

**North Yorkshire Council**

**Community Development Services**

**Thirsk and Malton Area Constituency Committee**

**18 July 2024**

**ZB23/02610/FUL - Construction of 11 dwellings**

**At: Land to the west of Forest of Galtres Anglican Methodist Primary School  
For: Andrew Garrens on behalf of Broadacres**

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

**1.0 PURPOSE OF THE REPORT**

- 1.1. To determine a planning application for 11 dwellings on land to the west of Forest of Galtres Anglican Methodist Primary School, Station Lane, Shipton by Beningbrough.
- 1.2. The application is reported to the Area Planning Committee for determination as it is considered the proposal raises significant planning issues.

**2.0 SUMMARY**

**RECOMMENDATION:** That planning permission be **GRANTED** subject to conditions listed below and completion of a Section 106 agreement with terms as detailed in Table 1.

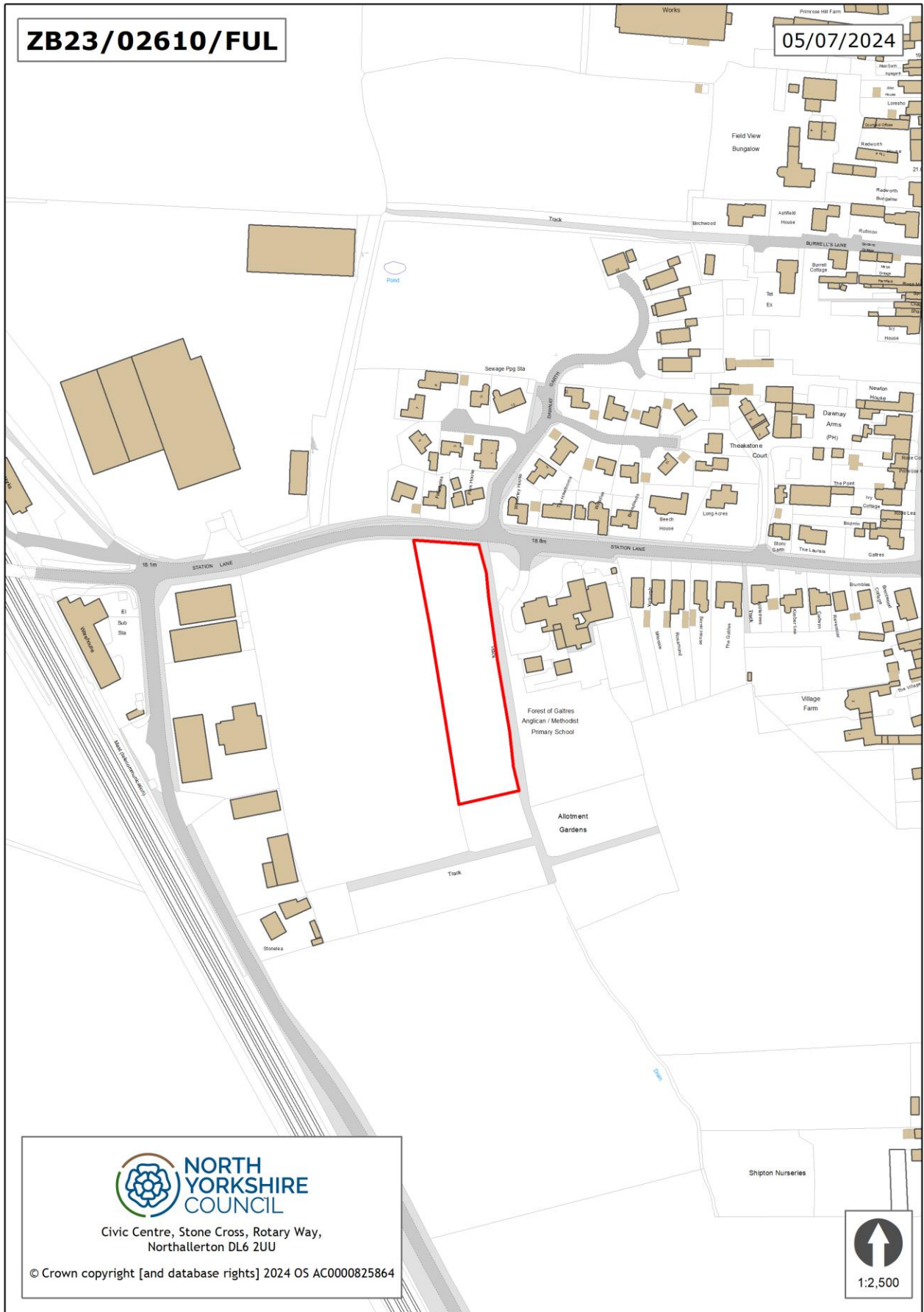
- 2.1. The application is for the construction of 11 dwellings to be provided as affordable housing to meet the needs of the local area. The proposal includes access from Station Road, and areas for public open space and biodiversity net gain, parking, an underground pumping station and attenuation tank, as well as landscaping. Access to the allotments is proposed to be incorporated into the access for this development allowing space for two cars to pass.
- 2.2. The site is located to the west of the Forest of Galtres Anglican Methodist Primary School on the south side of Station Lane in Shipton by Beningbrough. Beyond Station Lane to the north is residential development. To the south of the site are local allotments which are accessed via a track running between the site and the school. The site lies entirely within the York Green Belt, the boundary of which follows the built form of Shipton excluding the village from the designation. To the immediate west is an open field in agricultural use and beyond that is a small pocket of business development bordered by the East Coast Main Line.
- 2.3. Paragraph 154, part f of the NPPF indicates that development in the Green Belt may be acceptable where it provides limited affordable housing for local community needs under policies set out in the development plan including policies for rural exception sites. Hambleton's Local Plan Policy HG4 provides for rural exception schemes where the development adjoins the built form of a defined settlement can be secured in perpetuity, meet an evidenced local need, and does not have a significant detrimental impact on the character and appearance of the area (including the settlement, countryside in general and

Green Belt). It is considered that the proposed development meets the requirements of the NPPF and Local Plan Policy HG4 and is therefore acceptable in principle.

- 2.4. Beyond the principle of development the key issues to consider in this case are design, amenity, highways, drainage and ecology. It is considered that the site has been well designed in terms of both individual house styles and general layout. The proposal would reflect the local character of the settlement and provide a good level of amenity for future residents. Mitigation measures have been proposed to offset noise from the East Coast Main Line. Access to the site would incorporate the access for the allotments to the south providing a rationalised approach to the issue of siting access points adjacent to each other. Sufficient resident and visitor parking has been provided within the site. A reasonable approach to drainage has been taken with surface water discharging to the watercourse to the east and foul drainage being pumped to the mains system on Station Road. Whilst the supporting information to demonstrate a net gain has not yet been received the Arboricultural report and the proposed layout drawings indicate that it is likely that a net gain can be achieved. An update will be provided prior to the Planning Committee meeting to confirm the gain.
- 2.5. As the site constitutes an exception under the NPPF Green Belt policy and meets all the requirements of Local Policy whilst providing affordable housing to meet an identified local need the application is recommended for approval.

ZB23/02610/FUL

05/07/2024



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### **3.0 PRELIMINARY MATTERS**

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

3.2. There are two relevant planning applications for this application which are detailed below.

15/00818/OUT – Construction of detached dwelling – Refused 15.06.2015.

The introduction of a dwelling on this site in the Green Belt, constitutes inappropriate development which would be harmful to the Green Belt. In addition no case has been made to demonstrate that very special circumstances exist. As such the proposal would be contrary to guidance issued in the NPPF (paras 87-89) and to LDF policies CP1, CP4, CP16, CP17 and DP9 as it would impact upon the openness of the countryside.

86/0859/OUT – Outline application for the construction of a detached dwelling and domestic garage – Refused 03.02.1987 Dismissed at Appeal.

The proposed development would be contrary to Policy E9 of the County Structure Plan which states that development in the Green Belt will not normally be permitted unless it can be shown to be necessary in connection with agriculture or forestry; outdoor sport and recreation; cemeteries or institutions standing in extensive grounds and other uses. The development of this site, which is located outside the main confines of the village and is unrelated both physically and visually to the existing form of the village, would be an undesirable intrusion into the pleasant rural landscape.

### **4.0 SITE AND SURROUNDINGS**

4.1. The site measures 4940sqm. The north boundary of the site is demarcated by a post and rail fence and hedgerow. The eastern boundary features a mature tree line and hedgerow. Beyond this, a track serving allotments separates the site from the neighbouring primary school. The western and southern boundaries feature a small number of trees and post and rail fencing. Existing access is taken from Station Lane to the north via an existing field gate.

4.2. Station Lane is a predominantly residential road with the exception of the Forest of Galtres primary school. The site is on the western edge of the settlement as the commercial development to the west of the site is not considered to be part of the main form of the settlement. The site is therefore by definition in the open countryside as well as within the York Green Belt. Further west beyond the commercial development is the East Coast Main Line. Local Plan Policy S3 designates Shipton by Beningbrough as a secondary village, which is based on the range and type of services and facilities available within the settlement, for example the primary school, public house, church and community centre.

### **5.0 DESCRIPTION OF PROPOSAL**

5.1 This application seeks full planning permission for the construction of 11 dwellings to be provided as 100% affordable housing to meet the needs of the local area. The proposal includes access from Station Road, and areas for public open space and biodiversity net gain, parking, an underground pumping station and attenuation tank as well as landscaping. Access to the allotments is to be incorporated into the access for this development allowing space for two cars to pass.

5.2 The development features two pairs of semi-detached dwellings at a height of 8.7m and 8.5m, a terrace of 3 at a max height of 8.4m and a terrace of 4 at 8.4m. A summary of the house types is provided in the table below:

House Type	Gross Internal Area	No. of units proposed	Plot no.
Ryton	58m2	2	2 & 3
Ellington	80m2	2	6 & 7
Ripley Plus	79m2	4	8, 9, 10 & 11
Cowesby	95m2	3	1, 4 & 5

## 6.0 PLANNING POLICY AND GUIDANCE

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

### Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022).

### 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
  - National Planning Practice Guidance

## 7.0 CONSULTATION RESPONSES

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

- 7.2. **Parish Council:** support the application for affordable housing to go forward, however there have been some issues raised regarding traffic/ parking that the PC would like to have considered when looking at the application. The road has a primary school on it and parking and traffic is an issue that the PC has raised with North Yorkshire on a number of occasions due to firstly cars parking along the narrow road at school drop off and pick up time and also to HGV's using it despite it being closed to vehicles in excess of 7.5t. The footpath is very narrow at the end of the road by the A19 and ends at the school. When cars are parked along it, other cars often use the pavement to pass them, making it dangerous for pedestrians. There does not seem to be sufficient visitor car parking spaces to ensure that the development does not add to the existing issue of cars parking on this road. We would hope that if the development goes forward the traffic/ parking issues, which have significant safety implications are closely looked at and a solution considered.

- 7.3. **Environmental Health (Contaminated Land):** The Ground Gas Risk Assessment identifies potential risks from ground gas contamination and recommends NHBC Amber 1 category gas protection measures (not radon). In light of this, a condition requiring a

remediation scheme will be required, together with a condition to deal with any unexpected contamination which may be encountered during works undertaken.

- 7.4. **Environmental Health:** Accepts the recommendations of the Acoustic Impact Assessment and recommends conditions securing a reflective acoustic barrier along the western boundary, a validation report to confirm noise levels are achieved, and a construction management plan.
- 7.5. **Highways Authority:** No objections subject to conditions.
- 7.6. **Housing Officer:** Housing supports this proposal for affordable housing in this rural location.
- 7.7. **Kyle and Upper Ouse Internal Drainage Board:** The Engineer has reviewed the items and confirms the proposal will be acceptable, subject to Consent [from the Board].
- 7.8. **Lead Local Flood Authority:** The applicant intends to discharge to a watercourse/ditch adjacent to the site in the south. It is noted that Yorkshire Water discharges a Surface Water Sewer to this watercourse, and the LLFA holds no records of flood incidents in that area, we would not object to the discharge of surface water to the watercourse. However, the watercourse is noted as an IDB watercourse, so permission to discharge will need to be provided by them. As per the drainage hierarchy, the applicant has done infiltration testing, which has proven the site is unsuitable for infiltration, due to high groundwater levels and unsuitable infiltration rates. The LLFA have no objections in principle to the discharge to the unnamed watercourse. The LLFA in principle, have no objection to the discharge rate of 3.0 l/s, however, as the unnamed ditch falls within IDB classification, the rate needs to be agreed with the IDB. No objections were raised to the proposals relating to volume control, exceedance, climate change and maintenance and indicate that the proposals demonstrate a reasonable approach to surface water management.
- 7.9. **Ministry of Defence:** No objection.
- 7.10. **Street Naming and Numbering:** An application would be required.

#### Local Representations

- 7.11. 23 local representations have been received of which 1 is neutral, 15 in support and 7 objecting. A summary of the comments is provided below, however, please see website for full comments.
- 7.12. Neutral:
- This development could lead to further development closer to the businesses on Station Lane resulting in operating restrictions which would severely impact financial viability
- 7.13. Support:
- Affordable housing is needed in the area
  - Smaller 1 and 2 beds are needed
  - Priorities for those with local connection
  - Homes will be energy efficient
  - Disruption will be temporary
  - Access arrangements to allotments is good
  - Design is sympathetic
  - Up to Nationally Described Space Standards
  - The site is not very useable for agriculture and likely to fall into disuse if not developed
  - Close to the primary school for families

- Young people want to stay in the village
- Recent developments in the village have not been affordable

#### 7.14. Objections:

- Additional traffic
- Highways safety
- Site is in the Green Belt
- Impact of Green belt on reducing climate change and flooding
- Impact on wildlife
- Not a brownfield site
- No requirement for affordable Housing in the village so not a rural exception
- Can go to York for affordable housing
- Not high architectural quality
- Impact on the character of the village
- Loss of privacy
- Noise during building and residential noise
- Large amount of development recently with no investment in services
- The land should be given to the school
- Previous refusals for single dwelling in 1987 and 2015
- Will lead to infill up to the industrial area
- Not a sustainable location
- No cycle storage on the plans
- Is out of keeping with the detached properties in large plots on Station Lane

## 8.0 ENVIRONMENT IMPACT ASSESSMENT (EIA)

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

## 9.0 MAIN ISSUES

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

- Principle of development
- Design
- Amenity
- Highways
- Drainage
- Ecology and Biodiversity Net Gain
- S106 Agreement

## 10.0 ASSESSMENT

### Principle of Development

10.1. Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Green Belt serves five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 10.2. Paragraphs 152 - 154 of the NPPF state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: [...] f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites).
- 10.3. Local Plan Policy HG4 (Housing Exceptions) states that a proposal for a rural exception scheme on land adjoining the built form of a defined settlement (Local Plan Policy S3 designates Shipton by Beningbrough as a secondary village) will only be supported where it is demonstrated that:
- e. it will provide affordable housing in perpetuity and that the type and tenure reflects the local and affordable needs of the community, as demonstrated through an up to date local housing needs assessment;
  - f. the housing will be for those with a local connection in the first instance and this will be secured through a legal agreement;
  - g. the development is of a scale and character that respects the appearance of the existing settlement, local built form and landscape character; and
  - h. the development would not have a significant detrimental effect on the character and appearance of the countryside or the York Green Belt.
- A proposal for a rural exception site must provide 100% affordable housing, unless it can be demonstrated that an element of market housing is essential to enable the delivery of the affordable housing.
- 10.4. In 2019 the North and East Yorkshire Rural Housing Enablers undertook a Housing Need Survey which identified a need for 6 units. A review conducted in 2021 demonstrated a need for an additional 5 units. A consultation event was held in November 2023 which generated a further 11 responses. 4 of these were discounted as previous responders (therefore were already counted) leaving a total need of 18. Additionally, the most up to date secondary data analysis indicates that following affordability testing there is an overall need for 21 units. The Housing Officer has provided the above data and indicated that NYC Housing Officers support the scheme.
- 10.5. It is considered that based on the above information there is an identified local need for affordable housing in this area. This application would provide for just over half of this need. It is considered that the proposal is an exception under part f of paragraph 154 therefore meets the requirements of the NPPF in terms of development in the Green Belt.
- 10.6. The paragraph also requires that the proposal meet the requirements of local Rural Exception Policy HG4. As outlined above in order to be considered as a rural exception scheme the proposal must provide 100% affordable housing in perpetuity. The type and tenure of the housing must reflect local housing need and be reserved in the first instance for those who meet the local connection criteria. Housing Officers have indicated that the proposal reflects the housing needs data for the area in terms of type and tenure and therefore they support the scheme in this regard. A Section 106 legal agreement would be required to secure the tenure and local connection criteria.
- 10.7. The remaining two criteria g and h relate to the physical impact of development on the surrounding area. The scale of development is considered to be proportionate to the size of



the settlement and therefore would not have a detrimental impact on the character of the area in this regard. The south side of Station Lane consists mainly of linear housing development. In-depth development is, however, a prominent characteristic of the settlement as demonstrated on the north side of Station Lane. The site adjoins a primary school which, because of its size projects further south than the neighbouring residential development to the east. It is noted that the proposed built form would project further south than the primary school. The southern boundary of the site, however, is completely bordered by allotments. In this case therefore it is considered that although the development would result in the loss of some openness in the Green Belt because of its siting adjacent to built form and behind allotments it would not have a significant detrimental impact on the character and appearance of the countryside and York Green Belt.

- 10.8. It is considered that the development meets the requirements of the NPPF and Local Plan Policy HG4 and therefore constitutes an exception in Green Belt policy. The principle of development in this case is considered acceptable subject to a S106 agreement.
- 10.9. Under Section 149 of The Equality Act 2010 Local Planning Authorities must have due regard to the following when making decisions: (i) eliminating discrimination, harassment and victimisation; (ii) advancing equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (iii) fostering good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics are: age (normally young or older people), disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. In this case as the development is for housing due regard should be given to issues such as accessibility and parking, bin storage and amenity space within the site.

#### Design

- 10.10. Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place.
- 10.11. The individual dwellings have been designed to reflect the character of Shipton. Red brick is proposed with red tile roof coverings and white PVC fenestration which can be seen across the settlement. Detailed brick coursing and curved window heads provide interesting elevations which reflects the detail found on the more historical buildings in Shipton. All dwellings are proposed at two storeys which reflects the predominant scale of buildings in the settlement.
- 10.12. Access to the development is to be taken from the north eastern corner of the site due to Highways Authority requirements. As a result the allotments access track entrance has been incorporated in this area to provide one singular access point. The allotments would therefore be accessed via the development. In design terms this is considered preferable rather than having multiple entrances off Station Road. The proposed dwellings to the north are set back from the road with an area of public open space as a buffer providing a softer transition into the development. Across the site parking is provided to the sides where possible to reduce the visual impact that usually results from frontage parking. Existing trees are a retained and protection measures are proposed .
- 10.13. Overall it is considered that the design of the site and individual dwellings meet the requirements of Policy E1.

#### Amenity

- 10.14. Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use. Amongst other criteria a proposal

will be required to ensure adequate daylight/sunlight, good relationships between buildings, preservation of privacy, protection against noise and that any adverse impacts be made acceptable. The policy also requires provision for bin storage and adequate amenity space.

- 10.15. The site is well spaced providing good separation and therefore privacy and light permeation. The relationship between dwellings is side to rear with a minimum separation distance of 16.5m. Each dwelling has a good size garden including the 1 bed properties. All of the dwelling types meet the Nationally Described Space Standards. Rear access is provided for each dwelling which allows for bin storage to the rear of properties.
- 10.16. The application was supported by a Noise Impact Assessment due to the proximity to the East Coast Main Line. The Councils Environmental Health Officers reviewed this assessment and the recommendations contained within. The assessment found that in order to achieve acceptable external noise levels an acoustic or reflective barrier would be required along the western boundary. A plan of the proposed location of the boundary was included within the assessment showing the fence stretching from the edge of the public open space to the north to the edge of the property at plot 11 to the south. The fence is to be provided at a height of 2.5m. The Environmental Health Officer has recommended a condition to secure this.
- 10.17. With regard to internal levels the assessment indicates that acceptable levels can be achieved with closed windows. An alternative ventilation scheme is therefore necessary to allow noise to be mitigated via closed windows. The Councils Environmental Health Officer has indicated that this can be controlled by condition.
- 10.18. It is considered that the proposal meets the requirements of Local Plan Policy E2.

#### Highways

- 10.19. Policy IC2 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development. Measures commensurate with the development proposed must be incorporated as an integral part of the design of all development proposals, and could include where appropriate:
- i. footpaths, cycleways, safe provision for cycle parking and cycle shelters;
  - ii. bus stops/shelters and transport information;
  - iii. support for sustainable forms of transport (eg community transport schemes, workforce buses);
  - iv. preparation and implementation of Travel Plans; v. minimum levels of car parking, commensurate with road safety, the reduction of congestion, and the availability of alternative means of transport.
- 10.20. Access to the site is to be taken from Station Lane at the north eastern corner of the site. As a result the allotments access track entrance has been incorporated in this area to provide one singular access point. The allotments would therefore be accessed via the development. A footpath is to be provided linking the site to existing paths on Station Lane and providing pedestrian access through the site. One parking space is provided for the 1 bedroom dwellings and two parking spaces are provided for all other dwelling types. Three visitor spaces are provided on site, one at the northern end and two at the southern end. NYC Highways Officers have been consulted and they have raised no objections subject to conditions relating to detailed design, visibility splays, delivery of off site works and construction management plan.

#### Drainage

- 10.21. Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. Policy RM3 sets out the

Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner.

- 10.22. Due to the topography of the site sloping gently down from north to south with a land level difference of approx. 2m the underground surface water attenuation tank will be located at the southern end of the site. Surface Water would discharge to the watercourse to the east. The flow rate will be restricted to 3l/sec using a hydrobrake system. As the watercourse is in the Kyle and Upper Ouse Internal Drainage Board area their consent for this will be required. The Board have been consulted at this stage and they have returned no objections to the scheme subject to a separate application for Board consent. The Lead Local Flood Authority have also been consulted and raised no objection to this proposal.
- 10.23. Foul water would flow south to a pumping station which will pump the water back up to Station Lane where it will discharge to the Yorkshire Water foul mains system. The pumping station includes storage for 24hrs to cover any breakdowns. Yorkshire Water were consulted and no comments were returned.

#### Ecology and Biodiversity Net Gain

- 10.24. Local Plan Policy E3 aims to prevent harm to protected habitats and species, and sites of geological importance, from direct impacts such as land take, and from indirect impacts such as recreational impacts, changes to a watercourse or air pollution and the potential combination of such impacts. Proposals for development that is likely to have an adverse impact on the integrity of a SPA or SAC (collectively referred to as Natura 2000 sites) must be accompanied by a Habitats Regulations Assessment and then, if necessary, an Appropriate Assessment of the likely implications for the site. At the national level are Sites of Special Scientific Interest which are protected under the provision of the Wildlife and Countryside Act 1981. Below the national level are sites that have been identified as being of local importance. These comprise Local Geological Sites (LGS), Sites of Importance for Nature Conservation (SINCs) and Local Nature Reserves (LNRs). LGSs and SINCs are designated in conjunction with North Yorkshire County Council and Natural England, while LNRs are a statutory designation.
- 10.25. A Preliminary Ecological Appraisal was submitted in support of the application. This Appraisal identifies that there are no statutory or non-statutory sites within 2km of the site. The site itself comprised of semi-improved grassland, tall ruderal, a defunct hedgerow, hedgerow with trees as well as scattered trees to the site boundaries. The Appraisal found that the ecological value of the site is mainly found within the eastern hedgerow and scattered trees, which provide suitable habitat for a nesting birds, small mammals, as well as foraging and commuting opportunities for bats. The appraisal recommends that any vegetation clearance is to be undertaken during bird nesting season then breeding bird risk assessment should first be undertaken by a suitable professional. A number of other measures to mitigate the impact of the development on wildlife have been recommended including the infilling of trenches, avoiding clearance during bird nesting season, retention of trees and sensitive lighting. It is considered that the breeding bird risk assessment be secured by condition.
- 10.26. Policy E3 The Natural Environment of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. The application was submitted prior to mandatory Biodiversity Net Gain (BNG) coming into force. However, as BNG is enshrined in Local Plan Policy E3 a net gain for biodiversity is still required.
- 10.27. The layout plan sets aside two areas for Public Open Space and BNG. The supporting information to demonstrate a gain has not yet been submitted, however, the proposal retains the existing trees with a small amount of hedgerow removed to facilitate the access. New hedgerow planting is shown on the layout plan and therefore it is considered that the

site would be capable of achieving a net gain for biodiversity. An update will be provided prior to the planning committee meeting once the BNG information has been received.

Section 106 Legal Agreement

10.28. The following Heads of Terms have been agreed with the applicant for this application.

<b>Table 1</b>		
<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Affordable Housing	11 dwellings, 6 of which for affordable rent and 5 for shared ownership	Delivery by the applicant as a Social Provider but secured in perpetuity and subject to local connection priority.
POS Delivery and Maintenance	Delivery on site of approx. 1133m2 of POS	Delivery and maintenance to be agreed in Open Space Scheme.
Biodiversity Net Gain	Compliance, funding, monitoring and enforcement	monitoring fee

10.29. In order to meet the requirement of Local Plan Policy HG4 the Affordable housing must be secured in perpetuity. In addition the policy indicates that the housing must be secured for those with a local connection in the first instance. The layout plan indicates two areas of Public open Space amounting to 1133m2. This exceeds the requirements of the policy. In order to ensure that the public open space is maintained and that the policy requirements are met delivery and maintenance must be secured by legal agreement. As the application was submitted prior to the introduction of mandatory BNG the provision and maintenance must be secured by legal agreement.

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

**11.0 PLANNING BALANCE AND CONCLUSION**

11.1 Paragraph 154 part f of the NPPF indicates that development in the Green Belt may be acceptable where it provides limited affordable housing for local community needs under policies set out in the development plan including policies for rural exception sites. Hambleton’s Local Plan Policy HG4 provides for rural exception schemes where the development adjoins the built form of a defined settlement can be secured in perpetuity, meet an evidenced local need, and does not have a significant detrimental impact on the character and appearance of the area (including the settlement, countryside in general and Green Belt). It is considered that the proposed development meets the requirements of the NPPF and Local Plan Policy HG4 and is therefore acceptable in principle.

11.2 It is considered that the site has been well designed in terms of both individual house styles and general layout. The proposal would reflect the local character of the settlement and provide a good level of amenity for future residents. Mitigation measures have been proposed to offset noise from the East Coast Main Line. Access to the site would incorporate the access for the allotments to the south providing a rationalised approach to the issue of siting access points adjacent to each other. Sufficient resident and visitor parking has been provided within the site. A reasonable approach to drainage has been taken with surface water discharging to the watercourse to the east and foul drainage being pumped to the mains system on Station Road. Whilst the supporting information to demonstrate a net gain has not yet been received the Arboricultural report and the proposed layout drawings indicate that it is likely that a net gain can be achieved. An update will be provided prior to the meeting to confirm the gain.

11.3 As the site constitutes an exception under the NPPF Green Belt policy and meets all the requirements of Local Policy whilst providing affordable housing to meet an identified local need the application is recommended for Approval.

## **12.0 RECOMMENDATION**

12.1. That planning permission be **GRANTED** subject to conditions listed below and completion of a Section 106 agreement with terms as detailed in Table 1.

### **Recommended conditions:**

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

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

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

#### **Condition 2 Approved Plans**

The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered

Proposed Site Plan SHIP-PHS-XX-XX-DR-A-9010 Rev P14 received 21.12.2023

Proposed Floor Plans:

1B2P Housetype Ryton (Amended) plots 1-2 SHIP PHS XX XX DR A 2004 Rev P2 received 21.12.2023

3B5P Housetype Cowesby plots 1-4-5 SHIP PHS XX XX DR A 2001 Rev P1 received 21.12.2023

2B4P + 3B5P Housetype Ellington plots 6-7 SHIP PHS XX XX DR A 2002 Rev P1 received 21.12.2023

2B4P Housetype Ripley Plus plots 8-11 SHIP PHS XX XX DR A 2003 Rev P1 received 21.12.2023

Proposed Elevations:

3B5P Housetype Cowesby plot 4-5 SHIP PHS XX XX DR A 1002 Rev P2 received 21.12.2023

2B4P Housetype Ripley Plus plots 8-11 SHIP-PHS-XX-XX-DR-A-1004 Rev P2 received 21.12.2023

2B4P+3B5P Housetype Ellington Plot 6-7 SHIP-PHS-XX-XXDR-A-1003 P2 received 21.12.2023

3B5P Housetype Cowesby plot 1 SHIPPHS-XX-XX-DR-A-1001 Rev P2 received 21.12.2023

1B2P Housetype Ryton (Amended) Plot 2-3 SHIP PHS XX XX DR A 1005 Rev P3 received 21.12.2023

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

#### **Condition 3 Materials Samples**

No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

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

#### **Condition 4 Detailed Plans Roads and Footways**

Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.

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

#### **Condition 5 Construction of adoptable roads**

No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation.

The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

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

#### **Condition 6 Visibility Splays**

There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. 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.

#### **Condition 7 Off Site Highways Works**

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

- Provision of a footway to link the site to the existing footway outside the Forest of Galtres School on Station Lane prior any dwelling being occupied.

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.

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.

### **Condition 8 Highways Construction Management Plan**

No development must commence until a Construction Management Plan 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 plan.

The plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:

- details of any temporary construction access to the site including measures for removal following completion of construction works;
- wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- the parking of contractors' vehicles;
- areas for storage of plant and materials used in constructing the development clear of the highway;
- details of site working hours;
- 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.

### **Condition 9 Drainage Details**

The development, hereby approved, shall be carried out in accordance with the following drainage details:

Drainage Philosophy 20T2046 Issue P02 dated 23/02/2024 received 26.02.2024

Flood Risk Assessment 20T2046 Issue P02 dated 23/02/2024 received 26.02.2024

SuDs Management Plan 20T2046 Issue P02 dated 23/02/2024 received 26.02.2024

Drainage Plan SHIP-BGP-XX-XX-D-C-0130 Rev P02 received 26.02.2024

Impermeable Areas Plan SHIP-BGP-XX-XX-D-C-0101 Rev P02 received 11.04.2024

Flood Exceedance Plan SHIP-BGP-XX-XX-D-C-0102 Rev P02 received 26.02.2024

Manhole Schedule SHIP-BGP-XX-XX-D-C-0131 Rev P02 received 26.02.2024

Reason: In the interest of sustainable drainage in accordance with Local Plan Polies RM1, RM2 and RM3.

### **Condition 10 Acoustic barrier**

Prior to commencement of the permitted use, a scheme for a continuous reflective acoustic barrier constructed along western boundary of the site as per Appendix C figure C-2 of the Acoustic Impact Assessment carried out by Dragonfly Consulting Ltd reference : DC4589-NR1 - Mulberry Homes Yorkshire Ltd - Station Lane, Shipton by Beningbrough March 2024 of minimum height of 2.5 metres measured from the ground level and minimum surface density of 10 kg/m<sup>2</sup> shall be submitted to, and approved in writing by, the local planning authority.

All works which form part of the approved scheme shall be completed before first residential occupation.

The barrier shall be retained throughout the life of the development.

Reason: To protect the external amenities of the proposed residents.

### **Condition 11 Noise Validation Report**

Before first occupation of each plot, the developer shall provide written evidence to the local planning authority to demonstrate that the following internal sound levels have been achieved with or if achievable without an alternative glazing and ventilation strategy.

- a) The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.
- b) The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.
- c) The LAFMax indoor shall not exceed 45dB (more than 10 times) between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

If it cannot be demonstrated that the sound levels have been achieved, a further scheme incorporating further measures to achieve those sound levels shall be submitted for the written approval of the LPA. All works comprised within those further measures shall be completed and written evidence to demonstrate that the sound levels have been achieved shall be submitted to and approved in writing by the Local Planning Authority before the development is first brought into use.

Reason: To protect the external amenities of the proposed residents.

### **Condition 12 Highways Construction Management Plan**

No development shall take place until a site-specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust, emissions, and site lighting. The plan shall include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation, and liaison
2. All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:
  - 08:00 Hours and 18:00 Hours on Mondays to Fridays
  - 08:00 Hours and 13:00 Hours on Saturdays
  - at no time on Sundays and Bank Holidays.
3. Deliveries to and dispatches from the site must only take place within the permitted hours detailed above.
4. Mitigation measures as defined in BS 5228-1:2009+A1:2014 shall be used to minimise noise disturbance from construction works.
5. Procedures for emergency deviation of the agreed working hours.
6. Control measures for dust and other air-borne pollutants.
7. Measures for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: To mitigate, and reduce to a minimum, adverse impacts on health and quality of life arising from pollution and minimise amenity loss to those residing and working in the area.

### **Condition 13 Highways Construction Management Plan**

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



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

#### **Condition 14 Highways Construction Management Plan**

Prior to development, a detailed remediation scheme, to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

#### **Condition 15 Highways Construction Management Plan**

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

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

#### **Condition 16 Highways Construction Management Plan**

Prior to the occupation of the dwellings, hereby approved, a scheme for the secure storage of cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved storage systems shall be installed prior to the first occupation of the dwellings.

Reason: In order to encourage travel by sustainable modes in accordance with Local Plan Policy IC2.

**Target Determination Date:** 31.05.2024

**Case Officer:** Aisling O'Driscoll, [aisling.odriscoll@northyorks.gov.uk](mailto:aisling.odriscoll@northyorks.gov.uk)