

North Yorkshire Council
Community Development Services
Richmond (Yorks) Area Planning Committee

13TH MARCH 2025

ZD23/00665/OUT- Outline planning permission (with all matters reserved except access) for the erection of up to 55 no. Residential dwellings at: Land off St Alkeldas Road, Middleham, North Yorkshire

On behalf of: Hoerty Strategic Land; Dawn Margaret Entwistle; John Hammond Seller and Lynne Dorothy McCarren

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

- 1.1. To determine a planning application for Outline Planning Application (with All Matters Reserved Except Access) for proposed Residential Development for up to 55 Dwellings on Land at St Alkeldas Road, Middleham, North Yorkshire.
- 1.2. This application is brought to planning committee due to raising significant material planning considerations as affordable housing is proposed lower than the Policy requirement.
- 1.3. This application was previously considered by planning committee 12th December 2024 and resolved to be 'minded to grant' subject to conditions and S106 agreement. However, there was an error in this previous Committee Report as it wrongly referred to a requirement for an off-site public open space contribution. Therefore the application is brought back to planning committee for a new resolution.

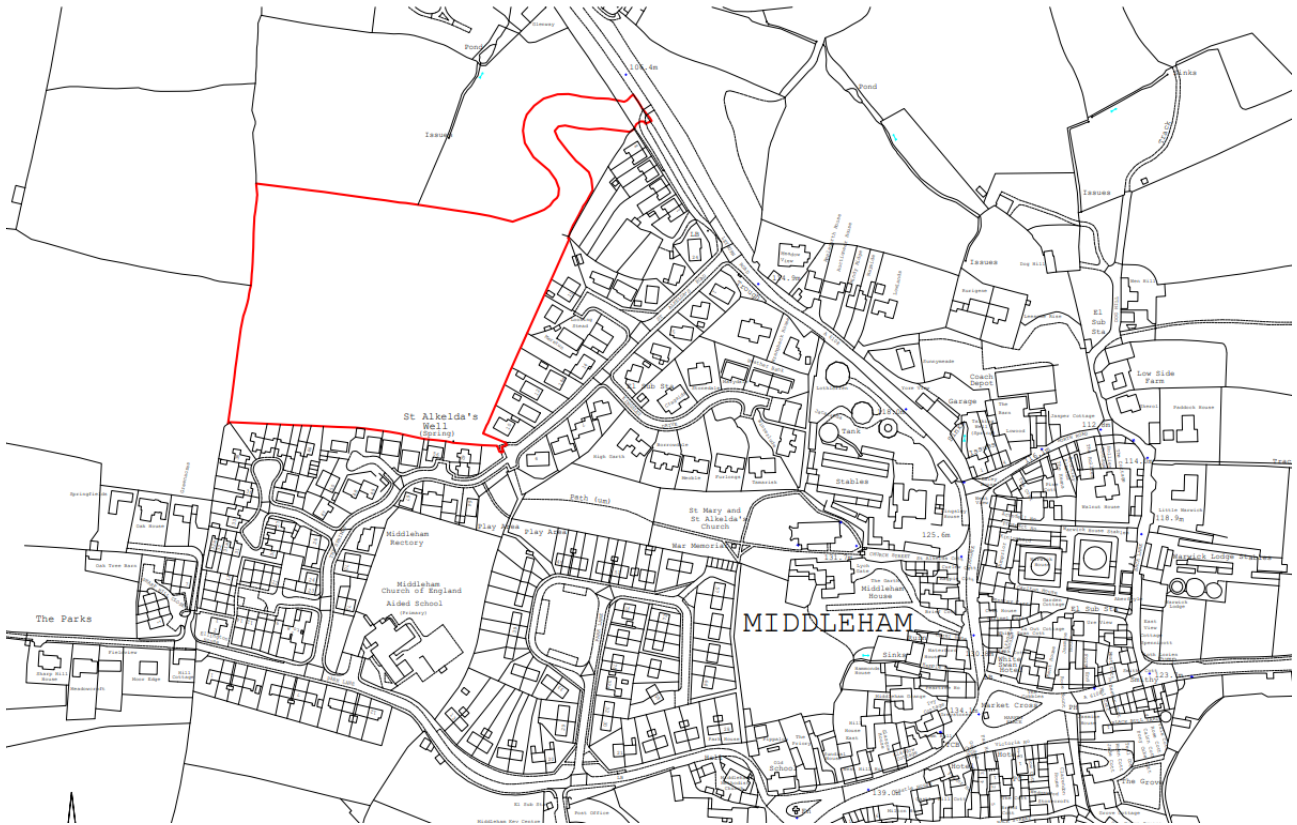
2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That outline planning permission be GRANTED for the erection of up to 55 dwellings subject to conditions listed below and prior completion of a S106 agreement for affordable housing and on-site public open space.

- 2.1. The application site is outside and adjacent to the Development Limits of Middleham a Primary Service Village in Lower Wensleydale. Planning permission was previously granted for the site for the same number of dwellings (reference 17/00558/OUT) under the same adopted development plan. The amount of dwellings is considered to be proportionate to the settlement including when considered cumulatively with other permissions. The principle of development is considered acceptable and accords with Policy CP4 and paragraph 11 of the NPPF.

- 2.2. It is considered that this development will not cause significant visual, landscape, amenity or highways safety issues/harm.
- 2.3. Technical matters have been suitably addressed with no statutory consultee objections.

Figure 1: Site Location Plan Extract



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found here: [Planning Documents](#)
- 3.2. This application was previously considered by planning committee 12th December 2024 and resolved to be 'minded to grant' subject to conditions and S106 agreement. However, there was an error in the Committee Report as it wrongly referred to a requirement for an off-site public open space contribution. Therefore the application is brought back to planning committee for a new resolution.
- 3.3. The report has been updated throughout including incorporating the 12th December 2024 Update List/Supplementary Report. In addition, the report has been updated to take into account the NPPF 2024 published 12th December 2024 together with Standard Method for annual housing requirement.
- 3.4. There is one relevant planning application for this application which is detailed below: 17/00558/OUT - Outline Planning Permission with All Matters Reserved for Proposed Residential Development (Up to 55 Dwellings) (As Amended by Revised Details and Additional Heritage Impact Assessment Dated February 2019). Approved.

4.0 Site and Surroundings

- 4.1. The application site is located on the north-western edge of Middleham, with the overall application site measuring 2.92 hectares. Access to the site is via Leyburn Road. The site is currently agricultural land.
- 4.2. The site is located immediately west of existing bungalows on the western side of St Alkelda's Road. To the south are existing one and two storey dwellings on the northern edge of The Springs. A Public Footpath crosses the southern length of the site and provides a pedestrian connection from the application site to Middleham town centre via St Alkelda's Road and Park Lane, and west to the countryside on the western side of Middleham. The main public road into Middleham from the north is Leyburn Road and this is sited to the north of the application site. There are fields to the west and north, and The Busks caravan site is sited to the north of the site, a field away.
- 4.3. The Public Footpath along the southern part of the field connects pedestrians with the top of St Alkelda's Road, and The Springs. There is a small toddler play area on the north-western edge of The Springs, and an older children's play area adjacent to this. The Public Footpath continues from here past Middleham Town Council's play area and field, and links into the housing on Park Lane, continuing to Middleham Town Centre.
- 4.4. Middleham is located in the Lower Wensleydale Sub Area of the Richmondshire District and is classified as a Primary Service Village within the Settlement Hierarchy of the Adopted Local Plan. The market town of Leyburn is circa 1.9 miles (to the north-west). The principal towns of Richmond and Catterick are circa 11 miles (north-east) and 10 miles (north-east) respectively.
- 4.5. The settlement has a population of 778 (Census, 2021) and benefits from a Primary School (Middleham Church of England) which is located 150m south of the Site via the Springs. Middleham benefits from several public houses, a fish and chip shop and Church of St Mary and St Alkelda (Church of England) as well as a convenience store. There is one bus route servicing Middleham (service number 159), which operates 4 times each day towards Leyburn and Richmond and 3 times each day towards Ripon.
- 4.6. The Leyburn Road frontage at the field adjacent to the main application site, which would accommodate the access and access road is included within the Middleham Conservation Area, however the main site is located outside but adjacent to the Conservation Area. The site is located within Flood Zone 1 the lowest risk of flooding from rivers and seas. The site is susceptible to groundwater flooding. There are no listed buildings or protected trees on the site. The Nearest Listed Buildings are St Marys and St Alkeldas Church and Middleham House which are approximately 200 metres from the site.

5.0 Description of Proposal

- 5.1. The application seeks outline planning permission for a maximum of 55 dwellings with all matters reserved except access. The Proposed Site plan and Masterplan (Drawing no.DWG 16-065 – MP REV L (1)) provides an indicative site layout for the proposed scheme.
- 5.2. The scheme is proposed to provide a mixture of two, three, four and five bedroom semi-detached and detached dwellings, with a combination of single storey and two-storey properties. The market housing mix and type is set out in the table below:

Bedrooms	Total	% of market housing
3 Beds	22	58%
4 Beds	8	21%
5 Beds	8	21%

- 5.3. In terms of affordable housing, 17 units (31%) would be affordable. The mix of affordable housing will be:

- Affordable rent – 9 units
- First homes (30% discount) – 5 units
- Discount market sale (20% discount) – 3 units

Beds	No.	Tenure
1 Beds	5	Affordable Rent
2 Beds	3	Affordable Rent
3 Beds	1	Affordable Rent
2 Beds	2	First Homes
3 Beds	3	First Homes
2 Beds	1	Discount Market Sale
3 Beds	2	Discount Market Sale

- 5.4. The affordable housing will be secured through an affordable housing scheme within the S106 agreement if approved.
- 5.5. With regards to highways, the access to the site would from a new singular access point off Leyburn Road.
- 5.6. The Proposed Site plan and Masterplan (Drawing no.DWG 16-065 – MP REV L (1)) illustrates the way the site could be laid out including the amenity space for each plot, the proposed open space, the SUDs Pond, and the linkage to the existing public right of way which crosses the southern end of the site.

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:
- Richmondshire Local Plan 2012-2028 Core Strategy, adopted 2014
 - Saved Local Plan Policy 23 of the Richmondshire Local Plan 1999-2006
 - The Minerals & Waste Joint Plan 2015 – 2030 adopted 2022

Emerging Development Plan – Material Consideration

North Yorkshire Council is preparing a new Local Plan, however, it is at too early a stage to be a material planning consideration.

Guidance - Material Considerations

- 6.3. 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. Middleham Town Council:

- Concerned about the introduction of the outfall on the properties and SUDs Pond downstream in terms of water run-off.
- Concerns relation to the access and egress of the development.

- 7.3. **Historic England:** There needs to be a clear delivery mechanism and comprehensive assurances regarding what might be built in this sensitive location. To ensure that it supports the aims of the National Planning Policy Framework (NPPF) to ensure any new developments make a positive contribution to local character and distinctiveness (NPPF Para 196).

Historic England recommend that the “conclusions” of the Built Heritage Statement should be conditioned. In this manner they would agree with the “principles” of the aforementioned report, that:

- The maximum number of units is 55.
- Dwellings to be a maximum height of 2.5 storeys with a maximum height of 2 storeys to the southern edge of the proposed development.
- Open space, as shown on the illustrative masterplan to be provided within the southern section of the site.
- Drystone walling to be maintained to the southern boundary and hedgerow boundaries to the west and north retained and reinforced.
- Retention of glimpsed view through the development to maintain views through the site towards the Church Tower, to be achieved through building plot and green space arrangement (e.g. orientation and location of dwellings, location of garages to provide lower height view corridors etc).
- The proposed access should adopt a “low key engineering solution”.
- Material architectural treatment is to be defined in written design codes.

They consider that this approach will help minimise harm to Heritage Assets and will also address the requirements of the NPPF for new developments to make a positive contribution to local character and distinctiveness and draw on the contribution made by the Historic Environment to the character of a place (NPPF paras 185, 192 and 200). It is essential that new housing schemes should maximise the opportunities presented by the heritage context in order to create an identity for that new place and tie it more successfully into the existing cultural landscape.

Historic England has concerns regarding the application on heritage grounds. They consider that the issues and safeguards outlined in their advice need to be addressed in order for the application to meet the requirements of paragraphs 140, 196, 203 and 212 of the NPPF. In

determining this application the LPA should bear in mind the statutory duty of 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving Listed Buildings or their setting or any features of special architectural or historic interest which they possess; Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas and section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

- 7.4. **LLFA:** The submitted documents demonstrate a reasonable approach to the management of surface water on site. Recommend conditions are attached to any permission granted including 'Condition and Capacity Survey'.
- 7.5. **Natural England:** The proposed development is for a site within close proximity to a nationally designated landscape namely Yorkshire Dales National Park. Planning Authority should use national and local planning policies together with local landscape expertise to determine the proposal. Planning Decision should be guided by paragraph 176 and 177 of the NPPF which gives highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. Major development proposals should be guided by paragraph 177 of NPPF which sets out criteria to determine whether the development exceptionally be permitted within the designated landscape.
- 7.6. **NHS:** No comments to make and will not be requesting a S106 contrition.
- 7.7. **North Yorkshire Fire & Rescue:** Currently no objection to the proposed development. NYFR will make further comment in relation to the suitability of proposed fire measures when Building Control Body submit a Statutory Building Regulations Consultation.
- 7.8. **NYC Arboricultural Officer:** No objection subject to conditions to protect and retain trees at the reserved matters stage as the trees are located to the boundaries of the site and with careful consideration all development can be located outside their root protection areas in line with BS5837:2012.
- 7.9. **NYC Archaeologist:** No objection to the proposal and no further comments to make.
- 7.10. **NYC Ecology:**
- At Reserved Matters Stage Construction-Phase Ecological Measures need to be incorporated into Construction Environmental Management Plan.
 - Establishment and maintenance of new and retained habitats to be set out in a Landscape and Ecological Masterplan.
 - The BNG metric predicts a 13.25% uplift in habitat units and 34.85% uplift in hedgerow units.
 - Trading rules prevent the replacement of more distinctive habitats with less distinctive habitats, applicant's ecologist needs to consider what opportunities there may be making good this loss either on or off site at the Reserved Matters Stage.
- 7.11. **NYC Education:** no contribution is sought regarding provision of Primary School Places as there is capacity at the Local Primary School at Middleham for the additional pupils forecast from the development.
- 7.12. **NYC Environmental Health:** Considered the potential impact on amenity and the likelihood that the proposed development will cause a nuisance to neighbouring properties and consider that the impact will be low.

Contaminated Land – application introduces a vulnerable end use onto the application and as such any risk to the future occupants of the site in relation to potential contamination needs to be assessed. A Phase 1 desktop study (with further investigations as appropriate) should therefore be undertaken to consider the risks (if any) on site to future occupants, therefore Environmental Health have recommended conditions relating to Contaminated Land.

Noise and Dust - The development is close to existing residential properties and has the potential for an adverse impact from noise and dust during the construction phase of the development. Recommends conditions are attached including the submission of a Construction Environmental Management Plan prior to commencement and limits noisy construction works to between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.

Radon – site is in a radon affected area therefore an informative is required to ensure that the Local Planning Authority address this in relation to building control requirements.

- 7.13. **NYC Highways:** Recommends conditions are attached to any permission granted including: 'Detailed Plans of Road and Footway Layout', 'Construction of Roads and Footways', 'Visibility Splays', 'Details of Access, Turning and Parking', 'Garage Conversion to Habitable Room', 'Construction Management Plan'.
- 7.14. **NYLAF:** They approve the proposed open public space and the thought given to connectivity for cycling and walking which encourages sustainable travel. They cannot see the inclusion of visitor parking on the plan and hope that it has not been omitted. Parking outside the estate is not an open, so ample provision should be provided on-site as parking on estate pavements causes problems for those with sight impairment and those with wheelchairs or prams. They note that this is only an outline application and that the plans should be revisited at the Reserved Matters stage to ensure there is ample visitor parking on-site.
- 7.15. **NYC PRoW:** no objection subject to a Diversion Order under S257 of the Town and Country Planning Act 1990 if developers' intention is to divert existing public footpath onto new surfaced path through the public open space. Recommend an informative is attached to any planning permission granted regarding the need to keep Public Footpath along the southern edge of the site free from obstruction.
- 7.16. **Police Designing Out Crime Officer:** requests further information on specific design and layout of site (boundary treatments, parking, cycle storage, lighting) and management plan for public amenity spaces. Concludes that if the suggestions are incorporated and observations addressed then the development will provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour. Recommends a condition requiring the full details of crime prevention measures that will be incorporated into the development to be submitted as part of any reserved matters application.
- 7.17. **Waste and Street Scene Manager:** Ensure access road turning head is adequate for a 26-tonne vehicle, with a turning circle of no less than 16 meters.
- 7.18. **Yorkshire Water:** No response.

Local Representations

- 7.19. **British Horse Society:** No response received.
- 7.20. **Civic Society:** Object to the proposal on the ground that it involves a significant loss of landscape value in relation to the Norman Castle in Middleham. Proposed Development site

is outside the Development Limits of the Local Plan. They support the comments of Historic England.

- 7.21. **The Ramblers:** Welcome continuation of provision for a green corridor to the south of the site which incorporates the existing footpath. Note the intention to upgrade the footpath. This should include the provision of pedestrian gates at both entrance and exit from the site. The plan to enable wheelchair access to the site should extend to allow disabled users to access the whole site. They are concerned about the loss of current informal route which allows pedestrians to access the junctions of footpaths 20.45/15/2 and 20.45/91. This could be addressed by providing a link and pedestrian gate or not near the north-west corner of the site.

They note the developer's intention to provide footpaths and footways within the site from the south-east corner of the site through the site to Leyburn Road. They state that these footpaths should be separated from traffic and be wheelchair accessible.

- 7.22. 11 local representations have been received of which 1 is in support and 10 are objecting. A summary of the comments is provided below, however, please see website for full comments.

7.23. Support:

- Affordable housing is really needed in our village.
- Perfect opportunity for young families to get on the property ladder.

7.24. Objections:

- Drainage and sewage concerns with existing drains overflowing when we experience heavy rainfall, additional sewage will increase flooding issues.
- Noisy building works
- Increase in traffic locally, exacerbating parking issues locally.
- Have a detrimental impact on local wildlife.
- Cause upheaval for residents living adjacent to the site.
- Reduction in affordable housing from 40% to 30% leading to a loss of 5 affordable homes.
- Government target of 40% affordable housing.
- The imposition of service charge on affordable housing as roads and estate network will not be adopted by Local Highways Authority.
- Concern about road layout and access to site.
- Who will be responsible for managing public right of way.
- Site is not in a sustainable location so residents will rely on cars.
- Parking in Middleham is impossible in tourist season, new houses will increase problems.
- Public transport service is poor.
- People will have to drive for work, shopping and leisure.
- Size of development will change nature of the town and cause environmental issues.
- Development will have detrimental impact on historic setting and views of castle.
- Development will dominate the Middleham landscape as your approach on the A6108.
- Limited facilities within Middleham, people travelling to Leyburn and Catterick Garrison.
- Brownfield sites should be used in preference to greenfield sites.
- Safety concerns relating to the access and egress point at St Alkeldas Road corner of site.
- Transport data is nearly a decade old and doesn't reflect the current situation in Middleham.
- The site is land locked and only 50% developable.

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
 - Highways and Access
 - Housing Mix
 - Public Open Spaces
 - Flooding
 - Drainage
 - Contamination and Noise
 - Residential Amenity
 - Heritage and Archaeology
 - Landscape Impact
 - Protected Species and Biodiversity Net Gain
 - Energy Efficiency
 - The Public Sector Equality Duty
 - Infrastructure and S106 Legal Agreement

10.0 ASSESSMENT

Principle of Development

- 10.1. This site is adjacent to the Development Limit of Middleham and Policy CP4 sets out that the location of development should firstly be within Development Limits, and where opportunities do not exist, adjacent.
- 10.2. Spatial Principle SP2 (Settlement Hierarchy) classifies Middleham as a Primary Service Village, with these settlements being defined as 'Villages with key services to supplement those provided in the towns to help meet the needs of the dispersed rural communities'.
- 10.3. Spatial Principle SP4 (Scale and Distribution of Housing Development) then goes on to set out the scale and distribution of housing development, specifically that a minimum of 3,060 dwellings will be delivered in the plan period at a rate 180 dwellings per year of which 12% will be in the Lower Wensleydale Sub Area where the site is located. Primary Service Villages in the Lower Wensleydale Sub Area to accommodate 1.5% of all housing growth, with this equating to 45 dwellings within the plan period which runs to 2028. It is important to note that this figure is the minimum target not the maximum or limit.
- 10.4. The Councils Annual Monitoring Report dated October 2021 details that at this time 16 new dwellings had been completed in or adjacent to Middleham, this includes 7 at Sharp Hill which were completed in 2020/2021. Since the report has been published there has been planning consents for 3 new houses in/adjacent to Middleham (references 21/01011/FULL, 22/00636/FULL and 22/00793/FULL). There is therefore, a shortfall of around 26 dwellings to meet Middleham's minimum target. The development if approved and built would result in 29 dwellings delivered about minimum target.
- 10.5. Policy SP4 supporting text advises that *"The target of 180 homes each year is not a ceiling for the level of expected growth. It is considered to be realistic, deliverable and therefore an achievable target to address current and future needs. A managed approach will be taken*

should further suitable, sustainable and deliverable housing sites come forward - they will be considered on their merits". For this specific site and proposal it is considered the following are the key factors to consider in the developments merits:

- (a) is the location suitable;
- (b) can existing infrastructure accommodate the development;
- (c) housing numbers in the settlement/ proportion of development; and
- (d) land use.

These key issues are discussed here in the principle of development sub-section.

(a) Is the location suitable

- 10.6. The application site is located to the west of the settlement of Middleham. The southern and eastern boundaries of the site are adjacent to and abut the development limits of Middleham as defined by Policy CP4 (Supporting Sites for Development) and the Local Plan Proposals Map. In this respect the site meets the locational requirements of adopted Local Plan Policy.
- 10.7. The site is within comfortable walking distance to the various services and facilities within the village, this is further enhanced by the provision of a footpath link from within the site connecting to the existing public right of way on the Southern boundary of the site which connects with the town centre to the east.

(b) can existing infrastructure accommodate the development

- 10.8. The LLFA, NHS, NYC Education and NYC Highways have not objected to the application. NYC Education have not requested a financial contribution, as there is capacity at the Local Primary School in Middleham for the additional pupils forecast from the development. The school is currently under subscribed and therefore the proposed development would help to support the existing school which has spare pupil places. Middleham has some services as detailed in paragraph 4.5. it is considered that the facilities and services available are sufficient to accommodate residential development of the scale proposed.

(c) housing numbers in the settlement / proportion of development

- 10.9. As set out in paragraph 4.5, the settlement of Middleham has a population of circa 778 (Census, 2021) and benefits from facilities such as Community Centre, public houses, fish and chip shop and a primary school. It is considered that a development of 55 dwellings is a proportionate addition to the settlement. A scheme of 55 units would be equivalent to approximately 12% of the current dwelling stock in Middleham. It is unlikely that this could be considered to significantly exceed the planned level of sustainable growth for Middleham in a way that could be disproportionate to the settlement size and conflict with the proper scale and distribution of housing development in this part of the Local Plan area when the delivery of affordable housing is taken into consideration. It will also support and maintain existing facilities and services including the existing Primary School where there is capacity to accommodate the development.

(d) land use

- 10.10. Policy CP3 sets out that development will be encouraged to utilise previously developed land first (brownfield land), where that land is in a sustainable location and is not of high environmental value, in preference to greenfield sites. This has been raised as an objection to the application site given its current use as an agricultural field used. There are limited brownfield sites within the settlement of Middleham, however, these are small and it would not be possible to deliver the expected number of dwellings on such sites. The site is designated as Grade 3 "Good to Moderate" on the Agricultural Land Classification which is

not the best and most versatile land. Therefore, developing this site would not conflict with the Local Plan and the NPPF requirements to protect the best and most versatile agricultural land. In addition, there are not any known sites which would provide 17 affordable dwellings in Middleham and this is a benefit of the scheme.

- 10.11. It is considered that the additional dwellings above the settlement minimum target is acceptable and would not be disproportion to size or service provision of Middleham. For the foregoing reasons, the principle of development is considered to comply with the adopted development plan.

Planning History

- 10.12. A further consideration in relation to the principle of development is that permission was granted for 55 houses on the application site in 2017, under the same adopted development plan. If permission were to be refused, it should be clearly explained why housing on the site is no longer acceptable/sustainable.

NPPF and NPPG December 2025 and 5 Year Land Housing Supply

- 10.13. A new version of the National Planning Policy Framework was published 12 December 2024, together with updated housing need methodology as part of the National Planning Practice Guidance webpages.
- 10.14. Paragraph 7 of the NPPF sets out that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 10.15. The part of the North Yorkshire covered by the Richmondshire Adopted Development Plan, as a result of these NPPF December changes, no longer has a 5 year land housing supply. NPPF paragraph 11 advises that where the policies which are most important for determining the application are out-of-date planning permission should be granted unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance* provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination**

*The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

**The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.

- 10.16. The Policy which is now considered out-of-date for this housing applications is Policy SP4: The Scale and Distribution of Housing Development. This policy specifies that 180 dwellings should be provided per year for the local plan area. Instead, from December 2024 this is considerably higher. The exact uplift is not yet known as it has not been established if the annual housing requirement should be calculated per Local Plan Area or for the whole North Yorkshire Council Authority area. Irrespective, the distribution aspect of the policy expressed as percentages is not considered out of date and continues to guide how the new housing should be spread across the adopted plan area.
- 10.17. It is for the foregoing reasons considered that paragraph 11(d) of the NPPF does apply as the most important policies for determining housing application in this area is out of date in respect of quantum, and that permission should be granted unless either two exceptions are met (i) and/or (ii). In respect of 11(d)(i) the site is not within a protected area nor is the harm so great to any assets of particular importance to provide a strong reason for refusal. In respect of 11(d)(ii) there are no adverse impacts of doing so would significantly and demonstrably outweigh the benefits, which is explored in the remains of the report below. As such, the principle of development is considered to accord with NPPF paragraph 11 and consent should be granted.

Highways and Access

- 10.18. Access to the site would be via a new singular access point off Leyburn Road to the north of the application site.
- 10.19. NYC Highways have not raised any objections to the proposal subject to the imposition of the recommend planning conditions, which are attached to this report.
- 10.20. A condition requiring the extension of a 30mph speed limit north-west of the site on the A6108 is recommended to ensure safe access and egress from the development. The proposed access and egress point on Leyburn Road is currently sited on a national speed limit road and the Town Council and residents have raised concerns regarding this. Therefore, the developer needs to complete this legal process prior to commencement of works on-site.
- 10.21. North Yorkshire Local Access Forum have raised concerns regarding visitor parking, however as this is an outline application their concerns can be addressed through the Reserved Matters Planning Application and NYC Highways have recommended a condition to deal with vehicular parking.
- 10.22. NPPF paragraph 115 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. For this proposal, these thresholds are not considered to have been met and are found to accord with adopted Local Plan Policy CP4 and paragraphs 114 and 115 of the NPPF, subject to conditions.
- 10.23. Concerns have been raised by members of the public and the Ramblers Association regarding the existing Public Right of Way and the developer's potential intention to divert the existing public footpath onto the new surfaced footpath through the public open space. An informative will be attached to this report and any decision notice advising the developer that if this is their intention then a S257 Notice under the Town and Country Planning Act 1990 will be required. The proposed masterplan indicates that it is the developer's intention

to create links through the proposed housing estate which link up with the existing Public Right of Way which connects with the Local Primary School.

- 10.24. It is considered that the provision of footpaths within the masterplan which link into the existing public right of way will ensure that the site is well connected and accessible in accordance with Local Plan Policy CP4.

Housing Mix

- 10.25. Core Policy CP5 expects proposals for housing to take into account local housing requirements across all sectors of the community in terms of size, type and tenure, and also accessibility and adaptability of dwellings.
- 10.26. The proposal is for 55 dwellings, 17 dwellings of which will be affordable and the remaining 38 dwellings will be market sale dwellings.
- 10.27. The Council's latest Strategic Housing Market Assessment (SHMA) 2019 sets out the following need of market house sizes: 1-bedroom (9.2%) 2-bedroom (33.6%), 3-bedroom (42.3%) and 4 or more bedroom (14.9%). The proposal for the marketing housing mix is as follows:

Beds	Number	% of Market Housing Mix
3 Beds	22	58%
4 Beds	8	21%
5 Beds	8	21%

- 10.28. Whilst the above deviates from the SHMA, it includes a large proportion of 3 bedroom which is of greatest need. Furthermore, the SHMA is now over 5 years old and therefore the weight to given to this document is reduced. It is considered that the proposed market housing mix is acceptable and in accordance with local plan policy CP5. The housing mix as above will be secured via condition.

Affordable Housing

- 10.29. Core Policy CP6 seeks to achieve affordable housing in all developments where there is a net gain in dwellings, generally with the expectation that this contribution being met on site. The developer is proposing a 31% provision of affordable housing contribution which equates to 17 dwellings. Local Plan Policy CP6 states that developers will usually be expected to deliver a 40% affordable housing contribution in Lower Wensleydale where the site is located. However, as the Local Plan Review(s) has not been undertaken within the last 5 years it carries less weight in terms of the amount of affordable needed as it is unknown whether 40% is viable for the majority of development in this area.
- 10.30. Until such time as a new ADP, review of Policy CP6 or new evidence is published, it is considered 30% is acceptable. It provides a meaningful contribution of affordable housing for which there is a known need, is likely to be a viable and will facilitate a timely delivery of the proposed housing.
- 10.31. The affordable housing mix proposed is:

Beds	No.	Tenure
1 Beds	5	Affordable Rent
2 Beds	3	Affordable Rent
3 Beds	1	Affordable Rent
2 Beds	2	First Homes

3 Beds	3	First Homes
2 Beds	1	Discount Market Sale
3 Beds	2	Discount Market Sale

In terms of type of affordable housing, Policy CP6 requires 80% to be social rent and 20% intermediate. Policy CP6 pre-dates the government guidance on First Homes which requires 10% of the overall number for major development to be First Homes. In respect of the mix of affordable, the most recent Strategic Housing Market Assessment (2019 for Richmondshire), albeit unpublished advises that the need is now 50:50 affordable rent and intermediate. The proposed housing mix is 9 Affordable Rent, 5 First Homes and 3 Discount Market Sale. It is considered that this proposed affordable housing mix tenure is acceptable. If approved, the affordable provision would need to be secured by S106 agreement.

Public Open Space

- 10.32. Core Policy CP11 requires new developments to include provision of sufficient quality recreational facilities and, where on-site provision is not possible or appropriate a contribution towards enhancing existing assets will be sought. More specifically, supporting text for Policy CP11 advises that “The Fields In Trust ‘Planning and Design for Outdoor Sport and Play’ (2008), formerly the National Playing Fields Association “Six Acre Standard”, provides minimum national standards for play and recreation space.”. This document has been superseded by the Fields in Trust (FiT) “Guidance for Outdoor Sport and Play, Beyond the Six Acre Standard, England, 2020” (FiT 2020 Guidance) which is now used for the purpose of applying Policy CP11. Using this more up to date guidance document there would be a requirement for 2782.8sqm of formal outdoor space and 4128sqm of informal outdoor space, totalling 6910.8sqm which is 23.7% of the total site area. Notably the guidance recommends the provision of 315sqm of equipped / designated play area.
- 10.33. The indicative masterplan shows how a significant area of informal open space / landscaping can be delivered at the south end of the site which includes the public right of way, together with at least one other area of open space (shown to include a pond on the illustrative layout plan). In total the indicative plan shows public open space extending to 8,560 sqm, which is less than Policy requires, however in considered proportionate to the number of dwellings proposed. It is recommended that on-site public open space is secured by S106 obligation requiring: at least 8,000sqm of public open space in locations shown on indicative layout plan (for heritage reasons discussed later in the report). In addition, there should be at least one play area to serve the new residents and ensure the public open spaces are meaningful and are used, also to be secured by S106.
- 10.34. It is considered that the proposal provides adequate open space provision, all onsite, and would be in accordance with Core Policy CP11.

Flooding

- 10.35. The site is within Flood Risk Zone 1 the lowest risk of flooding from rivers and seas. The site as shown on the Government’s maps (<https://check-long-termflood-risk.service.gov.uk/postcode>) is not at risk of surface water flooding. The submitted Flood Risk Assessments details that “the development site to be at risk from the potential for flooding from Surface Water or Groundwater”, however, the government maps do not identify any surface water flood risk
- 10.36. As this is a major development the application has been supported by a Flood Risk Assessment (by Rutter Johnson, 15028-Middleham-FRA-REV A, Dated July 2017) and subsequently Drainage Strategy Plans (24023-DR-C-0100-Rev P1, Dated March 2024 and

24023-DR-C-0100-Rev P2, Dated March 2024 by Dart Engineers Ltd). This document advises that the development site to be at risk from the potential for flooding from Surface Water or Groundwater however the assessed risk is classified as Negligible Risk for the 1:75 year, 1:200 year and 1:1,000 year storm events.

- 10.37. The Flood Risk Assessment dates from 2017 and would usually need to be updated due to age. However, on this occasion officers are able to check the governments flood risk maps and new flood risks have not arisen. Furthermore, the LLFA who have reviewed the application and documents, have access to flood risk data and have not objected to this application. Therefore, it is not considered necessary for an update to be provided.
- 10.38. The site is not at risk from surface water flooding or rivers and seas flooding. The site is at risk of flooding from ground water, please see Appendix A for flooding maps. Where sites are in flood risk areas a Sequential Test should be undertaken in accordance with paragraph 175 of the NPPF. In this instance, all of Middleham is at risk of groundwater flooding and thus there is nowhere sequentially preferable in the area and there is no need to search for 'available' sites. Paragraph 177 of the NPPF states that having applied the sequential test, if it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied.
- 10.39. In respect to the Exception Test, it is considered that the development sustainability benefits to the community of: providing 55 houses meeting the settlements housing minimum target; and 17 affordable housing for which there is an identified need, outweigh the flood risk. It is considered that the development will be safe from flooding for its lifetime without increasing flooding elsewhere, subject to conditions. This has been concluded from a review of the submitted information, checking government flood maps and the fact that the LLFA have raised no objections. As such the exception test under paragraph 178 of the NPPF is satisfied.
- 10.40. In conclusion, it is considered that the sequential test and exception test are passed and thus comply with paragraphs 173 to 179 of the NPPF.

Drainage

- 10.41. The Drainage Strategy Plan indicates that surface water from the site will be discharged to a watercourse close to the site, or as a fall back option being to discharge the surface water to the surface water sewer located adjacent to the site on the verge adjacent to Leyburn Road. However, in order to discharge water to the surface water sewer the developer would require the consent of Yorkshire Water which would include agreeing flow rates.
- 10.42. Concerns have been raised by local residents about surface water drainage, however the LLFA consider that the submitted documents demonstrate a reasonable approach to the management of surface water on site subject to compliance with the conditions that they have recommended.
- 10.43. The foul water from the site will be discharged to the exiting public foul water sewer situated in Leyburn Road using a foul water pumping station. Concerns have been raised by local residents about foul drainage and they refer to existing problems during heavy rainfall when the existing sewers have not coped with the additional capacity. The LLFA have not raised any objection to the proposed strategy. Yorkshire Water have consulted but have not responded to the application. It is recommended that a foul water drainage scheme is a pre-commencement condition. If necessary this can include the ability to store waste water and release at a controlled rate.

- 10.44. Having considered the Surface Water and Foul Water Drainage Strategies the proposal is considered acceptable with regards drainage and flood prevention and is in accordance with NPPF paragraphs 164, 181 and 182 together with adopted Local Plan Policy CP3.

Contamination and Noise

- 10.45. Environmental Health have carried out an initial assessment of the proposed development and whilst the application is accompanied by a Landmark Check Report (dated 17 June 2015) it does not fully assess the potential land contamination risks of the site and it is therefore recommended that a Phase 1 Survey is carried out and assessed by Environmental Health prior to commencement of construction activities onsite. In addition, a precautionary measure is recommended imposing a requirement for remediation of any 'unexpected' contamination found during the course of development.
- 10.46. Environmental Health have noted that the development, being close to existing residential properties, has the potential for an adverse impact from noise and dust during the construction phase of the development. During construction, it has been recommended that a Construction Environmental Management Plan (CEMP) be submitted for approval prior to work commencing on site. This would include details of how noise and dust would be managed during construction. In addition, any noisy construction works audible outside of the site boundaries could also be controlled by condition, restricting such activities to between the hours of would only 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time on Sundays and Bank Holidays.
- 10.47. Overall, it is considered that the proposal satisfactorily addresses matters relating to contamination and disturbance and would accord with adopted Local Plan Policy CP3 in this respect.

Residential Amenity

- 10.48. There are residential neighbouring properties to the east and south of the application site. Environmental Health have considered the potential impact on amenity and likelihood that the proposed development will cause a nuisance to neighbouring properties to be low. As this is an outline application the more specific details such as design, exact location and orientation of dwellings for example will be a consideration as part of any reserved matters application. Notwithstanding this, the submitted Proposed Masterplan (16-065 MP Rev L(1)) provides an indicative layout showing the general locations of dwellings and open space. These plans demonstrate that a suitable level of separation should be easily achieved between the main elevations on the development and those any surrounding neighbouring properties, and also between main facing elevations and secondary / side elevations.
- 10.49. For these reasons, it is considered that the illustrative masterplan addresses the concerns of local residents in terms of separation distance, especially given that the significant informal public open space along the southern boundary of the site will provide a landscaping buffer. It is therefore considered that any reserved matters scheme coming forward can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed. Conditions have been added, as listed below in the recommended conditions section, including the submission of: a detailed scheme of both hard and soft landscaping for the site; a detailed layout of the open space areas; details of external lighting; and the limitation of dwelling heights being to two storey. It is considered therefore, subject to the conditions as suggested, that the proposal would meet the requirements of adopted Local Plan policy CP4.

Heritage and Archaeology

- 10.50. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.51. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decisions makers to place considerable importance and weight to harm to listed buildings.
- 10.52. Paragraph 212 of the NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 10.53. A heritage statement has been submitted as part of the application. The majority of the site is located outside of the Middleham Conservation Area, with only the access road to the north-west corner of the site being located within the Conservation Area.
- 10.54. The Heritage Statement confirms that there are no recorded designated or non-designated heritage assets within the site. There are 40 Listed Buildings within 500 metres of the proposed development site.
- 10.55. The nearest Listed Buildings are St Mary's and St Alkelda's Church (List Entry number 1318544) and Middleham House (1130939). These two buildings are approximately 220 metres east of the proposed development site.
- 10.56. With the conditions recommended by Historic England, it is considered that the heritage harm to the Castle (Scheduled Monument), St Mary and St Alkeda (Grade I Listed) and Middleham Conservation separately and cumulatively, is less than substantial at the lower end. In coming to this assessment, regard has been had to:
- The majority of the site is visible against the backdrop of the town, including the historic core, Castle and Church from various public view points
 - Distance between the application site and Church and Castle
 - That only a small area of the Conservation Area will change from grass verge to access road
 - Retention of several views to the Church Tower through the development
 - Housing being limited to two storeys at the highest parts of the site to ensure they do not detract from Middleham Castle.
 - Existing buildings between the application site and the Castle and Church.
- 10.57. It is considered that the provision of housing to meet the settlement's minimum target, and that there are no sites within or adjacent to Middleham that won't affect the setting of the Castle, this is clear and convincing justification for the less than substantial harm heritage assets setting. There are no other live housing applications for Middleham which provide enough houses to meet the minimum target.
- 10.58. It is considered the public benefits of the proposal providing 55 houses meeting the settlements housing minimum target; and 17 affordable housing for which there is an

identified need, outweigh the less than substantial heritage harm. The development therefore complies with paragraph 208 of the NPPF.

The Heritage Statement identified that the proposed development is located within an archaeologically sensitive area therefore the applicant has undertaken geophysical survey and archaeological trial trenching. This has allowed the archaeological potential of the development site to be properly assessed, which found that the area has a low archaeological potential. The Principal Archaeologist for the Local Planning Authority agrees with the findings and has noted that they have no objections and that further archaeological works are not required in this instance.

- 10.59. For the reasons set out above, subject to the suggested conditions, the proposal is considered acceptable in relation to heritage assets and accords with both Section 16 of the National Planning Policy Framework and adopted Local Plan Policies CP3, CP4 and CP12.

Landscape Impact

- 10.60. Section 245 of Levelling-up and Regeneration Act 2023 imposes a duty on Local Planning Authorities in England to conserve and enhance the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.
- 10.61. Policy CP12 support development where they conserve and enhance the significance of the plan area's natural and man-made, designated or undesignated assets.
- 10.62. The site is bounded by residential / built up infrastructure to the eastern and southern boundaries of the proposed development site. The site is bounded by Leyburn Road to the Northern boundary and hedgerows and open farmland to the west. The wider landscape generally consists of open agricultural fields, hedgerows, and dry-stone walls to the west, whilst the Town of Middleham lies to the south and east of the site.
- 10.63. The application site itself is agricultural grassland sloping from south to north, with the lowest part of the site being adjacent to Leyburn Road. The land is designated as Grade 3 "Good to Moderate" on the Agricultural Land Classification which is not the best and most versatile farmland. A mixture of boundary treatments including a dry-stone wall to Leyburn Road and native hawthorn hedges.
- 10.64. Open views across the valley can be achieved from within the site when looking northwards or westwards, but the built form to the southern and eastern boundaries prevent views further afield in these directions.
- 10.65. The applicant site is visible from Harmby which is located approximately 1400 metres north of the proposed site across the valley. However, it will not appear as an incongruous addition to Middleham as the applicant has indicated through design documents and illustrative layouts and sections that the development will reflect the scale, design and materials of local housing.
- 10.66. Natural England have asked that the Local Planning Authority consider impacts to the Yorkshire Dales National Park. It is considered that the development may be visible from some points within this National Landscape, however, view points are limited due to topography and woodland blocks and belts. Where it is visible, it will be seen as part of the established settlement and is considered a natural extension. No harm to this National Landscape has been identified.
- 10.67. There is reference in the application and supporting documentation that there is a commitment to retaining and enhancing existing hedgerows which border the site and to further enhance this with additional landscaping and tree planting within the site.

- 10.68. It is considered that the proposal would be in accordance with policy CP12 of the Richmondshire Local Plan subject to securing the precise details of the landscaping through conditions.

Protected Species and Biodiversity

- 10.69. Policies CP3 and CP4 of the ADP seek to support developments that promote biodiversity and avoid adverse impacts in terms of Biodiversity. Accordingly, a Preliminary Ecological Appraisal (PEA) (dated 27/11/2023), a Biodiversity Net Gain Assessment (dated 22/02/2024) have been supplied in support of this application by the applicant.
- 10.70. The PEA concludes that the site comprises two fields of poor semi-improved grassland bound by hedgerows and drystone walls. The PEA concludes that hedgerow 1 is species rich, whilst hedgerows H2, H3 and H4 are not noted for being species rich. No priority habitats were recorded within the site boundary.
- 10.71. The hedgerows on site were recorded as having the potential to support nesting birds within breeding season. The grassland has low potential for supporting ground nesting birds as it is regularly mown. With regards to Bats, the site was deemed as only being suitable for minor foraging and commuting grounds within and immediately outside the site. However, no suitable roosting features were recorded within the site at the time of the survey.
- 10.72. The PEA contains ecological mitigation, compensation, and enhancement measures to be incorporated into the proposal. NYC ecologists have raised concerns regarding the replacement of a distinctive habitat with a less distinctive habitat which reflects the partial loss of hedgerow 3 to allow for the construction of the access road and footpath.
- 10.73. The applicant's ecologists have confirmed that this issue should be addressed during the 'Reserved Matters' Application. Technically, the mandatory BNG condition imposes a requirement for this information pre-commencement and we cannot change the condition 'trigger' to 'with the reserved matters application'. However, there is clearly an onsite solution and it would be unreasonable to refuse the application on this ground.
- 10.74. The proposal is not considered to have any cumulative impacts on protected species or biodiversity subject to the minority BNG condition and wildlife protection conditions and would comply with adopted Local Plan Policies CP3 and CP4.

Energy Efficiency

- 10.75. As the application has only been made in outline, there is no detail at this stage regarding energy efficiency or carbon savings. However, as a modern development with no obvious site constraints, there should be no reason why it ought not to be capable of exceeding the requirements of Part L of the Building Regulations as required by Policy CP2. As such, it would be reasonable to impose a condition requiring submission of an energy statement for approval at the reserved matters stage. On this basis, the proposal is considered to generally accord with adopted local plan policy CP2 in this respect.

Infrastructure and S106 Legal Agreement

- 10.76. The NHS have not requested any contributions for health care improvements.
- 10.77. NYC Education have not requested a contribution towards education as the Local Primary School is currently under subscribed, so the development would support the Local Primary School. No contribution is sought for other stages of education.
- 10.78. Affordable housing and public open space to be secured in the S106 in accordance with the assessment of this report.

- 10.79. 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.

The Public Sector Equality Duty

- 10.80. 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. Having regard to these requirements, it is considered that there will be no negative impact to persons who share a relevant protected characteristic.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The development would provide 55 new homes adjacent to the Primary Service Village of Middleham. The development would result in the minimum housing growth for the settlement being met and exceeded. Where housing is proposed above the minimum level, housing applications/proposals should be considered on their merits. It is considered that 29 new houses above the minimum requirement during the plan period is not excessive or disproportionate to existing size of settlement nor its position within the settlement hierarchy and existing services and facilities.
- 11.2. The area where the application is sited does not benefit from a 5 year land supply and as such paragraph 11 of the NPPF applies, which stipulates where the most important policies for an application are out-of-date (SP4 in respect of minimum housing delivery) that consent should be granted subject to two sets of exceptions. It is considered that the two exceptions do not apply to this application, and the principle of development is acceptable.
- 11.3. The proposed development would allow for: market homes which broadly align with need; 30% affordable dwellings; adequate open space and provision of an equipped / designated play area, public footpath linkages to existing public right of way across the southern boundary of the site and a net gain in biodiversity.
- 11.4. Technical aspects including highways and access, protected species, biodiversity net gain, drainage, flooding and contamination have all been found to be acceptable subject to conditions.
- 11.5. Given the application is for outline consent the details of appearance, landscaping, layout and scale will be considered at the reserved matters stage. From the information provided as part of the application however it can be considered that a scheme can achieve a suitable level of amenity with the layout, design, positioning and orientation of any dwellings proposed not adversely affecting the outlook or privacy of any residents; either those in the existing neighbouring properties or the new ones that are proposed.
- 11.6. The development would not have a negative impact on the immediate and wider landscaping setting. The proposal would not have a significant harmful impact on the setting of nearby Listed Building or any archaeological remains, subject to conditions.
- 11.7. Having regard to the above, it is considered that the proposal is sustainable and the grant of consent is recommended.

12.0 RECOMMENDATION

- 12.1. That outline consent be **GRANTED** for 55 dwellings with details of appearance, landscaping, layout and scale to be reserved matters; subject to conditions listed below and prior completion of a S106 agreement for affordable housing and public open space.

Recommended conditions:

Condition 1 Time Limit

Application(s) for approval of reserved matters of each phase, or part thereof, shall be made to the Local Planning Authority before the expiration of three years beginning with the date of this permission. Thereafter, the development must be begun no later than the expiration of two years from the final approval of the reserved matters.

Reason for condition: To comply with Section 92 of the Town and Country Planning Act 1990 as amended.

Condition 2 – In accordance with approved plans

The development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof:

- (a) Application form and certificate
- (b) Location Plan drawing no. Hoe/727/2015/02
- (c) Site Plan drawing no. Hoe/727/2015/01
- (d) Utilities Statement Report No. 15028-UTL-Rev A
- (e) Flood Risk Assessment Report No. 15028-Middleham-FRA-Rev A
- (f) Hydro Brake Drawing No. SHE-0086-4400-2000-4400
- (g) Flow Calculations 24023 – Dated 04/03/2024
- (h) Percolation Report – Report No. 24023-PTR-001
- (i) Drainage Strategy Drawing No. 24023-DR-C-0100
- (j) Access Road Drawing No. J583 Access Fig 1.
- (k) Access Road Longitudinal Section Drawing No. 15028-P-21
- (l) Access Road Sketch Layout
- (m) Arboricultural Impact Assessment Dated July 2017
- (n) Tree Constraints Plan – BTC871-TCP Rev A.
- (o) Biodiversity Net Gain Assessment – Report No. 9048
- (p) Primary Ecological Appraisal (PEA) Survey Report – Report No.2762 Dated November 2023
- (q) Geophysical Survey Report No. MSSE210 Dated November 2017.
- (r) Heritage Statement dated April 2018.
- (s) Indicative Street Scene and Sections Drawing No. 16-065 ISS001 Rev B Dated June 2017
- (t) Residential Site – Road Layout Access of Leyburn Road – 15028-P-20
- (u) Illustrative Masterplan Site Layout – Drawing No. 16-065MP Rev L (1).
- (v) Transport Statement – Report No. J583/TS
- (w) Heads of Terms Outline Scheme Parameters statement dated July 2019

Reason for Condition: To ensure the development is carried out in accordance with the approved particulars and plans.

Condition 3 – Reserved Matters

Approval of the details of the appearance, landscaping and layout and scale of the development (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason for Condition: To reserve the rights of the Local Planning Authority with regards to these matters.

Condition 4 – Parameters

The reserved matters application shall completely accord with the provisions/parameters of the approved Outline Scheme Parameters ‘Heads of Terms’ document.

Furthermore, the dwellings shall not exceed 2 storey in scale (with accommodation allowed in roof space providing three floor of accommodation). The most southerly dwellings permitted shall have a maximum of two floors of accommodation only.

Reason for Condition: To confirm the basis and terms of the outline planning permission and to achieve a satisfactory and appropriate development for this site.

Condition 5– Maximum number of dwellings

The development hereby permitted is for 55 dwellings.

Reason for Condition: To ensure the density of the development is appropriate for the site size and configuration together with enabling sufficient levels of residential amenity to be protected and created and to ensure an efficient use of land.

Condition 6 – Levels

With the Reserved Matters Layout application(s) Site Sections and details of existing and proposed ground levels shall be submitted.

Reason: To ensure ground levels are not built up to an extent where they have a negative visual or landscape impact off site.

Condition 7 - Trees

With the Layout Reserved Matters application(s) an Arboriculture Impact Assessment, Tree Protection Plan and Tree Method Statement shall be submitted and approved in writing by the Local Planning Authority. These document shall seek to retain trees and hedges.

The development shall thereafter wards take place in complete accordance with the approved Arboriculture Impact Assessment, Tree Protection Plan and Tree Method Statement.

Reason: The layout is not yet fixed and details are required with the reserved matters application, to protect significant trees to be retained as part of the development.

Condition 8 – Standard Detailed Drainage Design

With the layout Reserved Matter application a Drainage Strategy and Plans shall be submitted to and approved in writing with the Local Planning Authority which accord with standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document). Principles of sustainable urban drainage shall be employed wherever possible. The Strategy and Plans shall be designed to/include:

A. Restrict the flowrate from the site to a minimum flowrate of 3.69 litres per second for up to the 1 in 100 year event.

B. Incorporate 45% allowance for climate change effects and a further 10% for urban creep for the lifetime of the development.

C. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event.

D. Treatment system for all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems. Roof water shall not pass through the treatment scheme.

E. Exceedance Flow Plan

F. Phasing of the development and phasing of drainage provision, where appropriate.

G. A detailed maintenance and management regime for the drainage system including: drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

No part of the development shall be brought into first use until the approved drainage strategy has been delivered in full and in a working condition or in accordance with the approved phasing. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason for Condition: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere

Condition 9 – Outfall Destination / Impact on Network

With the layout reserved matter application a report for the accommodation of additional flows impacting upon the watercourse network shall be submitted to an approved in writing with the Local Planning Authority. The report shall evidence that the watercourse has a positive onwards connection and can cater for the impact resulting from the minimum 1 in 100 year return period storm event including a suitable allowance for climate change effects and a further 10% for urban creep for the lifetime of the development. This is also known as a condition and capacity survey.

Prior to commencement of development the condition and capacity survey shall be approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the works comprising the scheme approved under this condition have been completed.

Reason for Condition: To accommodate flows in storm events and allow for future maintenance.

Informative – The scheme to be submitted shall demonstrate that surface water drainage system(s) are designed in accordance with the standard details as out in the North Yorkshire Council's SuDS Design Guidance Document.

Condition 10 – BNG Implementation

Prior to the commencement of this development, a scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by the deemed planning condition attached to this permission, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- A programme for the implementation and completion of the biodiversity enhancement measures set out in the approved BGP.
- Proposals for legally securing the provision any off-site biodiversity enhancement measures.
- Proposals for the maintenance and monitoring of the on-site biodiversity enhancement measures. Where the biodiversity enhancements proposed in the BGP are considered by the Local Planning Authority to be “significant” in relation to the pre-development baseline biodiversity value of the site, provision shall be made for their maintenance and monitoring for a period of not less than 30 years from the date of completion of the development (including completion of the on-site habitat enhancements).
- Proposals for the submission of monitoring reports to the Local Planning Authority.

The scheme as approved shall be implemented in its entirety in accordance with the programme set out in the approved scheme or such other period which has first been approved in writing by the Local Planning Authority.

Any Planning obligations that are proposed within the scheme shall be completed before the development is first brought into use.

The Local Planning Authority shall be notified in writing within 28 days of the date of completion of the development (including completion of the on-site habitat enhancements).

If the development has commenced but completion of development is not reached, and construction works have ceased for a period of 12 months, notice shall be served to the Local Planning Authority in writing within 13 months of the last construction works on site with a timetable for the completion of the approved habitat enhancement works. In the event that the development (excluding any approved on-site habitat enhancements) is not completed, the on-site habitat enhancements shall still be implemented in full in accordance with the timetable approved by the Local Planning Authority and they shall be maintained and monitored in accordance with the provisions set out in the approved BGP.

Reason: In order to meet the requirements of Schedule 7A of the Town and Country Planning Act to achieve biodiversity net gain.

Note: “Significant increases from the on-site pre-development biodiversity value” is the term used in the Environment Act

Condition 11 – Foul Water

Prior to commencement of development a foul water discharge scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable, any phasing where proposed and a management and maintenance scheme. The development will thereafter be constructed in complete accordance with the approved details and no dwelling shall be occupied until it is served with a working foul drainage system. There afterwards, the system shall be retained and maintained in accordance with the approved details.

Reason for Condition: To ensure appropriate foul water discharged is provided.

Condition 12 – Speed Limit Change

Prior to commencement of development a Speed Limit Change scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that agreement

has been reached with the highways authority to extend the 30mph speed limit on Leyburn Road to the west of the approved access.

The development shall not be occupied until the scheme has been implemented including any embodied programme.

Reason: For road safety.

Condition 13 – Construction Environmental Management Plan

No development shall commence until a Construction Environmental 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:

1. Construction phase ecological mitigation measures for the establishment and maintenance of new and retained habitats.
2. The parking of contractors, site operatives and visitor's vehicles clear of the highway.
3. Measures to manage the delivery of materials and plant to the site including the routing and timing of deliveries and the location of loading and unloading areas.
4. The provision of areas for the storage of plant and materials used in constructing the development clear of the highway.
5. The provision of wheel washing facilities on site to ensure that the mud and debris is not spread onto the adjacent public highway.
6. The control of noise during construction.
7. Contact details for the responsible person (site manager / office) who can be contacted in the event of any issue.

Reason for Condition: In the interest of public safety and amenity.

Condition 14 - Detailed Plans of Road and Footway Layout

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 in consultation with the Highway Authority.

The development must only be carried out in compliance with the approved engineering drawings and programme.

Reason for Condition: To secure an appropriate highway constructed to an appropriate standard.

Informative – it is recommended that in order to avoid abortive works, 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 in consultation with the Highway Authority for the purposes of discharging this condition.

Condition 15 – Construction of Roads and Footways

No part of the development to which this permission relates shall 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 in consultation with the Highway Authority before any part of the development is brought into use.

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

Condition 16 – Visibility Splays

There must be no access or egress by any vehicles between the highway and the application site at the proposed junction with the A6108 until splays are provided giving clear visibility of 120 metres to the north west and 90 metres to the south east measured along both nearside channel lines of the A6108 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 for Condition: In the interests of highway safety.

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

Condition 17 – Details of Access, Turning and Parking

There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or buildings until further details of the following have been submitted to and approved in writing by the Local Planning Authority:

- Vehicular, cycle, and pedestrian accesses.
- Vehicular and cycle parking.
- Vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development shall be brought into use until the vehicle access, parking, manoeuvring, and turning areas 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 for condition: To ensure the appropriate on-site facilities in the interests of highway safety and the general amenity of the development.

Informative – the proposals should cater for all all types of vehicles that will use the site. The parking standards are set out in North Yorkshire Council’s Interim guidance on transport issues, including parking standards’ and subsequent amendments.

Condition 18 – Ecological Mitigation Measures

All ecological mitigation and enhancement measures and works shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (PEA) Survey Report (dated 27th November 2023) and shall be delivered in full prior to first occupation of the development hereby approved unless alternative mitigation and enhancement measures and first agreed in writing with the Local Planning Authority. The approved features shall be retained and maintained in perpetuity.

Reason for Condition: To ensure that any impacts on biodiversity and ecology are mitigated and that appropriate enhancement works are secured.

Condition 19 – Garage Conversion to Habitable Room

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

Reason for Condition: In order to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwellings and visitors to it in the interest of safety and the general amenity of the development.

Condition 20 – Parking for Dwellings

No dwelling shall 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 for Condition: 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.

Condition 21 – Construction Management Plan

No development shall 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:

- The provision of wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway by vehicles exiting the site
- An area for the parking of all contractors, site operatives and visitors vehicles clear of the Public Highway
- An area for the storage of all plant and materials used in constructing the development clear of the Public Highway
- Details of any temporary construction access to the site including measures for the removal following completion of construction works.
- A photographic and / or video record of the condition of the Public Highway adjacent to the site plus a distance of 100 metres on each approach. The survey should include the carriage, footways and grassed verges and will be used in order to establish if any damage or degradation to the Publicly Maintainable Highway has occurred during the period of work on the site and any such damage deemed to have taken place as a consequence of the development works will require to be rectified at the cost of the applicant.

- The provision of contact details for a reasonable person associated with the site who can be contacted in the event of any issue.

Reason for Condition: In the interest of public safety and amenity.

Condition 22 – Land Contamination

No development shall be commenced until an assessment of the risks posed by contamination, carried out in line with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the Local Planning Authority. If deemed necessary, a scheme for the remediation of any contamination shall be submitted and approved by the Local Planning Authority before any development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition: To minimise the risks from contamination and to reserve the rights of the Local Planning Authority with regards to this matter.

Condition 23 – Land Contamination

If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken, or the development occupied until an investigation and risk assessment carried out in accordance with the Environment Agency's Land Contamination: Risk Management (LCRM), has been submitted to and approved in writing by the Local Planning Authority. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

Reason for Condition: To minimise the risks from contamination and to reserve the rights of the Local Planning Authority with regards to this matter.

Condition 24 – Noisy Construction Hours of Work

Noisy construction works audible outside of the site boundary shall only take place between the hours of 08:00 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and at no time at all on Sundays and Bank Holidays.

Reason for Condition: In the interest of public amenity.

Condition 25 – External Materials

Prior to the erection of external walls, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority. A sample of the external wall and roof materials shall be made available at the site upon request of the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved materials.

Reason for Condition: For the visual amenity of the development locality.

Condition 26 – Energy Statement

An Energy Statement and Plans shall be submitted to and approved in writing by the Local Planning Authority prior to erection of any external walls. The development shall thereafter take place in full accordance with the approved details and any associated technology for specific plots, installed and made fully functional prior to that plots first occupation. The approved measures shall be retained and maintained in perpetuity unless replaced for a more sustainable system such as lower embodied energy, greater energy generation output etc.

Reason for Condition: To improve upon Building Regulations Part L (as of date of decision) as required by Policy CP2 of the Richmondshire Local Plan 2012-2028 Core Strategy adopted 2014.

Condition 27 – Maintenance of Approved Hard and Soft Landscaping Scheme

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of five 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason for Condition: In the interests of the appearance of the proposed development and to reserve the rights of the Local Planning Authority with regard to this matter.

Condition 28 – Market Housing Mix

The development shall provide a market housing mix of 22 x three bedroom, 8 x four bedroom and 8 x five bedroom properties. At least 3 bungalows shall be provided of which one must be three bedroom.

Reason for condition: To ensure the development provides an acceptable housing mix in accordance with adopted local plan policy CP5.

Condition 29 – External Lighting

Details of any external lighting to be used on the site shall first be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. Thereafter the artificial lighting shall be installed, operated and maintained in accordance with the approved scheme. Changes to any element of the lighting scheme shall be submitted to, and approved in writing by, the Local Planning Authority prior to the changes taking place.

Reason for Condition: To reserve the rights of the Local Planning Authority in this matter and in the interests of amenity, ecology and minimising light pollution.

Condition 30 – Boundary Treatments

Prior to the erection of any boundaries a Boundary Treatment Plan shall be submitted to and agreed in writing with the Local Planning Authority. The plan shall include details of the positions, design, materials and type of boundary treatment to be erected. The boundary treatments shall be completed before occupation of the adjoining dwelling; or in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason for Condition: In the interests of the appearance of the proposed development and to reserve the rights of the local planning authority with regard to this matter.

Target Determination Date: 12.12.2024

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