor Plans ref. 522-2B4P-001 Rev A, dated 28.07.2022
 1B2P- Floor Plans ref. 522-1B2P -001, dated 09.2023
 Section through site ref. 522 PL-008 Rev B, dated 12.03.2024
 Battery Storage Building ref. 522 PL_008, dated Dec 2022
 Planting Plan ref. 2342.01, dated Dec 2023

Boundary Treatment, External Hard Landscape & Materials ref. 522-006 Rev E,
dated 13.12.2023
S278 Highway Widening Ref. D801 Rev. 1, dated 01.11.2023

Reason: For the avoidance of doubt and in the interests of proper planning.

Detailed Plans of Road and Footway Layout

- 3 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 in compliance with Policy SP20.

Construction of Adoptable Roads and Footways

- 4 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 in compliance with Policy SP20.

Pedestrian Visibility Splays at Land at East Street, Swinton

- 5 There must be no access or egress by any vehicles between the highway and the application site at Land at OS Field 0042 East Street Swinton until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety in compliance with Policy SP20.

Delivery of off-site highway works

6 The following schemes of off-site highway mitigation measures must be completed as indicated below:

- Provide local carriageway widening along East Street Swinton as generally shown on submitted Highway Widening drawing no. D801 Rev. 1 prior to the commencement of construction works on the site.
- Provide footway widening in accordance with highway authority specification along East Street Swinton covering the raised section with timber fencing to offer a minimum 1.0 metre wide clear distance between any part of the fence as described and any section of grass verge, raised grass verge or low retaining wall as required to be provided along the east side of the footway as described prior to the commencement of construction works on the site.
- Provide local carriageway, kerbing and drainage improvements along East Street for an approximate distance of 20 metres either side of the proposed junction with the new estate road to include re-profiling of the carriageway to ensure drainage to re-positioned road gully, chamber and connection and carriageway strengthening including new nominal 40mm thick surface course overlay and new 6 metre radius kerbed junction bellmouth / over-ride strips at the new estate road prior to the commencement of construction works on the site.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in compliance with Policy SP20.

Parking for Dwellings

7 No dwelling must be occupied until the related parking facilities 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 adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development in compliance with Policy SP20.

Garage Conversion to Habitable Room (Plots 3, 4, 5, 6, 7, 8 & 14)

- 8 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: 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 of the development and in compliance with the adopted minimum parking standards for residential dwellings as given in the NYCC document Interim Parking Standards 2015 and in compliance with Policy SP20.

Construction Management Plan

- 9 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. restriction on the use of Middle Street, Swinton access 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 in compliance with Policy SP20.

Sustainable travel

- 10 Secure cycle storage shall be provided in the form of a cycle locking ring to an external wall or within the garage for each dwelling which shall be installed and made available prior to each dwelling being first occupied.

Reason: To encourage the use of modes of transport other than private vehicles in the interests of sustainability in compliance with Policy SP20.

Electric Vehicles Charging Points

- 11 Prior to the commencement of any aboveground construction work a scheme for the provision of one electric vehicle charging point per house shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the EV charging points shall be installed in accordance with the approved details prior to occupation of the dwelling.

Reason: To promote sustainable transport and in accordance with the development principles for the site in compliance with Policy SP18.

Hours of construction

- 12 Any excavation or construction work associated with the development hereby approved shall be carried out only between the hours of:-

0800 -1800 hours Mondays to Fridays

0800 -1300 hours Saturdays

and at no time on Sundays and Bank (or Public) Holidays.

Reason: To protect local amenity during construction in accordance with Policy SP20.

Materials (surfaces)

- 13 Prior to installation details of the ground surfacing materials shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance in compliance with Policies SP16 and SP20.

Materials (samples)

- 14 Prior to the commencement of any aboveground construction work details and samples of the materials to be used on the exterior of the buildings the subject of this permission shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20.

Materials (panels)

- 15 Prior to the commencement of any aboveground construction work the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel(s) of the external walling to be used in the construction of buildings. The panel so constructed shall be retained only until the development has been completed.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20.

Windows and doors

- 16 Prior to the commencement of any aboveground construction work details of all windows, doors and garage doors, including means of opening, depth of reveal and external finish shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an appropriate appearance and to comply with the requirements of Policy SP20.

Restriction on additional windows (plot 20)

- 17 Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, (or any Order revoking, re-enacting or amending that Order), no first floor windows or door openings shall be formed in the side (west) elevation of the dwelling in plot 20 without the prior written consent of the Local Planning Authority following a specific application in that respect.

Reason: In the interest of residential amenity in accordance with Policies SP16 and SP20.

Lighting

- 18 Prior to the commencement of any aboveground construction work details of all public lighting at the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure safe access to the public open space in compliance with Policies SP16 and SP20.

Boundary treatments

- 19 Prior to the commencement of any aboveground construction work details of the proposed means of enclosure and boundary treatments, including a schedule of materials and details of the size and species of any hedging, shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full before the development is first brought into use, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment by the neighbouring occupiers of their properties or the appearance of the locality in compliance with Policies SP16 and SP20.

Acoustic bund and fencing

- 20 Prior to the commencement of any aboveground construction work full details of the

acoustic bund and fencing including cross sections shall be submitted to and approved in writing by the Local Planning Authority. The bund and fencing shall be constructed in accordance with the approved details prior to the first occupation of any dwellings hereby approved and shall be retained and maintained in accordance with approved details for the lifetime of the development.

Reason: In the interests of residential amenity in compliance with Policies SP16 and SP20.

Retention of existing planting

- 21 No trees, shrubs, or hedges within the site that are shown to be retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority.

Reason: To ensure the desirable retention of all landscape elements that are considered to be of amenity value in compliance with Policies SP16 and SP20.

Tree Protection

- 22 All works shall be carried out in accordance with the approved Arboricultural Survey Report dated December 2023 produced by Elliott Consultancy Ltd unless any variation is first agreed in writing by the Local Planning Authority. No site clearance or construction work shall commence on site in connection with the development hereby approved until protective fencing around the root protection areas (RPA) required by the Tree Protection Plan (contained within the Arboricultural Survey Report) are in place. The developer shall maintain such fences until all development the subject of this permission is completed.

Reason: To preserve trees and hedges on the site in the interests of visual amenity and the character of the area in compliance with Policies SP13, SP16 and SP20.

Commencement of landscape planting scheme

- 23 Unless otherwise agreed in writing with the Local Planning Authority all planting, seeding or turfing as detailed in the approved Planting Plan ref. 2342.01, dated Dec 2023 shall be carried out in the first planting season following commencement of development or such longer period as may be agreed in writing with the Local Planning Authority. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of visual amenity and to achieve a high standard of landscaping to mitigate the impact on the character and appearance of the Conservation Area in compliance with Policies SP13, SP16 and SP20.

Preliminary Ecological Appraisal

- 24 All works shall be carried out in accordance with the mitigation and enhancement measures set out in Sections 5.1 and 5.2 of the Preliminary Ecological Appraisal, dated 31 August 2022, produced by Naturally Wild Ltd.

Reason: To comply with the requirements of Policy SP14.

Biodiversity Net Gains

- 25 The development hereby approved shall be implemented in accordance with Section 4 of the Biodiversity Net Gain Report dated 19 December 2023, produced by Quants Environmental Ltd.

Reason: In order to ensure that the requisite biodiversity net gain is achieved in accordance with Policy SP14.

Landscape and Ecology Management Plan

- 26 Within three months of the commencement of development a Landscape and Ecology Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Management Plan should set out how new/retained habitats will be established, maintained and monitored for a period of at least 30 years.

Reason: To comply with the requirements of Policy SP14.

Flood Risk and drainage

- 27 **INSERT LLFA CONDITIONS**

Drainage systems

- 28 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 interest of satisfactory and sustainable drainage and in compliance with the NPPF and Policy SP17.

- 29 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and in compliance with the NPPF and Policy SP17.

Removal of permitted development rights (means of enclosure)

- 30 Notwithstanding the provisions of Schedule 2, Part 2 the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse other than as shown on the approved plans, or as may be approved by the Local Planning Authority following specific application in that respect.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP13, SP16 and SP20.

Removal of permitted development rights

- 31 Notwithstanding the provisions of Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking, re-

enacting or amending that Order) development of the following classes shall not be undertaken other than as may be approved in writing by the Local Planning Authority following a specific application in that respect:

Classes A & AA: Enlargement, improvement or other alteration of a dwellinghouse

Class B: Additions etc to the roof of a dwellinghouse

Class C: Other alterations to the roof of a dwellinghouse

Class D: The erection or construction of a porch outside any external door of a dwellinghouse

Class E: Buildings etc incidental to the enjoyment of a dwellinghouse

Class F: Hard surfaces incidental to the enjoyment of a dwellinghouse

Reason: To ensure that the appearance of the areas is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP13, SP16 and SP20.

INFORMATIVES

Condition 3- Detailed Plans of Road and Footway Layouts

It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made.

To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority.

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

Condition 5- Pedestrian Visibility Splays

An explanation of the terms used above is available from the Local Highway Authority.

Condition 6- Delivery of off-site highway Works

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

Other Permissions required from the Local Highway Authority

Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006, permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions).

Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

Target Determination Date: 20.02.2023

Case Officer: Alan Goforth, alan.goforth@northyorks.gov.uk