

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

2 JUNE 2026

25/03475/OUTMAJ – OUTLINE PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS; CONSTRUCTION OF UP TO 98 DWELLINGS; SITE ACCESS; RETAIL FACILITY (CLASS F2 USE); ASSOCIATED LANDSCAPING, OPEN SPACE AND INFRASTRUCTURE WORKS. ALL MATTERS TO BE RESERVED, EXCEPT FOR PARTIAL MEANS OF ACCESS (INCLUDING EMERGENCY ACCESS) TO (BUT NOT WITHIN) THE SITE FROM TOPCLIFFE ROAD.

AT LAND AT TOPCLIFFE ROAD, DISHFORTH, NORTH YORKSHIRE

ON BEHALF OF CADDICK LAND LIMITED AND T J SWIERS

Report of the Head of Development Management – Community Development Services

1.0 Purpose of the Report

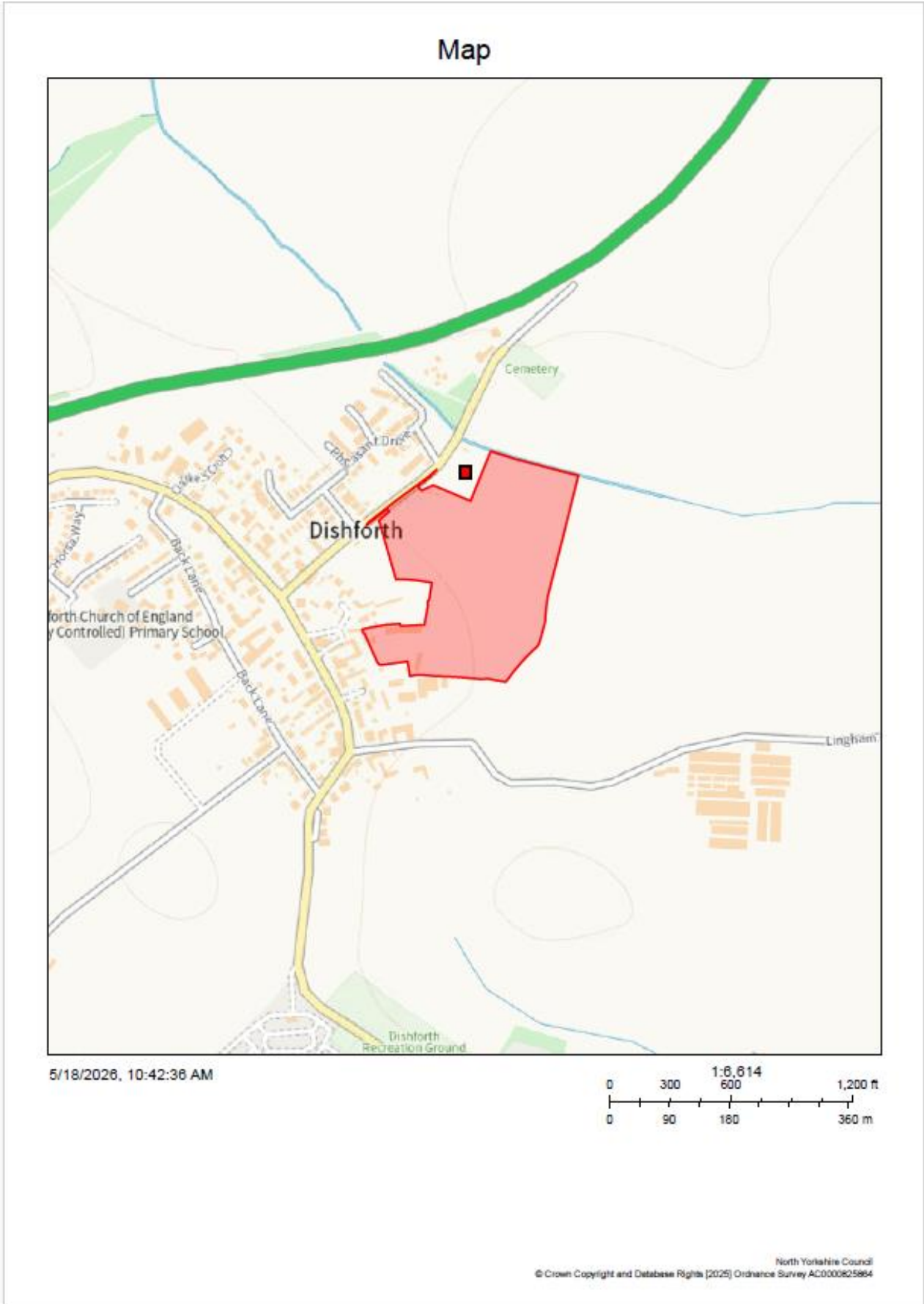
- 1.1 To determine an outline planning application for the demolition of existing buildings; construction of up to 98 dwellings; site access; retail facility (Class F2 use); associated landscaping, open space and infrastructure works. All matters to be reserved, except for partial means of access (including emergency access) to (but not within) the site from Topcliffe Road.
- 1.2 The application is to be presented to the Planning Committee because it is a sensitive site and raises significant material planning issues.

2.0 EXECUTIVE SUMMARY

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

- 2.1. The application seeks outline planning permission for up to 98 dwellings, demolition of existing buildings, access, retail facility (Class F2 use) together with landscaping, open space and infrastructure works on land off Topcliffe Road.
- 2.2. The scheme is made in outline with access to the site from Topcliffe Road considered. Access within the site, scale, landscape, appearance and layout are reserved for future consideration.
- 2.3. The scheme would make a positive contribution to delivering housing, including affordable homes. Given that the council's housing land supply position is 2.2 years, there is not considered to be any adverse impacts which would significantly and demonstrably outweigh the benefits provided by the scheme.

- 2.4. Having regard to the overall planning balance, the proposal complies with the overarching objectives and policies of the development plan and national planning requirements and thus represents sustainable development. It is recommended for approval subject to conditions and completion of a S106 Agreement.



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here:-](#)
- 3.2. The planning application was submitted in October 2025. Following a round of consultation, a number of amendments were made to the scheme and additional documents submitted to address comments raised.
- 3.3. The proposed revisions, updated documentation and a revised description (to include reference to the emergency access) have been subject to further rounds of statutory and public consultations carried out in February and March 2026.

4.0 Site and Surroundings

- 4.1. The site comprises approximately 7.15 hectares of land located on the eastern edge of Dishforth. The site is currently divided into four fields in use for agricultural and equestrian purposes. There are agricultural buildings on the land in the south-western corner.
- 4.2. The site has an existing vehicular access point from Topcliffe Road, which is currently gated. A Public Right of Way (PRoW) runs across the site, roughly in a central location, connecting from Topcliffe Road to Lingham Lane.
- 4.3. The site is bounded to the north by the Yorkshire Water's Dishforth Wastewater Treatment Works (WWTW) and the Soppa Gutter. The eastern boundary comprises hedgerow with gated access to the PRoW. Further north and east are agricultural fields. Topcliffe Road and a tree line bounds the site to the west. The remainder of the site (south and south-west) contains rear boundaries from neighbouring uses.
- 4.4. There are a number of listed buildings within the village. Grade II Listed Crown Farmhouse is important in the consideration of this planning application and this is located on the main road through the village, which is referred to as Mowbray Road within this report.
- 4.5. The site lies predominantly in Flood Zone 1, with a small area of Flood Zone 2 & 3 associated with the Soppa Gutter to the north. There are some isolated pockets of low surface water flooding. No built development is proposed in these areas.

5.0 Description of Proposal

- 5.1. This application seeks outline planning permission for the development of up to 98 dwellings, a retail facility (Class F2 use), demolition of existing agricultural buildings, access (including emergency access) from Topcliffe Road, landscaping, open space and associated infrastructure. All matters are reserved for future consideration except for access to the site (but not within).
- 5.2. A number of Parameter Plans have been submitted to the Council for consideration. This includes:
 - Access and Movement Parameter Plan

- Landscape Strategy Parameters Plan
- Building Heights Parameters Plan
- Land Use Parameters Plan

- 5.3. The above parameter plans show the points of access to the site, the area where the residential development and retail facility is proposed (3.86ha), the area for open space, drainage and biodiversity measures (3.21ha) and a maximum building heights of up to 2.5 storeys. These plans are proposed to be secured in a condition to ensure that any reserved matters which come forward are in broad accordance with them.
- 5.4. An indicative masterplan is submitted for illustrative purposes only to demonstrate one way in which the scheme could be built out. This plan will not be secured by condition.
- 5.5. The main pedestrian and vehicular access point to the development would be from Topcliffe Road, where the existing access is currently. An emergency access point is also proposed from Topcliffe Road to the east of the main vehicular access. Off-site highways improvements are proposed in the form of 2m wide footpath, three informal pedestrian crossings and improved accessible connectivity to the bus stop opposite the village hall.

6.0 Planning Policy and Guidance

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

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is the Harrogate District Local Plan 2014-2035, adopted March 2020.

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:

- National Planning Policy Framework 2024
- National Planning Practice Guidance
- National Design Guide 2021
- Affordable Housing SPD 2021
- Providing Net Gain for Biodiversity SPD 2021
- Provision of Open Space and Village Halls SPD 2021
- Harrogate Landscape Character Assessment 2004
- Landscape Design Guide 2023

- 6.5. Central Government recently consulted upon a draft National Planning Policy Framework (NPPF). The draft NPPF has been afforded limited weight as a material

planning consideration. This is relative to the published NPPF to which is afforded full weight as a material planning consideration.

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Dishforth Parish Council:** Objects on the following grounds and request the application be referred to the planning committee for consideration -
- Lack of detail due to the application being made in outline
 - Services such as GP surgeries, dental practices, supermarkets and petrol stations are all located outside of Dishforth
 - Raise concerns regarding how existing infrastructure will cope
 - Alternative modes of travel are impractical and at times hazardous
 - Seek clarification on flood mitigation measures
 - Use of high-grade farmland for housing is inappropriate
 - S106 money for the village hall should be directed to both village halls
 - Shortcomings in the assessment on Great Crested Newts; conclusions in the report are considered unreliable
- 7.3. **Environment Agency:** No objections, recommend condition to ensure dwellings are located in Flood Zone 1.
- 7.4. **Ministry of Defence:** Request to be consulted upon all future reserved matters applications.
- 7.5. **National Highways:** No objection. Any remaining updates to the Travel Plan can be agreed between the Local Planning Authority and the Applicant.
- 7.6. **NHS Integrated Care Board:** Commuted sum required (see Table 1).
- 7.7. **NYC Arboriculture:** No objections, recommend condition for an Arboricultural Method Statement and Tree Protection Plan.
- 7.8. **NYC Archaeology:** No objections, recommend condition to secure archaeological recording.
- 7.9. **NYC Ecology:** No objections subject to conditions relating to mitigation, enhancement measures, biodiversity net gain and S106 for monitoring of the on-site BNG.
- 7.10. **NYC Education:** Commuted sum required (see Table 1).
- 7.11. **NYC Environmental Protection:** No objections, recommends conditions relating to contamination, noise and air quality.

- 7.12. **NYC Heritage:** The development would result in less than substantial harm to the setting of Grade II Listed Crown Farmhouse, at the lowest end of the scale. The harm would need to be weighed against the public benefits.
- 7.13. **NYC Highways:** No objections subject to conditions and financial contributions (see Table 1).
- 7.14. **NYC Housing:** No objections, provide advice which is relevant for the reserved matter application.
- 7.15. **NYC Landscape:** The development would not have a significant effect on landscape character or visual amenity, an Open Space Typology Plan should be provided, the Landscape Parameters Plan should include annotation that the streets will be tree lined.
- 7.16. **NYC Lead Local Flood Authority:** No objections, subject to conditions relating to final surface water drainage scheme, temporary construction surface water management plan and percolation testing.
- 7.17. **NYC Minerals and Waste:** No objection.
- 7.18. **NYC Open Space Team:** Commuted sum required (see Table 1).
- 7.19. **NYC Public Rights of Way:** Welcome the retention of the public right of way on its original alignment, provide advice in relation to landscaping and maintenance and temporary closure of the prowl, there would be a loss of visual amenity for prowl users, additional landscaping will help mitigate this.
- 7.20. **NYC Urban Design:** Provide detailed design comments.
- 7.21. **Swale and Ure Internal Drainage Board:** State that consent will be required for surface water discharge from the site, any proposed structure within 9.0m of the watercourse and within the cross-sectional area of the watercourse.
- 7.22. **Yorkshire Water:** Recommend conditions relating to landscaping and for the development to be carried out in accordance with the submitted Flood Risk Assessment & Drainage Strategy. State that the public sewer network does not have adequate capacity available to accommodate the development and object on this basis.

Local Representations

- 7.23. 130 local representations have been received objecting to the proposed development. A summary of the comments is provided below, however, please see website for full comments.
- The village has no amenities or services, apart from one pub and one primary school
 - Residents have to drive to reach amenities

- Limited bus service, lack of walking/cycling routes
- Access is dangerous
- Increase in traffic
- Impact on conservation area and the setting of listed buildings
- Impact on local infrastructure (such as drainage, electricity)
- Overdevelopment
- Harm to the character of the village
- Loss of farming land
- The site is not allocated for development in the Local Plan and is outside of the development limits
- The applicant's consultation process was inadequate
- There needs to be a new play park
- Dishforth has already had new housing estates approved; the increase is disproportionate
- Loss of a view
- There is no shop in the village and no proposal to add a shop
- No evidence that Swale & Ure Internal Drainage Authority have been consulted on the discharge of surface water to the Soppa Gutter
- Concerns regarding using Chapel Yard as a right of way
- Odour and noise issues
- Brownfield land should be considered first
- Devalue of existing properties
- Impact on local wildlife
- The village will be turned into a town
- The applications at Kirby Hill and Boroughbridge are more sustainable locations

7.24. Dishforth Residents Group – Object on the following grounds:

- The site is not allocated in the Local Plan and is outside of village development limits
- Disproportionate scale of development
- Highways safety
- Limited public transport services
- Drainage and flooding concerns
- Sewerage capacity
- Loss of agricultural land
- Concerns regarding the applicant's consultation exercise

8.0 **Environment Impact Assessment (EIA)**

- 8.1. The development proposed falls within Schedule 2 Category 10(b) of the Environmental Impact Assessment Regulations 2017 (as amended) as the development is urban development on a site which an overall area exceeding 5 hectares. The inclusion of a proposal within Schedule 2 does not in of itself mean that an EIA is required, merely that the development may be of a significant environmental impact or size that could require an EIA to be undertaken. An EIA Screening Opinion has been carried out by the Council in May 2026 which concludes that the development is not EIA development. No Environmental Statement has therefore

been requested in support of this application. The report is available to view on the case file.

9.0 **Main Issues**

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

- Principle and Housing Land Supply
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual Impact
- Heritage
- Archaeology
- Trees
- Ecology and Biodiversity
- Highways and Accessibility
- Flood Risk and Drainage
- Amenity
- Open Space
- Climate Change
- Land Contamination
- Minerals and Waste
- S106 Matters
- Other Matters

10.0 **ASSESSMENT**

Principle and Housing Land Supply

10.1. Section 38(6) of the Planning and Compulsory Purchase Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

10.2. The Harrogate District Local Plan was adopted by the former Harrogate Borough Council on 4 March 2020. The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application.

10.3. Policy GS1 sets out a requirement for a minimum of 13,377 new homes over the period 2014-2035, equating to **637 dwellings per year**.

10.4. As the Local Plan is now more than five years old, the housing provision figure set out in Policy GS1 is no longer valid. The annual housing requirement for the former Harrogate area is now 1046 homes, as derived from the Government Standard Method. Including the relevant 5% buffer, the five-year supply requirement is 5492, equating to **1046 dwellings per year**. Based on the most recent data (from the 2024/2025 monitoring period), there is a demonstrable deliverable supply of 2408 homes over a five-year period.

- 10.5. This translates to 2.2 years of housing supply when measured against the five-year supply requirement.
- 10.6. Paragraph 11 of the NPPF states that where there are no relevant development plan policies, or the policies which are most important for determining the application are considered out-of-date, permission should be granted unless:
- i. The application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 10.7. Paragraph 11 is therefore engaged and there is a 'tilted balance' in favour of the development.
- 10.8. Local Plan Policy GS2 sets out a settlement hierarchy to direct development. Dishforth is identified as a Service Village where land will be allocated for new homes to support the continued provision of a basic range of services and facilities; with new village shops and businesses supported to maintain their continued sustainability. Paragraph 3.20 of the Local Plan states service villages offer a range of basic services and community facilities, and represent sustainable locations for development.
- 10.9. The development limits of settlements identified in policy GS2 are provided under policy GS3. Policy GS3 supports development within those limits, provided they are in accordance with other relevant policies of the Local Plan. The application site is outside of the development limits, however, these limits are now afforded reduced weight.
- 10.10. Policy GS3 then explains how to approach development outside of the development limits, in the absence of a five-year supply of housing land:-

In the absence of a five-year supply of housing land proposals for new housing on sites outside of the development limit of a settlement will be considered in accordance with the presumption in favour of sustainable development set out in national planning policy. Such proposals should be consistent with the role of the settlement in the settlement hierarchy set out in policy GS2, not result in disproportionate level of development compared to the existing settlement and meets the following criteria:

- A. The site is well related to the existing built form of the settlement;
- B. Development would not result in coalescence with a neighbouring settlement;
- C. There would be no adverse impact on the character and appearance of the surrounding countryside or heritage assets;

- D. The proposal is of a scale and nature that is in keeping with the core shape and form of the settlement and will not significantly harm its character, appearance and setting.

10.11. I deal with each matter below.

Is the proposal consistent with the role of the settlement in the hierarchy and would it result in a disproportionate level of development compared to the existing settlement?

- 10.12. Dishforth is identified as a Service Village in the settlement hierarchy where land will be allocated for new homes to support the continued provision of a basic range of services and facilities. Service villages offer a range of basic services and community facilities and represent sustainable locations for development.
- 10.13. The application proposes up to 98 dwellings directly adjacent to the village. The scale of the development proposed is considered to be consistent with the function of Dishforth as a service village, being larger in scale than the 'small scale infill development' allowed in smaller villages and less than the larger scale of development generally seen in local service centres such as Boroughbridge.
- 10.14. It is noted that the number of dwellings sought permission for is higher than the allocated/committed sites in Dishforth (DF2 Land at North End is a committed site with an indicative yield of 72 dwellings and DF4 Thornfield Avenue is an allocated site with an indicative yield of 43 dwellings), however, the context of housing land supply has since changed since the adoption of the Local Plan due to the changes to the NPPF in 2024. The amount proposed is, on balance, considered to be reasonable in the context of paragraph 11 of the NPPF being engaged.
- 10.15. Objections have been received regarding the scale of the development and that it is disproportionate compared to the existing settlement. However, when considering the size, shape and form of the village currently, officers do not consider the level of development proposed under this application to be disproportionate, when also taking into account that paragraph 11 of the NPPF is engaged and the position of the village within the settlement hierarchy.

Criteria A – Is the site well related to the existing built form of the settlement?

- 10.16. The application site is located directly adjacent to the development limits of the village (see Appendix A). It would take access from Topcliffe Road, which also serves dwellings on Gables Court, Forest Drive/Thornfield Avenue/Cray Thorns Crescent and Pheasant Drive. Pheasant Drive is an allocated site within the Local Plan (DF4 'Land north east of Thornfield Avenue') which has since been built out. It is located further north than the application site.
- 10.17. The Land Use Parameters Plan submitted with this application shows that the built development would be set back from the WWTW and Soppa Gutter so it would be no further north than Pheasant Drive. It is considered that the site is well related to the existing built form of the settlement and the scheme therefore complies with Criteria A.

Criteria B – Would the development result in coalescence with a neighbouring settlement?

- 10.18. Given the separation distances to nearby settlements, there would be no coalescence. The scheme complies with Criteria B.

Criteria C – Would there be an adverse impact on the character and appearance of the surrounding countryside or heritage assets?

- 10.19. Criteria C is considered in detail in the 'Landscape and Visual Impact' and 'Heritage' sections of this report. The proposed development would result in major-moderate visual harm which would reduce to moderate-adverse harm at year 15. The visual harm would be localised and predominantly experienced from short distance viewpoints. Minor adverse impacts would result to the landscape character. Less than substantial harm has also been identified to the setting of a Grade II listed building, Crown Farmhouse. As adverse impacts have been identified, the scheme would not comply with Criteria C.

Criteria D – Is the proposal of a scale and nature which is in keeping with the core shape and form of the settlement and will not significantly harm its character, appearance and setting?

- 10.20. As discussed above, the application site is adjacent to the village and is well related to built development. It is not isolated and will be viewed in the context of residential development opposite on Topcliffe Road and residential development to the south. The site would effectively 'round off' the village on the eastern side of Topcliffe Road. Whilst the 'Landscape and Visual Impact' section of this report identifies harm to landscape character, this would not be significant. The scheme would therefore comply with criteria D.
- 10.21. To conclude, there is policy support for development outside of the development limits of Service Villages in circumstances where the Council cannot demonstrate a 5 year supply of housing land. There is some conflict with policy GS3 because the scheme would result in adverse impacts on the character and appearance of the countryside and heritage assets. This conflict needs to be weighed in the planning balance.

Retail Facility (F2 Use Class)

- 10.22. The application also seeks consent for a retail facility within the F2 Use Class. This means the unit will not cover an area of more than 280m², there is no other such facility within 1,000m radius and the shop will mostly sell essential goods.
- 10.23. Policy GS2 supports new village shops and businesses. Policy HP9 supports new community facilities provided there is a local need for the facility, and the following criteria are met:

- A. The facility is of a scale and nature appropriate to its location and intended function;
- B. The facility is accessible to the community it is intended to service;

- C. There are no significant adverse impacts on residential amenity;
- D. There will be no significant loss of industrial, business or housing land or buildings, recreational land or important amenity open space;
- E. All options to reuse existing appropriately located buildings are exhausted before proposals for the development of new buildings are considered;
- F. The proposal would not have an unacceptable impact on the operation of the highway network.

10.24. Taking each criterion in turn, the application proposes a retail facility, within the F2 'Local Community' Use Class (which was introduced post adoption of the Local Plan). The definition of Use Class F2 (a) is:

A shop mostly selling essential goods, including food, to visiting members of the public where-

- (i) The shop's premises cover an area not more than 280 metres square, and
- (ii) There is no other such facility within 1,000 metre radius of the shop's location.

10.25. The F2(a) use is clearly intended to include village shops, and to seek their protection (there are no permitted development rights for F2 uses).

10.26. The proposed retail facility would be of a scale and nature appropriate to the location and intended function. The site is within walking distance of the community it intends to serve, and three informal crossings are proposed which will improve the journey to the shop on foot. There are no in principle concerns regarding impact on amenity, and a condition is recommended for further details on any plant, as well as conditions on opening hours. There would be no significant loss of land given the size of the unit proposed. The applicant has searched the market online and found no suitable existing building which could be utilised. Highways and National Highways have raised no objections on highways grounds.

10.27. With regards to a local need for the facility, the village currently has no such facility. The applicant included the retail facility within the submission following consultation with local residents, where 26% of respondents requested that a local shop be provided on site. Public comments have also been received in respect of this application which note there is no shop in Dishforth which means that residents have to leave the village to reach such a facility. Whilst no 'evidence' of need has been submitted, in my opinion a retail facility in a rural village without one is clearly a positive element of the scheme. It is also important to note that policy GS2 specifically supports new village shops and businesses to maintain their [service villages] continued sustainability.

10.28. As such, the principle of a village shop can be supported in accordance with policies GS2 and HP9.

10.29. A retail facility is classified as a main town centre use in Annex 2 of the NPPF. Although Policy GS2 and HP9 provide support for village shops, as the development falls within the definition of a main town centre use, policy EC5 of the Local Plan is also engaged.

- 10.30. Policy EC5 requires compliance with the sequential test but provides an exception where retail development would serve a purely localised need, outside of the town centres of Harrogate, Knaresborough, Ripon, Boroughbridge, Masham and Pateley Bridge. A 'localised need' is defined in footnote 11 as retail that serves the day-to-day needs of the immediate area rather than a wider catchment area.
- 10.31. The retail facility is intended to serve the residents of the village. The scale proposed is considered to be commensurate with the demand generated by residents of this village. It would not be of a size or in a location that would impact the town centres, and as such a sequential test is not required in this instance, in accordance with policy EC5.
- 10.32. Whilst paragraph 91 of the NPPF states that a sequential test should be applied to planning applications for main town centre uses, paragraph 93 states that this sequential approach should not be applied to applications for small scale offices or "other small-scale rural development". Other scale-rural development is not defined within the NPPF or the PPG, so it is a matter of planning judgement. In my view, given the intended users of the facility, its limited scale and that an F2 'local community' use is proposed, the need for a sequential test would be unnecessary. Directing a village shop to the main town centres would not serve the residents of this village sustainably, nor would it be in the spirit of paragraph 88 (d) of the Framework which supports the retention and development of accessible local services and community facilities, such as local shops. The development therefore complies with paragraph 88 and 93 of the NPPF.
- 10.33. When read as a whole, it is considered that the Local Plan and NPPF supports the provision of community uses such as village shops.
- 10.34. A Retail Impact Assessment is not required, as the amount of floorspace will be restricted to 249 sqm by condition. However, on the basis that the facility is intended to serve the residents of the village for day-to-day essentials, it is unlikely to result in significant adverse impacts on the town centres.
- 10.35. The principle of a village shop is acceptable. Whilst this is a positive element of the scheme and would benefit existing and future occupiers of Dishforth, it is not required to make the development acceptable and therefore will not be secured in the S106 agreement or conditioned to be provided. For this reason, the Land Use Plan shows a 'broad location for optional community retail shop'.
- 10.36. However, the applicant is agreeable to including a requirement to submit a Marketing Strategy to the Council, which will require the unit to be marketed for a defined period. If the land/unit is not purchased/leased within this period, using reasonable endeavours, then a residential use could come forward on this area of land instead, pursuant to the conditions of the outline permission.

Agricultural Land

- 10.37. Policy NE8 protects the best and most versatile agricultural land (BMVAL), except where it can be demonstrated to be necessary. Sites over five hectares should

produce an agricultural land classification survey to determine the quality, quantity and accurate location of agricultural land.

- 10.38. An agricultural land classification survey has been submitted with the planning application. This confirms that the land is Grade 2 BMVAL.
- 10.39. Policy NE8 states that planning permission for development affecting such land will only be granted exceptionally if there is an overriding need for the development and either:
- A. Sufficient land of a lower grade is unavailable or available lower grade land has an environmental value recognised by a statutory wildlife, historic, landscape or archaeological designation and outweighs the agricultural considerations; or
 - B. The benefits of the development justify the loss of high-quality agricultural land.
- 10.40. The applicant has not considered alternative land within their planning submission. However, the Council is in a position where it needs to release more land for housing. Agricultural land directly adjacent to existing settlements is likely to be required to meet the housing shortfall. I consider on this basis that there is an overriding need for the development and the benefits associated with the development (the provision of up to 98 dwellings, including affordable) would justify the loss of the BMVAL. Thereby complying with NE8 (B).
- 10.41. Based on this assessment there is no conflict with policy NE8, although the loss of BMVAL is a matter afforded negative (albeit limited) weight in the planning balance.

Size and Type of Housing

- 10.42. Local Plan Policy HS1 states that developments should seek to deliver a range of house types and sizes and respond to the identified needs and demands of the district's households. The mix should be informed by local market assessments (including Housing and Economic Development Needs Assessment (HEDNA)) as well as locality and ability of the site to accommodate a mix of housing.
- 10.43. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, based on demographic trends, market trends, and the needs of different groups, should be provided.
- 10.44. In terms of housing mix and provision of different sized properties, planning permission is sought on an outline basis, such that details of scale, layout and appearance of the residential units within the site have not been provided. In order to secure a mix in keeping with policy HS1, a condition is recommended requiring a Housing Mix Statement, demonstrating that the mix meets the requirements of the 2025 HEDNA (or any superseding HEDNA) unless evidence is provided to demonstrate that a deviation from the mix is acceptable, as set out in policy HS1.
- 10.45. A condition is also recommended to ensure 25% of the market homes will be built to be accessible and adaptable homes to achieve M4(2) of the Building Regulations.

10.46. In view of the above, the proposals would be in accordance with the requirements of policy HS1 of the Local Plan subject to the imposition of the above conditions.

Affordable Housing

10.47. Local Plan Policy HS2 requires 40% affordable housing on all qualifying greenfield developments, subject to viability. On-site provision is expected for all major developments comprising 10 or more dwellings.

10.48. The applicant has confirmed that 40% of the residential dwelling units provided within the site would be secured as affordable housing units in accordance with the requirements of the Local Plan. This, together with a 70:30 split and Affordable Housing Scheme, will be secured within the S106 agreement.

10.49. In line with policy HS2 of the Local Plan, all affordable homes should be built to accessible and adaptable homes, and within this 10% should be built as wheelchair accessible homes. A condition is recommended to ensure this is provided.

10.50. In view of the above, the proposals would be in accordance with the requirements of policy HS2 of the Local Plan subject to the imposition of the above conditions and the completion of a S106 agreement.

Landscape and Visual Impact

10.51. Policy NE4 states that proposals that protect, enhance or restore the landscape character of Harrogate district for its own intrinsic beauty and for its benefit to the economic, environmental and social well-being of the district will be supported.

10.52. The site is not a 'valued landscape' in terms of the NPPF and it is not within the National Landscape or an Area of High Landscape Value.

10.53. The site is located within Landscape Character Area 81: Dishforth and Surrounding Farmland. The Landscape Character Assessment (LCA) explains that the character area covers almost 48km² and extends along the A1 corridor from Kirby Hill to Leeming Lane Farm. Key characteristics are:

- Land use is predominantly arable with grass fields on the fringe of settlements, grade 2 agricultural land
- Flat to slightly undulating landform below 50m AOD
- Very little woodland cover or individual tree cover
- Main settlements include Dishforth, there are several scattered farmsteads, Dishforth Airfield, the A1M and A168 dissect the area

10.54. The sensitivities and pressures include intensive farming practices, linear planting along the A1M does not sit well within the landscape, large-scale industrial development impacts the open area, loss of field pattern through loss of hedgerows and amalgamation of fields.

- 10.55. The LCA sets a number of aims including maintaining extensive views, integrating new development, avoiding large scale tree planting to screen development and instead small woodland blocks to help integrate development into the landscape.
- 10.56. A Landscape and Visual Appraisal (LVA) has been submitted in support of the application. The appraisal assesses the potential effects of the proposed development upon the landscape and the visual amenity of the area. The LVA considers the visual effects of the development from 13 viewpoints, which include views from Topcliffe Road, Lingham Lane, the PRow network and Dishforth cemetery, as well as from residential properties.
- 10.57. The application site lies outside of the village development limits and provides a rural setting to the village of Dishforth. With regards to landscape effects, the LVA concludes that the proposed development would result in overall effects of minor adverse.
- 10.58. From Topcliffe Road, the site is relatively well screened by the existing tree line, however views of the site are possible due to the topography of the site, gaps within the trees (for instance at the site entrance – viewpoint 1). Open views of the site are afforded from the public right of way footpath 15.31/13/1 which starts on the southern side of Topcliffe Road (viewpoint No. 2) and continues through the site to the east (viewpoint 2, 3a and 3b). Open views of the site are also possible from the east on Lingham Lane (viewpoint 4) and the north from Dishforth Cemetery (viewpoint 12).
- 10.59. In this regard, from close range views as described above, including the local PRow network, existing properties on the site boundaries and from Dishforth Cemetery, the proposed development would be experienced by residents as contrasting with the otherwise undeveloped and agricultural character of the site. As set out within the LVA, the impact would be of major-moderate adverse, reducing to moderate adverse by year 15.
- 10.60. Views of the site from longer distance viewpoints are relatively limited owing to topography, existing trees/hedgerow as well as limited public viewpoints. The visual effects would therefore be limited and localised. Notwithstanding this, there is no doubt that the proposal would change the existing undeveloped character of the site as a whole. However, it is important to acknowledge that the site is adjacent to the village and would not extend any further north than existing development at Pheasant Drive.
- 10.61. In terms of mitigation, the Land Use Plan shows that built development will be set back from the northern and eastern boundary which adjoin agricultural fields, with 45% of the site undeveloped and used for open space, biodiversity measures and drainage. Existing trees and hedgerow are also proposed to be retained (apart from a small number of trees/hedgerows being removed for access). Additional landscaping (in keeping with the landscape character) will be considered as part of the reserved matters application, this will include native hedge planting and filling in gaps along the site boundaries. These measures would help to soften the impacts of the development.

- 10.62. Overall, the visual effects of the proposed development would be predominantly experienced and confined to localised viewpoints. The LVA demonstrates that overall, a development of this type would not have a significant effect on the landscape character or visual amenity of the site of wider study area. The NYC Landscape Officer agrees with this conclusion.
- 10.63. I consider that the proposed development would initially cause major-moderate localised harm to the character of the area. In time, this would reduce to moderate adverse harm. As adverse harm has been found, the proposal would conflict with Local Plan policy GS3 criteria C as well as policy NE4 as the development would not protect, enhance or restore the landscape character. This is an important matter which needs to be weighed in the planning balance.

Landscaping, scale and density

- 10.64. Local Plan Policy HP3 sets out expectations for well-designed schemes. Developments should incorporate high quality building, urban and landscape design that protects, enhances, or reinforces those characteristics, qualities and features that contribute towards local distinctiveness. This includes respecting the spatial qualities of the local area such as scale, appearance and visual relationship and views, building density and context, and the contribution of the natural environment.
- 10.65. Policy HS1 states that new housing development will be expected to achieve a minimum net density of 30 dwellings per hectare but lower densities are permitted in certain circumstances.
- 10.66. The NPPF places great importance on the creation of healthy and safe communities and the creation of high-quality buildings and places. The National Design Guide also provides guidance on how well-designed places can be achieved.
- 10.67. The application is made in outline; however, parameter plans have been submitted for consideration.
- 10.68. The Building Heights Parameter Plan sets a maximum height of up to 2.5 storeys. This is considered to be appropriate given the scale of development within the village. The Land Use Plan identifies the area of land for built development (3.86 ha) and the illustrative masterplan shows how the site could support up to 98 homes. The final density will be considered at reserved matters.
- 10.69. Landscape Strategy Parameters Plan shows the proposed landscape strategy for the site. Key features include the green corridor across the site following the existing alignment of the public right of way, as well as maintaining key views out of the site to the countryside. Green infrastructure, including open space, drainage and biodiversity areas are shown around the edges of the site to the north and east. This ensures that built development is closest to the village and provides a green buffer on the countryside edges. The plan also shows the trees and hedgerows to be retained along the boundaries of the site.
- 10.70. NYC Landscape Officer has requested that an annotation be included on the Landscape Strategy Parameters Plan to confirm all streets will be tree lined. This is a

requirement of national policy (paragraph 136 of the NPPF) and detailed landscaping is a matter reserved for consideration. It is therefore not necessary to include the annotation on the plan. The Landscape Officer has also requested an Open Space Typology Plan. The applicant has not been forthcoming in providing this plan, however, this is due to the fact the scheme is submitted in outline and a degree of flexibility is required at this stage. This is a reasonable approach and as such the application can proceed without such plan. Details and amount of open space will be secured by the S106.

- 10.71. NYC Urban Design Officer has provided detailed comments following a review of the illustrative masterplan which has been sent to the agent. The masterplan is illustrative and shows just one way in which the site could be development. Detailed matters such as layout, appearance, internal footpaths etc will all be dealt with at reserved matters stage. The Urban Design Officer will be consulted on reserved matters submissions, should permission be granted.
- 10.72. The Public Rights of Way (PRoW) Officer welcomes the retention of the PRoW on its existing alignment, within a green corridor. They state that the development would be visible from the PRoW, creating a localised loss of visual amenity, and that additional soft planting will help to mitigate this. I agree with this view; careful consideration of the PRoW within the site will be required at reserved matters stage. It is noted that the PRoW is currently being blocked by an adjacent landowner, which has been reported to the PRoW officer.
- 10.73. In my view, the parameter plans demonstrate that a high-quality scheme could be achieved on site, subject to careful consideration of reserved matters, in accordance with policies HS1 and HP3 of the Local Plan and Section 12 of the NPPF.

Heritage

- 10.74. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.
- 10.75. Local Plan Policy HP2 advises that planning applications affecting heritage assets will be determined in accordance with national planning policy. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm.
- 10.76. Paragraph 212 of the NPPF states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation (and the more important the asset, the greater the weight should be). Paragraph 213 requires clear and convincing justification for any harm to the significance of the heritage asset. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of the

designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.

- 10.77. A Heritage Statement has been submitted in support of the application. The Heritage Statement identifies four Grade II listed buildings as having the potential to be impacted by the development proposals through change to setting – Crown Farmhouse, Corner Cottage, Former Christ Church and East View House. No harm is identified for the setting of Corner Cottage, Former Christ Church and East View House and therefore they are not considered further in this report.
- 10.78. With regards to Crown Farmhouse, the Heritage Statement explains that the 18th century farmhouse was owned by Her Majesty the Queen and was occupied by Thomas Morley and the Reverent Thomas Paley. The application site is located 55m to the east of the farmhouse and a small part of the application site was owned and occupied by the same people as Crown Farmhouse, at the same time, as shown on the 1840 Tithe Map. The plot was described as ‘Cart Sheds and Garden’. The garden area was removed by the early 20th century and replaced with farm buildings.
- 10.79. Part of the application site was historically associated with the listed farmhouse as described above. For this reason, due to the proposed change in character of the site from rural to suburban, there would be a change to the setting of the farmhouse, resulting in less than substantial harm to the setting.
- 10.80. The level of harm is considered to be on the lowest end of the scale of harm. This is due to the limited historic association between the farmhouse and land, the lack of visibility between the sites and that the listed building faces west, where the significance of the building can be fully understood from Mowbray Avenue.
- 10.81. The Council’s Conservation Officer agrees with the conclusion reached in the Heritage Statement. They have advised that the harm identified would need to be weighed against public benefits.

Conclusion

- 10.82. Less than substantial harm to the setting of Crown Farmhouse has been identified. Members must afford considerable importance and weight to such harm. Paragraph 213 of the NPPF requires clear and convincing justification for any harm to the significance of the heritage asset and paragraph 215 sets out that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
- 10.83. There is clear justification for the proposed development – the Council cannot demonstrate a 5 year supply of housing land and this development would offer a significant contribution towards meeting that shortfall on a site which is well related to the village.
- 10.84. The proposed development would deliver significant public benefits, most notably the provision of up to 98 dwellings (including affordable housing). These benefits alone in

my opinion are sufficient to outweigh the harm, although it should be noted that there are other benefits such as temporary construction jobs and open space on site (such as the play area), and a biodiversity net gain which exceeds the mandatory 10%. Overall, it is considered that the harm caused to the heritage asset, to which great weight is attached, is less than substantial and would be outweighed by the public benefits of the proposals. The scheme therefore complies with policy HP2 and paragraph 215 of the NPPF.

Archaeology

- 10.85. Paragraph 207 of the NPPF requires the submission of an appropriate desk-based assessment and where necessary a field evaluation on sites which have the potential to include heritage assets with archaeological interest. The application includes an archaeological desk-based assessment which is supported by an archaeological field evaluation in the form of a geophysical survey followed by trial trenching. The trial trenching has confirmed that anomalies, previously noted in a geophysical survey, are archaeological and represent the remains of a later prehistoric and Romano-British settlement and field system. The remains are of local significance.
- 10.86. The Council's Archaeology Officer raises no objection to the proposal and recommends a condition for archaeological mitigation recording. It is considered that the proposal is in accordance with Policy HP2 of the Local Plan and Section 16 of the NPPF.

Trees

- 10.87. Local Plan Policy NE7 advises that development should protect and enhance existing trees that have wildlife, landscape, historic, amenity, productive or cultural value or contribute to the character and/or setting of a settlement. New development should be designed to ensure a satisfactory relationship between buildings and trees.
- 10.88. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. As such, planning decisions should ensure existing trees are retained wherever possible.
- 10.89. The Arboricultural Impact Assessment advises that T6 will require removal, along with two small sections of H17. Both of these are category 'C' specimens and are required to be removed to facilitate the widening of the access. G8 will also be required to be removed for the emergency access into the site, which is category 'U' and comprises of clusters of dead/almost dead elm stems. Two trees, T5 and T7, will require root pruning. The Council's Arboriculturist has raised no objections to the development and has requested an Arboricultural Method Statement and Tree Protection Plan to be secured by condition.
- 10.90. The proposed development would comply with Policy NE7 of the Local Plan and paragraph 136 of the NPPF.

Ecology and Biodiversity

- 10.91. The Council has a duty to consider the conservation of biodiversity when determining planning applications. Policy NE3 of the Local Plan requires proposals to protect and enhance features of ecological and geological interest.
- 10.92. Paragraph 193 of the National Planning Policy Framework states that when determining planning applications, Local Planning Authorities should apply several principles. One of these states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 10.93. The application is subject to mandatory biodiversity requirements under Schedule 7A of the Town and Country Planning Act 1990 which applies to applications made on or after 12 February 2024. This requires a 10% increase on baseline habitat and hedgerow values secured either on-site or off-site (or in combination).
- 10.94. The application is supported by an Ecological Impact Assessment (EclA), Supplementary Ecological Appraisal Report, Biodiversity Net Gain Technical Note and associated BNG Metric Calculations. These have been updated during the course of the application.
- 10.95. The application site is not covered by any designation for nature conservation. The Council's Ecologist agrees with the submitted EclA that the proposed development is unlikely to affect any sites designated for nature conservation purposes.
- 10.96. The majority of the application site is currently modified grassland with low nature conservation interest. Hedgerows on the boundaries of the site are proposed to be retained, apart from two short sections of H17 for the access, and measures are proposed to improve the quality of the hedgerow. A very limited number of trees are proposed to be removed for the access, none of which are veteran or worthy of protection.
- 10.97. With regards to species, the EclA addresses impacts on breeding birds, bats, badger, great crested newts, otter and water vole. The Council's Ecologist has recommended a condition to secure a Construction Environmental Management Plan and lighting plan to minimise risks to protected species and habitats.
- 10.98. The proposed development has the potential to impact badgers as badger setts were found on and near the site. No built development is proposed in these areas, and the edges of the site have a generous amount of open space/ green infrastructure. As an acoustic fence is proposed around the WWTW, a condition is recommended to ensure details of the fencing is submitted to the LPA, including measures to allow movement through the fencing for badgers (for instance, access points aligned with existing gaps in the existing WWTW fencing).
- 10.99. The proposed development also has the potential to impact great crested newts as the evidence suggests they are likely to be present in the area. The applicant has

provided evidence of a submission of an Impact Assessment and Conservation Payment Certificate (IACPC) to Natural England to enter the site into District Level Licensing.

- 10.100. However, regardless of the licensing regime with Natural England, Local Planning Authorities must address the three tests set out in the Conservation Regulations when determining a planning application that may result in harm to a European Protected Species.
- 10.101. The three tests are:
1. That the plan or project must be “in the interests of preserving public health or public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of importance for the environment”
 2. That there should be no satisfactory alternative to the plan or project
 3. And that the favourable conservation status of the species affected must be maintained
- 10.102. Natural England’s Guidance Note on European Protected Species and the Planning Process provides advice on application of the ‘three tests’. NYC Ecologist has confirmed that the provisional IACPC confirms that the favourable conservation status test will be met (test 3).
- 10.103. With regards to test 1 and 2, there is a significant housing need within the Council area, with a housing land supply position of 2.2 years. Dishforth is identified as a ‘Service Village’ in the settlement hierarchy, which represents sustainable locations for development. The development would make a significant contribution to addressing this need. There appears to be no land directly adjacent to the village which is currently on the open market which would be an alternative site. Indeed, this is the only site adjacent to the village development limits which has been submitted for Call for Sites as part of the emerging North Yorkshire Council Local Plan process. When considering the ‘do nothing’ scenario, this would conflict with the presumption in favour of sustainable development as this approach would not address the significant housing shortage in the area.
- 10.104. Taking the above into consideration, the three tests set out within the Habitat Regulations can be said to have been met and therefore it is likely that the license will be issued by Natural England.
- 10.105. A condition is recommended to secure a Biodiversity Enhancement Management Plan to ensure biodiversity enhancements such as integral bird bricks and bat tubes to the houses, hedgehog highways, habitat piles and bee and bug ‘hotels’ are provided across the site.
- 10.106. With regards to achieving the mandatory 10% net gain in biodiversity, the BNG Metric Calculations advise that the development can exceed the 10% statutory minimum requirement. The applicant is proposing substantial on-site biodiversity enhancements – 69.70% increase in habitat units, 50.84% in hedgerow units and

11.64% in watercourse units. This is a matter which weighs positively in the planning balance, as it exceeds the mandatory amount.

- 10.107. The Council's Ecologist recommends a condition requiring a detailed Habitat Management and Monitoring Plan to be submitted, which must be in accordance with the Metric. A monitoring fee is required to be secured by S106.
- 10.108. Subject to the above conditions, the proposed development would comply with Local Plan policy NE3, paragraph 193 of the NPPF, Schedule 7A of the Town and Country Planning Act 1990 and the Habitat Regulations.

Highways and Access

- 10.109. Policy T11 of the Local Plan requires developments to create safe and accessible communities and encourage sustainable travel behaviour. Policy T13 states that development will be supported where it incorporates appropriately designed vehicle and cycle parking.
- 10.110. Paragraph 115 of the NPPF advises that in assessing sites, it should be ensured that safe and suitable access to the site can be achieved for all users (criteria b). Paragraph 116 of the NPPF makes clear that development should only be prevented or refused on highway 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.
- 10.111. The application is supported by a Transport Assessment (Andrew Moseley Associates – October 2025), Technical Note (January 2026) and Travel Plan (Andrew Moseley Associates – January 2026).
- 10.112. The NYC Highways officer confirms that the associated movements from the proposed development would not have a severe impact on the highway network. The junction capacity assessments indicate that no junctions assessed will approach or exceed capacity. National Highways have reviewed the documents above in relation to the potential impacts upon the Strategic Road Network and raise no objections.
- 10.113. Access to the site is proposed via Topcliffe Road. The existing access will be widened to 5.5m and 8m radii. Emergency access is also proposed from Topcliffe Road. Visibility splays have been demonstrated in line with Manual for Streets, as well as swept path analysis. NYC Highways have raised no objections to the access arrangements, subject to conditions.
- 10.114. Access within the site is a reserved matter and as such is not a consideration of this application.

Sustainability

- 10.115. Paragraph 109 (e) of the NPPF states that development proposals should identify and pursue opportunities to promote walking, cycling and public transport use.

Paragraph 110 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

- 10.116. The main pedestrian access to the site is proposed from Topcliffe Road. A 2m wide pavement is proposed along the southern side of Topcliffe Road for some 108m to the south-west. Three informal pedestrian crossing points are proposed to improve connectivity into the village from Topcliffe Road, including one crossing point adjacent to the PRow crossing to the northern side of Topcliffe Road, one to provide crossing point over Gables Court and lastly one on the junction to cross Topcliffe Road at the junction with Mowbray Road. These improvements can be seen on the plan 'Proposed Uncontrolled Pedestrian Crossing'.
- 10.117. A public right of way runs through the site, providing a pedestrian connection from Topcliffe Road to Lingham Lane.
- 10.118. Future residents on this site would be able to walk to the facilities within the village, for instance the primary school, public house and existing village hall.
- 10.119. The nearest bus stop on Mowbray Avenue, opposite the Dishforth Village Hall, is located within walking distance from the site. The village is served by the 70 bus, which provides access to centres such as Ripon, Thirsk and Northallerton. In the Northallerton direction, there are 5 services throughout the day – the earliest being 07.14 and the latest being 16.59. In the Ripon direction, there are 4 services throughout the day – the earliest being 11.06 and the latest being 18.51. The bus service also provides access to a number of villages such as Topcliffe which contains amenities such as a doctors surgery, post office, church, public house, village hall. NYC Highways have requested a £2,000 contribution per dwelling to fund improvements to the bus service in Dishforth and a condition to secure improvements to the bus stop to include raised kerbs to allow accessible access.
- 10.120. It is noted that a school bus service runs to Ripon, Boroughbridge and Thirsk via a permit system which reduces the reliance on private transport for secondary school travel.
- 10.121. Regarding cycling, the submitted Travel Plan provides a map showing an 8km cycling catchment area and states that this includes settlements such as Ripon and Boroughbridge. However, the centres of those settlements (and where the amenities/facilities are) are outside of that 8km catchment. The Travel Plan does not assess the likely route for cyclists to reach these settlements, which is an important consideration when determining the likelihood of residents cycling. There are no dedicated cycle routes or cycle lanes in the surrounding area and the links to Ripon and Boroughbridge are via the A168 which is likely to deter all but the most keen cyclists. As such, I find it unlikely that future residents would cycle to these larger settlements. This weighs against the scheme, however, a balanced view must be had when considering sustainability as a whole.
- 10.122. There is no local train station in Dishforth. The closest train station is Thirsk, approximately 9 miles away. It is unlikely that people would cycle to this train station

and therefore the use of a private motor car, taxi or the number 70 bus will be used to reach the train station.

- 10.123. Concerns have been raised regarding the unsustainable location of the development. However, as explained above, future residents of this site would be able to walk to the facilities within the village, including the bus stops. Whilst it is noted that the village does not contain all of the amenities which you may find in a town centre, such as GP surgery, dental practices, supermarkets and petrol stations, Dishforth is identified as a Service Village within the hierarchy which means it has been considered to be a location where new housing is appropriate. The village did not contain those facilities listed when it was assigned its position within the hierarchy.
- 10.124. The applicant has identified and pursued opportunities to promote walking and public transport use in accordance with paragraph 109 (e) of the Framework. A condition is recommended for a Travel Plan and a financial contribution of £2,500 towards monitoring of the Travel Plan will be secured in the S106.

Conclusion

- 10.125. The existing highway network has the capacity to safely accommodate the additional traffic associated with the proposed development and, consequently, the proposal would not have an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network. Details on parking provision and internal routes will be considered during reserved matters, but there is no evidence at this stage to suggest a scheme could not be accommodated to comply with policy TI3 of the Local Plan.
- 10.126. The LHA has recommended conditions in respect of road construction details, visibility splays, emergency access provision, delivery of off-site highway improvement works, Travel Plan, and construction management plan. A S106 contribution of £2000 per dwelling toward bus service improvements and £2500 to monitor the Travel Plan will be secured.
- 10.127. With these in place, it is considered that the proposed development meets the requirements of Policies TI1 and TI3 of the Local Plan and paragraphs 109(e), 110, 115, 116, 117 and 118 of the NPPF.

Flood Risk and Drainage

- 10.128. Local Plan Policy CC1 requires proposals to demonstrate that the development will be safe with respect to flood risk, without increasing flood risk elsewhere and to ensure there is no increase in surface water flow rate, giving priority to sustainable drainage systems where possible.
- 10.129. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increase elsewhere. Paragraph 182 goes on to state 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.

- 10.130. A Flood Risk Assessment and Drainage Strategy (Andrew Moseley Associates – January 2026) has been submitted in support of the application. The majority of the site is located with Flood Zone 1. A small portion of the site on the northern boundary is within Flood Zones 2 and 3 which is associated with the Sopper Gutter. The Land Use Parameters Plan shows no built development or access within this area. With regards to surface water flooding, there are very small pockets of low risk surface water flooding on the site. However, no built development is proposed within these areas. As such, no sequential test is required.
- 10.131. The Environment Agency have recommended a condition to ensure no development will be located in the flood zones. A condition is proposed to ensure reserved matters are in accordance with the Land Use plan, which will ensure no development is located in the areas at risk of flooding.
- 10.132. With regards to surface water drainage, a desktop Preliminary Geoenvironmental Investigation was undertaken at the site which concluded that infiltration and soakaways are considered to be highly unlikely to be viable at the site. A condition is recommended to ensure evidence is provided of this.
- 10.133. As there is a watercourse in close proximity to the site, it would appear to be possible to discharge surface water to the Sopper Gutter rather than to the public sewers.
- 10.134. The application is made in outline and therefore it is reasonable to require further details through conditions. The Lead Local Flood Authority raises no objection and requests conditions to ensure percolation testing is submitted, a detailed surface water drainage strategy and construction surface water management plan. The Swale and Ure Drainage Board have stated that consent will be required, which is to be dealt with separately from the planning process.

Foul drainage

- 10.135. Paragraph 201 of the NPPF states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions. Planning decisions should assume that these regimes will operate effectively.
- 10.136. Yorkshire Water (YW) have confirmed there is no capacity within the foul water sewer to accommodate this development. It is important to note that water companies have a legal obligation under the Water Industry Act 1991 to properly maintain, cleanse and upgrade their sewers. Developers and householders can legally connect to the existing sewer network. Ofwat has statutory powers under the Water Industry Act 1991 and the Water (Special Measures) Act 2025 to ensure that water companies fulfil their duty to maintain and upgrade sewer systems.

- 10.137. The site is not allocated within the Harrogate Local Plan and therefore has not been considered within YW's current growth plan. YW have confirmed that they cannot provide any timeframes for upgrade works. If planning permission were to be approved for the proposed development, the applicant would be required to apply to YW for a connection to the sewerage system. At that stage, YW would need to carry out modelling and decisions would need to be made in terms of upgrades to facilitate the sewage from the proposed development.
- 10.138. If permission were to be granted, the applicant would still need to gain approval for reserved matters and discharge relevant conditions. This is likely to take a couple of years. YW have not requested any conditions relating to foul drainage capacity. However, a pre commencement condition requiring details of foul sewerage disposal and a timetable for provision to be submitted would provide some control and safeguards on this matter. On the basis of this condition and the provisions within the Water Industry Act 1991 the development would be capable of being suitable drained and would not increase the risk of flooding or pollution, in accordance with policy CC1 of the Local Plan.
- 10.139. The public foul sewer is recorded to cross the site. The applicant intends to divert the public sewer, which will be subject to YW's requirements and a formal procedure in accordance with the Water Industry Act 1991. This is separate to the planning process. A condition is recommended by YW to ensure that no building, obstruction or landscaping is located over or within 3 metres either side of the centre line of the water main.
- 10.140. To conclude, subject to further details being secured through conditions, the development would comply with policy CC1 of the Local Plan and paragraph 181 and 182 of the NPPF.

Amenity

- 10.141. Policy HP4 requires developments to be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. The NPPF requires a high standard of amenity at paragraph 135 (f).
- 10.142. The development is proposed in outline, however, given the location and size of the site I consider it possible that an appropriate layout could reasonably be achieved to avoid impacts on existing neighbouring properties.
- 10.143. Further detailed consideration will be required at reserved matters stage once the layout is known.

Odour impacts

- 10.144. The site is within close proximity (on the northern boundary) to Yorkshire Water's Wastewater Treatment Works (WWTW) and Lingham Lane Piggeries (to the south-east). An Odour Risk Assessment (SLR Consultancy – September 2025) has

been submitted in support of the application which concludes that the odour impacts from the WWTW and piggeries would not be significant.

10.145. The Council's Environmental Health officer (EHO) has reviewed the assessment together with the prevalent wind direction and accept the conclusions. YW have been consulted on this matter with regards to the WWTW and accept the findings of the odour report, but state that they cannot guarantee the odour conditions and that they may worsen at times.

10.146. No evidence has been provided to suggest that the odour impacts would be detrimental to the amenity of future occupiers living on the site. Given the findings in the Odour Risk Assessment and the response from the Council EHO, no objections are raised in this regard.

Noise impacts

10.147. A Noise Impact Assessment (SLR Consultancy – October 2025) has also been submitted with the application. To mitigate noise impacts from the WWTW, an acoustic barrier is required as shown in Figure D of the Noise Impact Assessment. A condition is recommended to ensure that details of the barrier are submitted, it is put in place prior to first occupation and thereafter retained. The noise assessment has been made on the basis of the indicative layout, so a condition requiring noise verification has been recommended.

10.148. With regards to the piggeries, no noise from the piggeries were heard at the application site during the noise survey. The EHO finds the assessment to be reasonable and notes that the Council have had no noise complaints as a result of the activities of the piggeries.

10.149. A condition is recommended to ensure any plant for the retail facility would not result in any adverse impacts on the residential dwellings within the site.

Conclusion

10.150. Subject to the imposition of safeguarding conditions, the site is suitable for the proposed land use, and future occupiers would not be adversely impacted by neighbouring land uses. The development therefore complies with policy HP4 of the LP and paragraph 135 (f) of the NPPF.

Open Space

10.151. Policy HP7 of the Local Plan requires new housing and mixed use developments to provide new sports, open space and recreational facilities to cater for the needs arising from the development in line with the provision standards set out in the Provision for Open Space in Connection with new Housing Development Supplementary Planning Document.

- 10.152. The Landscape Parameters Plan shows 3.21 ha of the site set aside for open space, biodiversity improvements and drainage. The Illustrative Masterplan shows a play area located centrally within the site, community growing area in the southeastern corner of the site, and amenity green space and natural/semi-natural on site.
- 10.153. Open space provision and maintenance, and off-site financial contributions will be secured within the S106. The amount of on-site open space is dependent on the housing numbers proposed at reserved matters stage and the amount of off-site contribution is dependent on the amount of open space not provided on site. Village hall contributions (towards the existing or a new village hall) will also be secured within the S106.
- 10.154. The Applicant has committed to providing a Local Equipped Area for Play (LEAP) on site. The existing play area for the village is located outside of the village, so the proposal provides a more central play area which is a benefit of the scheme. As this is afforded weight in the planning balance, the LEAP will be secured in the S106, including a requirement to provide further details of the equipment at reserved matters stage.
- 10.155. Subject to conditions and a S106, the proposed development would comply with policy HP7 of the Local Plan and Provision of Open Space and Village Halls SPD.

Climate Change

- 10.156. Paragraph 163 of the NPPF states that the need to mitigate and adapt to climate change should be considered in preparing and assessing planning applications, taking into account the full range of potential climate change impacts.
- 10.157. Policy CC4 of the Local Plan requires developments to make the fullest contribution to reducing greenhouse gases. The NPPF requires that all development proposals are in line with the Government's zero carbon buildings programme.
- 10.158. The Sustainability and Energy Statement (December 2025) states that all dwellings will be designed to comply with the Future Homes & Future Building Standards and Part L of the Building Regulations. All dwellings will have an electric vehicle charging point, in compliance with Part S of the Building Regulations.
- 10.159. As the application is made in outline, a condition is recommended to ensure an updated Energy Statement is provided once the layout, design and appearance of the scheme is known. The retail unit is a non-domestic development and as such will need to achieve BREEAM 'Excellent'. Subject to these conditions, the development complies with policy CC4 of the LP.
- 10.160. Policy NE1 requires the submission of an air quality assessment and/or dust assessment report.

- 10.161. An air quality report has been submitted which considers the construction phase and operational phase of the development in relation to potential impacts on air quality. The Council's Environmental Health officer has requested a condition relating to the submission of a dust management plan (for construction phase) which is included within the Construction Environmental Management Plan condition. The impact on air quality would be insignificant and as such no objections are raised. The development therefore complies with policy NE1 of the Local Plan.
- 10.162. The site is located adjacent to the existing village, where the facilities within the village can be accessed on foot. A bus service provides residents with access to settlements such as Ripon, Thirsk and Northallerton, and financial contributions will be secured to improve this bus service.
- 10.163. Taken together, these measures demonstrate that climate change mitigation and adaption have been carefully considered as part of the application in accordance with paragraph 163 of the NPPF.

Land Contamination

- 10.164. Policy NE9 of the Local Plan concerns unstable and contaminated land. Paragraph 196 of the NPPF requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 10.165. A preliminary geoenvironmental investigation has been submitted in support of the application. The report proposed that further investigation takes place in the form of intrusive investigations. The Council's Environmental Health Officer recommends a condition relating to the submission of a Phase II investigation report, as well as remediation if required.
- 10.166. Subject to conditions, the proposed development complies with policy NE9 of the Local Plan and paragraph 196 of the NPPF.

Minerals and Waste

- 10.167. The site is within a Minerals and Waste Safeguarding Area for sand and gravel, and the Council's Minerals and Waste Team initially raised an objection to the development in the absence of a suitable minerals assessment. Accordingly, a Minerals Assessment (dated December 2025) was provided concluding that the site area is insufficient to support a new sand and gravel quarry. The Minerals and Waste Officer agrees with these conclusions and has no objection in relation to minerals safeguarding.
- 10.168. The proposal therefore complies with the Minerals and Waste Plan 2022.

S106 Legal Agreement

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

Table 1		
Category / Type	Obligation	Amount & Trigger
Affordable Housing	<p>40% Affordable Housing</p> <p>70 (affordable rent):30 (shared-ownership) Mix</p> <p>Submission of an Affordable Housing Scheme, including a plan showing the location of affordable units, the mix, timing of construction and phasing in relation to occupancy of market homes, arrangements for transfer to a provider and occupancy criteria</p>	<p>Submission of the details at the same time as the reserved matters application</p>
Open Space	<p>Requirement to provide a Local Equipment Area for Play on site. Details to be submitted to include the location, play equipment, boundary treatments, surfaces, street furniture, signage and a timetable for its delivery and management.</p> <p>Submission of an Open Space Plan to include the amounts of open space to be provided on site, in accordance with</p>	<p>Submission of the details at the same time as the reserved matters application</p> <p>Submission of the details at the same time as the reserved matters application</p>

	<p>Policy HP7 and Provision for Open Space in Connection with New Housing Development SPD 2016, and a timetable for their delivery. On site open space requirements: amenity green space – 1.63 ha per 1000 population; parks & gardens – 0.15 ha per 1000 population; allotments – 0.35 ha per 1000 population; play – 0.13 ha per 1000 population; natural and semi natural – 4.07 ha per 1000 population.</p> <p>Open Space Management Plan including maintenance contributions (if the intention is to pay the Council to maintain the on site open space)</p> <p>Off-site open space contributions including Outdoor Sports Facilities and Village Halls to be calculated in accordance with the Provision for Open Space in Connection with New Housing Development SPD</p>	<p>Submission of the details at the same time as the reserved matters application</p> <p>To be calculated at the time of the reserved matters application, Payment triggers to be confirmed</p>
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	2016 and the Playing Pitch Strategy.	
Education	Dishforth Primary School expansion places	£18,990 per pupil place (of 2+ bedrooms), full amount to be calculated at reserved matters stage Payment triggers to be confirmed
Health	Financial payment to the NHS to fund additional floorspace at Topcliffe Surgery	£1,161.67 per dwelling, full amount to be calculated at reserved matters stage Payment triggers to be confirmed
Biodiversity Net Gain	BNG Monitoring Fee	£2,955.00 Prior to commencement of development
Highways	Financial contribution towards monitoring the Travel Plan Financial contribution towards improving the existing bus service	£2,500 Prior to first occupation of the development £2,000 per dwelling Prior to commencement of development
Marketing Strategy	Marketing strategy for retail facility to be submitted to the Council.	Prior to occupation of any dwellings
Monitoring Fee	For the purpose of monitoring the	£571

	obligations within the S106	Prior to commencement of development
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10.170. Policy T14 of the Local Plan requires developers to make reasonable on-site provision and/or off-site provision and/or contributions towards infrastructure and services in order to cater for the needs generated by development. Table 1 above sets out the S106 contributions required for this development.

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

Other Matters

10.172. Concern has been raised that the development would harm the conservation area. It is not clear which conservation area, as there is not one within Dishforth. The Heritage Officer has been consulted on the application and raises no concerns with regards to impact on any conservation areas.

10.173. A public consultation was carried out by the applicant with residents prior to the submission of the planning application. Comments from the public have been received regarding this. Notwithstanding, this is not a reason to refuse the application.

10.174. A loss of a view and devaluation of property prices are not material planning matters, although visual impact and impact on landscape character has been assessed within this report.

10.175. The application when submitted showed a provisional pedestrian route through the site to Chapel Yard. However, the applicant does not own all of the land to secure this connection so it has been removed from the scheme.

10.176. Comments have been received noting that the site is not within the development limits, is not allocated and brownfield land should be considered first. This principle of development has been dealt with in this report.

11.0 PLANNING BALANCE AND CONCLUSION

11.1. As the Harrogate Local Plan is now more than five years old and the housing land supply is less than 5 years, Paragraph 11(d) of the NPPF is consequently engaged for applications involving the provision of housing i.e. the presumption in favour of sustainable development.

11.2. The means that planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination (NPPF, Paragraph 11d (ii)).

- 11.3. In respect of the protection of areas or assets of importance, there are no policies within the framework that would provide a strong reason for refusal. An assessment on the benefits and the harms is therefore carried out below.

Benefits vs Harms

- 11.4. The provision of up to 98 dwellings on the site would represent a positive boost to the overall housing undersupply position. This is a matter afforded significant weight in the planning balance. 40% of the dwellings on the site would be affordable, secured in the S106. This is also a significant benefit.
- 11.5. The development would be able to achieve 69.70% increase in habitat units, 50.84% in hedgerow units and 11.64% in watercourse units. This is a matter which will be controlled by a condition. It is a benefit which weighs moderately in favour of granting the proposed development as it exceeds the statutory requirement.
- 11.6. The application proposes a village shop which would benefit both existing and future occupiers in Dishforth. There is no end user in place for the proposed retail unit and there is no guarantee that this will come forward. I afford this matter only limited positive weight as there is no mechanism in place to require its delivery. I do not consider such a mechanism to be reasonable as the retail unit is not necessary to make the development acceptable in planning terms.
- 11.7. The applicant proposes three informal pedestrian crossings within the village, improvements to the bus stop to allow for accessible access and a contribution of £2,000 per dwelling to improve the bus service. This would be of benefit to future occupiers of this site, however, it would also be a benefit to existing residents living in Dishforth. I afford this moderate weight.
- 11.8. The scheme proposes approximately 45% of the site area to be left for open space, biodiversity enhancements and surface water management. The play area on site is a benefit of this scheme, as the existing Dishforth play area is not located within the village development limits. This provides opportunity for social integration between existing and future residents but also reduces car travel to the existing play area. There would also be benefits to the local economy through the construction period and additional expenditure in the area (for instance, at the public house). I collectively afford these benefits moderate weight in the planning balance.
- 11.9. In terms of harms, the proposed development would result in major-moderate adverse harm to the character and appearance of the area, including landscape character. Over time, planting would soften the impacts, reducing the harm to moderate-adverse. The development would conflict with policy GS3 (C) and policy NE4 of the Local Plan. However, in a District constrained by National Landscape,

Green Belt and Special Landscape Areas, it is important to note that the site does not fall within any of these constraints. Furthermore, the site is adjacent to the existing village, a WWTW, and no further north than recently built allocated sites. The development would not be viewed as an isolated intrusion into the countryside due to these factors. As a result, I afforded the landscape and visual harm moderate negative weight.

- 11.10. There would be a loss of 7.15 ha of Grade 2 BMVAL. This is afforded limited negative weight given the amount of land to be lost is not significant and there is a need to release additional land for housing due to the housing land supply position.
- 11.11. There would be less than substantial harm cause to the setting of Crown Farmhouse, a Grade II listed building. This is on the lower end of the scale. The harm is outweighed by the public benefits.
- 11.12. When taking into account the benefits of the scheme, and the harms arising from the scheme, together with the housing land supply position of 2.2 years, I consider that the planning harms outlined above, would not significantly and demonstrably outweigh the identified benefits.
- 11.13. The scheme therefore benefits from the presumption in favour of sustainable development, and it is recommended the application be granted.

12.0 RECOMMENDATION

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

Recommended conditions:

Condition 1 - Reserved Matters

Details of the access within the site, appearance, landscaping, layout and scale (“the reserved matters”) for the development shall be submitted to and approved in writing by the Local Planning Authority before any development within each phase takes place and the development of each phase shall be carried out as approved.

Reason: This is an outline permission, and these matters have been reserved for subsequent approval of the Local Planning Authority.

Condition 2– Reserved Matters Time Limit

Applications for the approval of the reserved matters for each phase of the development shall be made not later than three years from the date of this permission and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Five years from the date of this permission ii) The expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Condition 3 – Plans

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

Site Location 01 Rev A
 Site Access AMA-22609-SK001 P07
 Proposed Emergency Access AMA-22609-SK002 P02
 Demolition Plan 09 Rev A

Reason: In the interests of proper planning and to appropriately define the extent of the site to which the permission relates.

Condition 4 - Parameter Plans

The Reserved Matters submitted pursuant to Condition 1 shall be in broad accordance with the following drawings:

Land Use Parameter Plan 04 Rev F (dated 27th July 2025, received 27th April 2026)
 Building Heights Parameter Plan 05 Rev A (dated 24th July 2025, received 13th October 2025)
 Access and Movement Parameter Plan 06 Rev F (dated 19th December 2025, 15th April 2026)
 Landscape Strategy Parameters Plan 07 Rev E (dated 19th December 2025, 20th February 2026)

Reason: To act as a guide to the submission of Reserved Matters so that the scheme of Reserved Matters aligns broadly to the nature of the scheme as considered at the outline stage.

Condition 5 - Quantum of Development

The development shall comprise:

- A maximum of 98 dwellings;
- Retail facility (Class F2 (a) use) of no more than 249m² floorspace
- A minimum of 1 Local Equipped Area for Play (LEAP)

Reason: To define the extent of development for which permission is granted.

Condition 6 – Phasing

Prior to the first application for the Reserved Matters submitted pursuant to Condition 1 a Phasing Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and constructed in accordance with the approved Phasing Plan.

Reason: In the interest of securing a co-ordinated development of the site.

HIGHWAYS

Condition 7 – Construction Management Plan

No development for any phase of the development hereby permitted 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 approved development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of works:

1. Details of any temporary construction access to the site (including visibility splays) and measures for removal following completion of construction works (if required)
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. Protection of carriageway and footway users at all times during construction
8. Protection of contractors working adjacent to the highway
9. Details of site working hours
10. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate
11. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development
12. Measures to control and monitor construction noise and vibration
13. An undertaking that there must be no burning of materials on site at any time during construction
14. Removal of materials from site, including a scheme for recycling / disposing of waste resulting from construction works
15. Details of the measures to be taken for the protection of trees
16. Details of external lighting equipment
17. Details of ditches to be piped during the construction phases
18. A detailed Method Statement and programme for the building works; and
19. Contact details for the responsible person (site manager / office) who can be contacted in the event of an issue.

Reason: To comply with Local Plan Policy TI1, NE1 and HP4.

Condition 8 – Site Access

There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Land At Topcliffe Road Dishforth until full details of the following, for that phase of development, have been submitted to and approved in writing by the Local Planning Authority:

- vehicular, cycle, and pedestrian accesses;
- vehicular and cycle parking;
- vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- loading and unloading arrangements.
- Lighting, drainage and gradient (maximum of 7%) at the proposed access.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Land At Topcliffe Road Dishforth 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 comply with Local Plan Policy TI1.

Condition 9 – Main site access visibility splays

No development shall take place until:

Vehicular visibility splays provided giving clear visibility of 43m measured along both channel lines of the major road from a point measured 2.4m down the centre line of the access road. In measuring the splays, the eye height must be 1.05m, and the object height must be 0.6m. Pedestrian visibility splays giving clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05m, and the object height must be 0.6m.

Once formed, these visibility splays must be kept permanently clear of any obstruction and retained for their intended purpose at all times.

Reason: To comply with Local Plan Policy TI1.

Condition 10 – Off site highways mitigation

The following schemes of off-site highway mitigation measures must be completed prior to the occupation of the 6th dwelling hereby approved:

- a. Accessible pedestrian crossing points to be installed on Topcliffe Road (2 no. Sets), Gables Court and Mowbray Avenue, in line with drawing 'Proposed Uncontrolled Crossing Point Plan, AMA, AMA-22609-SK005 P04, 26.03.26'

- b. Widening of existing footpath on Topcliffe Road to improve accessible access, in line with drawing 'Proposed Uncontrolled Crossing Point Plan, AMA, AMA-22609-SK005 P04, 26.03.26'
- c. Accessible pedestrian link to be created between the western footpath on Mowbray Avenue and the bus stop, in line with plans which are first to be submitted and approved in writing by the Local Planning Authority
- d. Improvement works to the bus stop including raised kerbs to allow accessible access in line with plans which are first to be submitted and approved in writing by the Local Planning Authority

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

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

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

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

Reason: To comply with Local Plan Policy TI1.

Condition 11 – Emergency access

No more than 50 dwellings (or 49 dwellings and the retail facility) shall be occupied until the emergency access to the site, as shown on approved plan Proposed Emergency Access AMA-22609-SK002 P02 has been set out and constructed in accordance with the "Specification for Housing and Industrial Estate Roads and Private Street Works" published by the Local Highway Authority and the following requirements:

The access shall be formed in accordance with the approved drawing 'Proposed Emergency Access, AMA, AMA-22609-SK002 P02, 09.03.26' to give a minimum carriageway width of 3.7 metres, and that part of the access road extending 15 metres into the site must be constructed in accordance with standard detail number A1 construction detail and the following requirements:

- Any gates or barriers must be erected at the rear of the existing highway and must not be able to swing over the existing or proposed highway
- Provision to prevent surface water from the site discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges

- The final surfacing of any private access within 15 metres of the public highway must not contain any loose material that is capable of being drawing on to the existing or public highway
- Measures to enable vehicles to enter and leave the site in a forward gear.

The vehicular visibility splays shall be provided giving clear visibility of 43m measured along both channel lines of the major road from a point measured 2.4m down the centre line of the access road. In measuring the splays, the eye height must be 1.05m, and the object height must be 0.6m.

The pedestrian visibility splays shall be provided giving clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height must be 1.05m, and the object height must be 0.6m.

Once created, these splays should be maintained clear of any obstruction and retained for their intended purpose at all times.

The emergency access shall only be used for emergency vehicles, pedestrians and cyclists and shall be retained in perpetuity. It should not be used for construction access or any other vehicle which is not an emergency vehicle.

Reason: To comply with Local Plan Policy TI1.

Condition 12 – 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 must be carried out in accordance with the approved engineering drawings.

Reason: To comply with Local Plan Policy TI1 and HP4.

Condition 13 – Construction of adoptable roads and footways

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

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

Reason: To comply with Local Plan Policy TI1.

ARCHAEOLOGY

Condition 14 – Archaeological mitigation

No development shall commence until:

A. a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions and:

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

B. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under part A.

C. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part A and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To comply with Local Plan Policy HP2.

DRAINAGE/ FLOOD RISK

Condition 15 – Surface water drainage scheme

No development shall commence in any phase of development, until a detailed sustainable surface water drainage scheme (including maintenance details) for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles within the Flood Risk Assessment and Drainage Strategy (Andrew Moseley Associates – January 2026). The scheme shall include:

- (a) peak flow rates of discharge to watercourse no greater than 3.5 (three point five) litres/second.
- (b) a drainage system designed with sufficient on site attenuation so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, nor any flooding for a 1 in 100 year rainfall event in any part of a building (including a basement) or in any utility plant susceptible to water (e.g. pumping station or electricity substation) within the development, except within an area that is designed to hold and/or convey water. The design shall also ensure that storm water resulting from a 1 in 100 year rainfall event, plus an allowance of 45% to account for climate change & a further 10% urban creep can be stored on the site without risk to people or property and without increasing the restricted flows off site.
- (c) full hydraulic calculations for the proposed surface water drainage design.
- (d) proposed control measures to manage pollution from vehicle parking and hard standing areas if required.
- (e) an exceedance flood routing plan which shall demonstrate where flooding could potentially occur if the designed drainage systems were to be exceeded or fail for any reason including rainfall in excess of the 1 in 100 year event. The routing map should indicate direction of flood flows, highlighting are that could flood and to what depth. The plan

must demonstrate that exceedance flows will not cause risk or flooding to property/people on or off site.

- (f) details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development including:
- (i) details to demonstrate how the maintenance of any privately managed surface water drainage systems will be funded for the lifetime of the development,
 - (ii) details of the organisation appointed to undertake future management and maintenance of the private surface water drainage systems on behalf of the residents, including full contact details and to whom will be responsible for appointing a new maintenance contractor if the existing company fails in its duties for any reason, or ceases to exist,
 - (iii) drawings showing any surface water assets that will not be maintained at public expense,
 - (iv) a maintenance & operation manual for the privately managed surface water drainage systems itemising the tasks to be undertaken and frequency required,
 - (v) a plan clearly showing the extent of the land ownership along with easements and rights of way for access to carry out maintenance on third party land if required.
 - (vi) physical access arrangements in perpetuity, and
 - (vii) written confirmation that the management & maintenance of any privately managed/maintained communal drainage systems not adopted by a public organisation will be written into the deeds for each house with any new owners or future owners required to formally acknowledge their maintenance responsibility. A copy or copies, as applicable, of the deeds shall be submitted to the Local Planning Authority prior to the initial occupation of the dwelling, or dwellings, to which they relate (in the case of identical deeds other than property address details, a single copy with a list of the properties so covered by the general terms of the deeds)

The drainage scheme shall be built in accordance with the approved details and thereafter retained.

Reason: To comply with Local Plan Policy CC1.

Condition 16 – Infiltration evidence

Prior to or concurrent with the submission of a detailed surface water drainage scheme, percolation testing to determine soil infiltration rates are carried out and submitted in writing to the Local Planning Authority, in accordance with BRE 365 Soakaway Design (2003) and the North Yorkshire Council Supplementary infiltration guidance.

Method of test must be relevant to proposed SuDS. Testing must be carried out at or as near as possible to the proposed soakaway location (no greater than 25m from proposed soakaway for uniform subsoil conditions. For non-uniform subsoil conditions testing must be carried out at the location of the soakaway). Testing must be carried out at the appropriate depth for proposed SuDS (e.g. invert level, base level of soakaway etc.) relative to existing ground levels. Three percolation tests are to be performed at each trial pit location to determine the infiltration rate, where possible. Where slower infiltration rates are experienced, testing must be carried out over a minimum period of 24 hours (longer if 25% effective depth is not reached). 25% effective depth must be reached. Extrapolated test data will not be accepted.

Reason: To comply with Local Plan Policy CC1.

Condition 17 – Construction surface water management plan

No development shall commence in any phase of development until a suitable temporary construction surface water management plan has been submitted and approved in writing by the Local Planning Authority for that phase. Method statements and plans/drawings detailing surface water management proposals must include the following:

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

The development must be carried out in accordance with the temporary construction surface water management plan.

Reason: To comply with Local Plan Policy CC1.

Condition 18 – Foul drainage

No development shall commence within a phase until a detailed foul drainage scheme including maintenance arrangements and a timetable for provision for that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development in each phase of development shall thereafter be only occupied in accordance with the approved details and timetable.

Reason: To comply with Local Plan Policy CC1.

Condition 19 – Water main

No building or other obstruction shall be located over or within 3 (three) metres either side of the centre line of the water main i.e. a protected strip width of 6 (six) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: To protect the water main on the site.

HOUSING MIX

Condition 20 – Housing Mix

As part of any reserved matter application for residential development, a market housing mix statement shall be submitted to the Local Planning Authority for approval.

The statement shall broadly align with the housing mix as set out Table 2.1 'Recommended Housing Mix' in the North Yorkshire Housing and Economic Development Needs Assessment 2025 and/or any other evidence that the Council has produced of District need and/or any other evidence the applicant submits to support their mix.

This shall also include provision of 25% to be built to accessible and adaptable homes to achieve M4(2) of the Building Regulations (or any subsequent comparable standard set nationally). The Reserved Matters shall accord with the approved mix.

Reason: To comply with Local Plan policy HS1.

AFFORDABLE HOUSING

Condition 21 – Accessible Affordable Homes

All affordable dwellings within the development shall meet the accessibility and adaptable dwellings Regulation M4(2) of the Building Regulations (as amended) and within this 10% shall meet the wheelchair accessible dwelling standards Regulation M4(3) of the Building Regulations (as amended)

Reason: To comply with Local Plan policy HS2 and the Affordable Housing SPD.

ECOLOGY

Condition 22 – BNG Plan

The Biodiversity Gain Plan should be prepared in accordance with the Statutory Metric completed by Hannah Knight (FPCR Environment and Design Ltd) dated 07.10.2025. The development shall be carried out in accordance with the approved details.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy NE3 of the Local Plan.

Condition 23 – HMMP

The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The HMMP shall include:

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

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

No works above ground level shall take place until:

- (a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- (b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy NE3 of the Local Plan.

Condition 24 - CEMP

A Construction Ecological Management Plan (CEcMP), inclusive of an Reasonable Avoidance Measures Method Statement, must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, including site preparation works and clearance.

The CEcMP, which must be drawn up following an up to date walkover survey by an ecologist, must be informed by the recommendations of and mitigation measures detailed in Ecological Impact Assessment (Morgan & Stuckey), Supplementary Ecological Appraisal Report (FPCR - November 2025) and (but not restricted to):

A. A Reasonable Avoidance Measures Statement (RAMS) concerning badgers, amphibians and reptiles, which should be kept on site to be adhered to and available for all site managers and operatives

B. Details of pre-works inspection for nesting birds for works to be carried out in the bird nesting season (March – August inclusive)

C. Works to be carried out outside of the bird breeding season (March – August inclusive) other than those works agreed with the Local Planning Authority under Criteria B

D. A suitably sensitive lighting scheme to be adhered to during construction to ensure the least amount of disturbance to wildlife

E. Specification for root protection areas (RPAs) fencing for around the trees or shrubs or planting to be retained and heras fencing and dust screening around boundaries of construction areas to protect habitats

F. Measures to control any invasive non-native species including Himalayan Balsam during construction and post development

G. Measures to ensure no contamination of the Soppa Gutter during construction

Works must subsequently be undertaken in strict accordance with the approved CEcMP and a copy of the CEcMP must be retained on site and made available to site managers and operatives throughout the course of construction.

Reason: To comply with Local Plan Policy NE3.

Condition 25 – Impact Assessment and Conservation Payment Certificate

The development hereby permitted shall not commence until a completed Impact Assessment and Conservation Payment Certificate and licence has been issued by Natural England pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity to go ahead.

Reason: To safeguard a protected species (Great Crested Newts) in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and Policy NE3 of the Local Plan.

Condition 26 - BEMP

Prior to the first occupation of the development hereby permitted, a Biodiversity Enhancement Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan shall show which biodiversity enhancements will be integrated into the development, such as integral bird boxes, bat tubes/boxes, hedgehog highways and hibernacula, habitat piles, and bee and bug hotels and where they will be located, including a timetable for their delivery.

The development shall be carried out in strict accordance with the approved details.

Reason: To comply with Local Plan Policy NE3.

Condition 27 – External lighting

Prior to the installation of any external lighting on an approved phase of development, a lighting design plan for that phase, with consideration of the potential impacts on biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting (including residential and street lighting) and the expected light spill in lux levels, demonstrating that areas to be lit will not adversely impact biodiversity. The lighting plan will need to confirm with ILP Guidance Note 08/23: Bats and Artificial Lighting in the UK.

All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and shall be retained as approved thereafter.

Reason: To comply with Local Plan Policy NE3.

Condition 28 – Acoustic barrier

As part of any reserved matter application submitted to the Local Planning Authority, details of the acoustic barrier to be sited adjacent to the Waste Water Treatment Works in line with the Noise Impact Assessment (SLR Consulting Limited – October 2025) shall be submitted. The acoustic barrier details shall include measures to allow movement of badgers between the site and Yorkshire Water Waste Water Treatment Works. The details shall demonstrate that it takes account of current badger usage of the site by it being accompanied by a badger survey report. This survey report shall delineate on a plan any pathways that the badgers use moving between the Treatment Works and setts identified towards the site's eastern boundary and the acoustic barrier should show that such movements will not be hindered.

A note shall also be provided by a competent professional which provides assurance that the measures above will not compromise the effectiveness of the acoustic barrier.

The acoustic barrier must be erected in accordance with the approved details prior to the first occupation of the development and once erected, shall thereafter be retained in perpetuity.

Reason: To comply with Local Plan Policy HP4 and NE3.

CONTAMINATION

Condition 29 – Land Contamination

No development shall commence until:

- A. A land contamination Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

Where site remediation is recommended in the Phase II Report, groundworks shall still not commence until:

- B. A land contamination remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.
- C. Land contamination remediation of the site shall be carried out and completed in accordance with the approved remediation strategy. If remediation is unable to proceed in accordance with the approved remediation strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the remediation strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised remediation strategy.
- D. Following completion of any measures identified in the approved remediation strategy or any approved revised remediation strategy a land contamination verification report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for that part of the site in accordance with the approved remediation strategy or the approved revised remediation strategy and a verification report in respect of those remediation measures has been approved in writing by the local planning authority. Where verification has been submitted and approved in stages for different areas of the whole site, a Final Verification Summary Report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Local Plan Policy NE9.

TREES

Condition 30 – Tree protection

As part of any reserved matter application a detailed Arboricultural Method Statement (AMS), Root Protection Area (RPA) and alternative construction / protection measures required to address conflicts that cannot be designed out shall be submitted to the Local Planning Authority. The AMS must address how works close to retained trees will be achieved.

Thereafter the approved AMS shall be implemented in full prior to any works taking place and during construction works. Tree protection measures, including protective fencing, must remain in place until all development subject of this permission is completed.

Reason: To comply with Local Plan Policy NE7.

SUSTAINABILITY / AIR QUALITY

Condition 31 – Energy Strategy

As part of any reserved matter application, an Energy Strategy for that phase of development shall be submitted to the Local Planning Authority for approval. The scheme shall be informed by the principles of the submitted Sustainability and Energy Statement prepared by Lichfields (18 December 2025).

Thereafter, no residential building or retail unit shall be occupied until the provisions approved for that building have been implemented in full accordance with the approved details. Once implemented, they shall thereafter be retained as such.

Reason: To comply with Local Plan Policy CC4.

Condition 32 – Travel Plan

Prior to the first occupation of the development, a Travel Plan must 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 programme 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 comply with Local Plan Policy T11.

Condition 33 – BREEAM

The retail unit hereby approved shall be constructed to BREEAM 'Excellent' Standard (or any future national equivalent) and prior to the first use of the building the relevant BREEAM certificate (or any future national equivalent) confirming that the required standard has been achieved shall be submitted to and approved in writing by the Local Planning Authority. If 'Excellent' Standard cannot be achieved, evidence shall be submitted to demonstrate why and to confirm that 'Very Good' Standard had instead been achieved.

Reason: To comply with Local Plan Policy CC4.

AMENITY

Condition 34 - Working Hours

Except in the case of an emergency, no construction works or ancillary operations, including deliveries to and dispatch from the site which are audible beyond the boundary of the site shall take place on site other than between the hours of 08.00-18.00 Monday to Friday and between 08.00-13.00 on Saturdays.

Reason: In the interests of residential amenity.

Condition 35 – Noise (plant)

The noise from any fixed installations which comprise mechanical and electrical plant and equipment shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time (“rating level”) and (“background sound level”) are as defined in BS4142:2014+A1 2019). Methods for rating and assessing industrial and commercial sound and/or its subsequent amendments.

Where access to the nearest sound sensitive property is not possible measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound sensitive property.

Reason: In the interests of residential amenity.

Condition 36 – Noise verification

As part of any reserved matter for layout of the residential element of the development, a Noise Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Noise Impact Assessment shall provide details to demonstrate how the proposed dwellings will be protected against noise impacts from existing noise sources (the Noise Scheme).

The Noise Scheme shall ensure that indoor ambient noise levels in living rooms and bedrooms meet the standards set out within BS 8233:2014 and Professional Practice Guidance on Noise as follows:

The 16hr LAeq shall not exceed 35dB between 0700 and 2300 hours when readings are taken in any noise sensitive rooms in the development.

The 8hr LAeq shall not exceed 30dB between 2300 and 0700 hours when readings are taken inside any bedroom in the development.

The LAFMax indoor shall not exceed 45 dB (more than 10 times) between 2300 and 0700hrs when readings are taken inside any bedroom in the development.

The 16hr LAeq shall not exceed 55dB in the amenity areas.

Any noise mitigation required to achieve the standards shall be implemented before each dwelling is occupied

Reason: In the interests of residential amenity.

MISCELLANEOUS

Condition 37 – Retail facility

The retail facility hereby approved shall only be used as Use Class F2 (a) and for no other use notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (or any Order revoking or re-enacting those Orders/Regulations).

Reason: In order to clearly define the extent of permitted uses and secure the proper development of the area to ensure that the impact of the uses have been appropriately considered taking into account their nature and location.

Condition 38 – Opening hours

The retail facility hereby approved shall not be open for business, nor shall deliveries take place, outside of the hours of 08:00 to 22:00 Monday to Sunday, except in exceptional circumstances.

Reason: In the interests of residential amenity.

Condition 39 – Secured by design

As part of any reserved matter application, details of what crime prevention measures shall be incorporated into each phase of the development shall be submitted to the Local Planning Authority applications for that phase.

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

Reason: In the interest of security, crime prevention and community safety.

Condition 40 - Broadband

All dwellings hereby approved shall have Fibre to the Premises broadband infrastructure capable of Next Generation Access speeds provided prior to occupation. Where it is demonstrated that this is not viable a download connection of 30Mbps and provision of suitable ducting capable of carrying fibre cables from multiple providers.

Reason: To comply with Local Plan Policy TI5.

Informative:

- 1 - This development is subject to a Planning Obligation made under Section 106 of the Town and Country Planning Act 1990
- 2 - Any works in, over, under or near an Ordinary Watercourse (outfall, retaining wall), might require Land Drainage Consent from the IDB as the proposed outfall is to an IDB District. This is to be considered separate to the planning process and sought before the detailed design stage.
- 3 – A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 of the Water Industry Act 1991.
- 4 – In respect of condition 12, It is recommended that in order to avoid abortive work, discussions are held between the applicant, the Local Planning Authority and the Local Highway Authority before a draft layout is produced and any detailed planning submission is made. To assist, the Local Highway Authority can provide a full list of information required to discharge this condition. It should be noted that approval to discharge the condition does not automatically confer approval for the purposes of entering any Agreement with the Local Highway Authority. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.
- 5 - Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the

Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

6 - Applicants are reminded that in addition to securing planning permission other permissions may be required from North Yorkshire County Council as Local Highway Authority. These additional permissions can include, but are not limited to: Agreements under Sections 278, 38, and 184 of the Highways Act 1980; Section 38 of the Commons Act 2006; permissions through New Roads and Streetworks Act 1991 and Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (as amended and including all instruments, orders, plans, regulations and directions). Further information on these matters can be obtained from the Local Highway Authority. Other permissions may also be required from third parties. It is the applicant's responsibility to ensure all necessary permissions are in place.

7- Any landscaping within the site is to be positioned and maintained such that it does not encroach on or over the adjacent highway.

8- There is a Public Right of Way within and adjacent to the site. You are advised the contact the Public Right of Way Team on this matter.

9- CIL

10- Biodiversity Net Gain

Appendix A – Dishforth Development Limits and Housing Commitments/ Allocations

