

**North Yorkshire Council**

**Community Development Services**

**Richmond (Yorks) Area Committee**

**19 February 2026**

**ZB25/00840/OUT - Outline application with some matters reserved (considering access) for up to 55 dwellings with associated access including compensatory allotment provision and car park**

**At Land West of Allotment Gardens, Great Ayton, North Yorkshire**

**On behalf of David Holmes Properties Limited and Mr D.Marwood, Mrs A.Wyncoll and Mrs D.Marshalleport of the Head of Development Management – Community Development Services**

**1.0 Purpose of the Report**

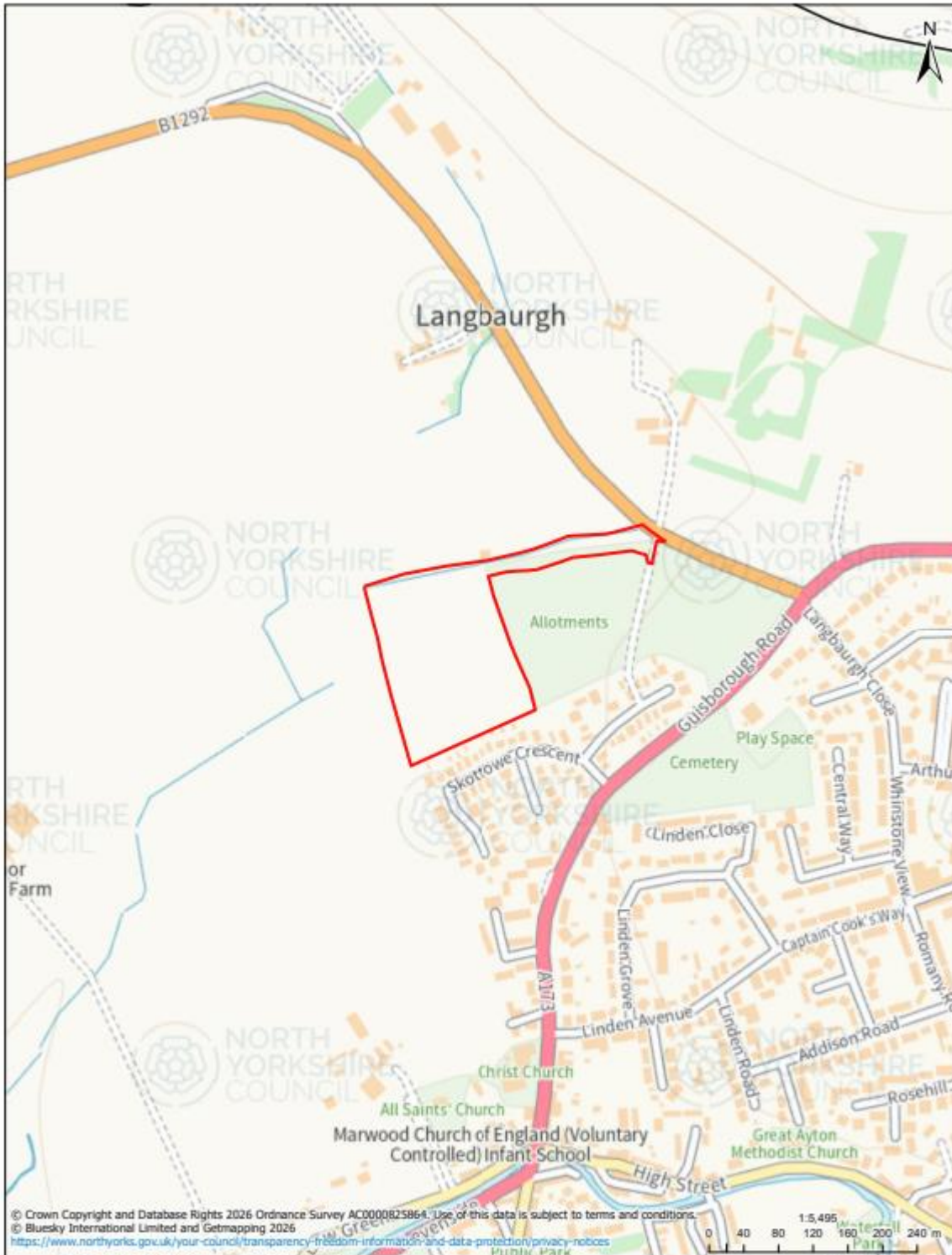
- 1.1. To determine an outline planning application for up to 55 dwellings and compensatory allotment provision on land West of Allotment Gardens, Great Ayton.
- 1.2. The application is referred to Planning Committee due to raising significant material planning considerations comprising: Principle of development; Impacts on the Landscape and the Settlement's setting/character; and; Highway safety and connectivity
- 1.3. It is recommended that outline planning permission is granted subject to the conditions recommended within section 12 of this report and the prior completion of a Section 106 agreement to secure the 30 per cent provision of affordable housing, public open space/play facilities and 'nutrient offloading.'

**2.0 SUMMARY**

**RECOMMENDATION: 'MINDED TO GRANT' planning permission (see paragraph 2.3) subject to prior completion of a S106 and the conditions listed below**

- 2.1. The application seeks outline planning permission with details of access only and all other matters reserved for a residential housing scheme of up to 55 dwellings with compensatory allotments and parking at Land West of Allotment Gardens, Great Ayton.
- 2.2. The provision of 55 dwellings would represent a relatively large number of residential dwellings for a single 'windfall' development. However, taking into consideration the village's place within the Settlement Hierarchy, its relatively large size and its good range of existing services and facilities, it is considered that the proposals would be commensurate to the role/function and size/scale of the village and therefore in accordance with criteria c. of Local Plan Policy HG5 and the expectations of Policy S3 (Spatial Distribution). The recommendation is 'minded to grant' subject to:

- (1) Receiving confirmation from Natural England that they consider the proposals to be 'nutrient neutral' and that the Council's Habitats Regulations Assessment has demonstrated that they would be no significant impact on the Teesmouth and Cleveland Coast SPA/Ramsar site:
- (2) The completion of a Section 106 agreement with Heads of Terms as per table 1 of this report.
- (3) The imposition of the recommended planning conditions at Section 12.0 of this report.



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**MAP TITLE:**  
 ZB25/00840/OUT

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### **3.0 PRELIMINARY MATTERS**

- 3.1. Access to the case file on Public Access can be found here:- [Planning Documents](#).
- 3.2. There is no planning history for this site.

### **4.0 SITE AND SURROUNDINGS**

- 4.1. The application site measures 3.42ha and is located on the north-western side of the settlement of Great Ayton. The site is accessed via the B1292. The site is currently in agricultural use, with the proposed access road part on an existing access serving the allotments and part on the existing allotments. To the east and south of the site are allotments, to the south of the site are the rear gardens of 1970's residential properties along Skottowe Crescent to the north and west the site is bounded by agricultural land. To the west, east and north the site is bounded by mature hedgerow, with hedgerow trees with intermittent gaps. To the southern boundary with the residential properties along Skottowe Crescent is formed by a close boarded timber fence. Along the proposed access track, to the north is a mature hedgerow and to the south the existing allotments. The existing access to the site is direct from the B1292 across a strip of land. A public right of way crosses the northeast of the application site close to the site access.
- 4.2. Great Ayton is identified as a 'Service Village' in the local plan. It has a number of convenience shops, a primary school, village hall and public house. The settlement has evolved on either side of the river Leven with a central linear conservation area and numerous listed buildings. The application site lies outside of the Conservation Area. Key viewpoints of the village are to the east from Roseberry Topping and Captain Cooks Monument. The boundary of the North York Moors National Park lies 880m to the east of the site.

### **5.0 DESCRIPTION OF PROPOSAL**

- 5.1. The application seeks outline planning permission for up to 55 dwellings with associated access including compensatory allotment provision and car park to serve the allotments.
  - Access into the site will be via a single access from the B1292 road. The access will comprise of the following: 5.5m carriageway
  - 2.0m footway (to one side)
  - 600mm margin to one side
  - 6.0m junction radii; and
  - 2.4m x 43m visibility splays.
- 5.2. The site access is across 15 of the most northern allotments, compensation for this loss is provided within the redline boundary close to the western edge of the allotments.
- 5.3. Car parking to serve the allotments is also proposed to the northwest of the existing allotments.
- 5.4. The site master plan shows the arrangement of dwellings on the site, however, at this outline stage the detailed and final site layout is not known.
- 5.5. Public open space is shown in two locations on the site in the northwest and southwest. The public open space in the northwest is proposed to sit above below ground surface water attenuation.

## 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 (ADP)

- 6.2. The Adopted Development Plan for this site is the Hambleton Local Plan (adopted February 2022) and the North Yorkshire Joint Waste and Minerals Plan, February 2022.

### Emerging Development Plan – Material Consideration

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

- 6.3. Relevant guidance for this application is:

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance
- National Design Guide 2021 (NDG)
- Housing Supplementary Planning Document 2022 (SPD)

### NPPF 2026 Consultation

- 6.4 The Government has begun a consultation exercise on a new draft of the NPPF, ending 10 March 2026.

- 6.5 The revised draft separates plan making and decision-making policies. The implication of this approach is that where local plan policies are inconsistent with national decision-making policies, the local policies are expected to be given very limited weight in decisions. National decision-making policies are proposed. Policy S5 restricts development that is considered acceptable outside settlements, to prevent unsustainable patterns of growth and conserve rural character. Section (j) allows development addressing an evidenced unmet need provided it is well related to an existing settlement and of an appropriate scale. The consultation draft introduces stronger support for rural social and affordable housing and, through Policy HO5, sets clearer expectations for accessible housing to meet the needs of older and disabled people. This includes a new national baseline requiring 40% of homes to meet accessible standards, with tenure mix expectations for sites of 150 homes or more.

- 6.6 Whilst draft proposed changes to national policy can be treated as a material consideration, officers are of the view that given that this is only subject to consultation and represents significant from current policy in respect of this specific application, no more than negligible weight should be given to the suggested change/ changes.

## 7.0 CONSULTATION RESPONSES

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

- 7.2. **Great Ayton Parish Council:** The Parish Council are predetermined, as they have a land interest at the allotments. A vote was held and it was agreed that a majority supported the development.

- 7.3. **Historic England:** Great Ayton is an important historical village with a strong medieval core centred on the 12th century church of All Saints. The associated medieval strip fields are clearly identifiable as surviving field boundaries adjacent to the application site.
- The principle of residential development on the application site is possible without further eroding the legibility of important surviving elements of Great Ayton's medieval field system.
  - However, this is only an outline application and care must still be taken to ensure that all forthcoming details are sufficiently sensitive to the heritage interests of the village.
  - Your authority should be confident that all opportunities have been taken to ensure that the design for this proposed residential scheme minimises harm to Great Ayton's heritage sensitivities.
  - Proposals should not be pursued which prioritise designing-in opportunities for future expansion on land determined by your authority and Historic England as having high heritage sensitivity.
- 7.4. **North Yorkshire Council (NYC) Highways:** The visibility splay information provided by the applicant for both 60mph speed limit and 40 mph speed limit meet all relevant national and local standards. They are satisfied with the submitted junction spacing information. Further refinement to the swept path analysis is requested which can be secured by condition and design adjustments can be made at the detailed design stage. Access design principles are accepted, a road safety audit should be secured by condition. Emergency access is satisfactory. With regards to highway drainage, a further survey of the existing highway drainage system will be secured by condition. A Construction management plan to be secured by condition. Detailed comments are provided on the Transport assessment, sustainability, site drainage and future maintenance, and conditions and a S106 are recommended.
- 7.5. **North Yorkshire Council Environmental Health (Environmental Protection and Contaminated Land):** If minded to approve, conditions are recommended regarding a Noise Impact Assessment and a Construction and Environmental Management Plan. With regards to contaminated land the Phase 1 report is not available on the planning portal. Comments indicate a phase 2 investigation will be required. Ideally this should be submitted prior to determination, however if a recommendation for approval, conditions are recommended in order to secure the investigations and where necessary any remediation of the contamination on the site.
- 7.6. **North Yorkshire Council Housing:** The proposed scheme would be required to provide for 30% affordable allocation on 55 homes equating to 16.5 homes. This scheme proposes 16 affordable homes leaving 0.5% contribution secured via the section 106 agreement. Comments are provided on housing mix, tenure, space standards, distribution of affordable homes, transfer prices and quality.
- 7.7. **North Yorkshire Council Principal Archaeologist:** Two responses received 2/2/2026 and 10/2/2025. The second response sets out that the developer has carried out an archaeological geophysical survey. The survey technique appears to have been viable and clearly shows features such as agricultural furrows and drainage. Although there are other features of potential archaeological interest, these do not form clear patterns and are more

in keeping with geological banding. Given the negative results of the geophysical survey Historic England agree with the conclusion of the heritage summary that states the site is unlikely to contain significant below-ground archaeological remains. However, attention is drawn to the impact on the ridge and furrow which is discussed the earlier response.

The loss of the ridge and furrow should form part of the balanced planning decision.

The first response sets out that the proposal lays to the north of the medieval settlement of Great Ayton and south of the shrunken settlement of Langbaugh. It contains earthworks remains of ridge and furrow forming part of the open field system surrounding these settlements. The ridge and furrow has medium significance as a heritage asset in its own right. It forms part of a more extensive ridge and furrow landscape to the north of Great Ayton and extending around Langbaugh but has already been truncated on the eastern edge where the ridges stop artificially at the edge of the allotments. Recommend that the site is subject to archaeological field evaluation which should survey the existing ridge and furrow earthworks, alongside a geophysical survey to reveal any underlying archaeological features.

- 7.8. **Children Young Peoples Service North Yorkshire Council:** No education contributions are required.
- 7.9. **Northumbrian Water Limited:** Do not have any issues to raise with the above application, provided it is approved and carried out within strict accordance with the submitted document / drawing entitled "Flood Risk Assessment & Drainage Strategy". This document is in line with our pre-planning enquiry advice given. They request that condition be attached to any planning consent granted, so that the development is implemented in accordance with the Flood Risk Assessment & Drainage Strategy.
- 7.10. **North Yorkshire Council Joint Urban Design and Landscape:**

Access and connectivity

It is acknowledged that the site offers a single access from the B1292 and it is also noted that Skottowe Crescent forms a rear impermeable boundary to the south of the site. However, opportunities should be explored to create a link/connection to Skottowe Crescent. This would significantly benefit the development by improving its integration with Great Ayton.

Due to its current accessibility constraints, the development appears disconnected from the heart of the existing settlement, which is likely to adversely affect community cohesion.

Landscape strategy and open spaces

Detailed comments are provided in respect of the indicative proposals.

No objection raised in relation to the impact to the North York Moors National Park.

Clarification is required on the property to the north.

- 7.11. **North Yorkshire Council Lead Local Flood Authority (LLFA):** The proposal is in flood zone one. There is a notable area of high surface water flood risk in the northwestern corner of the site, with areas of medium to low risk along the western border. The area at high risk of surface water flooding is to remain open space.

They find the proposal acceptable with regards to flood risk, runoff designations, peak flow control, volume control, climate change and urban creep.

Further detail is required at detailed design stage with regards to designing for exceedance, maintenance plan, and construction plan.

They conclude that the submitted documents demonstrate a reasonable approach to the management of surface water on the site. Conditions are recommended.

- 7.12. **Natural England:** Natural England requested further information on potential water quality/nutrient impacts to European Sites (habitats sites). A further consultation response is awaited on the Habitats Risk Assessment.
- 7.13. **North Yorkshire Police Designing Out Crime Officer:** No objections, subject to a number of design and layout related recommendations.
- 7.14. **North York Moors National Park Authority:** No objections subject to a condition to control external lighting to ensure it is of a style and luminance which minimises glare and light pollution, in order to protect the Dark Sky Reserve above the National Park.
- 7.15. **North Yorkshire Council Housing:** Provide comments with regards to affordable housing, housing type and mix, tenure, space standards, distribution, transfer prices and quality.
- 7.16. **North Yorkshire Council Ecology:** Two responses received dated 17/12/2025 and 13/11/2025. The ecologist is satisfied with the Preliminary Ecological Appraisal, Revision D by Smeeden Foreman, dated December 2025. construction-phase mitigation measures. The latter should be incorporated into a Construction Environmental Management Plan (Biodiversity), to be submitted for approval prior to commencement. The Biodiversity Metric is valid but should be reviewed at reserved matters phase. A finalised Metric should accompany the Biodiversity Gain Plan which will need to be submitted in fulfilment of the BNG 'deemed condition'. The Gain Plan will need to show that appropriate off-site units have been secured to make good any deficit and deliver a minimum of 10% uplift. A Habitat Management & Monitoring Plan will also need to be submitted for approval prior to commencement. Adherence to this should be secured via an appropriate mechanism (Condition/UU/S106) for the standard 30-year period. As the council is likely to need to review multiple BNG monitoring reports over this period, I would expect a local authority monitoring fee to be included in the agreement.
- 7.17. **NHS Humber and North Yorkshire:** Mitigation required, subject to this no other objections raised.
- 7.18. **Ramblers:** The footpath crossing the site should remain accessible and properly sign posted. Any approval for development would be conditional upon this.
- 7.19. **Street Naming and Numbering:** A street naming and numbering application is required.
- 7.20. **North Yorkshire Council Public Rights of Way:** A minor diversion of footpath 10.57/8/1 may be required. If this is the case, then the route would need to be diverted under Section 257 of the Town and Country Planning Act 1990. An application to divert the public footpath would need to be submitted in conjunction with the full planning application, and the public path diversion order would need to be confirmed before any works undertaken on this site.
- 7.21. Local Representations

7.22. Approximately 221 local representations have been received of which 115 are in support, 104 are objecting, and 2 neither support nor object. A summary of the comments is provided below, however, please see website for full comments.

7.23. Support:

- Affordable Housing is needed in the village
- Need for good quality housing
- The site will not affect the National Park
- The access to the site is good
- The site is linked to the sale of the Allotments to the Parish

7.24. Objections:

- Highway safety concerns
- Impact on local services
- Impact on infrastructure
- Footpath safety
- Safety of pedestrian access
- The landowner could sell the land to the parish without planning permission\*
- No evidence of housing need in Great Ayton
- Loss of open space
- Non-compliance with the Hambleton Local Plan
- Sequentially preferable sites
- Concern that the allotment project has been encouraging support at the risk of distorting the planning process\*
- Impact on protected species
- Disregard to historical and archaeological significance and the loss of Ridge and Furrow

\* Not material planning considerations.

## **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
- Affordable Housing
- Housing Mix
- Nationally Described Space Standards and Adaptable Homes
- Design
- Landscaping, Green Infrastructure and Impacts on the Landscape and the Settlement's setting/character
- Ecology and Biodiversity Net Gain
- Amenity
- Heritage
- Highway safety and connectivity
- Flood risk and surface water drainage/management
- Water supply and foul drainage
- Contamination and pollution
- Crime, anti-social behaviour and secured by design

- Nutrient Neutrality
- Public Open space and play facilities
- Loss of agricultural land.

## 10.0 ASSESSMENT

### Principle of Development

- 10.1. The Hambleton Local Plan (Local Plan) includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036). Policy S2 (Strategic Development) states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area.
- 10.2. Policy S3 (Spatial Distribution) sets out the Local Plan's strategy for the focus and spatial distribution of development across the plan area. The policy includes a settlement hierarchy of designated Market Towns, Service Villages, Secondary Villages and Small Villages, with the main focus of housing growth being in the Plan Area's Market Towns. Great Ayton is a Service Village.
- 10.3. Policy S2 (Strategic Priorities and Requirements) confirms that the housing strategy, including the aforementioned housing targets set out in Policy S1, will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. These housing targets are not intended to be a ceiling to additional development, and the Local Plan also makes provision for additional housing development through entry-level and rural exception schemes (Policy HG4) as well as 'windfall' housing sites (Policy HG5) to come forward within the plan period on sites either within and/or adjacent to the 'existing built form' of certain 'defined settlements' within the settlement hierarchy contained in Policy S3.
- 10.4. Policy S5 (Development in the Countryside) states that any land outside the 'existing built form' of a defined settlement as well as any villages, hamlets or groups of buildings not specifically listed within the settlement hierarchy are to be considered as being part of the countryside. Policy S5 defines the 'existing built form' as, 'the closely grouped and visually well related buildings of the main part of the settlement and land closely associated with them', further clarifying that the built form excludes five specific scenarios, including gardens, paddocks and other undeveloped land on the edge of the settlement where this land relates more to the surrounding countryside than to the main part of the settlement.
- 10.5. Great Ayton is designated within the settlement hierarchy of Policy S3 as a Service Village. Criterion c. of Policy S3 supports growth in Service Villages that is commensurate with the settlement's size, character and concentration of services/facilities.
- 10.6. The existing allotments which cover the north eastern part of the site are considered to be part of the existing built form of the development relating more to the main part of the settlement than open countryside. The development of this area will have no unacceptable impact on the character and appearance of the countryside.
- 10.7. Policy HG5 supports so-called 'windfall' housing development on unallocated sites within specific defined settlements (including 'Service Villages') in two general scenarios:
- (1) on sites within the 'built form' of a defined settlement, and
  - (2) on sites adjacent to the built form of designated Service, Secondary and Small Villages.
- 10.8. It is considered that the application site is outside, but adjacent to the built form of Great Ayton, therefore scenario (2) of Policy HG5 is considered to be relevant to the consideration of this application.

- 10.9. Where scenario (2) applies, Policy HG5 states the proposal needs to demonstrate that:
- (a) a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
  - (b) it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.
- 10.10. All proposals will individually or cumulatively;
- (c) represent incremental growth of the village that is commensurate to its size, scale, role and function;
  - (d) not result in the loss of open space that is important to the historic form and layout of the village; and
  - (e) have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.
- 10.11. The agent has sought to address criterion a. within paragraph 5.4 of the submitted Planning Statement which states '*In determining the recent application for 35 dwellings at Station Road, the LPA acknowledged that there are "no suitable and viable previously developed land within the main built form of the village" that is available for a development of this scale. Officers went on to add that the Council was "not aware of any currently available, suitable and viable previously developed land within the built form of Great Ayton"* (Ref 22/01334/OUT, awaiting S106). We can confirm that no brownfield sites have since become available. Therefore, this criterion is satisfied.' Officers concur with this conclusion and are not aware of any currently available, suitable and viable previously developed land within the built form of Great Ayton for the development of this scale. The proposal therefore meets the requirements of criterion (a). of Policy HG5.
- 10.12. Great Ayton is the largest village in the Local Plan area and is similar in scale to Stokesley. In respect of criterion c since the Local Plan was adopted planning permission has been granted for 5 dwellings plus a Variation of Condition for 15 dwellings (ZB24/00904/MRC). The provision of 55 additional dwellings is considered to represent an acceptable level of incremental growth, commensurate to Great Ayton's size, scale, role and function; together with its range of facilities and services.
- 10.13. Please note that criteria b. d. and e. will be considered in the relevant sections below.

#### Five year Housing land supply

- 10.14. The extant (Hambleton) Local Plan was adopted on 22nd February 2022 and is less than 5 years old. In accordance with the National Planning Policy Framework (December 2024), the annual housing requirement for this area is 315 homes, based on the adopted target contained within the Local Plan. Including the relevant 5% buffer, the 5-year supply requirement for this area is 1654. Based on the most recent data (from the 2024/25 monitoring period), there is a demonstrable deliverable supply of 1814 homes over a five-year period. This translates to 5.5 years of housing supply when measured against the five-year supply requirement. NOTE: The relevant buffer will change from 5% to 20% on 1st July 2026. Based on the current (2024/25) figures, the former Hambleton area would have a requirement of 1890 dwellings and therefore a 4.85-year supply of deliverable housing sites at this point.

### Affordable Housing

- 10.15. Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing to make provision for 30 per cent affordable housing (subject to viability) for proposals with 10 or more units within non-rural parishes such as Great Ayton.
- 10.16. The proposed development is for up to 55 dwellings within the site, 16 of which are proposed to be affordable homes. The full requirement for 30 per cent affordable provision required by Policy HG3 is to be provided by 16 affordable homes on site and 0.5% contribution to be supplied via a Section 106 agreement. Policy HG3 expects the tenure mix for the affordable housing to consist of affordable rent (1/3); social rent (1/3) and intermediate/shared ownership (1/3). This affordable housing tenure mix can be secured through a Section 106 agreement should Members resolve to approve the application.
- 10.17. Overall (and subject to the prior completion of a Section 106 agreement), the proposals are considered to be in accordance with the requirements of Policy HG3 with regards to the provision of the appropriate amount of affordable housing.

### Housing Mix

- 10.18. Part (f) of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where, 'a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA). Having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing. Criterion b. of Policy HG5 states that windfall housing development will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents. The Council also has a Housing SPD that provides detailed supplementary guidance on housing needs within the area, including a housing mix table.
- 10.19. The Council's latest SHMA is the North Yorkshire Housing and Economic Development Needs Assessment is dated May 2025. Table 1 below shows the recommended housing mix.

	Market	Affordable home ownership	Affordable Housing (rented)	
			Under 65	65 and over
1 - bedroom	10%	15%	20%	50%
2- bedroom	35%	45%	35%	40%
3 - bedroom	40%	35%	35%	
4+bedroom	15%	5%	10%	

*Table 1: Recommended Housing mix.*

*Source: Icen Analysis*

- 10.20. The applicant has stated in the planning statement that as the application is at outline stage the housing mix will be determined at the reserved matters phase. However, the Council position to ensure that the recommended housing mix is achieved is to attach a condition setting out the required housing mix to any consent granted for the site and this is recommended.

10.21. To conclude, the overall housing mix can be secured via condition for market units and S106 for affordable units and on this accords with the requirements of Policy HG2 and the general expectations of the Housing SPD. The development also accords with Chapter 5 of the National Planning Policy Framework (NPPF) which covers 'delivering a sufficient supply of homes'.

#### Nationally Described Space Standards (NDSS) and Adaptable Homes

10.22. In order to help achieve the Council's aim of creating sustainable and inclusive communities, criterion (a) of Policy HG2 (Delivering the Right Types of Homes) states that the Council will seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criteria (g) of HG2 states that housing development will be supported where all homes meet the NDSS.

10.23. Conditions are recommended requiring the layout and design (to be agreed at reserved matters stage) to comply with NDSS and for the internal layouts to provide and facilitate adaptations, should outline planning permission be approved. Therefore, subject to the imposition of such conditions, it is considered that the development would comply with the relevant NDSS and house adaptability requirements of Policy HG2 of the Local Plan and Chapter 5 of the National Planning Policy Framework (NPPF) which covers 'delivering a sufficient supply of homes'

#### Design

10.24. Policy E1 (Design) states that all development should be high quality, .... Integrating successfully with its surroundings in terms of form and function. Reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the relevant requirements of Policy E1 Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.);

- Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.)"

10.25. NPPF Section 12 sets out the importance of good design "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this." – paragraph 131.

10.26. Although appearance is a reserved matter, details included within the indicative layout plan and other submitted planning documents (i.e. the Planning Statement and Design and Access Statement) provide information regarding the design principles of the proposed development and an indication of what can be achieved stating:

*A focus on high quality design to achieve a sense of place that is beautiful and sustainable in which to live and work. Opportunities for community cohesion and social interaction on welcoming streets, open spaces, play areas and communal gardens, permeability and green spaces will be used to ensure connectivity with Great Ayton's sense of place. Landscaping and architecture will respect and enhance local character where possible.*

- 10.27. The North Yorkshire Council Joint Urban Design and Landscape Team have provided comments and make a number of recommendations that deviate from the indicative layout plan. It is considered these raise valid points including lack of space allowed for tree lined streets and opportunities to recognise outward views towards the North York Moors National Park, Roseberry Topping and Captain Cook's monument. The layout plan is indicative, and it is considered there is sufficient space to address these comments as part of the Reserved Matters application. It is recommended an informative is added to any grant of permission recommending these comments are reviewed and incorporated into future reserved matters applications.
- 10.28. The North Yorkshire Council Joint Urban Design and Landscape Team noted an informal footpath route through the site. However no evidence of such a root has been found on site and it appears this is not the case. The landowner for the application site is different from that to the field to the west. It is therefore considered unlikely a footpath connection to the west can be reasonably delivered through this application/development.
- 10.29. The development is likely to require a small change to the Public Right of Way to the south-east of the proposed access point with the adopted road network. The Public Right of Way Team have not objected. A S275 application is likely to be required to enable the changes to the Public Right of Way. It is not considered that the change will negatively impact the PRow or its users.
- 10.30. The proposed development would make effective and efficient use of the application site. Overall, the proposed development has demonstrated that the residential scheme is capable of having a layout that is capable of complying with the requirements and expectations of Policy E1 of the Local Plan, and Chapter 12 of the NPPF, 'achieving well, designed places'.

#### Landscape

- 10.31. Section 245 of Levelling-up and Regeneration Act 2023 imposes duties on Local Planning Authorities in England to seek to further the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprising the National Park.
- 10.32. Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the district by supporting proposals where (amongst other less relevant considerations) it
- considers the degree of openness and special characteristics of the landscape (criterion a.); and
  - protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity (criterion e.)
- 10.33. In respect to townscape, Policy E7 states that the Council will protect and enhance the distinctive character and townscapes of settlements by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. Policy E7 (Hambleton's Landscapes) states that a proposal will be supported where it seeks to conserve and enhance any existing tree and hedge of value that would be affected by the proposed development.
- 10.34. Paragraph 189 of NPPF advises that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks and National Landscapes (Areas of

Outstanding Natural Beauty) which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks.

- 10.35. The North Yorks Moors National Park lies 1090m to the east of the housing part of the application site, and between it and the Park is roads, and the north-eastern wing of Great Ayton. There are no National Landscapes/ Areas of Natural Beauty within proximity of the application site.
- 10.36. The application is supported by a Landscape Impact Appraisal. This document advises that the site is at a lower level (80-80 AOD) than the adjacent allotments and houses. To the east the Cleveland Hills rise dramatically to Roseberry Topping at 320m AOD. The report goes on to state that due to the nature and character of the allotments and the existing housing estate, the proposed development sits in the context of the urban edge as part of the settlement. There will only be a minimal change on the landscape character to the north and west of Great Ayton.
- 10.37. It is considered due to the site's position, and intervening development including the allotments that the development would be seen as a natural extension to Great Ayton from viewpoints within the National Park and will have negligible impact to the park. However, a condition to limit the height of dwellings to 2.5 storeys is recommended to ensure that the development is visually cohesive with the village from longer range viewpoints from the National Park.
- 10.38. In accordance with the North Yorkshire Moors National Park Authority comments, in order to ensure the landscape of the National Park is protected, the lighting of the site should avoid any adverse impact on the Dark Skies status of the national park. This can be secured by a lighting condition to be discharged at reserved matters stage. This Authority has not objected to the application.
- 10.39. The Principal Urban Designer, on behalf of NYC Urban Design and Landscape Team has not objected to the proposals impact to the National Park or setting of the village. They have made recommendations for the layout and landscaping discussed in the relevant sections of the report.
- 10.40. Based on the foregoing, the development will have negligible impact to Yorks Moors National Park including its natural beauty, wildlife and cultural heritage. As such, the development does not conflict with Section 245 of Levelling-up and Regeneration Act 2023, Policy E7 or Paragraph 189 of NPPF.

#### On-Site Green Infrastructure

- 10.41. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure. To confirm, the site is located within an area designated on the Proposals Map of the Local Plan as a Green Infrastructure Corridor.
- 10.42. Paragraph 104 of the NPPF sets out that existing open space and recreational land should not be built on unless: a) an assessment has been undertaken which has clearly shown the open

space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 10.43. To facilitate the site access 2,720sqm of allotments will be lost (the Policy identified Green Infrastructure). As compensation for this, 3,840sqm of allotments are proposed adjacent to the existing allotments western boundary. This includes new parking for the allotments estimated at 14 spaces (around 370sqm of the 3,840sqm), at a convenient location next to the replacement allotments. This is considered appropriate and both is sufficient to replace existing and serve the new residents.
- 10.44. The indicative layout submitted demonstrates that the site is capable of achieving the proposed development with a layout that retains the majority of the existing hedgerows and hedgerow trees on or adjacent to the site boundaries. Landscape enhancements are shown on the site masterplan to the northern boundary adjacent to the site access. As landscaping is a reserved matter, the precise details of this would need to be subsequently agreed at reserved matters stage.
- 10.45. Overall, whilst small section of Green Infrastructure corridor would be lost, this will be replaced at an appropriate location and of greater size. The proposals would provide additional landscaping and open space provision that would be congruous with the site's 'edge-of-settlement' location and its semirural surroundings, while enhancing green infrastructure. The development thus complies with Policy E4 and NPPF paragraph 104
- 10.46. Public Open Space for the new residents
- 10.47. Policy IC3 states that the Council will seek to protect and enhance open space, Local Green Space and sport and recreational facilities in order to support the health and wellbeing of local communities. A proposal for housing development of 10 or more dwellings will only be supported where: a. it incorporates or otherwise makes provision for open space, sport and recreational facilities to meet the needs arising from the development in line with the standards set out in Appendix E: 'Open Space, Sport and Recreation Standards'. Provision should be made on site where possible, but contributions to the improvement and/or enhancement of existing provision will be supported where it is accessible from the proposed development.
- 10.48. NPPF paragraph 96(b) require any public open spaces to be high quality which encourage the active and continual use of public areas. Paragraph 135(e) requires development to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development including green and other public space.
- 10.49. Based on the size of the proposed development the population uplift is expected to be 130 persons. This results in a public open space requirement as set out by Appendix E of:

1 x LAP (minimum size 100sqm as per Fields in Trust 2024 Guidance)  
1 x LEAP (minimum size 400sqm as per Fields in Trust 2024 Guidance)  
Amenity green space: 13.80m<sup>2</sup>/person x 130 = 1,794sqm  
Children's play area\*: 2.37m<sup>2</sup>/person x 130 = 308 sqm  
Young people's facility: 2.13m<sup>2</sup>/person x 130 = 277 sqm  
Outdoor sports facility: 21.00m<sup>2</sup>/person x 130 = 2,730 sqm  
Allotments: 2.00m<sup>2</sup>/person x 130 = 260 sqm

\*Children's play to comprise 1 x LAP and 1 LEAP

10.50. The Allotments provision is proposed to be provided onsite. The LAP and LEAP can be accommodated within the site and secured by S106 agreement. The indicative layout shows two areas of public open space measuring 1,143sqm and 1,150sqm (total 2,293). Of this, 500sqm will need to form children's play, leaving 1,793sqm for Amenity Green Space.

10.51. Based on the indicative plan, this results in contributions being required for Young people's facility and Outdoor sports facility. As per the methodology set out in the Hambelton District Council Open Space, Sport and Recreation Supplementary Planning Document, 2011 the contribution requirements are:

Young people's facilities:	£68.21/person x 130 =	£8,867.30 x 1.7389* =	£15,419.35
Outdoor Sports Facility:	£817.95/person x 130 =	£106,333.50 x 1.7389* =	£184,903.32

\*Inflation factor based on RPI

These contributions can be secured in the S106 agreement.

10.52. Subject to S106 Heads of Terms as per the above, the development meets the requirements of Policy IC3, the 2011 SPD and paragraph 96 and 135 of the NPPF.

#### Protected Species and Habitats Sites

10.53. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) requires a competent authority, in exercising any of its functions, to have regard to the requirements of the Directives so far as they may be affected by the exercise of those functions. This applies to any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of European Protected Species (EPS) under Article 12(1) of the Habitats Directive. The ADP does not have a specific policy for protected species, likewise the NPPF.

10.54. Policy E3 (The Natural Environment) states that direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), SSSIs and The Conservation of Habitats and Species Regulations 2017 should be avoided and will only be acceptable in specific circumstances detailed in Policy E3. Policy E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where (inter alia) 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.).

10.55. Paragraph 193 of the NPPF sets out that development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.

10.56. There are no SINCs, European sites (SACs and SPAs), SSSIs within or adjacent to the application site. The nearest SSSI is 1,383m to the east (Cliff Ridge SSSI) which is in a favourable condition. Natural England have not objected or requested further information in respect to impact to this or any other SSSI. The foul water from the development will not drain to the catchment of this SSSI.

- 10.57. The applicant has submitted a Preliminary Ecological Appraisal (PEA), (Revision D by Smeeden Foreman, dated December 2025). Overall, the Report does not identify any significant impacts upon protected species or important habitat, subject to undertaking of the recommended ecological compensatory and enhancement measures. The PEA includes a summary table of recommendations which include a mixture of habitat creation recommendations which if the application is approved, will be covered by the BNG conditions and S106 and construction-phase mitigation measures. These measures, subject to conditions, will be incorporated into a Construction Environmental Management Plan (Biodiversity), which will be submitted for approval prior to commencement and implemented thereafter.
- 10.58. NYC Principal Ecologist has found the PEA acceptable and raises no objection subject to the mitigation and compensation being appropriately secured. As such the development complies with the requirements of Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017, Policy E3,

#### Biodiversity Net Gain (BNG)

- 10.59. Planning Permissions in England are deemed to be granted subject to the general Biodiversity Gain Condition as set out by Schedule 7A, paragraph 13 of the Town and County Planning Act 1990 (TCPA) as amended by Schedule 14, Part 2, paragraphs 13, 14 and 15 of the Environment Act 2021. This is a pre-commencement condition. For this development, no exemptions are applicable, and the deemed condition will apply.
- 10.60. The Environment Act (2021), NPPF paragraph 187 and Policy E3 set out that all development of this type are expected to demonstrate the delivery Biodiversity Net Gain (BNG). A valid Biodiversity Metric has been provided and minimum information requirements have been satisfied. It is anticipated that there will be a small deficit for area habitats (which will need to be made good by purchasing off-site credits) but generous uplifts for hedgerow and watercourse units would be delivered on-site. If the application is approved the Metric should be reviewed at reserved matters stage to ensure that it reflects the finalised scheme. A finalised Metric should accompany the Biodiversity Gain Plan which will need to be submitted in fulfilment of the BNG 'deemed condition'. The Biodiversity Gain Plan will need to show that appropriate off-site units have been secured to make good any deficit and deliver a minimum of 10% uplift.
- 10.61. As there will be significant on-site BNG, a Habitat Management & Monitoring Plan will also need to be submitted for approval prior to commencement. Adherence to this should be secured via an appropriate mechanism (S106) for the standard 30-year period. As the council is likely to need to review multiple BNG monitoring reports over this period, a local authority monitoring fee will need to be included in the agreement. The NYC Ecologist has commented on the BNG metric and has raised no objection subject to conditions.
- 10.62. Based on the foregoing, the development complies with the aforementioned Acts, NPPF paragraph 187 and Policy E3 in respect of biodiversity.

#### Amenity

- 10.63. Policy E2 (Amenity) of the Local Plan expects all proposals to maintain a high standard of amenity for all users/occupiers as well as for occupiers/users of neighbouring land and buildings, particularly those in residential use. This is echoed in criterion c. of Policy E1 which requires proposals to achieve a satisfactory relationship with adjacent development and not to have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental

or safety concerns. In order to achieve this 'high standard of amenity', E2 states (amongst other less relevant matters) that proposals will be required to ensure: an adequate availability of daylight/sunlight without suffering from the significant effects of overshadowing and need for artificial light (criterion a.);

- physical relationships that are not oppressive or overbearing and will not result in overlooking causing loss of privacy (criterion b.);
- no significant adverse impacts in terms of noise...(criterion c.);
- that adverse impacts from various sources (i.e. dust, obtrusive light and odour) are made acceptable (criterion d.);
- the provision of adequate and convenient storage and collection of waste/recycling (criterion e.);
- the provision of adequate and convenient private external amenity space (criterion g.)

- 10.64. NPPF paragraph 135(f) requires planning decisions to ensure developments provide for a high standard of amenity for existing and future users.
- 10.65. The indicative site layout plan indicates that the proposed development is capable of being laid out and designed to ensure a good standard of amenity between dwellings, including the provision of appropriate minimum separation distances between new and existing properties, while the indicative layout also demonstrates that the future layout and design of the development can be achieved with good levels of outdoor private amenity space for the proposed dwellings.
- 10.66. A planning condition can be imposed (should outline planning permission be granted) to mitigate any temporary impacts resulting from the construction phase of the development (i.e. working hours; construction vehicle parking; noise/dust mitigation) through the submission and approval of a Construction Management Plan (CMP).
- 10.67. Overall, it is considered that the proposed development is capable of successfully assimilating without resulting in any unacceptable amenity issues in relation to other residential properties. Furthermore, the size of the site is able to facilitate a residential scheme with a design and layout able to achieve good levels of outdoor amenity space for the new properties and for the provision of suitable and convenient bin storage, in accordance with the relevant criteria of Policy E2 of the Local Plan and chapter 15, including paragraph 135 (f) of the NPPF.
- 10.68. The scale, siting, design/appearance and landscaping of the proposed scheme would need to be carefully considered as part of any subsequent reserved matters application to ensure that a high level of amenity is achieved.

### Heritage

- 10.69. The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.

- 10.70. 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).
- 10.71. Paragraph 216 of the NPPF sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 10.72. The site has Ridge and Furrows (archaeological pattern of ridges and troughs created by a system of historic ploughing). Additionally, the potential exists for archaeological deposits. Both of these would be non-designated heritage assets (NDHA).
- 10.73. There are no Designated Heritage Assets within or adjacent to the application site.
- 10.74. The Historic England consultation response sets out that the principle of residential development on the application site is possible without further eroding the legibility of important surviving elements of Great Ayton's medieval field system. However, this is an outline application and care must still be taken to ensure that all forthcoming details are sufficiently sensitive to the heritage interests of the village.
- 10.75. In terms of archaeology the developer has carried out an archaeological geophysical survey. The survey shows features such as agricultural furrows and drainage. Although there are other features of potential archaeological interest, these do not form clear patterns and are more in keeping with geological banding. Given the negative results of the geophysical survey Historic England agreed with the conclusion of the heritage summary that states the site is unlikely to contain significant below-ground archaeological remains. Historic England do however, draw attention to the impact on the ridge and furrow. The Council's archaeologist agrees with the conclusion of the heritage summary in that the site is unlikely to contain significant below-ground archaeological remains, however, attention is drawn to the impact on the ridge and furrow.
- 10.76. It is considered that on balance the loss of the ridge and furrow, given its limited scale and significance, is outweighed by the provision of market and affordable housing. The proposal is considered to accord with Local Plan Policies E5 and S7, and paragraph 216 of the NPPF.
- 10.77. Highway Safety and Connectivity
- 10.78. Policy IC2 (Transport and Accessibility) states that the Council will seek to secure a safe and efficient transport system...accessible to all and that supports a sustainable pattern of development. As such, development will only be supported where it is demonstrated (amongst other less relevant considerations) that:
- the development is located where it can be satisfactorily accommodated on the highway network, including where it can be well integrated with footpaths, cycle networks and public transport (criterion a.);
  - highway safety would not be compromised and that safe physical access to be provided to the proposed development from footpath and highway networks (criterion e.)
  - adequate provision for servicing and emergency access is to be incorporated (criterion f.), and

- appropriate provision for parking is incorporated...(criterion g.)

- 10.79. Policy E1 (Design) reinforces the need for the proposals to be designed to achieve good accessibility and permeability, stating that development will be supported where it (amongst other things): promotes accessibility and permeability for all (criterion e.); and is accessible for all users...providing satisfactory means for vehicular access and incorporating adequate provision for parking, servicing and manoeuvring in accordance with applicable adopted standards (criterion f.)
- 10.80. Paragraph 115(b) of the NPPF requires development should provide safe and suitable access to the site for all users. Paragraph 116 of the NPPF states 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, following mitigation, would be severe. Therefore, the 'bar' is set high for a proposal to be refused on highway grounds.
- 10.81. Concerns have been raised during consultation from local residents regarding the highway impacts of the proposed development, particularly relating to the impact of the increase in traffic movements on the local road network.
- 10.82. In terms of accessibility and sustainability, the proposed development would be accessed off the B1292 which is a single carriageway, two-way road approximately 5.7m wide within the vicinity of the site. The current 30mph speed limit is positioned over 100m to the south-east of the proposed access. There are no footways or street lighting system within the vicinity of the site access.
- 10.83. The site access arrangements indicate the following:
- A simple priority T junction off the B1292 with hard margin on the northern kerb line
  - Visibility splays onto the B1292 of 2.4m x 43m for a 30mph speed limit.
  - A 1.5m footway to be shown along the B1292 to connect to the existing footway and the bus stop approximately 150m in length
  - Proposed 40mph speed limit buffer
  - Give way white lining for both the access and junction opposite to reduce the carriageway width to form a consistent width along the B1292 corridor.
- 10.84. The applicant has undertaken a traffic and speed survey along the B1292.
- 10.85. The proposed access meets the visibility requirements based on recorded speeds, however the applicant has agreed to promote a Traffic Regulation Order (TRO) to reduce the speed on the B1292 from 60mph to 40mph along the site frontage to further enhance safety.
- 10.86. The proposed access is shown to be directly opposite the existing access serving existing holiday cottages and residential dwellings. The Local Highway Authority (LHA) agrees that the proposals are satisfactory for a proposed crossed roads serving two minor side road junctions.
- 10.87. The applicant has provided swept path analysis for a refuse vehicle at the proposed site access. While the submitted drawings demonstrate that the manoeuvres can be accommodated within the carriageway, the current arrangement requires the vehicle to utilise the full extent of

the carriageway at certain points. This approach is broadly consistent with Manual for Streets guidance for low-speed, low-traffic environments and infrequent service vehicle movements.

- 10.88. However, the LHA is not fully satisfied with the swept path as presented and considers that further refinement will be necessary at the detailed design stage to ensure safe and practical operation. The LHA has requested that a Stage 1 Road Safety Audit should be secured by a condition attached to any consent.
- 10.89. A second access is not considered necessary for this number of houses. In accordance with NYC highways design guidance an emergency access is required for sites with over 50 dwellings. However the current looped design of the Major Access Road within the site is satisfactory for emergency services through the site, and this should be programmed to ensure that no more than 50 dwellings are occupied prior to the full loop road being constructed.
- 10.90. Details of highway drainage and construction access can be secured by condition attached to any consent.
- 10.91. The applicant has submitted a transport assessment. The LHA is satisfied that the collision data does not indicate any inherent safety issues on the local highway network, nor is there evidence to suggest that the proposed development would exacerbate the existing situation. The collision information is therefore considered acceptable.
- 10.92. With regards to pedestrian and cycle access the LHA has requested that further consideration be given to access for pedestrians and cyclists. This is to be secured by planning condition attached to any consent.
- 10.93. The applicant has confirmed that 1 electric vehicle charging point will be provided per dwelling. The LHA has requested that details of the proposed locations should be provided on any proposed reserved matters layout.
- 10.94. It is a requirement for the Developer to seek an agreement with the Council, Town/Parish Council, Housing Association or Management Company for the future maintenance of any landscaping within the development. Where possible, visibility splays for adoption should be hard paved. Consideration is required for the areas of open space at the site access and hedge line along the site frontage. There is an existing ditch shown on the site layout along the northern boundary, the LHA has recommended to the LPA to ensure that this ditch and associated green space is managed and maintained by a management company.
- 10.95. Highways have requested a contribution towards the Stokesley – Great Ayton Cycleway, however, this cannot be required as it duplicates the Community Infrastructure Levy Charging Schedule (123 List) which specifically lists this project.
- 10.96. Overall, the proposed development is considered to be in accordance with the relevant criteria of Policies E1 and IC2 of the Local Plan in terms of highway safety and accessibility, and paragraphs 115 (b) and 116 of the NPPF.

#### Flood Risk and Surface Water Drainage/Management

- 10.97. Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): - avoiding development in flood risk areas...(criterion a.); - requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and -

reducing the speed and volume of surface water run-off as part of new build developments (criterion d.)

- 10.98. Policy RM3 (Surface Water and Drainage Management) of the Local Plan states that a proposal will only be supported where surface water and drainage have been addressed such that it complies with the following requirements (amongst others not considered relevant to the proposals): - surface water run-off is limited to the site's existing greenfield run-off rate (criterion a.), and - where appropriate, sustainable drainage systems (SuDS) are to be incorporated having regard to the latest version of the North Yorkshire County Council Sustainable Drainage Systems Design Guidance...with arrangements made for its management and maintenance for the lifetime of the development (criterion b.)
- 10.99. Paragraph 170 of the NPPF sets out that Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 181 of the NPPF sets out that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 advises that Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 10.100. A Flood Risk Assessment and Drainage Strategy Report (FRA) has been submitted as part of the application. This states that the development site is within Flood Zone 1, and thus at a low probability of fluvial flooding. There are two areas of surface water flooding on the site. The larger area of surface water flooding is in the north-west corner of the site where the layout plan has indicatively shown a public open space.
- 10.101. The NPPF (paragraphs 173 tot 177) and National Planning Guidance sets out that development should be steered away from areas of flooding, and a sequential approach to development should be applied. However, in this case, the application documents have demonstrated the development can be safe from flooding and won't increase flooding off site. The areas at risk of surface water flooding are not large. These are material planning consideration which indicate the application is acceptable in this regard despite the potential conflict with guidance/national policies. Furthermore, the layout is inductive, however it demonstrates there is at least one way the it could be laid out so that vulnerable parts of the development are not in the flooding risk areas – thereby being acceptable under NPPF paragraph 175.
- 10.102. The applicant is proposing to deal with surface water drainage by ensuring that vulnerable development (classified as less or more vulnerable under the Flood Risk and Coastal Change Guidance) will be set at least 150mm above external ground levels which will be designed to safely route any overland flows away from buildings and towards "Rookery Beck" located in the north of the development site, using less vulnerable parts of the proposed development such as public open spaces, parking areas and roads to convey and attenuate overland flows. The development has been designed to allow the existing flow path along the beck to be retained. The proposed surface water drainage strategy has been designed so that flooding does not occur on any part of the site for all events up to 3.3% AEP and flooding does not occur in any part of a building or utility plant susceptible to water for all events up to 1% Annual Exceedance Probability (AEP) and 45% climate change allowance.

- 10.103. The LLFA has been consulted on the application and has raised no objections subject to conditions.
- 10.104. Overall, and subject to the imposition of the drainage conditions recommended it is considered that the proposed development would meet the relevant requirements and expectations of policies RM2 and RM3 of the Local Plan, the PPG and paragraph 170, 175, 181 and 182 of the NPPF in relation to flood risk and surface water drainage.

#### Water Supply and Foul Drainage

- 10.105. Policy RM1 (Water Quality, Supply and Foul Drainage) states that a proposal will only be supported where it can be demonstrated that: - there is no adverse impact on, or unacceptable risk to, the quantity or quality of water resources, both surface water and groundwater...(criterion a.); and- there is, or will be, adequate water supply and treatment capacity in place to serve the development. (criterion b.)
- 10.106. In terms of water supply, Policy RM1 states that proposals will be supported where it is demonstrated that they make efficient use of water such that all new homes comply with the optional Building Regulation for water efficiency (as set out in Approved Document G) This requirement should also be conditioned if outline planning permission is approved.
- 10.107. The application documents propose that foul sewage would be discharged to the north east of the site and then to pump to Skottowe Drive using access roads in the allotments and connect to a new manhole between manholes. Prioritizing a mains sewer connection is in accordance with the Foul Drainage Hierarchy within Approved Document H of the Building Regulations and considered to be a sustainable means of foul sewerage for the proposed development.
- 10.108. Overall, and subject to the imposition of the aforementioned condition referred to in this subsection relating to the efficient use of water, the proposals would comply with the relevant requirements of policies RM1 and RM2 as well as the NPPG in respect of water supply and foul drainage, and chapter 14 of the NPPF, paragraphs 170, 181 and 182, meeting the challenge of climate change, flooding and coastal change.

#### Contamination and Pollution

- 10.109. One of the seven 'Sustainable Development Principles' within Policy S1 of the Hambleton Local Plan is to ensure that development takes available opportunities to improve local environmental conditions, such as air and water quality...(criterion f.) In addition, in order to maintain a high standard of amenity, criterion d. of Policy E2 (Amenity) states that proposals are required to ensure that any adverse impacts from various named sources are made acceptable, including air and water pollution, and land contamination. Policy RM5 (Ground Contamination and Groundwater Pollution) states that where there is a potential for a proposal to be affected by contamination or where contamination may be present a risk to the surrounding environment, the Council will require an independent investigation to determine: - the nature, extent and any possible impact (part a.); that there is no inappropriate risk to a controlled waters receptor (criterion b.); and  
- suitable remediation measures (criterion c.).
- 10.110. A Phase 1 Assessment has not been submitted with the application. The NYC Environmental Health (contamination) response sets out that whilst ideally this information should be submitted prior to determination, conditions (as appropriate) can

be used in order to secure the investigations and, where necessary, remediation of any contamination on the site. As such a condition requiring the submission and approval of a Phase 1 contamination report is recommended. It is not considered likely that there is any contamination on site which cannot be remediated to allow safe human habitation as the agricultural field is not high risk for extensive or high risk contaminants.

#### Crime, Anti-Social Behaviour and Secured by Design

- 10.111. Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.) If outline planning permission is granted, it is recommended that a condition is imposed requiring details of how Designing Out Crime Principles (in accordance with the recommendations made by the Designing Out Crime Office) will be incorporate within the development to ensure that the development complies with the relevant requirements of Policy E1 in terms of crime and anti-social behaviour.

#### Nutrient Neutrality

- 10.112. European Sites (ES) comprising Special Protection Areas (SPA) and Special Areas of Conservation (SAC) are protected by Conservation of Habitats and Species Regulations 2017 as amended. Where harm will result to these ES planning permission can only be granted in specific circumstances. Policy E3 duplicates the requirements of these Regulations. The NPPF does not provide policies on ES.
- 10.113. In March 2022 Natural England announced that the Teesmouth and Cleveland Coast Special Protection Area (SPA) was being adversely impacted due to the level of nitrogen being discharged into the River Tees catchment. This effects all proposals for additional overnight accommodation, i.e. dwellings, within the Tees catchment. The Conservation of Habitats and Species Regulations 2017 (as amended) require any development that may have an adverse impact on the SPA to be subject to a Habitat Regulations Assessment. LPAs can only approve a project if they are sufficiently certain it will have no negative effect on the habitat site's condition.
- 10.114. As confirmed by Natural England advice, high concentrations of nutrients in the water can cause phytoplankton and opportunistic macroalgae blooms, leading to reduced dissolved oxygen availability. This can impact sensitive fish, epifauna and infauna communities, and hence adversely affect the availability and suitability of bird breeding, rearing, feeding and roosting habitats. The proposed development has the potential to increase the total nitrogen within the Tees catchment and add to the current exceedance, thus having a significant impact on the SPA.
- 10.115. An 'Information Pursuant to Regulation 61(2) of The Conservation of Habitats and Species Regulations 2017' document and completed Nutrient Neutrality Budget Calculator have been submitted to the LPA. These documents conclude that there would be a uplift/positive total nitrogen load as a result of the development that would need to be 'made neutral'. The applicant has confirmed that to mitigate the (gross) positive annual total nitrogen load Natural England credits will be purchased.
- 10.116. The LPA (as the Competent Authority) has undertaken an Appropriate Assessment in relation to the implications of the proposed development on the Teesmouth and Cleveland Coast SPA. This has concluded that that subject to condition requiring credits, that the integrity of the SPA will be maintained.
- 10.117. Natural England have been consulted and their comments are awaited. If a response is received this will be reported before or at the committee meeting. Due to these

outstanding comments, the recommendation is one of 'minded to grant'. Subject to Natural England's comments, the development is considered to meet the requirements of Conservation of Habitats and Species Regulations 2017 as amended and Policy E3.

#### Public Open Space and Play Facilities

- 10.118. Policy IC3 states that the Council will seek to protect and enhance open space, Local Green Space and sport and recreational facilities in order to support the health and wellbeing of local communities. A proposal for housing development of 10 or more dwellings will only be supported where: a. it incorporates or otherwise makes provision for open space, sport and recreational facilities to meet the needs arising from the development in line with the standards set out in Appendix E: 'Open Space, Sport and Recreation Standards'. Provision should be made on site where possible, but contributions to the improvement and/or enhancement of existing provision will be supported where it is accessible from the proposed development.
- 10.119. NPPF paragraph 96(b) require any public open spaces to be high quality which encourage the active and continual use of public areas. Paragraph 135(e) requires development to optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development including green and other public space.
- 10.120. Based on the size of the proposed development, there will be a requirement within Appendix E to provide for village green/amenity open space as well as children play areas, including a LAP and LEAP; facilities of young people/teenagers; outdoor sports facilities and allotment gardens, although financial contributions should be considered where such existing facilities are within walking distance.
- 10.121. The application site includes a small strip of the existing allotment land (to create the pedestrian/cycle link to the road) in an area allocated in the Local Plan as a 'Local Green Space'. Policy IC3 of the Hambleton Local Plan expects these areas to be treated in the same way as greenbelt land. There is however compensatory land in the application site given over to allotments and allotment parking to negate the loss.
- 10.122. The public right of way in the north-east of the application site may be slightly diverted to align with the proposed access, however the PROW will remain accessible and is therefore considered to accord with Local Plan Policy IC3.
- 10.123. There is evidently sufficient space within the application site to achieve an appropriate level of public open space and play facilities for the size and location of the proposed development. If outline planning permission is approved, the requirements and future maintenance of the Public Open Space should be secured through a Section 106 agreement.

#### Loss of agricultural land

- 10.124. Policy S5 of the Local Plan states that where significant development in the countryside is demonstrated to be necessary, the loss of the BMV agricultural land (i.e. grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.

- 10.125. Paragraph 187 of the NPPF states that as the ‘agent of change’, the proposals must demonstrate (including through the provision suitable mitigation) that the proposed development would not place unreasonable restrictions on the operation of existing businesses. Paragraph 187 (b) advises that planning policies and decisions should ‘*recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*’ Footnote 65 states that ‘*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*’.
- 10.126. The proposal would remove from use 3.42 hectares of existing Grade 3 agricultural land. However, given the nature of the (remaining) surrounding farming activities (predominantly cereal and pasture) and the partial screening effect of existing and proposed landscaping, there is not considered to be any significant or unacceptable conflict between the proposed residential development and the neighbouring farming activities.
- 10.127. The benefits of housing development in meeting identified housing need, particularly affordable housing, are considered to outweigh the loss of 3.42 hectares of Grade 3 agricultural land, currently used for grazing.

The proposal is therefore considered to accord with Local Plan Policy S5 and Paragraph 187 of the NPPF.

#### NHS Contribution

- 10.128. The NHS North Yorkshire Integrated Care Board (ICB) have identified that the planning application will give rise to a need for additional primary healthcare provision to mitigate the impact arising from the population associated with the proposed development. The ICB calculate the level of contribution required in this instance to be £63,020. However, healthcare is covered by the Hambelton Regulation 123 List. Therefore the CIL will need to be used to fund development of this sought.

## **11.0 PLANNING BALANCE AND CONCLUSION**

- 11.1 The application seeks outline consent for up to 55 dwellings on a site considered to be located outside but adjacent to the built form of the designated Service Village of Great Ayton, and in accordance with the requirements of HG5 as a housing windfall site.
- 11.2 The principle of housing development on this edge of settlement site is considered to be acceptable, in terms of policy HG5. The main question raised is the scale of the proposed development and whether or not the proposed scale of development is proportionate and otherwise acceptable in this location.

- 11.3 As part of the proposal, affordable housing will be provided at a rate of 30%, in line with the requirements of Policy HG3 of the Local Plan. The applicant has sought to provide a development which provides for locally identified need and certainly the proposed housing mix and affordable housing offer is welcomed in those terms.
- 11.4 The development will provide replacement allotments, plus new car parking for the allotments which is a moderate public benefit. The potential transfer of the allotment land to the Parish Council is however, not a material planning consideration.
- 11.5 Other technical matters are generally considered to have a neutral impact in the planning balance, including highways and drainage matters, subject to conditions.
- 11.6 Overall, while the amended scheme represents a large windfall development on the western edge of the village with a detrimental impact on the character of the countryside that is part of the setting of the village, there are nevertheless positive benefits related to a scheme of this size that are considered to outweigh the detrimental impact.
- 11.7 The proposed development is considered to comply with the relevant requirements and expectations of the Local Plan, the PPG and the NPPF, subject to no objections being receiving recommendations from Natural England in respect to the Appropriate Assessment.
- 11.8 The recommendation for approval is subject to the completion of a S106 agreement for the below Heads of Terms/ obligations/ contributions. Agreement on a draft Section 106 heads of terms has been requested from the applicant and an update on this will be provided at committee.

S106 Legal Agreement

- 11.9 The Heads of Terms for the S106, agreed by the applicant are:

<b>Category/Type</b>	<b>Contribution</b>	<b>Amount &amp; Trigger</b>
Highways	£2,500 Contribution towards monitoring of a Travel Plan – Payable 1st Occupation  £5,000 – Contribution towards Traffic Regulation Order for the 40mph speed limit on the B1292	£2,500 Payable 1st Occupation  Payable 1st Occupation
Allotments	Transfer of allotments and allotment parking to the Parish Council OR; Management Company	Transfer trigger to be agreed by a Scheme
Affordable Housing	Secure the affordable housing provision, including a policy compliant housing mix.	30 per cent on site provision (trigger points for AH provision to be subsequently agreed via scheme)

Affordable Housing contribution	Financial contribution for 0.5 affordable dwelling.	Prior to occupation of the 10 <sup>th</sup> dwelling
Public Open Space Delivery and Maintenance	Provision of a LAP (100sqm), LEAP (400sqm) and 2,293sqm of open space on site.  On-Site Public Open Space and Drainage Management and Maintenance  Financial Contributions for off-site public open space shortfall  On-Site Public Open Space Maintenance Contribution	Delivery to be agreed in Open Space Scheme.  Maintenance £10 per sqm prior to occupation of the 20 <sup>th</sup> dwelling.  Young people's facilities: payment prior to occupation of the 20 <sup>th</sup> dwelling (estimate £15,419.35)  Outdoor Sports Facility: payment prior to occupation of the 30 <sup>th</sup> dwelling (estimate £184,903.32)
Biodiversity Net Gain Implementation and Monitoring Strategy	A scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by the deemed planning condition of Schedule 7A of the Town and Country Planning Act.	Pre-commencement, and the Strategy to cover a 30 year period.
Biodiversity Net Gain Monitoring Fee	Biodiversity Net Gain Monitoring Fee	£2,855 index linked, 30 year monitoring Amount changes on the financial year & and complexity
Monitoring	S106 Monitoring (non BNG)	£571 index linked, prior to commencement of development Amount changes on the financial year & and complexity

## 12.0 RECOMMENDATION

12.1. Minded to Grant planning permission subject to the conditions listed below, completion of the S106 legal agreement as per table 2 and no objection being received from Natural England within 28 days of the consultation.

### **Recommended conditions:**

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

Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two

years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure compliance with Sections 91 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 – Reserved Matters**

The development shall not be commenced until details of the following reserved matters have been submitted to and approved in writing by the Local Planning Authority: appearance, scale, layout and landscaping. The development shall place in full accordance with the reserved matters.

Reason: To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.

### **Condition 3 – Number of Dwellings**

The development hereby permitted is for 50 to 55 dwellings.

Reason: 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 4 – Housing Mix**

The market units mix shall be agreed in writing with the Local Planning Authority prior to or concurrent to approval of the Layout Reserved Matters. The mix shall accord with the latest relevant Strategic Market Housing Assessment.

Reason: To ensure that the proposed development meets local need for housing and to ensure that the proposals accord with Local Plans policies HG2 and HG3.

### **Condition 5 - Drainage Design (approval required)**

The Layout Reserved Matters application shall include a scheme detailing foul and surface water drainage. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire Council SuDS Design Guidance (or any subsequent update or replacement for that document). The application should address all of the following: Flood Risk, Runoff Destinations, Volume Control, Designing for exceedance, Climate Change & Urban Creep. Guidance on the requirements for each of the above can be found on the North Yorkshire Council SuDS Guidance. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy" dated "January 2025". The drainage scheme shall ensure that foul flows discharge to the combined public sewer via a new manhole between existing manholes 8202 & 8201 on Skottowe Drive and ensure that surface water discharges to the existing watercourse to the north of the site.

Note that further restrictions on surface water management may be imposed by Northumbrian Water, and the Local Planning Authority.

The development shall not commence until the scheme is approved in writing by the Local Planning Authority, and thereafter the development shall take place in complete accordance with the approved scheme. The approved drainage systems shall be retained and maintained in perpetuity.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.

#### **Condition 6 - Exceedance Flow Plan**

No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site.

#### **Condition 7 - Maintenance scheme for SUDS**

No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development. The approved drainage systems shall be retained and maintained in perpetuity.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system.

#### **Condition 8 – Habitat Management and Monitoring Plan**

The development shall not commence until a Habitat Management and Monitoring Plan (the **HMMP**) prepared in accordance with the approved Biodiversity Gain Plan and a a scheme for the implementation of the approved Biodiversity Gain Plan (BGP), required by the deemed condition attached to this permission has been submitted to, and approved in writing by, the local planning authority and including with regards to Habitat Management and Monitoring Plan :

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP.
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority.

Notice in writing shall be given to the Council when the biodiversity enhancement works set out in the HMMP have been completed ('Notice of Completion', indicating the start of the 30-year management and monitoring period'). The HMMP shall be adhered to for 30 year period.

The Biodiversity Gain Plan shall include the following:

- o A completed biodiversity metric calculation form demonstrating the baseline biodiversity value and the post-development requirement.
- o Confirmation of the number of biodiversity units / credits required to achieve a minimum 10% Biodiversity Net Gain
- o Written evidence of the purchase of off-site biodiversity units / credits from an approved Biodiversity Net Gain Bank.
- o A copy of the Final Confirmation Certificate issued via the Biodiversity Gain Site Register confirming that the units / credits have been lawfully allocated to this development; and
- o Details of the legal mechanism securing the delivery, management and monitoring of the off-site biodiversity units / credits for a minimum period of 30 years (e.g. Section 106 agreement or Conservation Covenant).

The development shall thereafter be carried out in full accordance with the approved Biodiversity Gain Plan. No dwellings shall be occupied until written confirmation of the approved off-site BNG units / credits has been issued by the Local Planning Authority.

Reason: To ensure that the development delivers the statutory minimum 10% Biodiversity Net Gain, in accordance with the Environment Act 2021, and to secure the long-term implementation of off-site biodiversity improvements.

#### **Condition 9 - Construction Environmental Management Plan (Biodiversity)**

No development for any phase of the 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 Construction Environmental Management Plan.

Reason: To protect ecology in accordance with Local Plan Policy E3.

#### **Condition 10 - 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 shall 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 shall 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 11 – Construction of Adoptable 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 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 12 – Visibility Splays at B1292**

There shall be no access or egress by any vehicles between the highway and the application site at B1292 until splays are provided giving clear visibility as indicated in Appendix F of the submitted Transport Assessment. In measuring the splays, the eye height shall be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety.

## **Condition 13 – Delivery of off-site highway Works**

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

- Proposed access and footway in broad accordance with Optima Drawing 24022-GA-02 Revision E in Appendix F of the Transport Assessment
- Bus stop improvements (footway) subject to agreement with North Yorkshire Council Passenger Transport Team
- Dropped kerbs and pedestrian crossing improvements along Skottowe Crescent and its junctions with Guisborough Road

No excavation, groundworks, or depositing of material on site in connection with any of the above schemes shall take place until full detailed engineering drawings of all aspects of that scheme, including any structures or apparatus forming part of the works, have been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority).

An independent Stage 1-2 Road Safety Audit carried out in accordance with GG119 – Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of each scheme, including its interaction with other identified schemes, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of construction works on site. Each item of off-site highway works shall be completed in accordance with the approved engineering details and programme before first occupation of any dwelling served by the site access.

Reason: To ensure that the design and implementation of off-site highway works are appropriate and completed in the interests of the safety and convenience of highway users.

## **Condition 13 - Parking for Dwellings**

No dwelling shall be occupied until the parking facilities serving the dwelling have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate and satisfactory provision of off-street accommodation for vehicles in the interest of safety and the general amenity of the development.

## **Condition 14 – Travel Plans**

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

- agreed targets to promote sustainable travel and reduce vehicle trips and emissions within specified timescales and a program for delivery;
- a programme for the delivery of any proposed physical works;
- effective measures for the on-going monitoring and review of the travel plan;
- a commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development, and;
- effective mechanisms to achieve the objectives of the Travel Plan by both present and future occupiers of the development.

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

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

### **Condition 15 – Construction Management Plan**

No development for any phase of the development shall commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development shall be undertaken in accordance with the approved Construction Management Plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
7. highway dilapidation survey of existing carriageway for construction routing, accesses and off site highway work;
8. protection of carriageway and footway users at all times during demolition and construction;
9. protection of contractors working adjacent to the highway;
10. details of site working hours;
11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;

15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works
16. details of the measures to be taken for the protection of trees
17. details of external lighting equipment
18. details of ditches to be piped during the construction phases
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue

Reason: In the interest of public safety and amenity.

#### **Condition 16 - Design**

The design, scale and layout of the development as submitted as part of any subsequent reserved matters application(s) shall ensure that each residential property meets the current National Described Space Standards with sufficient drawings and information submitted with the application to demonstrate compliance.

No dwelling shall exceed 2.5 storeys (three floor of accommodation with one within the roof void).

Reason: To ensure that the proposed development meets the current National Described Space Standards in accordance with Policy HG2 of the Hambleton Local Plan and the height is complimentary to the village and from longer views from the National Park.

#### **Condition 17 – Site Levels**

The Layout and Scale reserved matters application(s) shall include site levels details. Levels shall include existing and proposed site levels along with finished floor levels, eaves and roof ridge levels of all buildings. The development shall then be implemented in accordance with the approved levels.

Reason: To ensure that the development is completed with appropriate ground levels and finished floor levels to secure good levels of amenity for the occupants of adjacent residential properties and to mitigate any landscape impacts, in accordance with policies E2 and E7 of the Local Plan.

#### **Condition 18 - Contamination**

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, in accordance with Policy RM5 of the Local Plan.

#### **Condition 19 - Noise Impact Assessment**

A Noise Impact Assessment (NIA) shall be submitted for written approval to the Local Planning Authority (LPA) prior to development commencing. The NIA shall assess the potential impact of existing noise levels on the internal and external amenity areas of the proposed dwellings. If the conclusions of the NIA will affect the layout this will need to be included within the reserved matters site layout plan.

The development shall take place in accordance with the recommendations of the approved NIA.

Reason: To protect the interests of residential amenity.

### **Condition 20 – Foul Water Drainage Scheme**

Development shall not commence until a scheme detailing foul water drainage has been submitted to and approved in writing by the Local Planning Authority. Details shall also be provided of future maintenance responsibilities for the drainage infrastructure. The development shall be implemented in accordance with the approved details and the development shall not be brought into use until the approved drainage works have been completed. The drainage infrastructure shall be maintained in accordance with the approved details.

Reason: To ensure the provision of adequate and sustainable means of foul drainage, in accordance with Policy RM1 of the Local Plan. This detail is required before development commences to ensure the provision of adequate and sustainable means of drainage and to ensure that the existing foul water drainage network which the site will discharge into is not compromised.

### **Condition 21 – tree and hedgerow plan**

The development shall not be commence until a plan has been submitted to and approved in writing by the Local Planning Authority to show all existing trees and/or hedgerows to be retained together with the positions and height of protective fences, the areas for the storage of materials and the stationing of machines and huts, and the direction and width of temporary site roads and accesses.

Reason: To ensure that the retained trees (including any trees outside but adjacent to the site) and hedgerows that are of value are protected in accordance with Local Plan Policy E7. Submission of these details is required before commencement in order to ensure adequate protection of trees and hedgerows at all stages of the development process, including site clearance.

### **Condition 22- Phase 1 Contamination report**

Development shall not commence until a Phase 1 contamination survey has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the interests of residential amenity and the impact on the surrounding environment.

### **Condition 23 – Designing out crime**

The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate that all reasonable measures have been taken to minimise the risk of crime and disorder having regard to Designing Out Crime principles in accordance with Policy E1 of the Local Plan.

Reason: To ensure the creation of a safe and accessible environment where crime and

disorder, and the fear of crime, do not undermine quality of life or community cohesion, in accordance with Policy E1 of the Local Plan.

**Condition 24 – Bin storage**

The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall make provision for convenient and appropriately designed bin storage (including recycling) facilities for the approved dwellings. The details shall include scaled drawings and the external materials of any external bin storage facilities proposed. The approved bin storage facilities shall be completed and be available for their intended use prior to the first occupation of the development.

Reason: To ensure that the development is designed to provide for sufficient and convenient bin storage facilities that respect the appearance of the development and its surroundings, as well as the amenities of residents, in accordance with policies E1 and E2 of the Local Plan.

**Condition 25 – carbon savings**

The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall demonstrate how all practical and viable measures to provide carbon savings and make prudent and efficient use of natural resources will be implemented.

Reason: To secure a more sustainable form of development and to meet the expectations of Policy S1 of Local Plan.

**Condition 26 - External Lighting condition**

Prior to works above existing ground level a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed to reduce impact to wildlife and the North York Moors National Park.

Only such approved lighting shall be installed/erected and shall be operated in accordance with the approved details.

Reason: To reduce the impact to wildlife and the North York Moors National Park.

**Target Determination Date:** 31 July 2025

**Case Officer:** Elizabeth Walker, [elizabeth.walker@northyorks.gov.uk](mailto:elizabeth.walker@northyorks.gov.uk)