

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 27 July 2022

Dear Councillor

**Notice of Meeting**

Meeting            **Planning Committee**

Date                **Thursday, 4 August 2022**

Time                **10.00 am**

Venue               **Council Chamber, Civic Centre, Stone Cross, Rotary Way,  
Northallerton, DL6 2UU.**

Yours sincerely

*J. Ives.*

Dr Justin Ives  
Chief Executive

<b>To:</b>	Councillors	Councillors
	P Bardon (Chairman)	J Noone (Vice-Chairman)
	M A Barningham	B Phillips
	D B Elders	A Robinson
	Mrs B S Fortune	M G Taylor
	B Griffiths	A Wake
	K G Hardisty	D A Webster

Other Members of the Council for information

Note: Members of the press and public are able to observe the meeting virtually via Teams. Please click on the link on the website or dial 020 3855 5195 followed by the Conference ID: 933 866 192# For further information please contact Democratic Services on telephone 01609 767015 or email [committeeservices@hambleton.gov.uk](mailto:committeeservices@hambleton.gov.uk)

## Agenda

### Page No

1. Minutes

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To confirm the minutes of the meeting held on 7 July 2022 (P.5 - P.6), attached.

2. Apologies for Absence.

3. Planning Applications

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Report of the Deputy Chief Executive.

Please note that plans are available to view on the Council's website through the Public Access facility.

4. Matters of Urgency

Any other business of which not less than 24 hours prior notice, preferably in writing, has been given to the Chief Executive and which the Chairman decides is urgent.

# Agenda Item 1

Minutes of the meeting of the Planning Committee held at 10.00 am on Thursday, 7th July, 2022 in the Council Chamber, Civic Centre, Stone Cross, Rotary Way, Northallerton, DL6 2UU

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Present

Councillor P Bardon (in the Chair)

Councillor	M A Barningham	Councillor	J Noone
	D B Elders		B Phillips
	Mrs B S Fortune		M G Taylor
	B Griffiths		A Wake
	K G Hardisty		D A Webster

Also in Attendance

Councillor	P A James	Councillor	S Watson
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An apology for absence was received from Councillor A Robinson

## P.5 Minutes

### The Decision:

That the minutes of the meeting of the Committee held on 9 June 2022 (P.3 - P.4), previously circulated, be signed as a correct record.

## P.6 Planning Applications

The Committee considered reports of the Deputy Chief Executive relating to applications for planning permission. During the meeting, Officers referred to additional information and representations which had been received.

Except where an alternative condition was contained in the report or an amendment made by the Committee, the condition as set out in the report and the appropriate time limit conditions were to be attached in accordance with the relevant provisions of Section 91 and 92 of the Town and Country Planning Act 1990.

The abbreviated conditions and reasons shown in the report were to be set out in full on the notices of decision. It was noted that following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive had delegated authority to add, delete or amend conditions and reasons for refusal.

In considering the report(s) of the Deputy Chief Executive regard had been paid to the policies of the relevant development plan, the National Planning Policy Framework and all other material planning considerations. Where the

Committee deferred consideration or refused planning permission the reasons for that decision are as shown in the report or as set out below.

Where the Committee granted planning permission in accordance with the recommendation in a report this was because the proposal is in accordance with the development plan the National Planning Policy Framework or other material considerations as set out in the report unless otherwise specified below. Where the Committee granted planning permission contrary to the recommendation in the report the reasons for doing so and the conditions to be attached are set out below.

### **The Decision**

That the applications be determined in accordance with the recommendation in the report of the Deputy Chief Executive, unless shown otherwise:-

- (1) 20/02882/OUT - Outline planning application with access considered for the development of up to 88 dwellings on land at Blind Lane, Aiskew at Store at Old Hatchery, Blind Lane, Aiskew for Blind Lane Land Limited

Permission refused. The Committee was not satisfied that the highways adoption and maintenance of Bluebell Way could be achieved to protect the residents of the proposed development. The Committee had similar concerns regarding the ability to secure the adoption of street lighting and surface water drainage at Bluebell Way and Sycamore Avenue. The Committee also had significant concerns over the suitability of the width and gradient of the Blind Lane Crossing. In addition, the Committee had concerns regarding the existence of a muck heap within the application site and its impact on the proposed development.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(James Proctor spoke on behalf of Aiskew and Leeming Bar Parish Council objecting to the application.)

(Mark Sampson spoke objecting to the application.)

- (2) 22/00331/OUT - Application for Outline Planning Permission with some matters reserved (considering access) for the construction of 4no dwellings at Land East Of Former Shorthorn Inn, Hornby Road, Appleton Wiske for Mr James Baker

Permission Refused. The Committee were not satisfied that the application met criteria a, c and e of Policy HG5. In particular, the Committee had concerns about the site selection having taken into account other sites within the village, that the cumulative impact of the proposed development would extend beyond incremental growth of the village and that the site would have a detrimental impact on the character and appearance of the village and would result in a loss of open

countryside that makes a significant contribution to the character and setting of that part of the village. The Committee also found that the proposed development would be contrary to the Council's Sustainable Development principles as set out in Policy.

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant's agent, Rob Crolla, spoke in support of the application.)

(Derek Partington spoke on behalf of Appleton Wiske Parish Council objecting to the application.)

- (3) 21/02226/REM - Application for approval of all reserved matters (considering access, appearance, landscaping, layout and scale) to previously approved application 15/01083/HYB - this is associated with the construction of 62 residential dwellings for Taylor Wimpey and Persimmon Homes (Taylor Wimpey/Persimmons Phase 3) at Land to the east of Darlington Road for Taylor Wimpey

Permission Granted subject to delegation to Officers to appropriately address the issue regarding the layout and relationship of proposed dwellings to Gibraltar House and an informative in relation to the completion of estate roads in a timely manner.

Note: Councillor P James left the meeting at 11.40am.

Note: The meeting adjourned at 11.40am and reconvened at 1.30pm.

- (4) 22/00810/FUL - Revised application for Change of use of land from grazing land to create two secure dog exercise and training paddocks with car parking, boundary fencing and landscaping and tourist accommodation comprising a 12 glamping pods; siting of a caravan for office and staff facilities. Upgraded access at OS Field 4600, East Cowton for Mr Harry Gray

Permission Granted subject to additional conditions; to link the glamping pods and dog exercising and training components of the development; to restrict the use of the static caravan as a site office only; and to prohibit dogs from being left unattended.

(The applicant, Alison Gray, spoke in support of the application.)

(Lesley Taylor (speaking on behalf of a number of residents) spoke objecting to the application.)

Note: Councillor K G Hardisty arrived at the meeting at 1.55pm.

- (5) 21/01302/FUL - Development of 12 Affordable dwellings at OS Field 5532 Hambleton View Tollerton for Diarmaid Kelly

Permission Granted

(The applicant's agent, Gen Kennington, spoke in support of the application.)

- (6) 21/01303/FUL - Development of 5 bungalows reduced to 4 bungalows on 23 March 2022 at OS Field 5532 Hambleton View Tollerton for Diarmaid Kelly

Permission Granted

(The applicant's agent, Gen Kennington, spoke in support of the application.)

- (7) 21/03048/OUT - Outline application with access, layout and scale considered (appearance and landscaping reserved) for 4 dwellings as amended by drawing received 16.05.2022 at Helderleigh, Easingwold Road, Huby for Mr Moore (Period Pine Doors)

Permission Granted subject to a condition requiring the accessway from the highway to be constructed using a bound surface.

(The applicant's agent, Judy Walkland, spoke in support of the application.)

- (8) 22/00470/MRC - Variation of conditions attached to Application Reference Number: 18/01916/FUL - change of use of agricultural land, demolition of agricultural building for construction of one detached holiday cottage and associated domestic curtilage at Old Oak Cottages, High House Farm, Thwaites Lane, Little Thirkleby for Mr and Mrs Tattersall

Permission Granted

(The applicant's agent, Tessa Fletcher, spoke in support of the application.)

- (9) 22/00927/FUL - Construction of replacement dwelling and demolition of existing dwelling and outbuildings at High Tunstall Farm, Tunstall Lane, Nunthorpe for Mr Mark Barrett

Permission delegated to Officers to negotiate with the applicant a reduction of the site and scale of the proposed development and the provision for the re-use of bricks following the demolition

The decision was contrary to the recommendation of the Deputy Chief Executive.

(The applicant, Mark Barratt, spoke in support of the application.)

(Lynne Cullen spoke on behalf of Newby Parish Council in support of the application.)

Note: The meeting adjourned at 3.10pm and reconvened at 3.20pm.

- (10) 21/02957/FUL - Construction of 2no. replacement dwellings at Village Farm, Ellerbeck, Northallerton for Cowesby Estate Ventures

Permission Granted subject to an additional condition requiring re-use of materials.

(The applicant's agent, Tessa Fletcher, spoke in support of the application.)

- (11) 22/00526/FUL - Retrospective application for the construction of timber sleeper styled boundary fencing at Freemasons Arms, Nosterfield, Bedale for Mr Chris Kinsell

Permission delegated to officers. The Committee found that the boundary fencing causes less than substantial harm to the setting of the Listed Building but that this harm is outweighed by the public benefit of ensuring the safety of users of the outside space due to the close proximity of the main road. The Committee concluded that the fence remains in a natural wood appearance. The Committee found that the proposed pergola would cause less than substantial harm to the setting of Listed Building but that in this case there were no justified public benefits that would outweigh the harm that would be caused. The Committee is precluded from issuing a split decision and therefore the application was delegated to officers to seek the removal of the proposed pergola from the application to enable the fencing only to be approved.

The decision was contrary to the recommendation of the Deputy Chief Executive.

- (12) 22/01074/REM - Reserved matters application for residential development of 5 dwellings at: Land South West of Smeaton East Farm, Great Smeaton for Mr Joe Starkie

Permission Granted

(The applicant, Joe Starkie, spoke in support of the application.)

(John Evans spoke on behalf of Great Smeaton Parish Council seeking deferral of the application.)

(Andrew Marriott spoke objecting to the application.)

Note: Councillor S Watson left the meeting at 4.35pm

- (13) 22/01347/APN - Application to determine if prior approval is required for a proposed siting of a storage tank to hold liquid fertilizer and the building of a bund at Land at Hall Farm, Warlaby for Mr Paul Phillips

Prior approval not required

**Disclosure of Interest**

Councillor B Phillips disclosed a pecuniary interest and left the meeting prior to discussion and voting on this item.

The meeting closed at 4.40 pm

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Chairman of the Committee



# Planning Applications

**The attached list of planning applications is to be considered at the meeting of the Planning Committee at the Civic Centre, Stone Cross, Rotary Way, Northallerton on Thursday 4 August 2022. The meeting will commence at 10.00am.**

Further information on possible timings can be obtained from the Democratic Services Officer, Louise Hancock, by telephoning Northallerton (01609) 767015 before 9.00am on the day of the meeting.

The background papers for each application may be inspected during office hours at the Civic Centre. Documents are available to view at [www.planning.hambleton.gov.uk](http://www.planning.hambleton.gov.uk). Background papers can include the application form with relevant certificates and plan, responses from statutory bodies, other interested parties and any other relevant documents. Any late submission relating to an application to be presented to the Committee may result in a deferral decision

Members are asked to note that the criteria for site visits is set out overleaf.

Following consideration by the Committee, and without further reference to the Committee, the Deputy Chief Executive has delegated authority to add, delete or amend conditions to be attached to planning permissions and also add, delete or amend reasons for refusal of planning permission.

Mick Jewitt  
Deputy Chief Executive

## Site Visit Criteria

1. The application under consideration raises specific issues in relation to matters such as scale, design, location, access or setting which can only be fully understood from the site itself.
2. The application raises an important point of planning principle which has wider implications beyond the site itself and as a result would lead to the establishment of an approach which would be applied to other applications.
3. The application involves judgements about the applicability of approved or developing policies of the Council, particularly where those policies could be balanced against other material planning considerations which may have a greater weight.
4. The application has attracted significant public interest and a visit would provide an opportunity for the Committee to demonstrate that the application has received a full and comprehensive evaluation prior to its determination.
5. There should be a majority of Members sufficiently familiar with the site to enable a decision to be made at the meeting.
6. Site visits will normally be agreed prior to Planning Committee in consultation with the Chairman or Vice-Chairman of the Planning Committee. Additional site visits may be selected following consideration of a report by the Planning Committee.

# PLANNING COMMITTEE

## Thursday 4 August 2022

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	<b>Morning Session Commence 10:00am</b>	
<b>1</b>	22/00924/FUL Janeske Delpont Kirkby Fleetham with Fencote  Page no: 11	Proposed Residential Conversion of Existing Church Premises, Construction of Energy Hub Outbuilding, New Site Access, Car Parking, Turning, Site Boundary Works and Amenity Areas  At: St Andrews Church, Todd Lane, Great Fencote For: Mr Ian Shipley  <b>RECOMMENDATION: APPROVE</b>
<b>2</b>	21/01362/FUL Aisling O'Driscoll Scruton  Page no: 23	Proposals for the installation of a solar photovoltaic array/solar farm with associated infrastructure  At: OS Field 6800, Fence Dike Lane, Scruton For: Lightrock Power Ltd  <b>RECOMMENDATION: APPROVE</b>
	<b>Afternoon Session Commence 1.30pm</b>	
<b>3</b>	20/01687/OUT Ian Nesbit Northallerton  Page no: 51	Outline planning application with access to be considered (all other matters reserved) for residential development (Use Class C3) of up to 145 homes, engineering and site works, car parking, access, landscaping, drainage and other associated infrastructure.  At: Land North of Mowbray Road East Side of Stokesley Road Northallerton For: Church Commissioners for England  <b>RECOMMENDATION: APPROVE</b>
<b>4</b>	21/02482/FUL Naomi Waddington Linton-on-Ouse  Page no: 79	Construction of 17 dwellings and associated highway works  At: Land rear of The Manor House, Main Street, Linton On Ouse For: Mulberry Homes Yorkshire  <b>RECOMMENDATION: APPROVE</b>

Item No	Application Ref / Officer / Parish	Proposal / Site Description
5	22/00166/FUL Andrew Cotton Thirsk  Page no: 97	Demolition of existing structures and construction of 9 dwellings and associated parking and landscaping  At: Land to the south of Station Road, Thirsk For: Frontline Estates Ltd  <b>RECOMMENDATION: APPROVE</b>
6	21/02712/FUL Naomi Waddington Tollerton  Page no: 109	Construction of 3 detached dwellings with garages and access  At: Part OS Field 1745, Back Lane, Tollerton For Messr's N & M Ramsden & Foster  <b>RECOMMENDATION: APPROVE</b>
7	22/01061/REM Connor Harrison Sandhutton  Page no: 125	Application for approval of reserved matters considering appearance, landscaping, layout and scale (in addition the size, type and mix) following outline approval 21/01762/OUT (allowed on appeal) for Application for Outline Planning Permission with some matters reserved (considering access and landscaping) for a development of 5no dwellings.  At: Part OS Field 0038, Foss Syke Lane, Sandhutton For: Mr Wheatley  <b>RECOMMENDATION: - REFUSE</b>
8	22/00004/TPO2 Marc Pearson Stillington  Page no: 135	Hambleton District Council (Stillington Parish Council) Tree Preservation Order 2022 No 4.  At: Weddells Cottage, Main Street, Stillington  <b>RECOMMENDATION: To be varied and confirmed</b>

**Parish: Kirkby Fleetham With Fencote**

Ward: Morton-on-Swale

**1**

**22/00924/FUL**

Committee Date : 04 August 2022

Officer dealing : Ms Janeske Delport

Target Date: 5 July 2022

Date of extension of time (if agreed):

**Proposed Residential Conversion of Existing Church Premises, Construction of Energy Hub Outbuilding, New Site Access, Car Parking, Turning, Site Boundary Works and Amenity Areas.**

**At: St Andrews Church Todd Lane Great Fencote North Yorkshire**

**For: Mr Ian Shipley.**

**The matter is brought to Planning Committee owing to the level of public interest.**

## **1.0 Site, Context and Proposal**

- 1.1 The application site is located on the western edge of Great Fencote village at the corner of Fleetham Lane and Todd Lane. The site comprises a church building surrounded by a graveyard which comprise tombstones, lawned grass, trees and shrubs. The site is bounded by a low-level stone wall on all sides with an additional timber fence on the northern boundary. Pedestrian access is available at the junction from Todd Lane.
- 1.2 The site is not located within a conservation area and the building is not listed. However, the church building is classified as a non-designated heritage asset due to its age, aesthetic value, townscape value and historic association. This property dates back to the 1840's.
- 1.3 According to the Planning Statement the church was formally closed for worship on 1st October 2019 and has been vacant and unused ever since. The existing church and site owners, the Diocese of Leeds and the Church Commissioners for England placed the site up for sale in 2021, and the applicant for this planning application has secured an option agreement and purchase of the premises, subject to planning approval. A decision was taken by the Parish to close the church for public worship in 2019 and to focus its resources on managing the heritage asset of St Marys Church which is a Grade II listed building within the village of Kirkby Fleetham. It is understood the loss of a place of worship has been subject to local consultation. The closure process was subject to initial informal consultation and local public meetings, and then a period of formal statutory consultation. The submitted details state no representations against the closure of St Andrew's Church were received.
- 1.4 The applicant seeks planning permission for a change of use from D1 to C3 to form a dwelling, which would include the following works:
- Conversion of church building to a three bedroom dwelling with roof accommodation. The existing entrance to the building would be closed off with a new entrance proposed on the north side of the building. Conservation style roof lights are proposed in both roof slopes as well as replacement slimline double glazed windows in the north and south elevations. The two large

stained glass windows in the gable ends will be retained and refurbished and placed within the slimline double glazed windows. The remainder of the building would stay unaltered except for some internal alterations and maintenance works.

- Construction of an outbuilding approximately 8m x 5m in extent to be utilised as a sunroom, storage area, energy hub, vehicle charging point and bin storage area. The proposed outbuilding would be constructed with lightweight materials with a no-dig foundation solution by making use of a raft base structure. Use of materials will be secured with a planning condition. The energy hub roof will house both photovoltaic panels and evacuated tube solar thermal technology to generate electricity and domestic hot water required for the dwelling. In addition to the ASHP along with internal power and lighting the battery storage will also support PHEV (Plug-In Hybrid Electrical Vehicle) charging points mounted to the exterior of the plant room, on the eastern elevation, for vehicle charging.
- New vehicle access is proposed on the south-east boundary of the site along Fleetham Lane. The access gate would be set back from the highway by approximately 5 metres. A new drive is proposed along the eastern boundary to the rear of the church building where parking would be provided adjacent to the proposed outbuilding. Two additional parking spaces are proposed along the eastern boundary wall.
- The existing pedestrian access at the junction would be closed off and relocated to the western boundary of the site.

## **2.0 Relevant Planning History**

2.2 None relevant.

## **3.0 Relevant Planning Policies**

3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1: Sustainable Development Principles  
Local Plan Policy IC4: Community Facilities  
Local Plan Policy E1: Design  
Local Plan Policy E5: Development Affecting Heritage Assets  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy RM3: Surface Water and Drainage Management  
National Planning Policy Framework

## 4.0 Consultations

- 4.1 Parish Council – After discussing the planning application the Councillors unanimously agreed to object to the plans until the Council and local community have been consulted and provided with further information from which to make a more informed decision. The Councillors are concerned that the local community has not been consulted by the Diocese over the plans and removal of headstones as promised.
- Councillors have raised concerns over access plans. The initial concern is related to road safety issues, due to the driveway position being too close to the junction with poor visibility from oncoming traffic via Todd Lane. Vehicles are travelling into and through the Village of Great Fencote too fast. This can be evidenced by the most recent speed survey, conducted by Highways on 11-17 March 2022. The summary of the survey records that 32.3% of vehicle flow was travelling in excess of 30 mph. Should planning consent be ultimately granted, then Councillors would like to see a condition that site access is developed in the first phase of construction to enable construction and private vehicles to be removed away from the junction at the earliest opportunity.
- 4.2 Highways North Yorkshire – No objection subject to conditions
- 4.3 Yorkshire Water Services Ltd – No objection subject to condition
- 4.4 Neighbours – A total of 27 observations were received with 26 people objecting and 1 person supporting the application.

The two main objections were: (i) the access visibility which is dangerous and (ii) disturbance to graves and gravestones. The following points have been summarised:

- The proposed access to the site is not safe due to the dangerous turn and the speed at which cars drive past the site
- Misleading information within the planning application relating to the total number of headstones and lack of information relating to the relocation thereof
- The sunroom and energy hub seems unnecessary and was not part of the original consultation by the diocese in 2018
- Lack of public consultation by the Diocese
- In 2018 in previous public consultation the Diocese referred to the foot print of the building only to be converted and not the relocation of the headstones without the human remains are disrespectful
- Limitations to public access to the graves
- No mention of environmental impact of the development on fauna and flora
- The potential installation of these memorial windows as internal windows in the wall of a WC is highly inappropriate.
- The loss of several large yew trees will be a loss to the environment and biodiversity of the village

One letter of support was received which states the following:

- It would be great to see this historic building converted into a house and preserved before the building fabric declines through lack of use. The access drive and equipment building are the standards required for modern energy efficiency. The proposed re-use of existing window panels within modern sealed unit double glazing shows how far the applicants want to go to keep the look and heritage of the church.

## 5.0 Analysis

5.1 The main issues to consider are:

- principle of development
- design and the impact on the heritage asset and the character and appearance of the surrounding area
- impact on neighbouring amenity
- access, parking and impact on highways safety
- landscaping and ecology
- drainage
- concerns from residents

Principle of development

5.2 Local Plan Policy S1 (Sustainable Development Principles) advised that the Council will seek to ensure that development makes a positive contribution towards the sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change. This will be achieved by:

- Meeting development needs through sustainable development that supports existing communities, making effective and efficient use of land, supporting social cohesion, minimising the need to travel and promoting sustainable modes of travel;
- Protecting and enhancing the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape and the form and setting of settlements;
- Ensuring that development takes available opportunities to improve local environmental conditions, such as air and water quality, seeks the reuse of suitable previously developed and underused land and buildings, and reclaimed materials.

5.3 Local Plan Policy IC4: Community Facilities advises that:

A proposal that would result in the loss of premises or land currently or last in community use will not be supported unless it can be demonstrated that:

- a. prior to the commencement of development a satisfactory replacement facility will be provided in a suitably accessible location for the catchment area or the community served;
- b. the existing use is no longer financially or operationally viable and there is no reasonable prospect of securing a viable satisfactory alternative community use;
- c. the continued use of the site for community purposes would conflict with other planning policies; or



d. the loss of the community facility is integral to a strategic proposal to improve community services within the locality.

- 5.4 According to information submitted the building was a chapel of ease in the parish of Kirkby Fleetham with Langton on Swale and Scruton. The same congregation alternated between this building and the parish church, the Grade II listed St Mary's at Kirkby Fleetham. The Parish wished to concentrate their resources on one building and decided to retain the more historic of the two. According to the Planning Statement submitted the church was closed for regular public worship on 1<sup>st</sup> October 2019 after extensive public consultation took place and no objections were received. The existing use of the church building as a place of worship was no longer financially or operationally viable due to the small congregation and limited funds. A satisfactory replacement facility is available to the residents of Great Fencote at St Marys. This alternative community facility which is only 2 miles away is considered to be in a suitably accessible location for the community it served and is considered to be an acceptable loss of community facility. The proposed conversion of the church to a dwelling unit would make effective and efficient use of land, protect and enhance the high quality natural and historic environment whilst facilitating development in a way that respects and strengthens the distinctive character of the landscape. The conversion seeks the reuse of previously developed and underused land and buildings which would preserve the non-designated heritage asset. Therefore, the principle of development is supported subject to the scheme complying with other Local Plan Policies.

Design and the impact on the heritage asset and the character and appearance of the surrounding area

- 5.5 Local Plan Policy E1 states that:
- all development should be of high quality and should integrate successfully with its surroundings in terms of form and function.
  - all development should promote high quality design and that proposals will be supported where it responds positively to its context, respects and contributes positively to the local character in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas, the use of materials and landscaping.
  - a proposal will be supported where it makes efficient use of the site consistent with achieving a high quality design particularly in relation to public realm, open space, green corridors and layout, and the protection of local character and amenity.
- 5.6 Local Plan Policy E5 states that:  
Proposals which would remove, harm or undermine the significance of a non-designated heritage asset will be permitted only where a balanced judgement has been undertaken and the scale of any harm or loss to the significance of the heritage asset is justified. The NPPF advises that impacts on non-designated heritage matters should be considered in the Planning Balance.
- 5.7 The church building is located at the junction of Fleetham Lane and Todd Lane in a prominent location within Great Fencote. The church building is classified as a non-designated heritage asset and should therefore be preserved for future generations. The proposed church conversion has been

designed in a sympathetic way to not harm or undermine the significance of the non-designated heritage asset. The external appearance of the building would be retained with a few small alterations which are not considered to be a dominant feature or to be visually intrusive. The church conversion would respond positively to its context and would contribute positively to the local character by reusing a disused building and the conversion would prevent the building from being at risk of decay. The proposed outbuilding would be constructed behind the church building and would be screened from public views. The use of materials for the outbuilding would be agreed post approval to prevent any harm to the character of the area. It is considered that the proposal would preserve the significance of the heritage asset and would not harm the character or appearance of the heritage asset or the surrounding area in accordance with Local Plan Policies E1 and E5.

#### Impact on neighbouring amenities

- 5.8 Local Plan Policy E2 (Amenity) states that all proposals should maintain a high standard of amenity for all users and occupiers, including future occupants and existing occupants and users of neighbouring land and buildings, in particular those in residential use. All proposals should ensure adequate availability of daylight and sunlight and should not result in significant overshadowing and the need for artificial light. Physical relationships arising from the design and separation of buildings should not be oppressive or overbearing and would not result in overlooking causing loss of privacy. Adequate and convenient external amenity space should be provided.
- 5.9 The scheme for the conversion of the church building to a dwelling would not have an adverse impact on neighbouring occupiers due to the fact that there would be no change in the current fenestration of the building which would not alter the level of overlooking that there currently is. The conversion would be on the exact same footprint and would not result in being overbearing or result in overshadowing. The proposed outbuilding would be developed to the rear of the church building adjacent to the northern boundary of the site. The sunroom and patio doors would face the graveyard to the west and no windows are proposed in the north elevation. The building would maintain an adequate separation distance with the neighbouring dwelling directly north and would not result in adverse harm in terms of overlooking, being overbearing or causing loss of light and is therefore in accordance with Local Plan Policy E2.

#### Access, parking and impact on highways safety

- 5.10 Policy IC2 (Transport and Accessibility) advised that proposals will only be supported where it can demonstrate that appropriate parking provision is incorporated taking account of:
- highway safety and access to, from and in the vicinity of the site,
  - the needs of potential occupiers, users and visitors, now and in the future
  - opportunities for shared provision, where locations and patterns of use allow

- 5.11 A new vehicle access, approximately 3.5 metres wide, is proposed at the junction off Fleetham Lane. The scheme includes a new driveway and makes provision for 4 off street parking spaces. Objections relating to visibility and highway safety concerns are noted. However, the Local Highways Authority has been consulted and has no objection to the new access subject to conditions. It is therefore considered that the proposal would not have an adverse impact on highway safety and accords with Local Plan Policy IC2.

#### Landscaping and ecology

- 5.12 Local Plan E3 (The Natural Environment) advises that:  
All development will be expected to demonstrate the delivery of a net gain for biodiversity. A proposal that may harm a designated site of importance for nature conservation (SINC), local geological site, or a non-designated site or feature of biodiversity interest, will only be supported where:
- a. significant harm to biodiversity resulting from the development has been avoided (through locating on an alternative site with less harmful impact), adequately mitigated, or, as a last resort, compensated for; and
  - b. they demonstrate proportionate long-term maintenance arrangements to ensure that biodiversity net gain will be resilient to future pressures from further development or climate change; and
  - c. they clearly demonstrate that there is an overriding public need for the proposal which outweighs the need to safeguard biodiversity with no satisfactory alternative site with less or no harmful impacts;
  - d. they have, as their principal objective, the aim to protect, restore, conserve or enhance biodiversity or geodiversity and deliver a net gain for such objectives which accord with all other relevant policies.
- 5.13 The scheme includes the removal of some trees and shrubs to accommodate the new access, driveway and parking areas. The need for a new access to the site which is required for the scheme to move forward which would in turn preserve a non-heritage asset outweighs the minor loss of biodiversity along the northern boundary of the site. As indicated on the proposed layout Plan the scheme includes some additional planting along the boundary of the site which is considered to adequately mitigate any loss to biodiversity. Details of a landscaping plan would be secured by condition and also enforce long term maintenance. It is therefore considered that the scheme accords with Local Plan Policy E3.

#### Drainage

- 5.14 According to the Planning Statement surface water would be disposed of by means of a soakaway and mains sewer and foul sewage would be disposed of by means of mains sewer.

#### Concerns from residents

- 5.15 The planning department has been made aware of local resident's concerns about the removal of graves and headstones, within the application site and appreciates that the nature of this part of the application is a sensitive matter which has caused many residents great concern.
- 5.16 Officers have looked further into this matter in order to consider what weight should be given to this factor in the consideration of the application. It is understood that the sale of the church and matters relating to the relocation of

the headstones is covered by Section 78, Schedule 6 of the Mission and Pastoral Measure 2011. Given that there is a robust legal process in place, outside of the Planning process, which deals with burials and tombstones and which is overseen by the Minister of Justice the Local Planning Authority has taken the view that the issue is appropriately overseen by these statutory processes and is not a matter for the Planning Authority to consider in detail. Any further representations should be made directly to the Diocese which is handling the legislative procedure of the relocation of the headstones. In the view of officers, the matter, whilst a material consideration is not a determining matter for the reasons set out above and as such should be given limited weight in the determination of the application.

#### Planning Balance

- 5.17 The proposed church conversion and new outbuilding is considered to preserve the non-designated heritage asset by reusing disused buildings which would prevent the building from being at risk of decay. An alternative community facility is available close by and is accessible to the congregation of Great Fencote. The proposed development is not considered to have an adverse impact on neighbouring amenity or highway safety. The proposals accord with Local Plan Policies and are therefore recommended for approval.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 21050-21-PL1; ; 2121050-22-PL1; 21050-23-PL1; 21050-24-PL1; 21050-25-PL1; received by Hambleton District Council on 12/04/2022; unless otherwise approved in writing by the Local Planning Authority.
3. The site access should be developed in the first phase of construction to enable construction and private vehicles to be removed away from the junction at the earliest opportunity.
4. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

5. All new, repaired or replaced areas of hard surfacing shall be formed using porous materials or provision shall be made to direct run-off water from the hard surface to an area that allows the water to drain away naturally within the curtilage of the property.

6. Notwithstanding the provisions of any Town and Country Planning General or Special Development Order, for the time being in force relating to 'permitted development', no enlargement, improvement or other alteration shall be carried out to the dwelling or building nor shall any structure be erected within or on the boundary of the curtilage of the dwelling hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.

7. Notwithstanding the provisions of any Town and Country Planning General or Special Permitted Development Order for the time being in force relating to 'permitted development' no structure, fence, gate or wall shall be erected within or on the boundary of the domestic curtilage area hereby approved.

8. No building works including excavation, breaking up of existing concrete or tarmac areas, demolition works, piling operations, external construction works in general shall be carried out except between 0700 hours and 2100 hours Monday to Friday, 0700 hours to 1700 hours Saturday and there shall be no such work on Sunday or on any public holidays.

9. The construction of the development hereby approved shall not be commenced until details of the foul sewage and surface water disposal facilities have been submitted to and approved in writing by the Local Planning Authority. These details are required prior to the construction because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

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

11. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E50 and the following requirements.  
o Any gates or barriers must be erected a minimum distance of 6 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.  
o Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges. The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.  
o Measures to enable vehicles to enter and leave the site in a forward gear.

12. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local Highway Authority, is available to download from the County Council's web site:

[https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification\\_for\\_housing\\_\\_ind\\_est\\_roads\\_\\_street\\_works\\_2nd\\_edition.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification_for_housing__ind_est_roads__street_works_2nd_edition.pdf) . The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition.

13. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

14. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users 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.

15. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works: 1. details of any temporary construction access to the site including measures for removal following completion of construction works; 2. wheel 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. details of site working hours; 6. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

16. Above ground construction of dwellings shall not be commenced until a detailed landscaping scheme indicating the type height, species and location of all new trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those

elements of the approved scheme situated within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
3. In the interests of highway safety and the convenience of all highway users.
4. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Local Plan Policies S1 and E1.
5. To reduce the volume and rate of surface water that drains to sewers and watercourses and thereby not worsen the potential for flooding and pollution in accordance with Local Plan policies RM1 and RM2.
6. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.
7. To control the extension or alteration of the development in the interests of the appearance of the site and the amenities of residential property nearby in accordance with Local Plan Policies S1, E1 and E2.
8. In order to protect the amenities of residential property in the locality.
9. In the interest of satisfactory drainage and to avoid pollution of the water environment in accordance Local Plan policies RM1, RM2, RM3 and RM5.
10. In order to protect the local aquatic environment and Yorkshire Water infrastructure and to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network
11. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

12. In the interests of highway safety
13. In the interests of highway safety
14. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
15. In the interest of public safety and amenity
16. In order to help assimilate the development within the rural landscape.



**Parish:** Scruton  
**Ward:** Morton On Swale

**Committee date:** 04 August 2022  
**Officer dealing:** A O'Driscoll  
**Target date:**

**2**

**21/01362/FUL**

**Proposals for the installation of a solar photovoltaic array/solar farm with associated infrastructure**

**At: OS Field 6800, Fence Dike Lane, Scruton**

**For: Lightrock Power Ltd**

**This application is referred to Planning Committee as the proposed development is of significant local interest.**

**1.0 Site, context and proposal**

- 1.1 The application site is located to the south west of the settlement of Scruton, north of the A684 and east of the A1(M). The site measures approximately 79ha and is currently in agricultural use. The land included in the application forms an irregular shape which borders the public road at one point to the north at Fence Dike Lane and four points to the west at Low Street on the western edge of the site. Leeming Bar industrial estate is approximately 800m to the south of the site. All boundaries where the site meets the road feature mature hedgerows. A bridleway runs east to west through the northern section of the site.
- 1.2 Three areas of woodland including Carriage Road Plantation and Fox Covert Plantation, which can be seen on historical mapping, have been excluded from the site. Fence Dike runs through the woodland at Carriage Road Plantation.
- 1.3 There are approximately 6 dwellings in close proximity to the application site that are not separated from it by road or railway. Slightly further afield, the site will be visible from Leases Lane, including Leases Hall and adjacent dwellings, Low Leases Farm on Low Street, dwellings at Roughley Corner and in part by dwellings on Ham Hall Lane.
- 1.4 The application is for the installation of a solar farm comprising an array of ground mounted solar PV panels with associated infrastructure including 24 inverters, four battery storage containers within a substation compound as well as fencing, security cameras and cabling. The export capacity of the Development would be up to 49.9 MW. The construction phase of the Development is expected to have a duration of approximately 6 months and planning permission is sought for an operational period of 40 years. The site would be fully decommissioned and restored at the end of the temporary planning permission period. The grid connection will utilise existing buried cabling to connect to the Leeming Bar Substation which is located approximately 340 m to the north of the Site.
- 1.5 The applicant indicates that the site has been selected as it is located in an area of relatively high solar irradiance (power received from the Sun) in the UK and within proximity of a viable grid connection point. The potential for installing a solar development at the site has been assessed through feasibility work, which

assessed technical and environmental issues, to derive the most appropriate proposed scale, location and infrastructure layout.

- 1.6 The applicants indicate that the key criteria which have led to the site being selected for solar development include:
- Solar irradiance levels;
  - Proximity to an available grid connection;
  - Separation from residential areas;
  - Separation from heritage assets;
  - Existing screening provided by trees and hedges;
  - Topography;
  - Field size/shading;
  - Access to the site for construction;
  - Agricultural land classification;
  - Landscape character;
  - Flood Risk; and
  - Ecological sensitivity.
- 1.7 Following pre application discussions with Officers the site was reduced in size mainly at the north east end in order to pull the development away from the settlement of Scruton. Development was also slightly reduced on the western boundary to reduce the visual impact on dwellings to that side.
- 1.8 The Development would consist of rows of solar PV panels known as strings sited approx. 3-6m apart. The panels or modules are composed of photovoltaic cells (typically 60 to 72 cells per module or similar) and are designed to maximise the absorbency of the sun's rays and minimise solar glare. As a consequence, they are dark in hue and generally recessive in the landscape. Each string of panels would be mounted on a metal frame, with metal supports, pile driven into the ground to a depth of approximately 1 to 2 m, depending on ground conditions.
- 1.9 An Agricultural Land Classification Assessment (ALCA) was submitted with the application. The Council engaged an independent consultant (ADAS) to verify the land classification. It was concluded that of the 77.5ha of land surveyed 71.7ha (92%) is Grade 2 and 5.85ha (8%) is Grade 3b. The majority of the site is therefore considered to be "best and most versatile" agricultural land as defined in the National Planning Policy Framework.
- 1.10 The application site falls within safeguarding zones surrounding RAF Leeming. The MOD DIO safeguarding team have been consulted. Dialogue between the applicant and the MOD has focused around the impact of Glint and Glare and updated assessments have been submitted.

## **2.0 Relevant planning and enforcement history**

- 2.1 This is greenfield agricultural land and therefore there is no relevant planning history. It is noted, however, that a Screening Opinion has been requested under 22/00311/SCR in relation to land to the north of Fence Dike Lane and to the west of Low Street.

- 2.2 It should be noted that an application has been approved for another solar farm, to the north at South Lowfield Farm, Lowfield Lane 19/01882/FUL - Installation and operation of a solar farm and associated infrastructure - Granted

### **3.0 Relevant planning policies**

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

- 3.2 The relevant policies are:

Local Plan Policy S1: Sustainable Development Principles  
Local Plan Policy S5: Development in the Countryside  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy E7: Hambleton's Landscapes  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy RM2: Flood Risk  
Local Plan Policy RM6: Renewable and Low Carbon Energy  
National Planning Policy Framework

### **4.0 Consultations**

- 4.1 Parish Council – During the life of the application a number of responses were received from Scruton Parish Council and Kirkby Fleetham with Fencotes Parish Council. The following issues were raised:
- Concern regarding sourcing of panels and batteries from China which may be linked to unethical practices such as forced and child labour.
  - Concern regarding the environmental impact of the lithium batteries and other toxic chemicals used in the manufacture of the panels.
  - Responsibility for decommissioning
  - Impact on trainee pilots from RAF Leeming and potential for major accident if a plane were to crash near/on the A1M motorway. HDC will be accountable for increased risk.
  - Threat to aircraft from glint and glare
  - Impact on tourism
  - Concern regarding the visual impact of 3m high panels and steel fencing. No guarantee that screening/hedging will be implemented.
  - Impact on the landscape
  - Landscaping will take 10 years to mature and screen the development
  - Impact on local wildlife during construction
  - Fencing will prevent wildlife from transiting through the site and accessing woodland.
  - Construction noise will impact stress levels of nearby horses
  - Extreme noise during construction likely to take place in summer months. No noise assessment submitted for this
  - Loss of and impact on Best and Most Versatile agricultural land

- Existing hedges should not be removed
- The solar farm will be visible until the landscaping matures
- Concern regarding the reduction of green space
- Should be moved away from Fence Dike Lane
- The company structure is set up to make it easy to avoid promises and undertakings. These companies could quickly go insolvent and thereby nullify any commitments made to the Parish Council
- The proposed buffer zone between Scruton Village and the installation is a lot less than the zone imposed by HDC Planning on the Kirkby Fleetham site
- Flood mitigation measures not sufficient given recent floods on Ham Hall Lane
- Conflict between visibility splays and hedging
- Requests that any permission be subject to S106 and 278 agreements.
- The Kirkby Fleetham power generation is lower than expected and this should be taken into account
- Amendments to the orientation of the panels to reduce glint/glare on air traffic have increased impact on other receptors including dwellings, road and footpath users. This should be addressed
- Query raised surrounding comments from the MOD re threat of bird strike.
- Request that Natural England be consulted on results of ADAS ALC report
- 65% of land in Hambleton is grade 3. The majority of the site is Grade 2 agricultural land and therefore this is not the best location for this proposal.
- The updated ALC shows 93% grade 2 BMV land and this should be grounds for refusal.
- The applicant claims that this site is preferable due to the proximity to the grid connection and related distance limits. The Parish Council points out that the Kirkby Fleetham array is further away from the connection and therefore this cant be true.
- In the appeal decision detailed by the applicant the Inspector noted that the land subject of the appeal was not suitable for crops such as potatoes or cauliflower. This site has previously been used to grow potatoes.
- Letters of support are not from local people
- There is lack of consistency in appeal decisions about whether the proximity to a grid connection should be a factor given weight in the sequential test.
- A contribution towards the Parish Council to fund a footpath was offered during a meeting, however, this is not mentioned in the application
- The glint and glare assessment does not cover the elevated section of the A684
- Cumulative impact with Kirkby Fleetham site
- High fencing will not blend in with the landscaping
- Nothing will grow in the shaded area below the panels
- How will cleaning and use of detergents be prevented from entering the watercourse
- The development will destroy the quality of the land
- Another site is being considered at Langthorne which is on grade 3 agricultural land. If this site was preferred and developed then it would take up most of the spare capacity at the Leeming Substation.

4.2 Highway Authority – No objection subject to conditions relating to altered verge crossings, visibility splays, overhead cables and landscaping.

- 4.3 Lead Local Flood Authority - No Objection subject to a condition relating to the proper maintenance of ground conditions.
- 4.4 Yorkshire Water – No objection subject to conditions relating to the protection of the water mains pipe which runs through the site.
- 4.5 Environmental Health Officer Land Contamination - No objection
- 4.6 MOD Safeguarding RAF Leeming - The Glint and Glare Report identifies that the proposed solar farm can produce glint and glare which could affect aviation safety where aircraft are operating at or from RAF Leeming. The potential also exists that misaligned panels or damage could exacerbate existing glint or glare or introduce additional harm. In order to address this harm MOD request that a condition is added to any consent issued requiring the submission, approval and implementation of a Glint and Glare Management Plan (GGMP).

After review of the design plans, the MOD can confirm we have no objection to this application on the grounds of increased bird strike risk at RAF Leeming but seek confirmation that there will be no open waterbodies or wetland habitat added as part of this development.

In order to maximise the prevention of reflections off of the photovoltaic panels the MOD request that an anti-reflective coating be applied to the surfaces of the proposed solar panels for this development.

- 4.7 Natural England - this application is likely to affect 72 ha of BMV agricultural land. We consider that the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards.

During the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. Your authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.

Recommends conditions to safeguard soil resources and agricultural land, including a required commitment for the preparation of reinstatement, restoration and aftercare plans; normally this will include the return to the former land quality (ALC grade).

- 4.8 Public comments – At the time of writing 209 letters of representation had been received, 86 in support and 123 in objection. It should be noted, however, that some individuals made more than one representation.

Letters of Support raise the following points:

- Need to increase renewable sources of energy

- Need to replace oil and coal/fossil fuels reliance especially in light of recent conflict in Ukraine and Russia's control of power supplies
- Climate change/climate crisis
- The development will produce a net gain for biodiversity
- Will not be very visible
- Installation will be a short term disruption
- This is not industrialisation of the countryside
- Soil quality will be preserved or enhanced prior to solar scheme
- Need for renewable electricity to increase the use of electric cars
- The inconvenience of a solar farm is a small sacrifice for the future of our children
- This is a good opportunity for the community
- Supports a sustainable future
- Solar energy provides a significant contribution to national and regional targets for decarbonisation
- This is a good design
- Good site for this development
- Provides landscape enhancements
- As a young adult, who has lived in Scruton their whole life, I am concerned and uncertain about what the future may hold.
- Only a small number of residents will be affected
- Greater public good than cost
- Next to a substation
- No noise, smell, flies or traffic once built
- opportunity to have a part to play in tackling climate change
- A century ago about one third of agricultural land was devoted to energy production, in that oats were grown on this land to power the heavy horses which powered the machinery.
- Proximity to grid connection makes the site preferable
- Efficient use of land/Dual purpose: energy production and sheep grazing
- Visually, solar farms are better than wind which can also be noisy
- We object strongly to the negative way that certain members of the Scruton Parish Council have tried to portray this opportunity by putting forward spurious data
- Proposed landscaping will also help in carbon reduction
- Will help two family farms to diversify
- Escalating fuel costs
- Solar energy will help meet the worlds energy needs without exacerbating climate change
- Little change to the visual amenity of the village
- Lack of ability to debate during COVID has resulted in proliferation of issues that could be addressed for eg fencing design or that trainee pilots will learn to handle situations of glare etc
- First hand experience of wildlife increase post installation of panels on their land
- The soil is no highest quality and has experienced soil blow in the past.
- Farming community is under increasing pressure from supermarkets and subsequently consumers to be carbon neutral. This type of development will help achieve carbon net zero
- Educational benefits for next generation

- Being able to ride horses on the bridleway and enjoy the wildlife without meeting heavy machinery
- Agricultural researchers have found that some crops can be grown under solar panels
- Solar farm is preferable to another housing development

Letters of Objection raise the following points:

- Not appropriate in the green belt (Officer Note: Whilst the site is in open countryside it is not designated Greenbelt)
- Not appropriate on/loss of BMV agricultural land
- Negative impact on local character
- Negative impact on open countryside
- Impact on the landscape
- Scale of development
- Visual impact
- Loss of habitat
- Impact on nearby houses
- Impact on bridleway and views from bridleway
- Impact on cricket ground
- Impact on heritage railway
- Impact of glare on road users
- Impact on nearby listed Leases Hall
- Proximity to Scruton Village
- Misleading information and leading questions in the community engagement material
- Noise during construction
- Increased traffic during construction
- Will cause distraction to road users
- Temporary closure of the bridleway during construction
- Cumulative impact with solar development at Kirkby Fleetham
- Cumulative impact with Leeming Bar extension
- Will result in loss of jobs
- Devaluation of property
- Inaccuracies in the Agricultural Land Classification
- Many comments of support come from outside the parish
- The area for the proposed farm is larger than the village and will overwhelm it
- Site was previously subject to applications for mineral extraction and anaerobic digestion
- Proof should be sought that no forced or child labour is involved in the production of the solar panels
- Some of the site is in shadow due to woodland
- Impact on local equestrian use
- Screening will not shield elevated dwellings from views of and glare from the site
- Landscaping will take years to establish and will not screen the site in winter
- Construction traffic should not be allowed to go through the village
- The removal of this land from cereal production to benefit the carbon footprint could be negated by the carbon footprint of importing cereals from abroad.
- Should be considered as one large solar farm with the installation at Kirkby Fleetham

- Limitations on the existing substation mean this site cannot operate at full capacity
- Development should be moved back from the east
- All cables should be underground
- Battery storage area is on high quality land which would be destroyed by development
- Access should be taken from Low St
- Time limits should be placed on pile driving
- Semi mature trees should be planted to ensure immediate screening
- The developer should provide a new bridleway
- Agricultural land should be used for food production so we are not reliant on Russia or China for food
- Proposed planting will not grow in the shade under panels
- No information on how it will connect to the substation
- If the substation has further capacity why can't additional energy be obtained by increasing in the existing farm at Kirkby Fleetham
- New developments for commercial or housing should provide their own renewable sources of energy
- Time and money was put into restoring the Scruton Station for the Heritage train which generates tourism. This will have a detrimental impact on views from the heritage train
- Development around Leeming Bar is slowly seeping into the countryside and boundaries should be borne in mind
- Short term financial gain for a few is not a gain for the majority
- Risk of accident from glare for pilots/proximity to the RAF Leeming airfield
- British Horse Society have guidelines that say solar panels should not be placed along bridleways
- The proposed installation of deer proof fencing would isolate
- Fox Covert Plantation and severely restrict access into Carriage Road Plantation. The proposed development would effectively end the deer migration in this area and remove a natural amenity
- There is another solar farm within 2 miles
- This is not agricultural development it is a power station
- The development will reclassify the land as industrial and lead to further industrial development
- Disproportionate level of solar development in the area
- Should use brownfield land for this type of development
- Use of mined minerals and other environmentally unfriendly methods in the production of solar panels
- Impact on tourism
- Disposal of used panels to landfill
- Panels manufactured in China
- Environmental impact of the manufacture and disposal of the ancillary batteries
- Hydrogen plant proposed on a brownfield site in Teesside is a better source of renewable energy for electric cars
- Will disturb natural wildlife patterns
- Birds can mistake panels for water and fly into them
- Get rich quick scheme



- There are already plans to extend Leeming Bar industrial estate and coupled with this Scruton will become an industrial village
- This development is for profit not renewable energy
- Impact on property values
- The applicant has exaggerated the level of solar irradiation in the area
- Transport statement does not consider the impact on the bridleway
- Weather unsuitable and generating capacity will never be reached
- Solar power is inefficient
- Low Street unsuitable for HGVs
- Solar panels emit EMF radiation
- The Council will receive £100,000.00 per year from this project
- Are landowners aware that if the operators of the site go bankrupt they will ultimately be responsible for the cost of dismantling and reinstating the land
- Sunlight will be diminished by retained woodland and topography
- Traffic controls were ignored at the Kirkby Fleetham site
- Too close to dwellings
- Increased litter in the area since other solar farm built
- Danger of batteries exploding
- Humming noise from transformers
- Solar panels have a huge carbon footprint, contain toxic chemicals and are difficult to recycle
- Impact on residents wellbeing
- The A684 is left out of the glint and glare assessment

## 5.0 Analysis

### 5.1 The main issues to consider are:

- Principle
- Impact on the character of the area
- Amenity, health and safety
- Drainage
- Highways
- Biodiversity
- Cumulative impact

#### Principle

5.2 The Overarching National Policy Statement (NPS) for Energy (EN-1) indicates that the Government is committed to meeting our legally binding target to cut greenhouse gas emissions by at least 80% by 2050, compared to 1990 levels. Analysis done on possible 2050 pathways shows that moving to a secure, low carbon energy system is challenging, but achievable. It requires major investment in new technologies to renovate our buildings, the electrification of much of our heating, industry and transport, prioritisation of sustainable bioenergy and cleaner power generation. Renewable electricity generation is currently supported in the UK through the Renewables Obligation (RO), which is a market-based support mechanism to encourage investment. Renewables have potential to improve security of supply by reducing reliance on the use of coal, oil and gas supplies to keep the lights on and power our businesses.

- 5.3 Renewable electricity will help improve our energy security by reducing our dependence on imported fossil fuels, decrease greenhouse gas emissions and provide economic opportunities. However, some renewable sources (such as wind, solar and tidal) are intermittent and cannot be adjusted to meet demand. As a result, the more renewable generating capacity we have the more generation capacity we will require overall, to provide back-up at times when the availability of intermittent renewable sources is low.
- 5.4 There are a number of other technologies which can be used to compensate for the intermittency of renewable generation, such as electricity storage, interconnection and demand-side responses such as smart meter controls, without building additional generation capacity. Although Government believes these technologies will play important roles in a low carbon electricity system, the development and deployment of these technologies at the necessary scale has yet to be achieved. The Government does not therefore consider it prudent to solely rely on these technologies to meet demand without the additional back-up capacity. It is therefore likely that increasing reliance on renewables will mean that we need more total electricity generation capacity than we have now, with a larger proportion being built only or mainly to perform back-up functions.
- 5.5 Chapter 14 (Meeting the challenge of climate change, flooding and coastal change) of the NPPF deals with the promotion of renewable energy projects. Paragraph 152 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 5.6 Paragraph 154 indicates that new development should be planned for in ways that:
- a. avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
  - b. can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
- 5.7 Paragraph 158 of the NPPF states that when determining planning applications for renewable and low carbon development, local planning authorities should:
- a. not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
  - b. approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

- 5.8 The NPPF also states that Local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 53 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 5.9 Local Plan Policy S5 states that Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located. Where significant development in the countryside is demonstrated to be necessary, the loss of best and most versatile agricultural land (classed as grades 1, 2 and 3a) should be avoided wherever possible. If the benefits of the development justify the loss, areas of the lowest grade available must be used except where other sustainability considerations outweigh agricultural land quality considerations. Where agricultural land would be lost the proposal will be expected to be designed so as to retain as much soil resource as possible as well as avoiding sterilisation of other agricultural land by, for example, severing access to farmland.
- 5.10 Local Plan Policy RM6: Renewable and Low Carbon Energy states that renewable and low-carbon energy installations, including associated infrastructure, will be encouraged. A proposal, including community-led initiatives for renewable and low carbon energy, will be supported where it is demonstrated that all potential adverse impacts, including cumulative impacts and those on aircraft, radar and telecommunications are, or can be made, acceptable.
- 5.11 It goes on to state that when identifying and considering the acceptability of potential adverse planning impacts their significance and level of harm will be weighed against the public benefits of the proposal. When identifying and considering landscape and visual impacts regard will be had to the Hambleton Landscape Character Assessment and Sensitivity Study (May 2016) or successor documents. Having identified potential adverse planning impacts the proposal must seek to address them all firstly by seeking to avoid the impact, then to minimise the impact. Enhancement and/or compensatory measures should be assessed, as appropriate, and included in order to make the impact acceptable. All reasonable efforts to avoid, minimise and, where appropriate, compensate will be essential for significant adverse impacts to be considered as being fully addressed. Sufficient evidence will need to have been provided to demonstrate that adverse impacts on designated nature conservation sites can be adequately mitigated. Where relevant this will include sufficient information to inform a Habitats Regulations Assessment. Provision will be made for the removal of apparatus and reinstatement of the site to an acceptable condition, should the scheme become redundant or at the end of the permitted period for time limited planning permissions.
- 5.12 Government Guidance “Planning for renewable and low carbon energy” indicates that particular factors a local planning authority will need to consider include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
  - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for

continued agricultural use where applicable and/or encourages biodiversity improvements around arrays. See also a [speech by the Minister for Energy and Climate Change, the Rt Hon Gregory Barker MP, to the solar PV industry on 25 April 2013](#) and [written ministerial statement on solar energy: protecting the local and global environment made on 25 March 2015](#).

- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use;
- the proposal's visual impact, the effect on landscape of glint and glare (see [guidance on landscape assessment](#)) and on neighbouring uses and aircraft safety;
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun;
- the need for, and impact of, security measures such as lights and fencing;
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset;
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges;
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

5.13 The NPPF also states that Local planning authorities should recognise the economic and other benefits of the best and most versatile agricultural land. Footnote 53 indicates that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

5.14 As noted above there are a number of considerations to take into account when assessing this form of development. Broadly speaking the principle of renewable and low carbon energy development is supported in the District by the Local Plan, subject to compliance with other Local Plan policies. However, the proposed development is to be sited on green field agricultural land. In order to establish the principle of development it is therefore also necessary to consider the agricultural land classification.

5.15 The Written Ministerial Statement (WMS) – Solar energy: protecting the local and global environment of 25 March 2015 states that *“meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. Protecting the global environment is not an excuse to trash the local environment. When we published our new planning guidance in support of the Framework, we set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear*

*this is necessary and that poorer quality land is to be used in preference to land of a higher quality.*

- 5.16 The statement continues: *We are encouraged by the impact the guidance is having but do appreciate the continuing concerns, not least those raised in this House, about the unjustified use of high quality agricultural land. In light of these concerns we want it to be clear that any proposal for a solar farm involving the best and most versatile agricultural land would need to be justified by the most compelling evidence. Of course, planning is a quasi-judicial process, and every application needs to be considered on its individual merits, with due process, in light of the relevant material considerations.*"
- 5.17 As outlined at 1.9 above the majority of the site has been classified as Grade 2. Small pockets of Grade 3b are located on the western boundary just south of Hillcrest and in the eastern part of the site adjacent to the Carriage Road Plantation. The layout plan indicates that the area south of Hillcrest has been designated as the temporary construction compound. Post construction this area will not be used for solar panels in order to reduce the impact on neighbouring dwellings.
- 5.18 As the agricultural land use classification assessment found that the application affected more than 20ha of BMV land, Natural England were consulted. Natural England indicated that they consider that the proposed development is unlikely to lead to significant permanent loss of BMV agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by steel piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the appropriate soil management is employed and the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas of agricultural land. However, during the life of the proposed development it is likely that there will be a reduction in agricultural productivity over the whole development area. The Local Planning Authority should therefore consider whether this is an effective use of land in line with planning practice guidance which encourages the siting of large scale solar farms on previously developed and non-agricultural land.
- 5.19 In response to the results of the ALCA the applicants submitted a sequential test. The analysis points to the more recent draft versions of the NPS for renewable energy infrastructure. Whilst these are still at draft stage they do indicate the potential direction that is being taken at a national level which goes beyond the existing NPS and the Ministerial Statement of 2015. The draft NPS indicates that land type should not be a predominating factor in determining the suitability of the site location.
- 5.20 The study area for the sequential test is based on the distance to the grid connection and underground cables. As the cost of connection to the electrical grid increases substantially with distance from the connection point the maximum viable distance from the site to the point of electrical connection to the grid has been determined to be no more than 500 m from the Leeming Bar substation. In this area two other sites were considered.

- 5.21 The first is located to the north west of the application site extending from Crank Lane to Leases Farm. The applicant argues that this site is made up of almost equal parts Grade 2 and Grade 3 land and would therefore have a similar impact as the proposal site.
- 5.22 The second is made up of 2 parcels, one directly north of Fence Dike Lane and one further northeast and extending past Penwell House as far north as Great Fencote and bordering the western edge of the previously approved solar farm at South Lowfields Farm. The area of land on the north side of Fence Dike Lane is shown as Grade 2 and the remainder is Grade 3. A site specific ALCA would be required to establish the sub grade of the Grade 3 land. A large part of this site is located in Flood Zone 2 and the potential development area would encapsulate Scruton Grange a Grade II listed building. As a sequential test would be required to site this development in Flood Zone 2 it is considered that this site is no more favourable than the proposed application site.
- 5.23 The grid connection in this area is somewhat inhibited by the location of the A1 motorway which had been previously identified as a significant barrier due to the implications of laying underground cabling. Whilst the use of Grade 2 BMV agricultural land is not ideal, given the proximity to the grid connection, limited alternative sites and the temporary nature of the development it is considered that the public benefits of the scheme outweigh the use of BMV land.
- 5.24 As detailed by Natural England and the Lead Local Flood Authority, it is recommended that a condition be imposed requiring a detailed management plan that includes soil management and suitable planting as well as provisions for decommissioning and reinstatement of the land to its former grade 2 status.

#### Impact on the character of the area

- 5.25 Paragraph 174 of the National Planning Policy Framework states that Planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- 5.26 Policy E7: Hambleton's Landscapes states that the Council will protect and enhance the distinctive character and townscapes of settlements in the district. This will be achieved by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. The Council will also protect and enhance the distinctive landscapes of the district. A proposal will be supported where it:
- takes into consideration the degree of openness and special characteristics of Hambleton's landscapes;
  - conserves and, where possible, enhances any natural or historic landscape features that are identified as contributing to the character of the local area;
  - conserves and, where possible, enhances rural areas which are notable for their remoteness, tranquillity or dark skies;

- takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development;
- protects the landscape setting of individual settlements and helps to maintain their distinct character and separate identity by preventing coalescence with other settlements; and
- is supported by an independent landscape assessment where the proposal is likely to have a detrimental impact on the landscape.

- 5.27 The Hambleton Landscape Character Assessment and Sensitivity Study identifies 26 distinct landscape character areas across the district and for each for them sets out guidelines regarding landscape and visual sensitivity to development. The application site falls into Character area 13: Leeming Corridor. This linear character area extends across the A1 corridor, and is located west of the River Swale, with Leeming and Leeming Bar at its centre. It forms part of the Settled Vale Farmland LCT at a County scale, which extends east across much of the Vale of Mowbray. It includes the villages of Kirkby Fleetham, Scruton, Londonderry, Exelby, Burneston, Pickhill and Sinderby.
- 5.28 The topography is relatively varied, gently undulating overall, but with some large flat areas. The field pattern is variable, a mix of large open fields in flatter areas as well as small historic field patterns around many of the villages in this character area, comprising a mix of both arable crops and pasture. Field boundaries are typically formed by hedgerows, with some open. There are relatively few woodland pockets within the character area, particularly in the southern part. The airfield at RAF Leeming occupies a large space between the A1 and the River Swale. There is a large industrial estate at Leeming Bar.
- 5.29 There are a number of estate landscapes at Killerby Hall, Scruton Park and Theakston Hall. The A1 motorway forms a central spine, north-south across the character area, following the ridge line in the north, though visually contained by motorway embankments, and passing through the lower, more open landscape in the south. Bedale, Aiskew and Leeming Bar bypass was opened, as part of the upgrading of the A1(M). These major roads are noticeable features, highlighted by the movement and noise of the traffic. Some areas are disconnected by the motorway, with several minor roads between the Swale and A1, leading to dead ends or no-through roads.
- 5.30 The area is well-settled with numerous villages, and the community at RAF Leeming. The villages of Kirkby Fleetham and Scruton are located in the north, with Burneston, Pickhill, and Sinderby in the south. Leeming Bar, Leeming, Londonderry and Exelby are located at the centre of the character area. A central hub of activity is focussed around Leeming and Leeming Bar, where the A1 intersects with the A684 between Northallerton and Bedale. Wensleydale Heritage Railway passes west from Leeming Bar, restored in the 1990s with funding from the Ministry of Defence. Kirkby Fleetham, Scruton, Burneston and Pickhill all have Conservation Areas.
- 5.31 The openness of this landscape gives a strong sense of the extensive lowland of the vales lying between the upland landscape of the dales and moors. The road corridor of the A1 can be seen and/or heard from much of the character area, diminishing the tranquillity which might otherwise be associated with the

surrounding farmland. This is further diminished by the presence of large industrial buildings at Leeming Bar and at RAF Leeming.

- 5.32 The Leeming Corridor contains several overt signs of modern development, including major roads, intensive agriculture, large scale industrial units, overhead power lines, masts, and the RAF airbase. These features indicate reduced sensitivity to development at a range of scales, with opportunities for development of larger buildings and other features, such as solar parks, in this context.
- 5.33 A Landscape and Visual Assessment (LVA) was submitted in support of the application. The assessment indicates that the application site occupies a subtle depression with the land rising up to the north west. Views across the site in an east-west direction are mostly screened by the central woodland blocks. The dense hedges on the field boundaries limit some intervisibility, although there is significant intervisibility with the elevated slope to the west and to the open area to the south as far as the A684 where there is less intervening vegetation. The minor roads adjoining the site tend to be lined by dense hedges which limit most views to ground level within the site.
- 5.34 There is an increasingly dispersed pattern of visibility to the Development with distance from the site. There would be no visibility to the west of the A1(M) corridor, within much of Leeming Bar and to the north-east of Scruton. The main areas with theoretical visibility are listed below:
- On the rising slopes to the west and north-west largely between Low Street and the A1(M);
  - To the north between Fence Dike Lane and Great Fencote where there could be theoretical visibility of the western and eastern parts of the Site;
  - The area between the Site and Scruton and Scruton Lane, with some visibility eastwards as far as the River Swale; and
  - The area immediately to the south of the Site up to and including the A684, and the Grimescar area to the south-east.

It should be noted that the embankment on which the new section of the A684 is located also screens a significant part of the landscape to the south of it. Within 1 km, actual visibility is also further reduced by mature trees and hedgerows to the north of Dike Lane, within and beyond Scruton and within much of Leeming Bar. When factoring in additional screening by hedgerows, trees and other scattered vegetation, it is highly unlikely that there would be any views of the development beyond 1 km from the site.

- 5.35 As part of the LVA the applicant included a number of photographs demonstrating the extent of the application boundary from particular viewpoints. On request these were updated to include images of the solar panels superimposed into the landscape to provide indicative views of the site immediately post installation. Images of the site after 15 years, with indicative planting growth have also been provided.
- 5.36 It is clear from the information provided that in short range views into the site, most notably from the north, west and southern boundaries and on the PROW which provide close range and/or elevated views, the development will have a significant impact on the character and appearance of the landscape. Views from the east will have a lesser impact due to the distance between the panels and public viewpoints.



Due to the proposed planting, in conjunction with the existing development and topography of the area longer range views will be restricted.

- 5.37 The proposed development will result in a harmful change to the character and appearance of the landscape in the immediate area. As the site is located in close proximity to the A1, the A684 bypass and Leeming Bar industrial estate the overall impact on the landscape is considered to be lessened. The harmful impacts reduce quickly with distance from the site. The proposed additional planting is considered to effectively mitigate some of the harmful impacts. The development is also (relatively) temporary and reversible so that any landscape impacts are limited to the lifetime of the solar panels. Subject to suitable conditions requiring the installation and management of planted screening and the eventual reinstatement of the land to its current condition it is considered that the public benefits of providing renewable energy outweigh the harm.

#### Amenity, health and safety

- 5.38 Local Plan Policy E2 states that all proposals will be expected to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.39 In support of the application a Glint and Glare study was carried out by PAGEROWER Urban and Renewables. The study concluded that there would be no impact on railway operations in the area due to the distance between the line and the proposals. Local roads, where traffic volumes and/or speeds are likely to be relatively low, were not taken forward for technical assessment as any solar reflections from the proposed development that are experienced by a road user would be considered 'low' impact in the worst case.
- 5.40 A moderate impact is predicted for one assessed section of the A684 which may have marginal views of reflecting panels, however, there are mitigating circumstances, including the significant distance between the receptor and the reflecting panels, partial screening, the reflecting panels not lying directly in front of the road user and the time that the glare occurs. Further mitigation is not required. Because of the proximity to the site of the A684 it is recommended that, once the perimeter fencing is installed and the planting matured, a survey be carried out to assess whether any further mitigation is necessary. Elsewhere, where solar reflections are geometrically possible towards the assessed sections of roads, solar reflections are not predicted to be experienced in practice as they will be significantly screened by intervening terrain, vegetation, buildings and/or proposed perimeter fencing. No impact is predicted.
- 5.41 23 nearby dwellings were assessed as part of the study. Key considerations are whether a significant reflection is predicted in practice and the duration of the predicted effects relative to thresholds of three months per year and 60 minutes per day. The report indicates that modelling has shown that solar reflections are geometrically possible toward 16 out of the 23 assessed dwelling receptors. One of these dwellings is considered to be a participating residence and therefore whilst these results have been provided in the report they have not been included in any further assessment.

- 5.42 Based on a review of available imagery local topography and the site plan, solar reflections are not predicted to be experienced in practise at 12 of these dwelling receptors as reflecting solar panels are expected to be significantly screened by intervening terrain, vegetation, buildings and/or proposed perimeter fencing. No impact is therefore predicted. A moderate impact is predicted for three dwelling receptors which may have marginal views of reflecting panels. However, there are mitigating circumstances including the distance between the receptor and reflecting panels, partial screening and glare timing. The report recommends therefore that further mitigation is not required.
- 5.43 During the life of the application the MOD safeguarding team reviewed the Glint and Glare study in relation to the air traffic movements in and out of RAF Leeming. Working with the MOD the applicant produced a report detailing layout optimisation work to mitigate the glare towards RAF Leeming.
- 5.44 Following receipt of this the MOD provided the following comments: The introduction of an extensive area of solar panels, has the potential to produce glint and, or glare, which could be a hazard to aircraft circuiting the aerodrome or undertaking landing and take-off manoeuvres by dazzling pilots at critical stages of flight. In support of the application a Glint and Glare Report, produced by Pager Power Urban and Renewables was submitted. Following consultation with the MOD, further amendments and additions to the report have been made which include Airspace modelling and Layout optimisation. The Glint and Glare Report identifies that the proposed solar farm can produce glint and glare which could affect aviation safety where aircraft are operating at or from RAF Leeming. The potential also exists that misaligned panels or damage could exacerbate existing glint or glare or introduce additional harm. In order to address this harm MOD request that a condition is added to any consent issued requiring the submission, approval and implementation of a Glint and Glare Management Plan (GGMP).
- 5.45 The requested condition would require approval of panel specifications, a maintenance schedule, a protocol for complaints including implementation of temporary measures to mitigate impact and timescale for completion of remedial works. Subject to the above conditional requirements being implemented as part of any planning permission granted, the MOD maintains no safeguarding objection to this application.
- 5.46 In terms of general amenity the applicant has identified two areas for potential noise/disturbance during construction. These are the movement of vehicles to and from the site and the actual installation of the panels themselves. The transport statement indicates that deliveries to the site will be phased. The construction period is expected to last 6 months. In the first month a maximum of 516 HGV deliveries will be made equating to approximately 20 HGV movements per day. These movements will decrease exponentially month by month with an average of 2 movements per day in the final month. A construction management plan will be submitted outlining the specific details and it is recommended that this be secured by condition.
- 5.47 The applicant indicates that the installation of the panels requires light plant similar to agricultural fencing machinery. They state that construction will progress quickly and therefore will not take place in any one area for a prolonged period of time.

Notwithstanding this the applicant has made a commitment to adhere to Best Practice means of controlling noise from construction activities, as advocated by BS 5228. This includes hours of operation, adherence to a traffic management plan, use of acoustic screens etc. It is recommended that these details be secured by a condition requiring a Construction Environmental Management Plan.

- 5.48 In relation to noise during the normal operation of the site post construction the applicant indicates that there is no significant noise associated with solar PV arrays during operation. The panels themselves do not make any noise. Any operational noise will come from the 24 inverter kiosks. These inverter kiosks are then connected to a distribution substation, via a client substation, located in the northern part of the site. This substation compound also houses 4 battery storage containers and associated inverters and transformers. All sound-emitting plant has been situated as far as is practicable from residential dwellings and the bridleway through the site, in order to minimise the level of noise impact. The closest dwelling to an inverter is Moor House Farm at approx. 130m. The dwelling itself is screened from the development by its own outbuildings. It is unlikely therefore that operational noise will have a significant impact on residential amenity.

#### Drainage

- 5.49 Policy RM3 states a proposal will only be supported where surface water and drainage have been addressed such that:
- surface water run-off is limited to existing rates on greenfield sites, and on previously-developed land reduce existing run-off rates by a minimum of 50 percent or to the greenfield run-off rate where possible;
  - where appropriate, sustainable drainage systems (SuDS) will be incorporated having regard to North Yorkshire County Council Sustainable Drainage Systems Design Guidance or successor documents. The Council must be satisfied that the proposed minimum standards of operation are appropriate and arrangements for management and maintenance for the lifetime of the development are put in place;
  - wherever possible, and where appropriate, SuDS are integrated with the provision of green infrastructure on and around a development site to contribute to wider sustainability objectives;
  - if the drainage system would directly or indirectly involve discharge to a watercourse that the Environment Agency is responsible for, or a system controlled by an internal drainage board the details of the discharge must take account of relevant standing advice or guidance and have been informed by early engagement with the relevant body;
  - if a road would be affected by the drainage system the details of the system have been agreed with the relevant highway authority; and
  - SuDS for hardstanding areas for parking of 50 or more cars, or equivalent areas will be expected to include appropriate additional treatment stages/interceptors to ensure that any pollution risks are suitably addressed.
- 5.50 The Lead Local Flood Authority were consulted and returned the following comments. We acknowledge that within a solar farm proposal, a portion of the site will comprise of proposed solar (PV) panels and energy storage facilities, whilst the remainder of the site comprises of the existing grassed spacing between rows and field margins. In general terms the design of photovoltaic (PV) panels means

that the area represented by the proposed panels is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable. This common setup means sites are usually considered 95% permeable, but associated infrastructure like battery storage units, solar stations, substations, internal roads should be considered as fully impermeable.

5.51 In most circumstances rainfall will drain freely off the panels onto the ground beneath the panels where the surface remains permeable. Thus, the total surface area of the photovoltaic array is not considered to act as an impermeable area and the impact is assumed to be nil. However, the nature of the underlying groundcover and antecedent conditions can have a demonstrable influence on the surface water run-off characteristics of a site, i.e. if the ground cover beneath panels is proposed as bare earth which is susceptible to hardening in summer months, then peak discharges can increase significantly. As such, it should be ensured as part of any proposed scheme that grass or wildflower cover will be well-maintained across the site to ensure that such proposed schemes will not increase the surface water run-off rate, volume or time to peak, compared to the pre-development situation.

5.52 The surface water usually flows from the surface of the solar array to the areas in between the rows with an increased velocity. This leads to an increased concentration of surface water and erosion in these areas and has the potential to create channelised flows, eroding the soil further and increasing the volumes and rates of surface water discharge. To mitigate this the following should be considered:

- Restrict vehicular movements on site to designated access tracks. In doing so, the risk of soil compaction is minimised and limited to specific locations
- Rutting during the operation phase is also another common problem with solar farm sites, especially during intense storms at the foot of the panels. This can alter natural flow paths and should be avoided where possible
- Maintaining the vegetative areas between the solar arrays to assist in interrupting the flows and promote infiltration and interception. The ideal situation is that vegetation is grassed and is kept reasonably high or grazed by livestock. Good vegetation cover will limit the transfer of sediments and slow the flow of water

Ref: A study on the hydrological implications of solar farms (Cook, L.M. and Mccuen, R.H. (2013) 'Hydrologic Response of Solar Farms', Journal of Hydrologic Engineering, 18: 536 - 541)

5.53 In light of the above information the Lead Local Flood Authority have recommended a condition relating to the proper maintenance of ground conditions.

#### Highways

5.54 Local Plan Policy IC2: Transport and Accessibility states that the Council will work with other authorities and transport providers to secure a safe and efficient transport system that supports a sustainable pattern of development that is accessible to all. A proposal will only be supported where it is demonstrated that:

- a) it is located where the highway network can satisfactorily accommodate, taking account of planned improvements, the traffic generated by the development and where the development can be well integrated with footpath and cycling networks and public transport;
- b) where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- c) it seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options, to include retention, where relevant, and enhancement of existing rights of way;
- d) any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England;
- e) highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- f) adequate provision for servicing and emergency access is incorporated; [...]

- 5.55 For all major development, and where transport issues are likely, the Council may require proportionate Transport Assessments, Transport Statements or Travel Plans as necessary. Where a travel plan is required, it should set out measures to reduce the demand for travel by private car, air pollution and carbon dioxide emissions from transport, and encourages walking, cycling and other sustainable travel options.
- 5.56 Access to the Development would utilise Junction 51 of the A1 (M), along the A684 for a short distance before taking the first exit on the roundabout north on Leases Road before turning immediately right onto Low Street, which is located on the western boundary of the site. The site access junction is located 650 m along Low Street on the righthand side. An upgrade to this junction will be required. Whilst parts of this route are narrow, this access route avoids any settlements and only passes a small number of isolated properties, thereby minimising any potential traffic effects.
- 5.57 In support of the application a Transport Statement (TS) was submitted. The TS provides an overview of the Development in relation to traffic and assesses the anticipated impact of the Development as a result of increased traffic and transportation movements within the local area.
- 5.58 The A684 is a single carriageway road, running from Kendal in the west to Northallerton in the east and is designed as a local distributor road carrying traffic from rural settlements to the M6 motorway and the A1(M). The A684 operates at national speed limit except in built-up areas where the speed limit is 30mph.
- 5.59 Leases Road is a single carriageway road operating at 30mph which connects Low Street and the A684. The road has centreline markings and connects to the Coneygarth Truck stop and services, suggesting that the road is suitable for and currently accommodates HGV traffic.
- 5.60 Low Street is a rural single-carriageway road operating at the national speed limit. The road was bisected by the recent A684 BALB upgrade works, with a new access

junction constructed onto Leases Road. The new carriageway construction has centre line markings indicating that the road can safely accommodate opposing HGV traffic. However, as this meets the old carriageway, it tapers down to a single-lane with passing places. This makes up the final approach to the site entrance and may require additional mitigation to be put in place.

- 5.61 As detailed above HGV movements will average 20 per day for the first month (max 516) then decreasing each month as follows: month 2: 398, month 3 260, month 4 259, month 5 233 and month 6 32 (total approx. 1698). Other personnel are expected to make 40-80 movements per day depending on the stage of construction (access tracks, panel installation etc). The TS estimates the construction phase will generate approximately 10,018 vehicles movements over 6 months.
- 5.62 Traffic management measures have been proposed, however, a detailed plan will not be drafted until a contractor is in place and therefore the applicant is happy for this to be secured by condition.
- 5.63 North Yorkshire County Council Highways Officers returned the following comments: In assessing the submitted proposals it is acknowledged that the visibility splays do not meet guidance as set out within the DMRB. However, given that mitigations are being proposed such as traffic management during the construction phase along with the proposed infrequency of accessing the site, it is felt that a refusal recommendation on this occasion can not be sustained. Conditions are recommended relating to altered access or verge crossings at Fence Dyke Lane and Low Street) and visibility splays.

#### Biodiversity

- 5.64 Policy E3 (The Natural Environment) of the Local Plan states that all development will be expected to demonstrate the delivery of a net gain for biodiversity. Paragraph 6.46 of the supporting text states that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated.
- 5.65 The application is supported by an Ecological Impact Assessment which details the results of an extended phase 1 habitat assessment. This included habitat surveys for Great Crested Newts (GCN), bats, badgers, water vole, otters, white clawed crayfish and birds. The aim of the surveys was to classify and map habitats according to standard methods and to assess their potential to support notable and protected species.
- 5.66 The survey found that the site was mostly comprised of arable fields, some were ploughed down to bare earth and others comprised of short crops. Himalayan balsam, an invasive non-native species was found scattered along the field margins to the north of the site and within the Carriage Road Plantation. Mitigation measures are recommended and these should be secured by condition.
- 5.67 The desktop study found no records for GCN within 2km of the site. Two ponds within 500m of the site were surveyed. Pond 1 to the south of the site was found to have poor suitability. Pond 2 outside of the site to the north-west was found to have average suitability. Given the distance the waterbodies are from the proposed solar

panels, and that habitat of value to GCN and other amphibians are being avoided it is considered unlikely that GCN will be impacted at the construction and operational stage of the Development and further surveys are not required.

- 5.68 During the Extended Phase 1 Habitat Survey, a preliminary assessment of the potential of features within the site to support bat roosts and/or provide suitable commuting or foraging habitat was conducted. Mature trees along the field margins were considered to have negligible potential to support roosting bats. Several hedgerows have the potential to provide foraging and commuting habitat and link up to more favourable habitats in the wider landscape.
- 5.69 No evidence of water vole such as burrows or any other field signs (latrines, footprints, feeding remains) were identified on site. No evidence of otter was recorded during the walkover survey. However, there is the potential that otters may use the on-site drains as a commuting route and may be active in the local landscape. Precautionary mitigation to protect otters commuting across land onsite is recommended. The aquatic habitats were not considered suitable to support white-clawed crayfish.
- 5.70 An ornithological walkover was conducted during the habitat survey. The aim of this survey was to determine the potential of the site and surrounding areas to support breeding or wintering birds of conservation concern. The site has the potential to support a range of birds throughout the year, including some species of conservation concern. The Development has the potential to affect birds through loss/change of habitats, and through disturbance during construction.
- 5.71 During the site walkover protected species fieldfare, skylark and yellowhammer were all observed. Skylark is a ground nesting bird and the impact of solar farms on this species not fully understood. Some research suggest that skylarks may nest within solar developments and the creation of improved grassland habitats beneath and between the panels has the potential to provide good foraging for birds nesting in nearby arable habitats.
- 5.72 In addition to the above a Biodiversity Metric Assessment has been provided. In summary the proposals will provide an increase of 159.69 habitat units and 12.29 hedgerow units. This equates to a percentage increase of 104.73% for habitats and 120.68% for hedgerow units.

#### Cumulative impact

- 5.73 The Lowfields solar farm is relatively close by and as such there is potential for cumulative impact of the developments resulting in a disproportionate impact on the landscape character of the area. However, whilst it is clear that there is a degree of cumulative impact owing to the sheer area of development in this locality, the two sites lack intervisibility owing to existing tree planting and land forms. On this basis the co-siting of the two developments is not considered to result in any significant additional harmful impacts.

#### Planning Balance

- 5.74 It is clear that the development of renewable energy is in principle in the public interest and is considered a benefit in those terms. Sites for solar energy generation

are limited owing at least in part due to the proximity to a suitable and viable grid connection point.

- 5.75 The development will result in harmful impacts to the landscape character of the area. However, these impacts are relatively localised and it is considered that these impacts have been mitigated to an acceptable level.
- 5.76 Matters pertaining to glint and glare have been assessed and whilst there are impacts to a limited number of local residents these impacts are considered to fall at the lower end of harm and are considered acceptable in this case.
- 5.77 It is considered that the impact of the development on the ecology of the area is acceptable and importantly results in a significant biodiversity net gain.
- 5.78 In summary it is considered that the harmful impacts of the development are sufficiently offset by the public and environmental benefits of the generation of renewable electricity and on this basis the application is recommended for approval.

## **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered:  
Indicative Site Layout 4004-SCT-DR-PRE-0002 REV G received 08.12.2021  
Typical PV Panel Section Planning Drawing 4 4004\_SCT\_P\_0001 received 14.05.2021  
Inverter/Transformer Planning Drawing 5 4004\_SCT\_P\_0002 received 14.05.2021  
53ft Battery Container (HVAC on ground) Planning Drawing 6 4004\_SCT\_P\_0003 received 14.05.2021  
2MW Inverter Transformer skid (8m) Planning Drawing 7 4004\_SCT\_P\_0004 received 14.05.2021  
Security Fencing and CCTV Planning Drawing 8 4004\_SCT\_P\_0005 received 14.05.2021  
Security Gate Planning Drawing 9 4004\_SCT\_P\_0006 received 14.05.2021  
Access Track Cross Section Planning Drawing 10 4004\_SCT\_P\_0007 received 14.05.2021  
Container Storage Units Planning Drawing 11 4004\_SCT\_P\_0008 received 14.05.2021  
Indicative Temporary Construction Compound Planning Drawing 12 4004\_SCT\_P\_0009 received 14.05.2021  
Client Substation Planning Drawing 13 4004\_SCT\_P\_0010 received 14.05.2021  
DNO Substation Planning Drawing 14 4004\_SCT\_P\_00011 received 14.05.2021  
Landscape Mtigation Plan 4004- DR-LAN-101 REV D received 14.05.2021



3. The permission hereby granted is for the development to be retained for a period of not more than 40 years from the date when electricity is first exported to the electricity grid (First Export Date), or in the event that electricity is not exported to the electricity grid from the date that works first commenced on site. Written confirmation of the First Export Date shall be submitted in writing to the Local Planning Authority within one month of the First Export Date. The site shall be decommissioned and returned to its original state, including the removal of all structures granted planning permission under this consent, within one year of the expiry of this permission or within one year of ceasing electricity export to the grid whichever is sooner.
4. Within 6 months of the end of the 40 year period granted by Condition 3 above, the solar panels shall be decommissioned and they and all related above and below ground structures, equipment and materials shall be removed from the site. No later than 12 months before the decommissioning of the solar panels, a decommissioning and restoration scheme for the site shall be submitted in writing to, and approved by, the Local Planning Authority. The scheme shall make provision for the removal of all above and below ground components and the land shall be returned to agricultural use consistent with its status as Best and Most Versatile agricultural land. The scheme shall also include details of any remedial landscaping required to reverse any damage caused during the decommissioning stage. The approved scheme shall be implemented within 6 months of the restoration scheme being approved in writing by the Local Planning Authority or such other period as the Local Planning Authority may approve in writing.
5. Prior to the commencement of each phase of development (Construction, Operational and Decommissioning) a Soil Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include, but not be limited to, details pertaining to careful soil management during each phase; including consideration of the appropriate time of year for soil handling, planting beneath the panels and return to the former land quality as indicated in the Agricultural Land Classification survey dated 9th November 2021 carried out by ADAS on behalf of the Local Planning Authority. The Management Plan shall adhere to the guidance set out in the following documents:
  - Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (September 2009)
  - The British Society of Soil Science Working with Soil Guidance Note on Benefiting from Soil Management in Development and Construction or subsequent replacement versions.
6. To mitigate soil compaction and overland flow route disruption during construction, the soil should be chisel ploughed, or similar to restore it to a pre construction condition immediately post construction. Furthermore, during the first few years frequent inspections of the planting and soil must be carried out to ensure adequate growth and any compaction or channelization is addressed. Any remedial work should occur as soon as possible.
7. The crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number E20 Rev A and the following requirements.

- Any gates or barriers must be erected a minimum distance of 13 metres back from the carriageway 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/plot discharging onto the existing or proposed highway must be constructed and maintained thereafter to prevent such discharges.
  - Measures to enable vehicles to enter and leave the site in a forward gear. All works must accord with the approved details.
8. There must be no access or egress by any vehicles between the highway and the application site at Fence Dyke Lane or Low Street until splays provided in drawing numbers 4004-DR-ALR-002a/003 (contained within the Travel Statement document) are achieved. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
  9. No building or other obstruction including landscape features shall be located over or within 5 (five) metres either side of the centre line of both public water mains i.e. a protected strip width of 10 (ten) metres, that crosses the site. If the required stand-off distances are to be achieved via diversion or closure of the water main(s), the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken. In addition, no new tree planting, shall be permitted over or within 5 (five) metres either side of the centre line of the mains, which cross the site.
  10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
  11. No development shall take place unless or until such time as a Glint & Glare Management Plan (GGMP) has been submitted to, and approved in writing by, the Local Planning Authority. The submitted GGMP shall contain, but not be limited to:
    - o detailed design, to include specifications of both solar panel (surface types, anti reflective coating), mounting systems, illustrated with sectional plans as appropriate to show the angle of elevation and angle of azimuth of each solar panel in the development.
    - o a schedule to regularly check and maintain the alignment of the solar panels;
    - o a protocol through which glint and glare complaints can be submitted, investigated, and any issues rectified/addressed/mitigated to include procedures to ensure that any mitigation needed is implemented following MOD consultation and agreement only;
    - o procedures through which complaints, associated actions/outcomes will be recorded/communicated and made available to the MOD on request;
    - o provision to urgently address any incidents of a major impact that may occur that restricts aviation operations at RAF Leeming to apply interim measures that will stop the source of glint or glare until measures to provide an enduring mitigation can be implemented; and
    - o timescales for completing investigations, implementing remedial works and the provision of interim and, or enduring mitigations to address any impact. The provisions set out in the GGMP and any

modifications/mitigation, as agreed in writing with the local planning authority shall be maintained for the life of the development.

12. Notwithstanding the submitted details, prior to the date when electricity is first exported to the electricity grid (First Export Date), a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include, but is not limited to:

- details of the species;
- numbers and locations of planting;
- timescale's for implementation
- Management and maintenance plan covering the life of the development

The site shall thereafter be maintained in accordance with the approved details for the life of the development.

13. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include but not be limited to details relating to traffic management, hours of operation, and acoustic mitigation and validation testing. Thereafter the development shall be carried out in accordance with the approved details.

14. The development, hereby approved, shall be implemented in accordance with the recommendations relating to Himalayan Balsam contained within paragraph 5.3.1 of the Ecological Impact Assessment received by Hambleton District Council on 14.05.2021.

15. No external lighting shall be installed other than in complete accordance with a scheme that has previously been approved in writing by the Local Planning Authority.

16. The biodiversity enhancements (bat boxes, bird boxes, mammal gates etc) indicated on drawing Landscape Mitigation Plan 4004-DR-LAN-101 REV D received 14.05.2021 and the mitigation and enhancement measures detailed within the Confidential Badger Annex dated 2021 received by Hambleton District Council on 26.07.2022 shall be implemented prior to the First Export Date in accordance with the details and recommendations contained in the Ecological Impact Assessment prepared by Arcus Consulting dated April 2021 and received by Hambleton District Council on 14.05.2021.

17. Prior to the First Export Date details of the cleaning procedure for the panels shall be submitted to and approved in writing by the Local Planning Authority. The details shall include but not be limited to the frequency of cleaning, volumes of water required, details of any detergents to be used and any required mitigation.

The reasons for the above conditions are:

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

2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies).
3. To ensure that redundant structures are not retained in the landscape and to ensure that the land is returned to unobstructed agricultural use.
4. To enable the Local Planning Authority to regulate and control of the site and to ensure that the land can revert to its Best and Most Versatile agricultural use at the end of the temporary permission.
5. In order to ensure that there is no permanent loss of Best and Most Versatile Agricultural Land.
6. To reinstate the ground to pre construction standards and ensure overland routes are not interrupted, and that the site can infiltrate to its potential.
7. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.
8. In the interests of highway safety.
9. In order to allow sufficient access for maintenance and repair work at all times and in order to protect the structural integrity of the pipes from tree root infestation.
10. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
11. In the interest of aviation safety.
12. In order to ensure the implementation of the measures relating to biodiversity net gain and to secure the effective maintenance of the landscaping in the interest of biodiversity, visual amenity, drainage and soil management.
13. In the interest of local amenity.
14. In order to ensure the development does not encourage the spread of an invasive species in the interest of biodiversity.
15. In order that the Local Planning Authority can consider the impact of the proposed lighting scheme and avoid environmental pollution and impact on wildlife in accordance with Local Plan Policies S1, E2 and E3.
16. In the interest of biodiversity
17. In order to preserve the quality of the soils, local ecology and avoid the entry of harmful chemicals into the waterways.

<b>Parish:</b> Northallerton	Committee date:	04 August 2022
Ward: Northallerton North & Brompton	Officer dealing:	Mr I Nesbit
<b>3</b>	Target Date:	10 November 2020
	Extension of Time (if agreed):	30 November 2021

**20/01687/OUT**

**Outline planning application with access to be considered (all other matters reserved) for residential development (Use Class C3) of up to 145 homes, engineering and site works, car parking, access, landscaping, drainage and other associated infrastructure.**

**At: Land North of Mowbray Road, East side of Stokesley Road, Northallerton**

**For: Church Commissioners for England**

**This application is referred to Planning Committee as the application is a major development.**

## **1.0 Site context and proposal**

- 1.1 Members will recall that this application was considered by Planning Committee at the 10<sup>th</sup> March 2022 meeting, where it was resolved to defer the application to allow for further investigation into alternative drainage solutions, and to allow the developer to provide further details of who will be the responsible body for the management and maintenance of the proposed pumping station, should it remain part of the proposed drainage scheme. Since the meeting in March, the agent has submitted a 'Drainage Summary' document (dated June 2022) which has sought to both summarise and assess all of the potential surface water drainage options for the proposals. Further details of the contents and conclusions of the Drainage Summary are provided within the 'Flood Risk and Drainage' section of this report. A 10 day re-consultation exercise has taken place on the Drainage Summary. All representations received have been summarised within section 4 (Consultations) of this report.
- 1.2 The site is located approximately 1.3km to the northeast of Northallerton Town Centre on the eastern side of Stokesley Road. The site covers approximately 4.8ha and is currently used for agriculture and grazing. The site is bordered to the west by a mature hedgerow and intermittent trees, to the north and east by open fields and to the south by hedgerow and residential properties. A further hedgerow and tree-line transects the site. The site slopes generally down from north-east to south-west towards Stokesley Road.
- 1.3 The surrounding area can be characterised as edge-of-settlement with established residential development to the south and newer residential development to the west. To the west is Stokesley Road which forms one of the main routes in and out of Northallerton and leads to the A19. A roundabout leads to the new link road which will bridge the railway line and link the west of Northallerton to the east.

- 1.4 The application site forms part of a larger site allocation within the Hambleton Local Plan (NOR1: Winton Road, Northallerton) With a total size of 31.4ha the NOR1 allocation is expected to provide approximately 485 homes (650 gross), and land for a primary school, open space, green infrastructure and an internal link road linking Stokesley Road and Bullamoor Road. The application site itself formed part of the North Northallerton Development Area contained within the now superseded Local Development Framework.
- 1.5 This application is seeking outline planning permission (some matters reserved) for the construction of up to 145 homes. The only matter for approval at this stage is access. The remaining reserved matters (i.e. appearance, landscaping, layout and scale) would be considered as part of subsequent reserved matters application(s) should outline planning permission be approved.
- 1.6 In terms of access, the submitted plans and supporting documents show that two access points are proposed: one off the new roundabout at North Moor Road and Stokesley Road, and the second directly from Stokesley Road at the southern end of the site, to the south of the new roundabout.

## **2.0 Relevant Planning History**

- 2.1 20/00299/SCR - Town and Country Planning (Environmental Impact Assessment) (England) Regulations 2017 - Request for an Environmental Impact Assessment screening opinion for confirmation that the site is not of the scale or type to necessitate the need for an Environmental Impact Assessment (EIA) – EIA Not Required

## **3.0 Relevant Planning Policies**

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Hambleton Local Plan

The Hambleton Local Plan was adopted on 22 February 2022 and, along with the accompanying Proposals Maps is Hambleton District Council's Development Plan. The Local Plan policies relevant to the consideration of this application are as follows:

S 1 : Sustainable Development Principles  
S 2: Strategic Development Needs  
S 3: Spatial Distribution

HG 1: Housing Delivery  
NOR 1 : Winton Road, Northallerton  
HG 2: Delivering the Right Types of Homes  
HG 3: Affordable Housing Requirements

E 1 : Design

E 2 : Amenity  
E 3 : The Natural Environment  
E 4 : Green Infrastructure  
E 7 : Hambleton's Landscapes

IC 1 : Infrastructure Delivery  
IC 2 : Transport and Accessibility  
IC 3: Open Space, Sport and Recreation

RM 1 : Water Quality and Supply  
RM 2 : Flood Risk  
RM 3 : Surface Water and Drainage Management  
RM 4 : Air Quality  
RM 5 : Ground Contamination and Groundwater Pollution

Supplementary Planning Documents  
Housing SPD  
National Planning Policy and Guidance  
National Planning Policy Framework (NPPF), July 2021  
Planning Practice Guidance (PPG)

#### **4.0 Consultations**

- 4.1 Northallerton Town Council – The Town Council provided an initial response that they were in favour of the development, with one request that all drainage requirements be met.

The Town Council have subsequently submitted further detailed comments in a letter (dated 21.09.2021) following further consideration of the application. The Town Council have emphasised that they fully support the principle of residential development in this location and understand the need for the town to develop and grow. However, they did also express concerns in relation to the proposed connectivity of the proposed development with the existing residential areas to the east and, in particular, the lack of any direct connection to the 'green corridor' running around the north and east of the town...based on the submitted indicative layouts, the Town Council consider the proposals to be contrary to site specific requirements and other Local Plan policies on connectivity and in conflict with national guidance in relation to the integration of urban areas and the benefits of permeability... the lack of any such connection would be a missed opportunity to deliver a strategic green corridor connecting Stokesley Road with large residential areas of north and east Northallerton...The Town Council would therefore request that the District Council work with the applicant to ensure that a high quality and direct connection is provided between the proposed development and the existing green infrastructure to the east. In this regard, the Town Council have suggested that there is the potential opportunity of connecting the site to a new footway and/or cycleway that could be created within land owned by the Town Council to the east of the site (as per an accompanying plan submitted with their letter).

- 4.2 Local Highway Authority (LHA) – Having initially raised a number of specific highway-related and Travel Plan issues in respect of the proposals 'as submitted (see LHA responses dated 26.08.2020 and 07.09.2020), the LHA have engaged with the applicant's agent and highways consultants to seek to resolve these issues and

concerns. In addition to the Transport Assessment, Travel Plan and Design and Access Statement this has involved the submission of a range of technical submissions which are available for Members to view via Public Access.

Based on the above information and having received satisfactory clarification and responses from the highways consultation to their queries and questions (including those raised in their response dated 10.11.2020), the LHA have been able to confirm in their latest formal consultation response (dated 04.01.21) that they have no objection to the proposals, subject to the following planning conditions (as summarised below) being imposed:

- a) The submission and approval of full detailed engineering drawings of all aspects of the roads and sewers and a programme for their delivery prior to the commencement of any on-site works.
- b) The construction of the carriageway (and any footway/footpath) to minimum standards and its connection to the existing highway network prior to the development being first brought into use.
- c) The provision of visibility splays for both proposed priority junctions of 45 metres along both channel lines of the major road at a point of 2.4 metres down the centre line of the access road prior to any traffic movements between the highway and the site. Once created, the visibility splays are to be retained.
- d) Prior to occupation, several on-site and off-site highway mitigation measures are to be completed based on the General Arrangement drawings and other specified drawings/information, and in accordance with detailed engineering drawings to be submitted to and approved by the LPA prior to the commencement of any works:
  - i) The provision of a new roundabout arm, highway spine and enhanced crossing improvement works
  - ii) The creation of a new priority junction for a secondary site access point and enhanced crossing improvement works.
  - iii) The creation of a new priority junction for the proposed primary site access point and enhanced crossing improvement works.
  - iv) The provision of a 500m long segregated cycleway/footway along the A684.
  - v) The provision of additional bus stops and shelters along Stokesley/Northallerton Road (to increase patronage) in collaboration with NYCC.

An independent Stage 2 Road Safety Audit should be submitted alongside the detailed engineering drawings. The design proposals should be amended to be in accordance with the Safety Audit recommendations prior to the commencement of any works. Furthermore, a programme for the delivery of that scheme (and its interaction with delivery of the other identified schemes must be approved by the LPA prior to the commencement of works.

- e) The development must be carried out and operated in accordance with the approved Travel Plan.
- f) The prior approval of a Construction Management Plan (to include 20 specific arrangements) to be adhered to during the construction phase of the development.

In addition, the LHA have requested that a requirement for the applicant to pay a £5,000 contribution towards the monitoring of the Travel Plan is included in any Section 106 agreement.



4.3 Yorkshire Water (YW) – Initially responding (dated 08.09.2020) to the application as submitted, YW commented that they endorsed the proposal (as per the original submission) to discharge of surface water to watercourse, although the landowner's consent would be required for the construction of any new outfall structure. YW also acknowledged in this initial response that as surface water from the site was not proposed to discharge to the public sewer network, no assessment of the capacity of the public sewers to receive surface water had been undertaken. However, should the surface water disposal proposals change, Yorkshire Water stated that further consultation would be required. YW also addressed foul drainage in this initial response (08.09.2020) that the public foul network within the vicinity of the site does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed development. The submitted Flood Risk Assessment doesn't specify any detailed foul water proposals, and full phasing details regarding the proposed foul water flows from all phases of the construction would be required. In this initial response, YW recommended the following conditions (as summarised):

- a) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- b) There shall be no piped discharge of surface water from the site until a satisfactory outfall has been provided/completed in accordance with details submitted to, and prior approved, by the LPA. The outfall shall not be to the existing local public sewerage.
- c) Full details of the proposed means of foul drainage (including both on and off-site works and any pumping mechanism and discharge rate) shall be submitted to and prior approved by the LPA. No buildings shall be occupied prior to the completion of the approved foul drainage works.

YW were formally reconsulted in October 2021 following the submission by the agent of the Drainage Strategy Addendum which identified potential alternative surface water drainage outfalls for the development other than to the unnamed watercourse to the west of the site (on the opposite side of Stokesley Road) which had been recommended as the discharge point within the Drainage Strategy (contained within the as submitted FRA and Drainage Strategy) YW confirmed in their response (dated 04.11.2021) that they had no additional comments to make in relation to the addendum, and that their previous comments and recommended conditions (of 08.09.2020) would still apply.

Following subsequent discussions between Yorkshire Water technicians and the agent, another formal response from YW was provided (dated 09.12.2021) acknowledging that it was now the applicant's intention to discharge surface water to the public surface water sewer adjacent to 87 Winton Road, 27m to the south of the site at a restricted rate. Providing the maximum discharge rate was limited to a maximum of 3.5 litres per second, YW confirmed that they would have no objection to the proposals. They did however reiterate that the public foul network within the vicinity of the site does not have adequate capacity available to accommodate the anticipated foul water discharge from the proposed development, and that full phasing details of foul water flows would be required. On this basis, they have recommended the following two conditions (as summarised):

- a) The site shall be developed with separate systems of drainage for foul and surface water on and off site, and that surface water from the entire site shall be

restricted to a maximum rate of 3.5 l/s, to the public surface water sewer network, and

b) Full details of the proposed means of foul drainage (including both on and off-site works and any pumping mechanism and discharge rate) shall be submitted to and prior approved by the LPA. No buildings shall be occupied prior to the completion of the approved foul drainage works.

Following a query from the agent regarding the restrictive nature of the maximum surface water discharge rate (of 3.5 l/s) to the public sewer (as per condition 9 of the Officer Report) and clarification sought by Members and Officers regarding future maintenance arrangement for any drainage infrastructure, Yorkshire Water have provided the following response (within two separate emails dated 07.03.22 and 08.03.22 respectively), as summarised below:

- a) Yorkshire Water would not support or recommend any increase in the maximum discharge rate above the recommended 3.5 l/s.
- b) In order for the surface water scheme to be adopted by Yorkshire Water, the applicant will be required to follow the Section 104 adoption process, separate from, and outside of, the planning process. This process will consider the technicalities of the surface water scheme, including pumping station specifications.
- c) Yorkshire Water have clarified that there is no obligation on the applicant/developers to go through the S104 process, and that they may decide to secure the future management and maintenance of the surface water scheme privately, usually bringing in a private company to maintain the infrastructure, with fee payable by house buyers.

4.4 Lead Local Flood Authority (LLFA) – In their first response to the application as originally submitted (dated 19.01.2021), the LLFA provided advice and sought clarification on a range of flood-risk and drainage issues, including run-off destinations; peak flow and volume control; pollution control; exceedance; climate change/urban creep and drainage maintenance. In summary, they confirmed that:

- a) The site is located in Flood Zone 1;
- b) That infiltration is 'clearly unviable' as noted within the submitted FRA.
- c) That the proposal to discharge surface water from the site into the unnamed watercourse to the west of Stokesley Road is 'satisfactory in principle.' However, further clarification as part of a detailed drainage plan/strategy on this connection should be submitted before any approval is granted.
- d) Confirmation should be provided that the IDB and the riparian owner of the watercourse (Taylor Wimpey) have no objections.
- e) Were satisfied with the peak flow and volume control proposed.
- f) Further information on pollution control measures will be required.
- g) An exceedance flow plan will be required 'at a later stage'.

The LLFA were formally reconsulted in October 2021 following the submission by the agent of the 'Drainage Strategy Addendum'. The LLFA made the following comments in November 2021 (as summarised):

- a) The LLFA note that the additional information submitted confirms that an alternative surface water discharge location of Turker Beck is proposed (which is within the applicant's ownership) due to the issues in gaining the landowner's

(Taylor Wimpey) permission to discharge to the unnamed watercourse as originally proposed. However, discharge to Turker Beck would require a 'pumped' 550m rising main, and the LLFA would object to the disposal of surface water from the site into Turker Beck on the grounds of mixing drainage catchments.

- b) LLFA also note from the submitted addendum that a partially 'pumped' discharge into the public combined sewer is also under consideration, as is a 'pumped' connection to the public surface water sewer in Winton Road. Pumped connections into the public sewer should only be used as an 'absolute last resort', having first explored all other preferable options, due to the potential additional maintenance and failure issues with pumping surface water.
- c) Connection to the open watercourse via a 3rd party connection would be the preferred option.

Following the submission of the above comments, Officers have sought clarification from the LLFA regarding their formal position in respect of the various surface water discharge connection options proposed within the Addendum. The LLFA duly clarified that:

- a) The only scenario LLFA strongly object to is discharge to Turker Beck.
- b) Discharge to the public combined sewer really should be the absolute last resort.
- c) Although the option for a pumped discharged into the public surface water sewer in Winton Road is not one the LLFA would object to, it is not an approach LLFA would encourage, particularly if there are 'better options' available in terms of connecting to the unnamed watercourse to the west, although they note the land ownership issues with this option.

- 4.5 Swale and Ure Internal Drainage Board (IDB) – In response to the application as originally submitted (dated 09.09.2020) the IDB confirmed that the proposed discharge rate of 6.8 litres per second into the watercourse to the west of the site (within the IDB catchment) would be acceptable. However, the IDB confirmed that they would not take any responsibility for any related drainage assets or infrastructure.
- 4.6 North Yorkshire Police Designing Out Crime Officer – North Yorkshire Police have provided advice and recommendations based on the indicative layout, which should be incorporated into the reserved matters application. They have recommended a condition requiring measures to submitted with the reserved matters application.
- 4.7 North Yorkshire County Council Heritage – Having received a geophysical survey report with largely negative results. Taking this into consideration, along with the negative results on the opposite side of the roof, there is no justification for any further archaeological work.
- 4.8 Yorkshire Wildlife Trust – Requests Biodiversity Net Gain Metric to be completed. Alternative habitat creation is required to offset the loss of Skylark breeding habitat which cannot be replaced like for like within the development
- 4.9 Environmental Health Officer – The development is adjacent to a busy road. Whilst the site is suitable for residential development an environmental noise scheme will be required when the layout is finalised to demonstrate that the dwellings and amenity areas can meet required noise levels (BS 8233:2014). This should be the

subject of a condition. In addition, a construction management plan is recommended through condition to protect neighbouring amenity during construction.

- 4.10 Natural England – Refers to standing advice in relation to protected species and veteran trees.
- 4.11 Street Name and Numbering – A ‘street name and numbering’ application would not be required until ‘reserved matters’ stage.
- 4.12 The North Yorkshire Clinical Commissioning group (CCG) are seeking £58,185 for the development to part fund improvements and expansion works to Mowbray House and Mayford House surgeries regarded to accommodate increases in patients as a result of the proposed development.
- 4.13 North Yorkshire County Council Education Services – a representation has been received from NYCC Education that the proposed development is subject to a total financial contribution of £695,356.15 for the provision of special, early years and primary school places based on the new NYCC developer contribution policy from April 2021.
- 4.14 Public Comments – 15 representations have been received (more than one from the same person) raising the following issues, as summarised below:
- There is no pre-existing agricultural runoff into any local watercourse
  - The proposal does not take into account the wider site which should be considered as a whole
  - No information on the file regarding contributions to infrastructure, education, open space, community facilities etc
  - Inappropriate for surface water to discharge to the beck
  - Impact on traffic volume and pedestrian safety
  - Pedestrian crossing required on Stokesley Road
  - Traffic noise and air pollution
  - Impact on privacy of existing dwellings
  - Impact of increased traffic on ability of existing residents to access Stokesley Road...the development will exacerbate existing traffic issues in the locale... a mini roundabout at the junction of Stokesley Road with Mowbray Road to aid traffic flow on to Stokesley Road should be considered
  - The site does not currently drain to Stone Cross Stoll
  - The site is not located within the Swale and Ure Drainage Board Area
  - Additional flow to the Stoll would result in flooding and impact on local ecology
  - Applicants do not own the land required to facilitate drainage meaning the permission will not be implementable
  - All trees should be retained and protected by Tree Preservation Orders
  - Hedgehog habitat should be protected
  - Loss of trees would exacerbate flooding
  - Impact on existing dwellings
  - Inadequate public transport
  - Impact on character of approach into Northallerton
  - Loss of agricultural land
  - Impact on local infrastructure

- Veteran trees should be retained as habitat
- A footpath should be provided between Winton Road and the proposed green area
- There is no safe pedestrian crossing point along Stokesley Road...at least two pedestrian crossing points on Stokesley Road should be provided for.
- A footpath to and on Stokesley Road should be provided (e.g. along the eastern side of Stokesley Road)
- No safe route for cyclists into the site
- Bus stops at Stone cross no longer in use and should be replaced on Stokesley Road
- Limited buses to Northallerton and Darlington Stations
- Travel Plan not fit for purpose
- Prefer no open spaces between existing dwellings and development due to noise from gatherings and/or nuisance areas
- Layout should match Winton Road

Following a 10 day re-consultation on the Drainage Note (July 2022) supplied by the agent, an additional two representations have been received: one objecting and one commenting. The contents of the representations are summarised below:

- The application should be refused as it fails to make adequate provision for the disposal of surface water from the site...the latest submission [Drainage Note] does not fully address the concerns raised by the Planning Committee regarding the responsibility for the management and maintenance of the surface water infrastructure and a lack of detail regarding the height and depths of the attenuation basin relative to its surroundings.
- There is no certainty that Yorkshire Water will adopt the pumping station through the S104 process....there is no mention of the maintenance and management responsibilities of the proposed swales and attenuation basins shown on the indicative layout plan.
- The proposal to pump surface water into the Winton Road sewer should not be allowed...planning requires surface water to go to soakaways...the sewers are not large enough to accommodate the additional water and risks flooding the houses in Winton Road/Turker Lane.
- The traffic management and transport measures are 'window dressing'...Stokesley Road/Brompton Road is a very busy road and the footpath is not wide enough to accommodate an extra lane....bus services do not run often enough at useful times to make them a realistic option...the development will increase existing traffic problems in the route into the town centre via Brompton Road.
- Question about the responsibility for the completion and maintenance of footpaths and hedgerows along Stokesley Road.
- The development of this site would compromise the previously planned route of Northallerton Bypass allocated on land behind Thorntree Road, joining up with the A684.

## 5.0 Analysis

5.1 The main issues to consider are:

- Principle
- Affordable housing and mix

- Impact on the character of the area
- Amenity
- Design
- Flood Risk and Drainage (Surface Water and Foul)
- Highway safety
- Biodiversity

Principle

- 5.2 The site forms part of a larger housing site allocation in the newly adopted Hambleton Local Plan, NOR1: Winton Road, Northallerton. NOR1 includes this site and a further 58ha of land stretching to the east of the application site and turning south around the east of the existing settlement. NOR1 is allocated for some 680 dwellings as a whole with 3ha for education use and a green corridor.
- 5.3 Given the site's status in the Hambleton Local Plan as part of a specific housing site allocation, it is considered that the principle of development is already established, although it is important that the specific requirements within the Local Plan for the allocation are met through the submission and / or planning conditions.

Affordable housing and housing mix

- 5.4 Unlike the housing site allocations of the now superseded LDF, allocation NOR1 of the Hambleton Local Plan does not include a site specific requirement for affordable housing as this is covered by Policy HG3 (Affordable Housing Requirements) which states that 30% is required on all developments of 10 or more units. In accordance with the most up-to-date evidence on affordable housing need, and as reflected in Policy HG3 of the Local Plan, the proposal will require a 30% on-site affordable housing provision.
- 5.5 In terms of the housing mix for the proposed development, the Council's Housing Development Officer has recommended a housing mix based on the Council's newly compiled Housing SPD. The contents of the SPD are based on the most up-to-date evidence regarding housing need (including housing mix). Therefore, the housing mix for the proposed development should be provided in line with table 3.1 of the Housing SPD (reproduced below), as recommended by the Council's Housing Officers:

	1-bed	2-bed	3-bed	4+ bed
Market	5-10%	40-45%	40-45%	0-10%
Affordable	20-25%	50-60%	10-20%	0-5%

- 5.6 The predominance of 2 and 3 bedroom properties within the housing mix reflects the Council's objective to increase the number of 2 and 3 bed homes for the benefit smaller families and couples within the district. The Council's preference is for one-bedroomed properties to be made up of a small number of apartments, in blocks of a maximum of four dwellings, all with their own entrance, or for 'quarter houses'. This target for single bedroom properties is intended to meet the needs of young single people and couples. To assist older people to downsize and improve the offer of smaller accommodation the Council will seek bungalow provision where there is an evidenced need. Bungalows should normally be two bedroom. However, some three-bedroom bungalows of an appropriate size will also be supported where they meet an identified need.

5.7 The supporting statement indicates that affordable housing can be provided and secured through a S106 agreement, although a suitable housing 'type and tenure' condition is likely to suffice to ensure that an appropriate housing mix is approved prior or alongside the consideration of any Reserved Matters application. The statement goes on to state that the level of provision would be subject to negotiation during Reserved Matters stage. Given that scale and layout are not being considered at this stage this approach is considered acceptable. The final layout will likely be subject to viability testing which will be considered at reserved matters stage. It is recommended that a policy compliant 30% affordable housing provision be required through a S106 agreement. The precise market and affordable housing mix for the site (based on the Council's housing mix expectations within the Housing SPD) can be required through a planning condition.

#### Impact on the Character of the Area

5.8 A Landscape Visual Assessment (LVA) was submitted in support of the application. In assessing the existing character of the site reference is made to Natural England's 'National Character Areas' and the Hambleton Landscape Character Assessment and Sensitivity Study (HLCASS). The assessment indicates that the local landscape around Northallerton is classified as 'Swale Lowlands' to the west and 'Bullamoor Farmland' to the east. This reflects the low-lying landform to the immediate west of the town and the rising landform to the east and north-east. The transition between these two landscapes is marked by the foot of the slopes to the east of the town. The site lies within the Bullamoor Farmland Landscape Character Area (LCA) which is described in the HLCASS as follows:

- 'A varied topography, comprising a localised west-facing, rounded ridge in the west, directly overlooking Northallerton, and the incised river valley of Cod Beck in the east, with an open and undulating dip slope separating the two.
- A predominance of intensive arable farmland in a large scale field pattern, with some smaller scale pasture, delineated by mature and semi-mature hedgerow trees.
- A settlement pattern of scattered farmsteads and villages, connected by a minor road network.
- Overall countryside setting with associated sense of tranquillity.
- The distinctive wooded scarp above Cod Beck, providing a localised sense of enclosure.
- A general pattern of small, dispersed woodlands, but with larger scale estate woodland west of Thornton-le-Street.'

5.9 The LVA states that the proximity of the site to Stokesley Road and the northern edge of Northallerton reduces the sense of rural tranquillity, especially in light of the main road and the recent residential developments. Visibility of the proposed development will be largely contained within the local area. The landform rises to the immediate north and east of the site, such that visibility will not notably extend beyond the close range ridgelines. To the south, existing residential development on the northern side of Northallerton will prevent visibility extending across the town, especially as the landform falls away towards the lower-lying centre. To the west,

new residential development has already formed enclosure along this opposing side of Stokesley Road.

- 5.10 While longer range visibility may occur from elevated hills within the wider landscape, the visual influence of the proposed development will be moderated by a combination of the separation distance, which will cause the proposed development to appear small in scale, and the fact that the proposed development will often be seen in the context of the existing settlement of Northallerton.
- 5.11 The LVA report concludes that while effects may arise as a result of the proposed development, these would be mostly moderate and minor and occur within the localised area of the site. These effects would be offset by mitigation measures.
- 5.12 Suitable screening and landscaping of the site would be required in order to minimise the visual impact of the development on the local landscape, particularly along site boundaries and frontages along A684. As landscaping is a reserved matter this matter and the mitigation suggested in the assessment, will be considered in detail at reserved matters stage.
- 5.13 Overall, it is considered that the LVA has provided an accurate assessment of the site. The site is on the edge of the settlement at the interface between open countryside and built form. Given the new development on the western side of Stokesley Road and the wider North Northallerton development the continuation of the built form in this area is considered acceptable. At this stage it is considered that the development would not have a significant detrimental impact on the character of the area that would warrant the refusal of planning permission.

#### Amenity

- 5.14 Policy E 2 (Amenity) expects all development to provide and maintain a high standard of amenity for all users and occupiers, including both future occupants and users of the proposed development as well as existing occupants and users of neighbouring land and buildings, in particular those in residential use.
- 5.15 Layout is not being considered at this stage. However, an indicative plan has been provided in support of the application. The plan shows how the number of dwellings could be accommodated within the site. An area of open space is indicated to the southern part of the site which allows the preservation of the existing veteran trees in that area. To the south-east of the site are existing dwellings at Winton Road. The indicative layout shows how new development would relate spatially to the existing dwellings. Based on the information provided it is considered that the new development could be accommodated within the site whilst preserving the amenity of existing residents. Matters relating to immediate height and distance relationships will be dealt with at the Reserved Matters stage, but there is no reason to suspect that an adequate level of residential amenity cannot be achieved through the development.

#### Design

- 5.16 Policy E 1 (Design) of the Hambleton Local Plan states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place.



- 5.17 The National Planning Policy Framework supports this approach and, at paragraph 134, states that planning permission should be refused for development that is not well designed especially where it fails to reflect local design policies and government guidance on design.
- 5.18 The North Yorkshire Police Designing Out Crime Officer has been consulted on the application. The Officer acknowledges that the application is in outline. However, comments and makes suggestions based on the indicative layout. The officer has identified the following issues from the indicative layout: unnecessary permeability, rear garden adjacent to Public Open Space and remote parking. The officer recommends that the following be incorporated into the detailed design:
- Ensure affordable housing is “tenure blind”
  - Management plan for Public Open Spaces
  - Ensure play areas are appropriately located
  - Suitable enclosures of play areas for young children
  - Physical demarcation between public and private areas
  - Use of dual-aspect properties on street corners
  - Provision of appropriate rear boundary and sub-divisional treatments
  - Provision of secure external access to rear gardens of mid-terraced properties
  - Provision of visitor parking
  - Provision of secure cycle storage for each dwelling
  - Provision of security lighting for each dwelling
  - Provision of appropriate street lighting
  - Details of appropriate landscaping
- 5.19 If the Planning Committee is minded to approve outline planning permission, it is recommended that a condition be included requiring full details of the crime prevention measures that are to be incorporated into the development as part of any future Reserved Matters application. In terms of public open space there is a requirement in IC 3 of the Hambleton Local Plan (for development of 10 units or over) for development to incorporate or otherwise make provision for open space and sport and recreational facilities to meet the needs arising from the development in-line with the standards set out in Appendix E: 'Open Space, Sport and Recreation Standards'. Although little detail has been provided with the application or in the indicative layout plans regarding Public Open Space and play facilities, given the size of the site, there is no reason why a policy compliant POS cannot be provided and incorporated within the detailed layout. Details of POS should be conditioned if the Planning Committee is minded to approve this application.

#### Flood Risk and Drainage

- 5.20 As confirmed by the FRA, the application site is located in Flood Zone 1 of the EA's flood maps and is therefore at the lowest risk of fluvial flooding.
- 5.21 Policy RM3 relates to surface water and drainage management and includes the requirement (in accordance with the NPPF) that SuDS be incorporated in the drainage design.
- 5.22 Yorkshire Water (YW), the Lead Local Flood Authority (LLFA) and the Internal Drainage Board (IDB) were formally reconsulted in October 2021 following the submission by the agent of the 'Drainage Strategy Addendum' which has identified potential alternative surface water drainage outfalls for the development other than

to the unnamed watercourse to the west of the site (on the opposite side of Stokesley Road) which being within the natural catchment of the site was recommended to be the surface water discharge point within the Drainage Strategy (contained within the 'as submitted' FRA and Drainage Strategy) The need to consider an alternative surface water discharge point has arisen from the inability of the applicant to be able to gain permission from Taylor Wimpey as the riparian owner of the watercourse to the west of Stokesley Road, for a surface water connection to be made. The applicant has confirmed that contact with Taylor Wimpey had been made, but there's been no indication from Taylor Wimpey that an agreement regarding a surface water connection would be agreeable. This has forced the applicant into having to consider alternative (if less 'policy preferable') surface water discharge connection, hence the reason for the submission of the addendum. Officers are satisfied at this stage that this investigation has been exhausted.

- 5.23 As detailed within the above responses within section 4 ('consultations') above, several alternative discharge connection points (and their various merits) have been considered in the submitted addendum, and by YW, LLFA and the IDB in their responses to the re-consultation. The option to discharge to Turker Beck was strongly objected to by the LLFA primarily as it would involve discharging surface water to a different catchment area. Discharge options to the combined and surface water public sewers were not considered by LLFA to be ideal due to the requirement to have to pump surface water in both options, although they have not formally objected to these proposed alternatives. Nevertheless, following the principles of the drainage hierarchy, discharge of surface water to a public surface water sewer should be prioritised over discharge to a combined sewer.
- 5.24 Following re-consultation and subsequent discussions with the agent and Officers, YW has updated their recommendation to include conditions, which have removed the previous recommended requirement for the approved surface water drainage scheme not to discharge to the public sewer. Instead YW recommend a condition which permits the discharge of surface water into the public surface water sewer, i.e. as proposed in Winton Road, but at a maximum (restricted) discharge rate of 3.5 litres per second.
- 5.25 The submitted LLFA and Drainage Assessment has confirmed that infiltration (e.g. via use of soakaways) is unlikely to be a suitable SuDS option due to the characteristics of the site's soils. This is supported by LLFA in their initial response. In terms of connection to a watercourse, and as mentioned above, agreement with the relevant landowner to connect to the watercourse to the west hasn't been achievable despite the efforts of the applicant. The alternative option to discharge to the watercourse of Turker Beck has been discounted due to the strong objection from the LLFA. Therefore, the most feasible and sustainable surface water drainage option in the circumstances is a pumped connection to the public sewer in preference to a connection to the combined public sewer. In the circumstances, the amended surface water proposals are considered to be acceptable, although precise details of the surface water connection and a restriction on the discharge rate of 3.5 l/s should be required by condition if outline planning permission is granted.
- 5.26 Following the March 2022 Planning Committee meeting where Members resolved to defer the application to allow for the developer to explore further potential surface

water drainage options, a 'Drainage Summary' document (dated June 2022) has been produced to be read alongside the original FRA and drainage strategy documents. Its purpose (as explained within section 2 of the document) is to seek to address comments that have been raised in relation to drainage matters and to incorporate (in a single document) further information that has been forthcoming since the application was originally submitted to the Council. The main points raised and clarified within the document are summarised below:

- Due to geology and ground deposits, soakaways are unlikely to be suitable for the discharge of surface water run-off from the development.
- The 'unnamed IDB watercourse' which runs parallel to Stokesley Road, approximately 60m to the west of the application site is recognised as the natural watercourse, currently serving the undeveloped site and is identified as the preferred destination for surface water disposal from the proposed development...the IDB have accepted in principle discharge into the watercourse, however without the formal agreement of the neighbouring landowner (Taylor Wimpey) a connection would not be possible. It is confirmed that discussions with Taylor Wimpey have taken place, and it is also clarified in the note that an agreement hasn't been able to be reached between the owner and Taylor Wimpey.
- It is understood that no utilities wayleave exists within the adopted highway which passes through the neighbouring site and over the IDB watercourse, and there is no agreement to utilise the existing highway drainage as an outfall for the surface water from the development.
- An alternative discharge (to watercourse) is identified as being available and feasible to Turker Beck with note confirming that the applicant controls the land between the site and Turker Beck. However, due to the topography, a rising main and pumped discharge solution would be required. A proposed restricted discharge rate would ensure that there would be no detrimental impact on the operation of the EA's flood alleviation scheme. However, this proposed solution has been objected to by the LLFA as a result of mixing catchments, and is not considered to be an acceptable option.
- In light of the proposed discharge to the unnamed IDB watercourse and discharge to Tucker Beck not being viable options, a connection to the public sewer system is noted as 'the final consideration', and the 'preferable surface water discharge option' for the site that has the support of the LLFA, IDB and Yorkshire Water.
- Public sewer records show that there is a 300mm diameter combined sewer located beneath the verge adjacent to the Stokesley Road carriageway approximately 50m to the south-west of the site, with a review of local topography indicating that the combined sewer is lower than the lowest part of the site meaning that a gravity-fed (discharge restricted) connection is achievable. However, consultation has shown that this is not the preferred option of Yorkshire Water, who, in accordance with the drainage hierarchy prefer surface water sewers to be considered ahead of combined sewers and to keep separate foul and surface water flows.
- The closest existing surface water sewer is located in Winton Road directly to the east of the site. Topographical records show that Winton Road is elevated to approximately 54m AOD, therefore discharge to the

surface water sewer at Winton Road would require a pumped solution. It is confirmed that a pumped connection to the Winton Road surface water sewer (at a restricted rate) is considered to be achievable (and given the unfeasibility of the other aforementioned options) would fully accord with the drainage hierarchy and government guidance. It is clarified that this is the surface water drainage solution now proposed by the applicant.

- The Drainage Note confirms that a pumped (drainage) solution is something that is readily applied on developments across the country and is a reliable and safe means to discharge surface water, confirming that Yorkshire Water within their email correspondence from March 2022 (as summarised in paragraph 4.3 of this report) confirmed that adoption of pumping stations will be considered through the S104 process.
- It is noted that without the development of the site and a surface water solution being in place, surface water will continue to discharge off the agricultural site, at higher rates than will be controlled by the development, towards Stokesley Road.
- It is also stated that the adjacent (Taylor Wimpey) development did not consider the need for the proposed development site to drain naturally from east to west, which contributed to surface water on Stokesley Road. However, they understand that this issue has now been mitigated through the laying of a new pipe to the north.

5.27 The Drainage Note helps to clarify that for various topographical, geological, wayleave, ownership and planning policy/guidance reasons, there are no other feasible surface water drainage solutions, and that the proposed pumped solution into the surface water sewer at Winton Road is sustainable when considered in light of the drainage hierarchy and the recommendations/advice of the IDB, Yorkshire Water and the LLFA.

5.28 In a recent email (dated 22.07.2022) the agent has sought to further clarify matters regarding the pumping of surface water, including adoption and maintenance, having sought further advice from a flood risk engineer. The main points within the email are summarised below:

- It is intended for Yorkshire Water to adopt any (surface water) pumping station as the relevant statutory undertaker by entering into a Section 104 adoption agreement...this agreement process would be stringent and require agreement of the pumping station specification, servicing and maintenance requirements to avoid system failure and also provide mitigation measures in the rare event of any such failure, including back-up power systems and containment measures.
- The Section 104 adoption process is inherently robust (particularly in respect of design, functions and longevity of the system) because upon adoption Yorkshire Water would be liable for any failures and any resulting environmental issues...therefore any potential shortcomings would be resolved prior to adoption and operation.
- Pumping stations and their contained technology are regularly installed across the country and are not novel or unknown forms of drainage installation with applicable best practice, minimum standards and adoption criteria...risk of failure is therefore considered low.

- The LPA has the option to impose a planning condition requiring full and detailed specifications of the surface water drainage system to be provided prior to the occupation of the development, including details of the maintenance and servicing strategy (in the unlikely event that the system is not adopted by Yorkshire Water).
- 5.29 This additional clarification (based on the professional advice of the applicant's drainage engineer) supports the advice previously provided by Yorkshire Water (and as summarised in paragraph 4.3 above) regarding adoption and future maintenance. Although adoption by Yorkshire Water (as the statutory undertaker) cannot be guaranteed or required through the planning process (as it would be subject to the section 104 process in due course), there's no reason to conclude that adoption is either not possible or unlikely, and as such it is reasonable to expect that the pumped surface water drainage solution would be subject to the stringent adoption specification and maintenance requirements referred to above. However, if outline planning permission is granted, it is considered both necessary and reasonable in the circumstances to impose a detailed planning condition requiring details of the surface water drainage scheme (including management and maintenance for the lifetime of the development) to be approved prior to the commencement of the development, including the submission of details of any bodies or individuals with maintenance and management responsibilities for the surface water drainage scheme should Section 104 adoption by Yorkshire Water not be possible.
- 5.30 In respect of foul drainage, it is stated in the FRA and Drainage Strategy that a connection is proposed to the public sewer to the south-west of the site. Yorkshire Water have confirmed in their responses that there is no capacity within the local foul sewerage system to accommodate the foul flows from the proposed development and have therefore requested that details are submitted and approved (via condition) regarding the means of foul drainage from the proposed development along with any related phasing of the development.
- 5.31 Although Yorkshire Water's response in terms of foul drainage capacity issues are acknowledged, it is important to remind Members that the site has been a long standing housing allocation within the current LDF and also forms part of a larger site allocation within the emerging Local Plan. Therefore, the issue of foul drainage has already been assessed (and considered acceptable by the Planning Inspector) as part of the site allocation process. Yorkshire Water were a consultee in this process and didn't raise any objections to the site being allocated in the emerging Local Plan. Therefore, while it is important to ensure that the timing and phasing of the development is agreed (by condition) prior to any connection to the public sewerage system, Yorkshire Water's comments regarding capacity do not merit the refusal of the application.
- Highway Safety
- 5.32 Policy IC 2 of the Hambleton Local Plan indicates that a proposal will only be supported where it is demonstrated that the development can be satisfactorily accommodated within the network, can be well integrated with footpath, cycling and public transport networks, provides proportionate contributions towards improvements where necessary, maximises opportunities for walking, cycling and public transport, provides safe access for both users and emergency vehicles and adequate parking. The application is in outline with access considered. Allocation NOR1 indicates that the main vehicle, cycle and pedestrian accesses will be taken

from Stokesley Road to the west and Bullamoor Road to the south (bearing in mind that NOR1 includes additional land to the east and south east).

- 5.33 It is proposed that access be taken from two points on Stokesley Road. The first at the northern end of the western boundary via a fourth arm on the newly built roundabout serving the North Moor Road. This is the first phase of access that will ultimately link to Bullamoor Road. The second access is proposed at the southern end of the western boundary with Stokesley Road. The supporting statement indicates that this access point will improve accessibility to the centre of Northallerton.
- 5.34 A Travel Plan was submitted in support of the application which includes measures to encourage the use of sustainable travel options. Following clarification from the agent and the applicant's highways consultants, the Local Highway Authority are satisfied with the Travel Plan proposals, although they have recommended that a £5,000 contribution is made by the applicant towards the future monitoring of the Travel Plan (i.e. through inclusion within the S106 agreement). Overall, the Local Highway Authority have confirmed that they have no objections to the application in relation to highway safety and the impact on the local highway network, subject to the conditions as summarised in paragraph 4.2 above. It is considered that the proposed development will have no significant impact on highway safety and that the development is compliant with policy in those terms.
- Biodiversity and the Green Infrastructure Network
- 5.35 In accordance with paragraph 180 of the NPPF, Policy E3 (The Natural Environment) of the Hambleton Local Plan expects all development to demonstrate the delivery of a net gain for biodiversity, with paragraph 6.46 of the supporting text stating that the latest DEFRA guidance and relevant metric tool should be used to demonstrate compliance with the policy. Policy E3 also states that harm to biodiversity should be avoided, but where unavoidable, should be appropriately mitigated. A very small part of the southern application site is within an area designated in the Proposals Map of the Hambleton Local Plan as a green infrastructure corridor. The area in question is within the area of public open space as shown on the indicative site layout plan. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure and secure green infrastructure net gains by, amongst other things, incorporating green infrastructure features as integral parts of a development's design and landscaping, while also enhancing links and functionality between the site and any surrounding or adjacent areas of green infrastructure.
- 5.36 An Ecological Assessment of the site was carried out by Ecology Solutions. The initial assessment found potential for bat roosts within the veteran trees to the south of the site. Additional bat emergence surveys were subsequently carried out which confirmed Common Pipistrelle emergence from tree T4 which was identified as a small summer roost. The veteran trees to the south of the site are to be retained, showing that the Common Pipistrelle roost will not be directly impacted. The installation of bat boxes around the site would offer greater roosting opportunities and achieve an enhancement for this species group.
- 5.37 The site is known to support hedgehog, with suitable habitats present on site, it is also possible that a variety of other small mammals occupy the site. The presence of Hedgehog warrants a precautionary approach when removing ground vegetation

that may present hibernation opportunities for this species. As such, significant ground vegetation should be removed outside of the hibernation period for this species. A series of 'Hedgehog Gateways' will be established within boundary fences to facilitate movement through the new development and ensure continued permeability.

- 5.38 An assemblage of common bird species was recorded using the site during survey work. During the walkover of the site, Skylark was observed in the arable fields within the northern section of the site. Due to the availability of suitable habitat within the wider area, it is considered that the removal of this small section of arable land will have a minimal impact for this species group. The trees, hedgerows and semi-improved grassland present within the site will offer nesting and foraging habitat to a variety of common species.
- 5.39 Landscaping of the proposed development would include areas of new planting based around native fruit bearing plant species and species of known wildlife value that are known to benefit bird species to ensure the impact of the loss of part of the site is offset and foraging opportunities for bird species are enhanced post-development. A series of bird boxes will be installed within the site in areas of suitable habitat.
- 5.40 During the site preparation phase, it is recommended that any suitable bird nesting habitat be cleared outside of the nesting season (typically March to July inclusive) to avoid a potential offence under the relevant legislation. Where this cannot be achieved a check survey for nesting birds should be undertaken by an ecologist, with any confirmed nests left in situ until the young have fledged.
- 5.41 Since the application has been submitted, the Environment Act (2021) has come into force, while the Hambleton Local Plan has been adopted (February 2022), both of which require development proposals to demonstrate a quantitative net gain in biodiversity. The Local Plan also requires development to protect and enhance green infrastructure corridors. It is acknowledged that there are likely to be notable biodiversity gains available from the proposed planting within the site as referred to in the application submission. However, as an outline application, only, limited and indicative landscaping proposals have been submitted (landscaping is a reserved matter). However, there would be opportunities for relatively extensive additional tree and hedgerow planting alongside garden boundaries to supplement, enhance and link to the existing trees and hedgerows within and adjacent to the site. Although indicative, the proposed site plan shows a relatively large area for public open space which would provide further opportunities for tree planting and other potential habitat creation and enhancement features, while also providing potential enhanced connections and improvements to both the immediate and wider green infrastructure network. If outline planning permission is approved, it is important that a planning condition is imposed requiring the applicant to demonstrate biodiversity net gains (in accordance with current DEFRA guidance and metric) and enhancements to the green infrastructure network.
- 5.42 Northallerton Town Council have raised concerns that the proposed development does not have adequate connections and permeability with the wider green infrastructure network, requesting that Officers liaise with the applicant regarding the potential to ensure that there is a footpath/cycleway connection between the site and immediate surroundings, particularly the housing development and land to the

east, with a suggestion that the site could connect to a new footpath/cycleway to the east which could utilise land owned by the Town Council. The Town Council's concern and suggestions have been passed onto the agent. The feasibility and future potential for the proposed development to link directly to a new footway/cycle path potentially created within Town Council land would need to be comprehensively explored in time. The agent has recently confirmed in writing that the applicant has no objections to the principle of allowing a connection between the application site and any future pedestrian/cycleway link to the east of the site, and would be receptive to the imposition of a planning condition that would require the detailed layout, landscaping, scale and/or appearance of any approval (to be agreed through subsequent reserved matters application(s)) to allow for such a connection, although they have indicated that they are not willing to enter into a legal obligation requiring a contribution to the construction and maintenance of a new pedestrian/cycleway on land beyond the application site.

- 5.43 It is recognised that the indicative layout as submitted within this outline application is not conducive to the provision of such a link, although the agent has indicated that 'slight adjustments' to the layout could accommodate the link which would be dealt with through the detailed layout of a future reserved matters submission (should the Committee approve outline planning permission) The agent has also given a written commitment to engage with the Town Council on this matter (should outline permission be granted).
- 5.44 It is therefore recommended that if outline planning permission is approved, a condition is added to the decision notice requiring the precise layout, landscaping, appearance and scale of the development (to be submitted as part of any subsequent reserved matters application(s)) to facilitate a pedestrian and/or cycleway link between the development and the Town Council's land to the east of the site.
- 5.45 Subject to the imposition of the aforementioned condition, the proposed development would comply with criterion (f) of Policy E1 (Design) which supports proposals that are accessible for all users by maximising opportunities for pedestrian, wheelchair and cycle links within the site and with the surrounding area, and criterion (c) of Policy IC 2 (Transport and Accessibility) which supports proposals that seek to minimise the need to travel and maximise sustainable travel options, including walking and cycling.

#### Other issues

- 5.46 The North Yorkshire Clinical Commissioning group (CCG) are seeking £58,185 (through S106 contributions) for the development to part fund improvements and expansion works to Mowbray House and Mayford House surgeries regarded to accommodate increases in patients as a result of the proposed development. While the comments from CCG are noted, the development would be subject to Community Infrastructure Levy (CIL) which can be used to fund a range of community-related infrastructure, including healthcare facilities.
- 5.47 As noted in paragraph 4.13 above, the NYCC Education Services are requesting a financial contribution of £695,356.15 for the provision of special, early years and primary school expansion places based on the new NYCC developer contribution policy as from April 2021. Members are reminded that education contributions are dealt with through the Community Infrastructure Levy (CIL). Therefore, there is no



additional requirement (beyond the requisite CIL contributions for the proposed development) for any additional financial contribution in respect of education places.

#### Planning Balance

- 5.48 The principle of the development of this site for housing is well established through the Local Development Framework and now through inclusion as part of the NOR1 allocation in the Local Plan. Matters pertaining to housing mix can be dealt with through condition and a policy compliant 30% affordable housing is to be provided through the S106 agreement. Matters pertaining to drainage of the site have proven problematic and the proposed disposal of surface water to the existing surface water sewer in Winton Road is not ideal. However, the pertinent agencies have now agreed that subject to conditions limiting the rate of flow to this infrastructure, that the proposals are acceptable and the proposed surface water scheme is considered to be sustainable and in accordance with Policy RM2 of the Hambleton Local Plan and the requirements of the NPPF. Matters pertaining to residential amenity and highway safety in terms of the layout will be considered in more detail at the time of the Reserved Matters submission. However, there is no reason to expect that these matters could not be fully compliant with policy.

### 6.0 Recommendation

- 6.1 That subject to the satisfactory prior completion of a planning obligation to secure the 30 percent affordable housing provision and the £5000 contribution towards the monitoring of the Travel Plan that the development be **GRANTED** subject to the following conditions and informative:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: i) Three years from the date of this permission ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. The development shall not be commenced until details of the following reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design, scale and external appearance of each building, including a schedule of external materials to be used; (b) the landscaping of the site.
  3. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. The development must only be carried out in compliance with the approved engineering drawings.
  4. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved)

and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.

5. There must be no access or egress by any vehicles between the highway and the application site via the approved accesses (completed in accordance with the requirements as specified within all other relevant planning conditions of this planning permission) until splays are provided for both priority Junctions (detailed in off-site works), giving clear visibility of 45 metres measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. The following schemes of highway mitigation measures must be completed as indicated below:
  1. Works in accordance with indicative General Arrangement drawing number 102631-T-003 (Rev D) for a new roundabout arm, highway spine and pedestrian infrastructure works carried out prior to occupation/opening.
  2. Works in accordance with indicative General Arrangement drawing number 102631-T-003 (Rev D) for a new priority Junction for a secondary site access point and enhanced crossing improvement works carried out prior to occupation/opening.
  3. Works in accordance with indicative General Arrangement drawing number 102631-T-013 for a new priority Junction for primary site access point and pedestrian infrastructure works carried out prior to occupation/opening.
  4. Provision of a segregated cycleway/footway installed along the A684 (From coordinates; 437274 to 497274 - approx. 500m), in accordance with LTN 1/20 and indicative drawing detailed in Response to Officer comments received 10.11.2020, illustrated in Figure 1. Improvement works to be carried out prior to occupation/opening.
  5. In collaboration with NYCC's Public Transport Officer/s, provide additional bus stops and shelters along Stokesley Road/Northallerton Road shall be provided to help increase patronage rates. The specific number of additional bus stops and shelters and their respective locations shall be provided as part of a scheme (including a programme of works) for off-site mitigation to be submitted to and approved in writing by the Local Planning Authority, as referred to below

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including

any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

7. 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.
8. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
  1. unless construction access to the application site is to be via the completed approved accesses to the site (in accordance with the requirements specified in all other relevant planning conditions of this planning permission) then details of any temporary construction access to the site including measures for removal following completion of construction works;
  2. restriction on the use of access for construction purposes;
  3. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
  4. the parking of contractors' site operatives and visitor's vehicles;
  5. areas for storage of plant and materials used in constructing the development clear of the highway;
  6. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
  7. details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
  8. protection of carriageway and footway users at all times during demolition and construction;
  9. protection of contractors working adjacent to the highway;
  10. details of site working hours;
  11. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;

12. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. measures to control and monitor construction noise;
14. an undertaking that there must be no burning of materials on site at any time during construction;
15. removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. details of the measures to be taken for the protection of trees;
17. details of external lighting equipment;
18. details of ditches to be piped during the construction phases;
19. a detailed method statement and programme for the building works; and
20. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

9. Development shall not commence until a scheme detailing surface water drainage (including a scheme detailing its future management and maintenance) has been submitted to and approved in writing by the Local Planning Authority, in consultation with Yorkshire Water and the Lead Local Flood Authority. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with any approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Any surface water discharge from the approved development into the public surface water sewer network shall be restricted to a maximum flow rate of 3.5 (three point five) litres per second from the entire site.

A 30% allowance shall be included for climate change effects and a further 10% for urban creep for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Where the surface water drainage scheme (in part or full) is not to be adopted by the relevant statutory undertaker (Yorkshire Water) through a Section 104 agreement, the details for future maintenance and management shall include full details of the name(s) and contact detail(s) of the body(ies) and/or individual whose responsibility it is for maintenance and management of all or part of the surface water drainage scheme throughout the lifetime of the development. Where this responsibility changes through the lifetime of the development, the Local Planning Authority shall be notified in writing within 14 days of the change occurring and provided with the full name and contact details of the body(ies) and/or individual(s) who subsequently have maintenance and management responsibilities.

10. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

11. No development shall take place until a suitable maintenance scheme for the proposed SuDS drainage scheme, including any storage and attenuation facilities, has been submitted to and approved in writing by the Local Planning Authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.
12. No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.
13. Prior to commencement of the development hereby approved a biodiversity scheme shall be submitted to and approved in writing by the Local Planning Authority. In accordance with current DEFRA guidance and relevant metric, the scheme shall demonstrate how the development will achieve a measurable net gain for biodiversity including on site provision for habitats. The scheme shall also demonstrate the protection of, and enhancement to, the green infrastructure corridor within and adjacent to the application site. The development shall thereafter be carried out in accordance with the approved scheme.
14. The development shall be carried out in accordance with the recommendations, mitigation measures, working practices and timings within the approved Ecological Assessment, including mitigation for hedgehogs, bats and birds.

For the avoidance of any doubt, site clearance works including vegetation and building demolition shall be undertaken between September and late February to avoid the bird nesting season (March-August) unless otherwise approved in writing by the Local Planning Authority. Any nests identified during vegetation clearance shall be protected until the young have fledged.

15. No above ground construction work shall be undertaken until a scheme has been submitted and the Local Planning Authority has approved in writing the details of the Public Open Space within the site including: a) The type and nature of the facilities to be provided within the POS including street furniture, play equipment etc; b) The arrangements the developer shall make to ensure that the Public Open Space is laid out and completed during the course of the development; c) The arrangements the developer shall make for the future maintenance of the Public Open Space; d) The open space shall be completed in accordance with the approved scheme and retained thereafter

16. Prior to or alongside the submission of any relevant reserved matters application, a housing schedule shall be submitted to the Local Planning Authority detailing the housing size, type and tenure in accordance with the Council's current Housing SPD, or otherwise with an identified local need in the Northallerton, which has first been submitted and agreed in writing with the Local Planning Authority. The layout, appearance and scale of the reserved matters application shall thereafter be in accordance with the approved housing schedule.
17. Prior to or alongside the submission of any relevant reserved matters application, a detailed schedule shall be submitted to and agreed in writing by the Local Planning Authority stating how the development will comply with 'Secured by Design' principles having taken in account the recommendations of the North Yorkshire Police in their consultation response submitted in relation to the this outline planning permission. . The layout, appearance, landscaping and scale of the reserved matters application shall be in accordance with the approved housing schedule.
18. Prior to or alongside the submission of any relevant reserved matters application, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that the dwellings and amenity areas can meet required noise levels (BS 8233:2014) and ensure that:
- Internal noise levels to be achieved in all habitable areas attributable to external noise sources with windows shut and adequate room ventilation provided.
  - 30dB LAeq, 16hr 07.00 -23.00
  - 30dB LAeq 8hr 23:00 – 07:00
  - 45dB LAmax 23:00 and 07:00
  - External recreational areas and gardens. 50 LAeq,T,dB 16 hrs 07.00 -23.00
- Where noise levels cannot be met, designs or noise mitigation either through design or technology will be required to be submitted to and to be approved by the local planning authority prior to the development taking place. All works which form part of the scheme shall be completed before any of the proposed dwellings are occupied. The layout, appearance, landscaping and scale of the reserved matters application shall be in accordance with any recommended mitigation measures within the Noise Impact Assessment.
19. This application grants planning permission for no more than 145 dwellings.
20. The precise layout, landscaping, scale and appearance of the approved development (to be approved through any subsequent reserved matters application(s)) shall ensure that a suitable connection remains available and unobstructed between the application site and the Town Council-owned land to the east in order to facilitate a pedestrian and/or cycleway route/link between the application site and any pedestrian and/or cycleway created using Town Council-owned land.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of all highway users.
4. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
5. In the interests of highway safety.
6. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
7. To establish measures to encourage more sustainable non-car modes of transport.
8. In the interest of public safety and amenity.
9. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk.
10. In the interest of satisfactory and sustainable drainage.
11. In the interest of satisfactory and sustainable drainage.
12. In the interest of satisfactory and sustainable drainage.
13. In the interest of biodiversity and protecting and enhancing the green infrastructure network.
14. In the interest of biodiversity.
15. In order to comply with the requirements of IC 3 of the Hambleton Local Plan.
16. To ensure that the proposed development meets local need for housing in accordance with HG2 of the emerging Local Plan.
17. To ensure that the development is in accordance with Secured By Design Principles.
18. To ensure the amenity of residents.

19. To ensure an appropriate size and density of development is achieved in accordance with Policies S1, S2, S3, HG1 and allocation NOR1 of the Hambleton Local Plan.
20. To ensure that the final layout, landscaping, scale and appearance of the development (to be agreed at reserved matters stage) does not preclude a connection between the site and any future pedestrian/cycleway link on Town Council-owned land to the east of the site, in compliance with criterion (f) of Policy E 1 and criterion (c) of Policy IC 2 of the Hambleton Local Plan.



**Parish: Linton on Ouse**  
Ward: Easingwold  
**4**

Committee date: 4 August 2022  
Officer dealing: Naomi Waddington  
Target date: 11 February 2022  
Extension of time TBC

**21/02482/FUL**

**Construction of 17 dwellings and associated highway works**  
**At: Land to the rear of The Manor House, Main Street, Linton On Ouse**  
**For: Mulberry Homes Yorkshire**

**1.0 Site, context and proposal**

- 1.1 The application site comprises existing domestic land located to the west of The Manor House, identified as Manor Farm on the OS map, along with two fields to the rear (north) of The Manor House, extending east to the rear of Manor Farm Cottage. The whole site is bound by the garden of dwellings located on Half Moon Street to the west enclosed by fences. The two fields are subdivided by a fence and together are bound by tall trees to the northern boundary with land and buildings forming part of the RAF Military base beyond. The eastern boundary abuts domestic land and is marked by a hedge, the southern boundary of the field also abuts domestic land and is marked by a wall, hedge and fence. There is a range of domestic and non-domestic outbuildings to the north-west of the Manor House. The Manor House is bound by a brick boundary wall adjacent to the highway has two vehicular access points, one to south-east and one to the south-west. Adjacent to the south-western access within the driveway is a Giant Sequoia tree which is protected by Tree Preservation Order 07/2007. Further west in the adjacent garden a group of trees are protected by Tree Preservation Order 01/1989. There is a tree to the western boundary of the field, and three trees are located in the highway verge adjacent to the boundary wall. West of the south-western vehicular access is a bus stop and bus shelter.
- 1.2 Full planning permission is sought for the construction of 17 dwellings in a cul-de-sac. The dwellings would share a single vehicular access point, namely the existing access to the south-west of the Manor House. The protected Giant Sequoia tree along with the tree on the western boundary of the field and one tree in the highway verge are proposed to be felled. Some of the domestic and non-domestic outbuildings to the north-west of Manor House would be removed.
- 1.3 The scheme proposes 5 open market houses comprising 2 x 2 bed and 3 x 3 bed (plots 1, 2, 5, 6 and 13), and 12 affordable homes comprising 6 x 2 bed affordable rent (plots 4, 9, 10, 14, 15 and 16), 4 x 3 bed shared ownership (plots 3, 8, 11 and 17), and 2 discount sale homes comprising 1 x 2 bed (plot 12) and 1 x 3 bed (plot 7). The scheme includes 11 two storey houses (plots 3, 4, 7, 8, 9, 10, 11, 14, 15, 16, 17) and 6 bungalows (plots 1, 2, 5, 6, 12 and 13), 5 of the bungalows are open market homes (plots 1, 3, 5, 6 and 13), 1 is discount sale (plot 12). Each open market dwelling has a single garage and all other dwellings have access to 2 parking spaces. The scheme includes an underground pumping station, and public open space with underground attenuation crates below.
- 1.4 Documents submitted with the application include Planning Statement, Design and Access Statement, Ecological Appraisal, Arboricultural Assessment, Phase 2 Site

Investigation, Flood Risk Assessment, Sustainable Drainage scheme Management Plan, Drainage Philosophy, and Biodiversity Net Gain Report.

## **2.0 Relevant planning and enforcement history**

- 2.1 07/00988/FUL Construction of a dwelling and creation of a new vehicular access as amended by plans as received by Hambleton District Council on 24 April 2007 REFUSED 18.05.2007 for the following reasons-

The proposed development is contrary to Policies H8 and BD5 of Hambleton District Wide Local Plan and Core Strategy Policies CP4, CP16 and CP17 as it would result in the loss of an important open space and a detrimental visual impact upon the character of the area.

- 2.2 The proposed development would result in the loss of trees on the site and have an unacceptable impact upon trees adjacent to the site which are the subject of a Tree Preservation Order contrary to Policy L13 of Hambleton District Wide Local Plan and Core Strategy CP16.
- 2.3 The Local Planning Authority considers that clear visibility of 70 metres cannot be achieved along the public highway in both easterly and westerly directions from a point 2 metres from the carriageway edge measured down the centre line of the minor/access road and consequently traffic generated by the proposed development would be likely to create conditions prejudicial to highway safety.

## **3.0 Relevant planning policies**

- 3.1 The relevant policies are:

National Planning Policy Framework (NPPF)

Local Plan Policy S1 - Sustainable Development Principles

Local Plan Policy S2: Strategic Priorities and Requirements

Local Plan Policy S3 - Spatial Distribution

Local Plan Policy S5 - Development in the Countryside

Local Plan Policy S7: The Historic Environment

Local Plan Policy HG2 - Delivering the Right Type of Homes

Local Plan Policy HG3 – Affordable Housing Requirements

Local Plan Policy HG5 - Windfall Housing Development

Local Plan Policy E1 - Design

Local Plan Policy E2 - Amenity

Local Plan Policy E3 - The Natural Environment

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E7 - Hambleton's Landscapes

Local Plan Policy IC1 – Infrastructure Delivery

Local Plan Policy IC2 - Transport and Accessibility

Local Plan Policy IC3: Open Space, Sport and Recreation

Local Plan Policy RM1 - Water Quality and Supply

Local Plan Policy RM2 - Flood Risk

Local Plan Policy RM3 - Surface Water and Drainage Management

Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

## 4.0 Consultations

i) Original consultation:-

### 4.1 Parish Council – Comments summarised as follows:-

-Bus stop located at the entrance. What do the developers intend to do regarding the bus stop?:

-Contaminated land report inconclusive. No permission should be granted until conclusive information regarding this contamination is obtained.

### 4.2 Highway Authority – Comment some concern has been raised about the proximity of the proposed site entrance to the existing bus stop and the impact of a stationary bus on driver visibility. This would only be a temporary situation and not considered to be a significant impediment to highway safety. It is expected that when a bus is at the stop, a driver emerging from the development site would either move out carefully until they can see oncoming traffic or wait until such time that the bus moves away. Conditions are recommended in relation to the submission of details plans of the road and footway, construction of adoptable roads and footways, visibility splays, parking for dwellings and the submission of a construction phase management plan.

### 4.3 Yorkshire Water – recommend conditions requiring separate systems of drainage for foul and surface water, and submission details to show evidence other means of surface water drainage have been properly considered and why they have been discounted, and the means of discharging to the public sewer network at a pumped rate of discharge not to exceed 5 litres per second.

### 4.4 Environmental Health (contaminated land) - Have assessed the Phase 2 Site Investigation report which identifies potentially harmful contamination in one area of the site and recommends a remediation strategy to address these issues. Therefore, the applicant is required to submit a comprehensive remediation strategy for this site. Conditions are recommended in relation to Submission of a Remediation Scheme, Verification of Remedial Works and Reporting of Unexpected Contamination.

### 4.5 NYCC Heritage Services – No objection

### 4.6 North Yorkshire Police Designing Out Crime - Comment in general, the overall design & layout of the proposed development is appropriate, comments made in relation to the management of the public open space, removal of ambiguous spaces, demarcation of private spaces, and addition of side windows to overlook parking spaces.

### 4.7 HDC Housing Manager - Comment the affordable homes are welcomed to meet a demand in the area, the developer will be required to transfer the affordable homes to a Registered Provider at the Council's agreed Transfer Price, the scheme in line policy compliance is proposing 70.5% affordable, which exceeds the requirement of 30%.

### 4.8 Environmental Health – Request information regarding the pumping station including details of motors, and levels of noise

4.9 RAF Linton on Ouse - No response received (expired 03.12.21)

4 10 Environment Agency - No response received (expired 03.12.21)

ii) Re-consultation with Parish Council and Housing Manager following receipt of Affordable Housing Statement:-

4.11 Parish Council – response awaited

4.12 HDC Housing Manager – Comment the submitted Affordable Housing Statement relies on generic information for the whole District rather than a specific demonstrable need in the location, and would like to see a localised need demonstrated in a parish housing needs survey, particularly regarding the size and tenure that was required for the area. Information provided from the Home Choice register advises there are 230 applicants who would consider Easingwold and surrounding villages:-

Aged 17 - 49 years = 142 households

1 bed need = 70

2 bed need = 43

3 bed need = 23

4 / 5 bed need = 6

Adaptations required:

Level access shower / wet room = 1

Wheelchair adapted = 0

Level access / ramped = 0

Aged 50 & over = 88 households

1 bed need = 67

2 bed need = 12

3 bed need = 7

4 bed need = 2

Adaptations required:

Level access shower / wet room = 16

Wheelchair adapted = 4

ii) Re-consultation following receipt of additional drainage information to address Yorkshire Water and Environmental Health comments:-

4.13 Yorkshire Water – recommend condition requiring the development be carried out in accordance with the details shown on the submitted plan, "Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 "

4.14 Highway Authority - No response received (expired 17.06.2021)

4.15 Environment Agency - No response received (expired 17.06.2021)

4.16 Environmental Health – Comments as follows:-

I have looked at the various documents and the email trails and have the following observations/comments which outlines our concerns. :We asked for noise data for the pumping station. Apart from a level of 80 dB 1 m from the source (i.e. the pump)

quoted in one of the documents there isn't any information relating to external noise levels when the plant is in operation. Given the relatively close proximity of the nearest properties and the low background noise levels in Linton on Ouse, it is reasonable to request for further information to rule out any potential nuisance to residents. In Hambleton we have had a number of complaints relating to pumping stations in the last 18 months, complaints have included vibration and low pitch noise issues. Given the above, we still need assurance that the pumping station once installed and operating will not affect the amenity of future residents. To date the relevant information/data has not been provided and I'm not in a position to make an informed response

4.17 Site notice posted and expired 17.12.2021

4.18 Press advertisement Easingwold Advertiser expired 04.01.22

4.19 Public comments - site notice displayed, press advert and neighbours consulted. 2 representations have been received making comments, along with 23 representations from 16 addresses, summarised as follows:-

- i) Neither support or object
  - Sewer capacity, age and condition
  - Sewer blockages on Main Street
  - 80% of housing stock at RAF Linton on Ouse is currently unoccupied, if occupied further strain on sewers
  - Previous village map advised this land could not be built on, why haven't we been informed of change?
  
- ii) Objection
  - Flood exceedance Flow Route - Has permission being sought for Flood water to flow onto MOD?
  - Flooding occurs in both fields after heavy rainfall. Raised land would increase flood risk to our home
  - Main sewer is a huge problem, often faulty sewerage system, sewers at capacity, frequent blockages
  - Underground springs and former pond
  - Question purpose of pumping station and attenuation crates?
  - Surface water to be discharged to a ditch will flood fields
  - Submission states finished floor level will be set above surroundings levels how will this affect the surrounding properties?
  - pumping station will be sited near a natural spring/pond
  - Noise levels from pumping station
  - Loss of trees, ancient woodland and rookery
  - Harm to landscape
  - What is the point of TPOs if they can be cut down for a small development not essential for housing requirements, just financial gain?
  - East elevation of properties on Half Moon Street is their front not rear
  - Noise pollution, disturbance, damage to surrounding properties
  - Access next to bus stop and streetlight. Bus regularly waits for a long time.
  - No employment in Linton, cars will be used to travel to employment

- Poor bus service No 29 to York, no transport available to nearest Doctors, Dentist or major supermarkets
- Poor visibility at access
- 159 vacant properties in village which may soon be on sale. More than sufficient supply of homes
- Houses not required until there is a clear indication what the MOD will do with the present housing stock.
- The village needs affordable housing, existing housing stock should be used, not a greenfield site
- Some MOD homes are currently for sale that would contribute to affordable housing
- No valid reason for further 17 houses with impending release of MOD stock
- Access too close to Half Moon Street
- Loss of privacy
- Light pollution
- Street lights and car headlights will disturb sleep
- Possible damage to previously collapsed bridge by construction traffic between Linton-on-Ouse and Newton-on-Ouse
- Potential harmful land contamination
- Manor House is a prominent attribute, harm to its appearance
- Loss of habitats
- Fences restrict hedgehog movement
- New owners will wish to remove trees to north boundary as too close, these trees absorb water. Will a TPO be imposed?
- Previous refusal for a house on grounds of loss of trees
- Existing boundary treatment between Half Moon Street and site is chain link fencing. No information about additional fencing
- RAF base closing. Linton is no longer a service village
- No benefit to village
- full consultation meeting should be held with the residents to provide clarity and justification
- Has a bat survey been carried out?
- Residents on other side of Half Moon Street have not been consulted
- No commitment to green issues, solar panels, heat pumps, EV chargers
- Developers may need entry to my garden, which may not be permitted
- Development too dense affecting feel of neighbourhood

## **5.0 Analysis**

5.1 The main issues to consider are i) Principle, ii) Affordable housing, iii) Housing mix iv) Highway issues, v) Layout and design, vi) Amenity, vii) Biodiversity, landscape and ecology, viii) Flood risk and drainage, ix) Contaminated land, x) Impact on heritage assets, xi) Public open space

i) The principle of development

5.2 The purpose of Local Plan S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development

- 5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG5 Windfall Housing Development
- 5.4 Policy S3 sets out the settlement hierarchy. Linton on Ouse is identified as a Service Village within the Easingwold sub area. Service villages are expected to see development. This is because they have been identified as having better access to services and the settlement character would be able to accommodate new development. The justification to the policy states at paragraph 3.39 'Delivery of more affordable housing in rural areas is a Council priority. Further development will be supported on sites that come forward during the plan period, known as 'windfall sites'.
- 5.5 Policy S5 relates to development in the countryside and sets out what constitutes the built form of a settlement. Land outside the built form is defined as countryside. The application site is surrounded by built form and gardens relating to built form to all sides. The site is considered to be within the built form of the settlement.
- 5.6 Local Plan policy HG5 provides support for windfall housing development. HG5 states a proposal for housing development within the main built form of a defined settlement will be supported where the site is not protected for its environmental, historic, community or other value, or allocated, designated or otherwise safeguarded for another type of development., subject to provisions within the policy criteria c-e
- 5.7 Criterion c) requires that the proposal is considered to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that a scheme of 17 dwellings is at the upper end of what may be considered incremental growth in the settlement of the size of Linton on Ouse.
- 5.8 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The site is enclosed by neighbouring development and gardens on all sides. The proposal is not considered to result in the loss of important open space.
- 5.9 Criterion e) requires that the proposal would not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character. The location of the site is enclosed and has an association with the surrounding built form and avoids detrimental impact to the character and appearance of the village or countryside. There would, however, be a significant change to the character of the locality and streetscene caused by removal of the three mature trees at the site entrance.
- ii) Affordable housing
- 5.10 Policy HG3 requires development for new market housing, to provide 30% affordable housing including a mix of tenures, subject to identified need, consisting

of one third each of i) affordable rented ii). social rented; and iii). intermediate dwellings (shared ownership) or other types of affordable home ownership and for the affordable homes to be dispersed in small clusters across development sites; be externally indistinguishable in terms of design and materials from any market housing on the site; and be transferred at transfer prices set out in Supplementary planning documents.

- 5.11 The submitted proposal exceeds the level of affordable housing required, providing 12 of the 17 units as affordable housing equating to 70.5%. The proposed tenure mix provides 50% affordable rent (6 units), 33% shared ownership (4 units) and 25% discounted sale. (3 units). Whilst this tenure mix differs from the policy the agent has commented that as the policy requires only 30% affordable housing the proposal exceeds the specified tenure mix required for that 30%. The affordable units are dispersed throughout the site. The 5 open market houses are all detached bungalows, whilst only one of the affordable houses is a detached bungalow, the remainder of the affordable units are semi-detached houses. Whilst the affordable semi-detached homes are well designed, their appearance does differ from the open market bungalows
- 5.12 The applicant has submitted an affordable housing statement advising the applicant, Mulberry Homes Yorkshire is the development arm of Broadacres Housing Association, a leading provider of affordable housing in Hambleton. Paragraphs 5.13 and 5.14 read:

‘Information from North Yorkshire Home Choice shows that of the 1,111 households on the Hambleton Housing Register in May 2022, 266 applicants seek a home in the Easingwold and Easingwold rural area within which Linton on Ouse lies. This is equivalent to almost one quarter of the Housing Register. Of these households, some 156 applicants have an assessed need for a one bedroom dwelling; 65 applicants for a two bedroom dwelling; 35 applicants for a three bedroom dwelling; 9 applicants for a four bedroom dwelling, and 1 applicant for a five bedroom dwelling’.

The submitted affordable housing statement also makes extensive reference to two recently allowed appeal decisions (both 2021) for affordable housing at Saxty Way Sowerby and Back Lane Sowerby where the issue of affordable housing need was discussed.

- 5.13 The Council’s Rural Housing Enabler has commented the affordable housing statement is too generic, does not identify a specific demonstrable need in the location, and would like to see the local need demonstrated in a parish housing needs survey. A local needs survey should be undertaken so that the proposed dwellings match the local needs.
- 5.14 It is understood a housing needs survey is underway which can take 3 – 4 months to complete, however the applicant has advised that Broadacres have their own information regarding housing need and their own system to allocate dwellings based upon need. The agent is to supply additional information prior to the Committee meeting to demonstrate there is a need for 12 affordable housing units in this location.

iii) Housing mix



- 5.15 Policy HG2 requires all new residential development should assist in the creation of sustainable and inclusive communities through the provision of an appropriate mix of dwellings in terms of size, type and tenure, and supports development where a range of house types and sizes is provided, that reflects and responds to the existing and future needs of the district's households as identified in the Strategic Housing Market Assessment (SHMA) or successor documents, having had regard to evidence of local housing need, market conditions and the ability of the site to accommodate a mix of housing; and all homes meet the National Described Space Standards (NDSS), or any successor standards/policy.
- 5.16 A new Housing Supplementary Planning Document (SPD) has been approved by Cabinet and is scheduled to be adopted by Council.

#### Market Housing

- 5.17 For market housing the SPD requires a target range of  
5-10% 1 bedrooled homes,  
40-45% 2 bedroom homes,  
40- 45% 3 bedroom homes and  
0-10% 4+ bedrooled homes.  
The SPD states at paragraph 3.7 the Council is keen for developers to include 2 bedrooled bungalows in their schemes. and at paragraph 3.9 the target mix for market housing reflects the Council's objective of increasing the number of two and three bedroom homes.  
The scheme proposes  
2 x 2 bed and  
3 x 3 bed market homes  
This equates to 40% two bedrooled and 60% three bedrooled. All 5 of the market homes are bungalows. This is considered to broadly accord with the SPD

#### Affordable Housing

- 5.18 The target mix for affordable housing the SPD is  
20-25% 1 bedrooled homes  
50-60% 2 bedroom homes,  
10-20% 3 bedroom homes and  
0-5% 4+ bedrooled homes  
The SPD states at paragraph 3.10

'The mix for affordable housing is weighted towards one and two-bedroom houses reflecting the demand for, and turnover of, one-bedroom homes in this sector and statutory homeless responsibilities of local authorities. However, it is recognised that the need for affordable housing of different sizes will vary by area at a more localised level and over time. In considering the mix of homes to be provided within specific developments, therefore, the mix range should be taken into consideration alongside details of households currently on the Home Choices Housing Register in the local area and the stock and turnover of existing properties'.

The proposed mix of the affordable homes is  
7 x 2 bed and

5 x 3 bed,

This equates to 58% two bedroomed and 41% three bedroomed All are two storey houses except 1 x 3 bed bungalow. None of the required 20-25% 1 bedroomed homes are provided.

The agent has indicated verbally there is no evidence of demand for 1 bedroomed houses, particularly post covid when more people are home working, and will supply evidence to support this. This would however appear to contradict the information on Home Choice register, the submitted Affordable Housing Statement refers to the highest proportion of applicants, 156 having an assessed need for a 1 bedroomed property, and the comments received from the Rural Enabling Officer refer to 137 applicants, again the highest proportion requiring a 1 bedroom property. Providing the evidence to be received does support a lack of need for 1 bedroom homes, then the proposal could comply with the policy.

- 5.19 At the close of the report writing period the agent has advised Broadacres has been in discussions with the Councils housing team about the proposed mix and commented the Rural Housing Enabler has offered support to the scheme if it includes some 1 bedroomed dwellings, and that a housing needs assessment won't be necessary. Amended plans are awaited and a further consultation will be undertaken with the Rural Housing Enabler upon receipt and may require wider consultation.

iv) Highway issues

- 5.20 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.21 An existing vehicular access point from the highway is to be widened and used to serve the dwellings. Occupants of The Manor House will retain use of the separate existing vehicular access to the south-east. Parking for the proposed dwellings is provided within the site. The Local Highway have no objections and recommend conditions. Third party representations have commented that buses parked at the bus stop would block visibility. The highway authority have acknowledged this and comment it would only be a temporary situation and not considered to be a significant impediment to highway safety. It is expected that when a bus is at the stop, a driver emerging from the development site would either move out carefully until they can see oncoming traffic or wait until such time that the bus moves away.
- 5.22 Paragraph 111 of the NPPF states development should, only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe. The Highway Authority do not consider there to be an unacceptable impact on highway safety, and neither are the cumulative impacts considered to be severe. Highway safety, access and parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan policy IC2.

v) Layout and design

- 5.23 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness

and help to create a strong sense of place. The proposal is a cul-de-sac development which is characteristic of the locality. The village has several cul-de-sac developments extending off both sides of the Main Street. The dwellings are considered to be well designed, and are proposed to comprise a mixture of materials including brick, white render, pantile and concrete slate tile. These materials are used in the locality. Amended plans incorporate some design amendments suggested by the Designing Out Crime officer. A footpath extends from the Main Street into the site. The applicant has been requested to consider a link from the head of the cul-de-sac to the public open space located near the site entrance. The agent has commented the footway runs the entire length of the access road, and the site isn't huge so the public open space is easily accessible to every house. The proposed development will be in accordance with Local Plan Policy E1.

vi) Amenity

- 5.24 Policy E2 states that all development proposals must protect amenity, particularly privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed access and dwellings are an acceptable distance from the facing elevation of the dwellings on Half Moon Street, the closest dwelling, plot 1 on the application site is single storey, and has a bathroom window and partially glazed utility door facing towards numbers 79 and 80 Half Moon Street. There is a front to side separation distance between the proposed bungalow and the two storey elements approximately 13m from No 79 of and 15m from No 80. No 79 has a single storey conservatory facing the site extending to approximately 4.5m of the joint boundary, the conservatory faces towards the recessed area of plot 1 with a separation distance of approximately 13.1m. The scheme proposes to replace the existing mesh fence between the gardens of Half Moon Street and the site with a 1.8m fence. The proposed dwellings are an acceptable distance from the rear of dwellings on Main Street, again the closest proposed dwellings are bungalows, plot 13 has a bathroom window and partially glazed utility door, and plot 12 has a blank gable facing this southern boundary, and a new 1.8m high fence is proposed along this boundary.
- 5.25 Additional information has been received from the agent regarding any noise from the pumping station, advising the 15m distance from habitable dwellings accords with Yorkshire Water/sewerage sector guidance standards. Environmental Health have assessed the details and are unable to make an informed response until the relevant information and data has been provided. This has again been requested from the agent. Subject to the receipt of noise levels from the pumping station and a satisfactory response from Environmental Health, the proposal is not considered to result in a loss of amenity to neighbours due to noise, overlooking, overbearing or overshadowing impacts.
- 5.26 It is also necessary to consider amenity levels to be afforded to future occupants of the proposed dwellings. The internal space and layout of each dwelling complies with the National Described Space Standards. The dwellings have been re-sited very slightly to provide larger rear gardens to plots 7-17, these now range from 8.8 to 10m. This re-siting has reduced the front to front distance between plots 7-11 and 14-17 to approximately 19.5m and between plots 12 and 13 to approximately 18m although the latter are separated by hedges. These separation distances are relatively tight but acceptable in this instance. Following amendments to accord

with the Designing Out Crime comments plots 5 and 6 have facing ground floor bedroom secondary windows with approximately 5.5m separation distance. The agent has commented the windows are very small and off-set from each other, intervisibility would be very limited and most likely broken by parked cars, and as secondary windows occupiers can fit privacy blinds if required. Whilst a landing is not a habitable room, facing landing windows between plots 9 and 10 are extremely close, with a separation distance of approximately 0.7m, similarly the gap between facing landing windows of plots 15 and 16 is only approximately 2m. The agent has advised obscured glazing could be fitted to these windows. Having regard to the above the proposal is considered to afford an acceptable level of amenity future occupants.

vii) Biodiversity, landscape and ecology

5.27 Policy E3 The Natural Environment requires all proposals to demonstrate a net gain for biodiversity. Policy E7: Hambleton's Landscapes seeks to protect and enhance the distinctive landscapes of the district and states a proposal will be supported where it seeks to conserve and enhance any existing tree, hedge or woodland of value that would be affected by the proposed development. Should a development, including infrastructure provision, result in the loss, threat or damage to any tree, woodland or hedge of visual, heritage or nature conservation value this would only be acceptable where:

g). a replanting scheme is agreed and this would include new native trees to form part of landscaping and improve tree canopy, the form of which will be determined by negotiation;

h). for larger developments it would include a sustainable tree management programme in order to ensure any new trees, hedgerows or woodland are established

i) any new species should provide local distinctiveness within the landscape, and support biodiversity;

j). any tree planting is the appropriate type of tree for the location, including distance to buildings considering root spread; and

k). any loss or deterioration of irreplaceable habitats such as ancient woodland and/or veteran trees is justified by wholly exceptional reasons and a suitable compensation strategy is agreed.

The justification advises at paragraph 6.73 'It is essential that the presence of existing trees be considered at an early stage in the development process and that where appropriate, provision is made for new tree planting. Whilst trees can be seen as a constraint, with sympathetic design they can enhance a development. Some specific trees or groups of trees are of particular value such that their removal would have a significant impact upon the local environment and its enjoyment by the public. Paragraph 131 of the NPPF states:

'Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change and that existing trees should be retained wherever possible.'

5.28 The proposal involves the removal of 3 trees, one of which is protected by a Tree Preservation Order and the access road extends close to other TPO protected trees further west. The application is submitted with an Arboricultural Survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan.

- 5.29 Trees proposed for removal include those identified in the Arboricultural Survey as Trees 1, 5 and 13, along with hedgerow 3. Tree 1 is located outside of the site within the grass verge to the frontage, and is identified as a category B1 mature Sycamore, 10m high, with a life expectancy of 20+ years. Trees 5 and 13 are both category A1 trees. Tree 5 is located within the existing front garden to The Manor House, is a mature Wellingtonia, 28m high with a life expectancy of 40+ years. This tree was protected by a TPO following an earlier application in 2007 which involved removing the tree. Tree 13 is a mature Horse Chestnut located within the field close to the western boundary, 22m high with a life expectancy of 40+ years.
- 5.30 The submitted Impact Assessment comments the removal of tree 1 would have a moderate negative impact on the streetscene, removal of tree 5 would have a substantial arboricultural and visual impact, and removal of tree 13 would have high arboricultural impact. Hedgerow 3 is a small length of low quality Cypress hedging within the front garden. Its removal is not considered to have a harmful impact either visually or arboriculturally. The Method Statement recommends tree protection measures for retained trees. The loss of the three trees which all are considered to make a significant contribution the wider character of the locality is a matter of very great concern and is a material consideration of significant weight in the determination of this application. Overall the removal of the trees is contrary to the provisions of policy E7 as it fails to conserve existing trees of value.
- 5.31 A Biodiversity Metric test has been submitted to calculate the baseline value of the site (before development) and the post-development value in order to calculate the Total Net Unit Change. The metric shows a net gain in hedgerow units, but a loss in habitat units. The agent has been advised a loss of habitats units cannot be offset by creating hedgerow units. These are treated separately in biodiversity metrics and it is necessary to achieve net gain in both measurements. The agent is currently addressing this issue and further information is expected prior to the Committee meeting
- 5.32 The application is submitted with an Ecological Appraisal. The appraisal finds the proposals will have no impacts on statutory or non-statutory nature conservation designations. Predominant habitat on-site was improved grassland low species diversity. The buildings to be demolished have negligible bat roosting value. Hedge 3 to be removed has little ecological value to wildlife except bird nesting. The three trees to be removed are unlikely to have any significant effect on the ecological value of the site. There is no evidence of badgers or roosting bats, the dominant habitat is to sub-optimal for Greater Crested Newt, the site has moderate suitability for nesting birds, is unsuitable for reptiles, has optimal commuting, sheltering and foraging habitat for hedgehogs The site was considered to be of overall low ecological value. Mitigation measures are recommended Heras fencing to protect root zones of trees to be retained; precautionary working in relation to hedgehogs; implementation of a sensitive lighting scheme; a series of bat and bird boxes incorporated into the new development; covering any excavations overnight; maintaining ecological connectivity post-development; installation of bat and bird boxes; and wildlife friendly soft landscaping.
- 5.33 The application is submitted with a landscaping scheme including the planting of 3 trees close to the site access and the adjacent TPO'd trees. In total 20 trees are proposed around the site, along with sections of hedge planting, shrubbery planting

within the site, shade tolerant wildflower grassland beneath the tree canopy of the existing trees on the north boundary and meadow grassland to the public open space. The landscaping scheme is generally acceptable. New 1.8 and 1.9m high fencing is proposed to the west, east and part south boundaries of the site. No detail has been provided of the boundary treatment to the east of the driveway to separate the drive from The Manor House. The use of hedging would be a more appropriate treatment for some boundaries. A scheme of boundary treatments will be required by condition

viii) Flood risk and drainage

- 5.34 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner
- 5.35 The site lies within Flood Zone 1. The submitted Flood Risk Assessment advises the site is at low risk of flooding from tidal, fluvial, sewer, overland, groundwater and artificial sources post development. Impermeable areas will be positively drained via an infiltration drainage system. Finished floor levels are to be set above surrounding levels and surface water directed to on-site attenuation and pumped to an off-site Yorkshire Water surface water sewer at an agreed rate.
- 5.36 Yorkshire water have commented: The submitted 'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22 is acceptable. In summary, the report states that a.) Foul water will discharge to public foul via pumping station at a pumped rate of 5 litres per second. b.) Sub-soil conditions do not support the use of soakaways c.) A watercourse exists is remote from the site d.) Surface water will discharge to public surface water sewer via storage and pumping station with a pumped rate of discharge of 5 litres per second
- 5.37 The proposal should not increase flood risk elsewhere off site as the discharge rate is restricted, impermeable areas will be positively drained, and the site allows extreme rainfall events to pass along the site perimeter that is away from residential property. There is a submitted Flood Exceedance Plan based upon a complete drainage system failure showing the flow path partially to the Main Street and mainly through the trees to RAF land beyond. The disposal of water onto land within the RAF Linton on Ouse site is a matter that will require resolution between the developer and the adjoining landowner. This has been queried with the agent and a response is awaited
- 5.38 Subject to conditions the proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied.

ix) Contaminated land.

- 5.39 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. The application is submitted with a Phase 2 Site

Investigation report compiled by Solmek Ltd. The report identifies potentially harmful contamination in one area of the site and recommends a remediation strategy to address these issues. In light of this information, the applicant is required to submit a comprehensive remediation strategy for this site. Environmental Health (contaminated land) have been consulted. Conditions are recommended to require the applicant to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

x) Impact on heritage assets

5.40 Local Plan policy E5 relates to development affecting heritage assets and policy S7 relates to the historic environment requiring conservation of Hambleton's heritage assets appropriate to their significance. There are no heritage assets within the vicinity of the application site. The village does not have a conservation area, and the closest listed building (Manor Farm Grade II) is approximately 210m to the south-east and the construction of additional dwellings to the rear of The Manor House would not alter the setting or significance of Man Farm. The proposal meets the requirements of policies S7 and E5.

xi) Public open space

5.41 Policy IC3 requires a proposal for housing development of 10 or more dwellings to make provision for public open space (POS). The proposal includes an area of public open space above the surface water attenuation tanks noted above. The location of the POS abuts the access to the site and will require appropriate boundary treatments for the safety of users. The POS is also shown to be enclosed by hedging, maintenance at an appropriate height will be necessary to achieve passive surveillance from new homes. The size (approx. 25m x 15m) is of sufficient size to provide useful open space that can accommodate children's local area for play.

Planning Balance

5.42 The application is acceptable in principle.

5.43 The proposal results in the removal of 3 trees, identified in the arboricultural survey as T1, T5 and T13 comprising 2no. category A1 trees and 1no. category B1 tree. All three trees are in good health and contribute significantly and positively to the streetscene. The loss of the trees would result in environmental and social harm. The delivery of 70% affordable housing (being 40% above the policy requirement) is a significant benefit that creates social gain. It is a matter for the Committee to decide whether the harm from the loss of the trees is outweighed by the benefit of additional affordable housing. The weight that can be attributed to the provision of affordable housing is reduced by the current lack of a local needs study that would evidence the specific level and type of housing needed.

5.44 It is anticipated that a housing needs survey will be provided and subject to the needs being matched by the proposal development or the proposal being varied to meet the expressed needs the proposed development of 17no. dwellings can be supported under Policy HG 5 (Windfall Housing Development). As noted elsewhere in this report this is subject to the receipt of evidence to demonstrate the following:-

- i) There is a need for affordable housing in this location.
- ii) There is no demand for 1 bedroomed affordable homes contrary to the previous research findings such that the policy HG2 and the Councils housing mix requirement set out on the Housing SPD, that anticipate need for 1 bedroom homes is not required in this case; or receipt of satisfactory amended plans including one bedroomed dwellings
- iii) Receipt of details of noise levels from the pumping station and confirmation from Environmental Health they are satisfied the pumping station will not result in noise issues that would result in a loss of amenity to neighbours, to comply with policy E1.
- iv) Receipt of a satisfactory Biodiversity Metric test to demonstrate a net gain in both hedgerow and habitat units, to comply with policy E3
- v) That the Flood Exceedance route draining onto MoD land has been notified to the landowner with certificate B being served.

5.45 Only if all of the above 5 matters can be addressed can the benefit of additional affordable housing that meets local housing needs be considered to outweigh the harm caused by the loss of the important trees on the site frontage and outweigh the conflict with policy E7.

5.46 In the absence of this information the application would be recommended for refusal

## **6.0 Recommendation:**

6.1 That subject to the receipt of the above information at 5.46 (sections i-v of the planning balance), and the satisfactory prior completion of a planning obligation to secure the affordable housing and public open space provision, the application be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. Compliance with approved drawings – *awaiting final revisions of drawings*.
3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. Except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any road or any structure or apparatus which will lie beneath the road must take place on any phase of the road construction works, until full detailed engineering drawings of all aspects of roads and sewers for that phase, including any structures which affect or form



part of the highway network, and a programme for delivery of such works have been submitted to and approved in writing by the Local Planning Authority. drawings

5. No part of the development to which this permission relates must be brought into use until the carriageway and any footway or footpath from which it gains access is constructed to binder course macadam level or block paved (as approved) and kerbed and connected to the existing highway network with any street lighting installed and in operation. The completion of all road works, including any phasing, must be in accordance with a programme submitted to and approved in writing with the Local Planning Authority before any part of the development is brought into use.
6. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43 metres measured along both channel lines of Main Street from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times
7. No dwelling must be occupied until the related parking facilities have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times
8. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited to, arrangements for the following in respect of each phase of the works:
  - i) details of any temporary construction access to the site including measures for removal following completion of construction works
  - ii) wheel washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway
  - iii) the parking of contractors' site operatives and visitor's vehicles;
  - iv) areas for storage of plant and materials used in constructing the development clear of the highway;
  - v) contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
9. The development shall be carried out in accordance with the details shown on the submitted plan, "'Drainage Philosophy' 20T2106 prepared by BGP, dated 10/02/22", unless otherwise agreed in writing with the Local Planning Authority.
10. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and PL.F.2 Consultation response. April 2012 site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

11. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
12. In the event that unexpected contamination is found at any time when carrying out any approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority
13. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
14. Development shall be carried out in accordance with the recommendations at Section 4 of the Arboricultural Impact Assessment and the Tree Protection Plan prepared by Elliott Consultancy Ltd dated September 2021
15. Development shall be carried out in accordance with the recommendations at Section 5 of the Ecological Appraisal prepared by Naturally Wild dated October 2021
16. All existing hedges shall be retained, unless shown on the approved drawings as being removed.
17. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on drawing number XXXX received by the Hambleton District Council on XXXX been planted or seeded in those positions.
18. Notwithstanding the submitted details the first floor landing windows to plots 9,10,15 and 16 shall be obscure glazed to level 3 or higher of the Pilkington scale of privacy or equivalent and that level of obscure glazing shall be retained throughout the life of the development.
19. Hedgehog gaps in new fences

Parish: Thirsk  
Ward: Thirsk

Committee date: 4 August 2022  
Officer dealing: Mr A Cotton  
Target date:

**5**

**22/00166/FUL**

**Demolition of existing structures and construction of 9no dwellings and associated parking and landscaping**

**At: Land to the South of Station Road, Thirsk, North Yorkshire, YO7 4LS**

**For: Frontline Estates Ltd**

**This application is referred to Planning Committee due to significant public interest**

**1.0 Site, context and proposal**

- 1.1 The application site comprises 0.36-hectare piece of land to the south of Station Road, Thirsk. The site lies just beyond the settlement limits of Thirsk. The site currently comprises 3no. shed (one being used for car repair and maintenance purposes and the other two being general storage), a shipping container and a caravan along with areas of hardstanding.
- 1.2 This application seeks full planning permission for demolition of existing structures and the construction of 9no. dwellings along with associated parking and landscaping.
- 1.3 The layout of the proposed development has been amended during the lifetime of this application. Officers initially raised concerns regarding the layout and the interface distances which would result. The applicant has worked with officers to address concerns and submitted an amended layout.
- 1.4 The site layout would facilitate access through the site from Station Road and provide a link to the boundary of the site to provide ease of access to the Public Right of Way which runs just to the rear of the site boundary.

**2.0 Relevant planning and enforcement history**

- 2.1 None relevant.

**3.0 Relevant planning policies**

- 3.1 As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990. The relevant policies are:

S1 – Sustainable development principles  
S2 – Strategic priorities and urban requirements  
S3 – Spatial distribution  
S5 – Development in the countryside  
HG2 - Delivering the right type of homes  
HG3 - Affordable housing requirement  
HG5 – Windfall housing development

E1 - Design  
E2 - Amenity  
E3 - The natural environment  
IC2 – Transport and accessibility  
RM1 – Water quality, supply, and foul drainage  
RM2 – Flood risk  
RM3 – Surface water and drainage management

Supplementary Planning Document - Size, type and tenure of new homes –  
adopted September 2015

National Planning Policy Framework

#### **4.0 Consultations**

- 4.1 Sowerby Parish Council – Wish to see the application approved.
- 4.2 Thirsk Parish Council – No comments received.
- 4.3 Natural England – No comments to make.
- 4.4 Highways -No comments received to date.
- 4.5 Ministry of Defence – No safeguarding objection subject to condition that noise mitigation measures are adhered to and an informative is added.
- 4.6 Street naming and numbering – An application would be required.
- 4.7 Yorkshire Water – No objection subject to conditions.
- 4.8 Environmental Health (amenity) – A noise impact assessment should be carried out an submitted prior to determination and a condition should be included to secure a construction management plan. Reconsulted but no additional commented received.
- 4.9 Public Rights of Way – no objections subject to standard informative
- 4.10 Environmental Health (contam land) – Phase 1 survey submitted and identifies various risks which will need further investigation. Conditions recommended.
- 4.11 Public comments – Initial round of consultation based on the originally submitted plans. 10 no. objections received raising the following points which are summarised below:
  - Concern over interface distances proposed/loss of privacy;
  - Loss of view;
  - Loss of natural light/overshadowing;
  - Drainage;
  - Loss of privacy/overlooking;
  - Noise and disturbance.

A second round of consultation was carried out on the amended layout and 2no. objections were received raising the following points which are summarised below:

- Loss of natural light/overshadowing;
- Loss of privacy/overlooking.

## 5.0 Analysis

- 5.1 The main issues for consideration relate to (i) the principle of development (ii) affordable housing (iii) character, appearance and design; (iv) residential amenity; (v) highway safety; (vi) flood risk and drainage; (vii) ecology; and (viii) noise.

Principle of development

- 5.2 The application site lies outside of the Development Limit boundary of Thirsk which is identified as a Market Town under policy S3. As Thirsk is defined as a Market Town this means it is a sustainable place for new development. The settlement is immediately adjacent to the site with the site being in very close proximity to Thirsk Station. Policy HG5 provides support for windfall housing development adjacent to the boundary of a defined settlement, where it is demonstrated the criteria a-e are met. Criteria a-e are set out below:

- a. a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village; and
- b. it will provide a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA) or successor documents.

All proposals will individually or cumulatively;

- c. represent incremental growth of the village that is commensurate to its size, scale, role and function;
- d. not result in the loss of open space that is important to the historic form and layout of the village; and
- e. have no detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character or setting of that part of the village.

- 5.3 The applicant has carried out a site search considering previously developed land which is commensurate with the size of the development within the settlement boundary of Thirsk. No suitable or visible sites were able to be identified. The applicant has satisfied criteria a.
- 5.4 With regard to criteria b the applicant proposes a mix of dwellings predominantly comprising 2 and 3 bed units (77.8%) which is in accordance with both the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA). All dwellings have been designed to meet Nationally Described Space Standards (NDSS). The table below sets out the mix of housing provided.

House Type	No. of Beds	No. of units	Percentage

Semi-detached	2	2	22.2
Semi-detached	3	4	44.4
Detached	3	1	11.1
Detached	4	2	22.2

5.5 When considering the site both individually and cumulatively with surrounding planning permissions, the proposal is considered to represent incremental growth commensurate to the size, scale, role and function of the settlement which would not result in the loss of open space that is important to the historic form and layout of the town and is not considered to have a detrimental impact on the character and appearance of the Town, surrounding area. As such the proposal is considered to accord with criteria c-e of Local Plan policy HG5, although it should be noted criterion e is discussed in more detail in the character, design and appearance section below.

5.6 It should also be noted that the site is already occupied by built form as set out in the site description section of this report and as such it is considered that the site currently in relates well in visual terms with the built form of the settlement rather than that of the countryside surrounding. The existing site is in a poor condition and does not visually enhance the appearance of the settlement or the wider landscape therefore the removal of the existing built form on the site and redevelopment for residential purposes would constitute an improvement.

5.7 Therefore it is considered that the principle of a new residential dwellings within this location is acceptable in accordance with policy S1, S2, S3, S5 and HG5 of the Local Plan.

#### Affordable housing

5.8 Policy HG3 of the Hambleton Local Plan requires all developments of market housing to provide affordable housing unless it is for 9 or less units. The proposal is for 9 units and as such in itself does not trigger an affordable housing requirement. Policy HG3 does also allow the council to consider housing developments which form part of a wider development cumulatively. It has been considered as to whether this application should be assessed in combination with any other nearby developments. However, it is considered that there is no reasonable evidence to demonstrate that the site should not be considered cumulatively with any nearby sites when considering affordable housing requirements.

#### Character, appearance and design

5.9 Criterion e of Policy HG5 considers impact to the character and appearance of both built form of the settlement but also to the open countryside.

5.10 The development comprises the construction of 9 dwellings which would be considered relatively small in scale. The site is adjacent to the Development Limits of Thirsk with a residential housing estate to the immediate east (Olivette Crescent) and residential dwellings and a public house flanking the main road into Thirsk to the north west of the site. It would not therefore appear independent of the Town.

It is considered that the proposal responds well to the form and character of the Town and would reflect the form and arrangement of the residential estate to the east (Olivette Crescent). As such the proposal would meet the requirements of criterion e of HG5 and would accord with the aims of sustainable development.

- 5.11 As mentioned in the principle section above the site is already occupied by built form as set out in the site description section of this report and as such it is considered that the site currently in relates well in visual terms with the built form of the settlement rather than that of the countryside surrounding. The existing site is in a poor condition and does not visually enhance the appearance of the settlement or the wider landscape. It is considered that the proposal would not be detrimental to the natural environment in this manner. The submitted plans demonstrate the site can accommodate 9no. dwellings with suitable amounts of private residential amenity space and parking sympathetic to the existing character of the settlement. The submitted details shows the site is capable of accommodating dwellings which reflects the plot size to dwelling ratio found within the local settings including the nearby recent development of Olivette Crescent.
- 5.12 The proposal comprises 9no. dwellings which would all be two storey in height. The land to the east (Olivette Crescent) is at a higher level which is shown on the site sections (drawing ref 3210-1-009 E) with the resultant overall ridge heights proposed comparable to the dwellings on Olivette Crescent as a result. The proposal includes a mix of property sizes which range from 2 to 4 bedrooms which have been designed to meet Nationally Described Space Standards. Overall, the scale of the dwellings proposed is considered acceptable and offers a range of dwelling sizes in line with policy HG2 and the size type and tenure SPD.
- 5.13 In terms of the design and materials of the proposed dwellings the applicant has indicated a material palette consisting of brick, render, tile and a mix of wooden and brick boundary enclosures. Considering the materials palette of the nearby built form and the location of the site the proposed materials palette is considered to be acceptable. The design of the properties is relatively traditional with lintel and brick coursing details, chimneys and a variation in style which will provide some visual interest. Overall the design of the properties is considered to be acceptable and will assimilate well with the character of the surrounding area.
- 5.14 Landscaping often helps new dwellings integrate into their setting. Landscaping is shown to some degree on the proposed site layout, which in a broad sense is acceptable however lacking in more specific details (planting type, species, number etc). In this case this is considered acceptable subject to a condition to ensure a detailed landscaping scheme is submitted and implement prior to occupation of the first dwelling.
- 5.15 Given the above it is considered that this scheme is able to comply with policy E1 of the Hambleton Local Plan.

#### Residential amenity

- 5.16 The application is for residential development of 9no. dwellings. The proposed site plan shows that the number of dwellings proposed could be accommodated within the site whilst maintaining suitable separation distances from existing properties to the east. The interface distances between plots 1-7 and no.59 - no.50 Olivette Crescent would range from 20.3m to 20.4m between facing rear elevations. Plots 8

and 9 would be sited at approximately 90 degrees to the properties no.46 - no.49 Olivette Crescent. Plot 8 would be 15.5m and plot 9 would be 24.6m from the rear elevation of these properties on Olivette Crescent however due to the orientation as set out above this distance would be to the side elevation of these plots at their closest point. Plot 8 would sit adjacent, albeit at a slight angle away from, the boundary of No.45 Olivette Crescent which is a bungalow property. Plot 8 would introduce an interface distance between the side elevation of no.45 Olivette Crescent and itself of between 8.4m and 5.4m due to the angled nature of its siting. This side elevation of no.45 contains one window serving a bathroom and the occupier has utilised a side area of amenity space for a patio. The proposed side elevation of plot 8 would contain an access door at ground floor level and an obscurely glazed window serving a bathroom at first floor level. Whilst it is acknowledged that the introduction of the 2 story property proposed at plot 8 would alter the neighbouring residents view, and result in some shadowing in the late afternoon and evening of the side area of no.45, it would not lead to detrimental overshadowing or overbearing impacts upon habitable rooms or the properties main rear amenity space due to its siting, orientation and separation distance. Additionally, it is noted that both plot 8 and no.45 Olivette Crescent would sit adjacent to each other and their rear amenity spaces would face south, allowing them both adequate access to natural light and outlook.

- 5.17 Adequate provision of private amenity space and bin storage is set out for each dwelling. The proposal is considered to accord with Policy E2 of the Hambleton Local Plan.

Highway safety

- 5.18 The existing site access would be improved to facilitate the development with visibility splays provided which would accord with the Manual for Streets standards. A number of conditions are recommended to be imposed in relation to details of measures to mitigate surface water run off onto the highway, construction of the site access, provision of visibility splays, provision of access, turning and parking areas, and construction management plan details.
- 5.19 It is not considered that the vehicle trips generated from a development of 9 units would represent an increase be so significant over and above the current trips resulting from the sites current use that it would result in any highway safety or operation concerns. With regard to parking each plot would be provided with 2 in curtilage parking spaces as such it is considered that adequate provision is made for the parking of cars within the site.
- 5.20 There is a Public Right of Way (PROW) which runs to the west and south of the site. The POW is not affected by the proposed development. The councils PROW team have commented on the application raising no objections subject to an informative. The PROW consists of a worn dirt path through the grass fields. The applicant has provided an access through the site up to the rear site boundary to facilitate a connection to the PROW through the site from Station Road. This would in practice mean that users would be able to utilise a made pathway up to the rear boundary of the site and then cross a small patch of grass on to the unmade dirt path of the existing PROW. It is considered that this is both appropriate and reasonable in this instance.



## Flood risk and drainage

- 5.21 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.
- 5.22 A drainage feasibility report was submitted with the application which sets out a strategy for dealing with foul and surface water for the development. Foul water/sewage will be discharged into the public sewer. Policy RM1 states proposal will only be permitted where (b) there is or will be adequate water supply and treatment capacity in place to serve the development. The proposal has been assessed by Yorkshire Water (YW) who have raised no objection to the proposal subject to a condition.
- 5.23 Concerns have been raised also with regard to surface water. The drainage feasibility report submitted sets out that surface water drainage via soakaways is viable on this site and the proposals will not increase the risk of flooding either on or off site subject to the implementation of the drainage scheme based on the recommendations and design principles set out in the submitted Drainage Strategy.
- 5.24 The applicant has provided sufficient information to demonstrate the proposed methods of dealing with both foul and surface water drainage are both feasible and accord with Policies RM1, RM2 and RM3 of the Hambleton Local Plan. Therefore subject to the inclusion of conditions the proposal is acceptable with regards to flood risk and drainage.

## Ecology

- 5.25 A preliminary Ecological Appraisal (PEA), Biodiversity Net Gain (BNG) assessment and Biodiversity Enhancement Plan have been submitted in support of the proposal. The PEA considers the site is of low ecological value as such the development of the site is not considered to have a detrimental impact upon local flora and fauna. The PEA concludes that there will not be a significant impact to protected species or habitats as a result of the proposed works. A number of mitigation and enhancement measures are recommended. The BNG assessment demonstrates that subject to the implementation of measures as set out in the Biodiversity Management Plan the site would achieve biodiversity net gain in line with Local Plan Policy E3. Appropriate conditions will secure these enhancements.

## Noise

- 5.26 A Noise Impact Assessment (NIA) has been submitted to consider noise impacts upon future occupiers given then sites proximity to a military airbase. The NIA demonstrates that suitable internal noise levels will be achieved post development subject to implementation of recommendations. The Ministry of Defence has reviewed the submitted NIA and concurs with its findings and concludes that subject to the implementation of recommendations made the proposed dwellings would not be negatively impacted by noise.

## Conclusion

- 5.27 Due to its size and location the site is capable of accommodating the proposed dwellings without unacceptable harm to the surroundings or the amenities of neighbours or road safety and is able to comply with the relevant policies of the Hambleton Local Plan.

## 6.0 Recommendation

That subject to any outstanding consultations the application be **Granted** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan refs:

3210-1-004 A House Type A  
3210-1-005 B House Type B  
3210-1-006 C House Type C  
3210-1-007 B House Type D  
3210-1-008 B House Type D Variant  
002A Site Access Arrangements  
T001 Transport Statement  
DR-C-0100 P1 Drainage Strategy  
3210-1-002 A Demolition plan

as received by the Local Planning Authority on 25 January 2022 and plan refs:

3210-1-003-M Proposed Site Layout  
3210-1-009-D Proposed Streetscene

as received by the Local Planning Authority on 24 June 2022 unless otherwise approved in writing by the Local Planning Authority.

3. Prior to their first use on site details and samples of the materials to be used in the construction of the walls and roofs of the proposed dwellings shall be submitted to and approved in writing by the Local Plan Authority. The development shall the be constructed using only the approved materials.
4. Prior to any above ground development, a detailed landscaping scheme indicating the type, height, species and location of all new trees and shrubs, shall be submitted to and approved by the Local Planning Authority. No dwelling shall be occupied after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless those elements of the approved scheme situate within the curtilage of that dwelling have been implemented. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
5. The development must not be brought into use until the accesses to the site 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 crossing of the highway verge and/or footway must be constructed in accordance with the approved details and/or Standard Detail number A1 and the following requirements.

- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.

All works must accord with the approved details.

6. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing highway, together with a programme for their implementation, have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
7. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 43.00 metres measured along both channel lines of the major road from a point measured 2.40 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
8. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users 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.
9. No development must commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan.

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

1. details of any temporary construction access to the site including measures for removal following completion of construction works;
  2. wheel 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. Details for management of dust and demolition works;
  5. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.
10. Notwithstanding any details approved, the boundary treatments shall include suitable holes (13cm x 13cm) at ground level to allow for movement of hedgehogs.

The hedgehog holes thereafter shall be maintained for the intended purpose and shall not be blocked or removed.

11. The enhancement measures including construction, post construction and long terms set out in the biodiversity enhancement plan ref PC21063/BEP/1.1 shall be implemented in full and retained thereafter.

12. Foul and surface water drainage of the site shall be designed and implemented in accordance with the details contained within the drainage strategy prepared by Topping Engineers ref DR-C-0100 P1.

13. Foul and surface water shall be drained on separate systems.

14. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.

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

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

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

18. Mitigations measures as set out in the Noise Impact Assessment shall be incorporated into the construction of the site/each plot as detailed within Dragonfly Consulting Noise Impact Assessment ref DC3858-R1v2.

Reasons:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure the development is compatible with the immediate surroundings of the site and the area as a whole.
3. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with Policy E1 of the Local Plan.
4. In order to soften the visual appearance of the development and provide enhancement of the surrounding area and ensure the site achieves biodiversity net gain in accordance with policy E3 of the Local Plan.
5. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users
6. In the interests of highway safety.
7. In the interests of highway safety.
8. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
9. In the interest of public safety and amenity
10. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
11. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
12. To ensure adequate and suitable drainage of the site in accordance with Policy RM1 of the Hambleton Local Plan.
13. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
14. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property, and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
18. In order to ensure a suitable level of amenity for future occupiers.

**Parish: Tollerton**  
Ward: Easingwold  
**6**

Committee date: 4 August 2022  
Officer dealing: Naomi Waddington  
Target date: 10 January 2022  
Extension of time 8 August 2022

**21/02712/FUL**

**Construction of 3 detached dwellings with garages and access**  
**At: Part OS Field 1745, Back Lane, Tollerton, North Yorkshire**  
**For: Messr's N & M Ramsden & Foster**

**This application is referred to Planning Committee due to the level of public interest**

## **1.0 Site, context and proposal**

- 1.1 The application site forms part of a larger field located on the north-east side of the Back Lane which runs to the rear of the Main Street. The site abuts the remainder of the field on the north-east and north-west boundaries, a semi-detached bungalow abuts the south-east boundary and there is a hedge and tree to the south-west boundary. Across the road to the south-west is residential development. The width of the Back Lane reduces from the south-east where it allows two-way traffic to the north-west that is single track.
- 1.2 Full planning permission is sought for the construction of 3 detached dwellings with garages and access, sharing a single vehicular access point, and having a separate pedestrian access point at the south-east corner. The proposal involves the removal of a section of a 14.5m hedge and tree to create the vehicular access and visibility splays. A further 1.5m section of hedge to create a pedestrian link A new 9m section of hedge is proposed behind the visibility splay. All three proposed dwellings are bungalows, plots 1 and 2 each have two bedrooms, plot 3 has three bedrooms. All have a garage along with parking for 2 or more cars and turning provision within the site.
- 1.3 The application is submitted with a planning statement, movement and access study, Phase I desk top study, heritage statement, ecological appraisal, tree survey, and small sites metric for biodiversity.

## **2.0 Relevant planning and enforcement history**

- 2.1 17/00943/OUT Outline application (all matters reserved) for the construction of five dwellings. Withdrawn 12.06.2018

## **3.0 Relevant planning policies**

- 3.1 The relevant policies are:

National Planning Policy Framework (NPPF)

Local Plan Policy S1 - Sustainable Development Principles

Local Plan Policy S2: Strategic Priorities and Requirements

Local Plan Policy S3 - Spatial Distribution

Local Plan Policy S5 - Development in the Countryside

Local Plan Policy S7: The Historic Environment

Local Plan Policy HG2 - Delivering the Right Type of Homes

Local Plan Policy HG3 – Affordable Housing Requirements

Local Plan Policy HG5 - Windfall Housing Development

Local Plan Policy E1 - Design

Local Plan Policy E2 - Amenity

Local Plan Policy E3 - The Natural Environment

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy E7 - Hambleton's Landscapes

Local Plan Policy CI1 – Infrastructure Delivery

Local Plan Policy CI2 - Transport and Accessibility

Local Plan Policy RM1 - Water Quality and Supply

Local Plan Policy RM2 - Flood Risk

Local Plan Policy RM3 - Surface Water and Drainage Management

Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution

National Planning Policy Framework (NPPF)

## **4.0 Consultations**

4.1 Parish Council - Objection summarised as follows:

- Wish to see the above application REFUSED
- Recent Parish survey had 92 respondents, majority did not want further development in the Parish
- 34 new dwellings constructed in last 2 years
- 13 on South Back Lane have eroded nature of that area
- Proposal will erode the nature of the Back Lane
- Residents/pedestrians enjoy the tranquil nature of the Back Lane
- Additional vehicle movements will destroy the nature of lane
- Highway safety
- Evidence from South Back Lane shows additional vehicle movements beyond those specified in submission
- We have continuously requested the expansion of the Parish to be curtailed.

4.2 Highway Authority – Recommend conditions in relation to new and altered private access or verge crossing, visibility splays, provision of approved access, turning and parking areas, and construction management plan.



- 4.3 Environmental Health - No objections. They advise the proposed development is in close proximity to existing residential dwellings. In the interest of nearby residents, the Environmental Health Team would recommend the conditions for construction hours and noise and dust.
- 4.4 Environmental Health (contaminated land) - Recommend conditions
- 4.5 NYCC Heritage Services - recommend condition to secure the archaeological recording of the ridge and furrow.
- 4.6 Yorkshire Water Services - On the basis of foul water only draining to public foul sewer and surface water draining to plot soakaways no observation comments are required
- 4.7 RAF Linton on Ouse - no response received (expired 23.12.21)
- 4.8 Site notice posted and expired 03.01.2022
- 4.9 Public comments - site notice displayed and neighbours consulted. 22 representations received from 11 authors, summarised as follows:-
- Highway safety
  - Back lanes are an important amenity for villagers
  - Back Lane inadequate to cope with the proposed development in width, visibility and construction
  - Pedestrian access crosses third party land
  - Movement and Access Statement inaccuracies, no continuous footpath, there are amenities heading northwards, Moorlands Lane is not in good condition, road frontage of the site has not been recently widened.
  - Pinch point on Back Lane cannot accommodate a highways compliant road
  - In 2018 NYCC Highways required a 4.5m wide carriageway and 1.5m wide footway. What has changed?
  - Highways report silent on highways safety related concerns raised
  - Insufficient Parking Provision
  - Highways report devoid of detail
  - Allowing development without seeking a full Highways report will be a breach of duty.
  - Highways comparison with development on South Back Lane is not comparable
  - Block Plan does not accurately show visibility splays and more hedge to be removed than shown
  - Impact of new hedges on visibility splay
  - Arboricultural survey makes no reference to the tree being dangerous
  - Householders/visitors will park on Back Lane
  - Residents already experience difficulty with parking on Back Lane
  - Lack of infrastructure contributions, what is collected is not spent on highways or drainage
  - Tollerton has enough housing
  - Beyond development limits
  - Nature of the Back Lane would be destroyed
  - Erosion of green areas around the village has to stop
  - Increased development straining the village, infrastructure and community spirit

- Loss of hedge and tree does not protect or enhance the Conservation Area
- Preservation of hedge and tree portrayed as a positive in submission
- Proposal will not enhance setting of Conservation Area
- Proposal does not follow the style, size or density of adjoining property
- Planning statement inaccuracies, number of buses overstated
- Inaccurate site boundary
- Site previously considered by HDC and dismissed
- Small incremental developments avoid contributions
- The field floods regularly
- Land Contamination, understand the site was a former cattle market
- Proposal does not satisfy sustainability criteria
- Loss of Wildlife Habitat
- Services - Foul & Surface drainage, Telecoms, Electricity and Water all under distress
- Pre-application advice said the site has potential to accommodate maximum of two dwellings
- Lack of transparency

## **5.0 Analysis**

5.1 The main issues to consider are i) principle, ii) highway issues, iii) design, iv) amenity, v) biodiversity, landscape and ecology, vi) flood risk and drainage, vii) contaminated land, and ix) Impact on heritage assets

i) The principle of development

5.2 The purpose of Local Plan S1 is to set out the central role that sustainable development plays in meeting the growth requirements for Hambleton, and to set out the ways and the expectations in which the Council will seek to achieve sustainable development.

5.3 Policy S2 sets out the Council's housing requirement and it identifies that the housing figures are based on existing commitments and sites allocated for development in this local plan. Housing development that comes forward during the plan period will be an important additional supply of homes and will be supported as set out in policies including HG5: Windfall Housing Development.

5.4 Policy S3 sets out the settlement hierarchy. Tollerton is a Secondary Village within the Easingwold sub area. Such villages are expected to see development. This is because they have been identified as having the better access to services and the settlement character would be able to accommodate new development.

5.5 Policy S5 sets out what constitutes the built form of a settlement, land outside it is defined as countryside. The application site does not fall within the built form of Tollerton and therefore it is in the countryside. Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.

5.6 Local Plan policy HG5 provides support for windfall housing development. HG5 states that a proposal for housing development on a site adjacent to the built form of

a defined village, which infers land within the countryside, will be supported, subject to provisions within the policy a- e.

- 5.7 Criterion a) requires that a sequential approach to site selection has been taken where it can be demonstrated that there is no suitable and viable previously developed land available within the built form of the village. The agent has advised they have undertaken an assessment of the village and checked the planning portal have not been able to identify any previously developed land available within the built form. There are no sites in Tollerton on the Council's brownfield land register.
- 5.8 Criterion b) requires a housing mix in terms of size, type and tenure, in accordance with the Council's Housing and Economic Development Needs Assessment (HEDNA) and Strategic Housing Market Assessment (SHMA). A new Housing SPD has been approved by Cabinet and is scheduled to be adopted in July 2022. The SPD requires 40-45% two bedroom homes and 40- 45% three bedroom homes, and states at paragraph 3.7 the Council is keen for developers to include 2 bedroomed bungalow in their schemes. The proposal relates to 2 x 2 bedroomed bungalows and 1 x 3 bedroomed bungalow, and would provide an appropriate mix and would meet the requirements of criteria b. The above requirement of HG5 also means the proposed development would satisfy policy HG2.
- 5.9 Criterion c) requires that the proposal is considered to represent incremental growth of the village that is commensurate to its size, scale, role and function. It is considered that 3 dwellings can be considered small scale in this context. It is acknowledged that there has been a series of approvals resulting in housing growth within the village but cumulatively they equate to a small proportion of the existing households in the village. The development of 3 dwellings on Back Lane is physically unrelated to any of the earlier approvals and avoids any significant cumulative harm.
- 5.10 Criterion d) requires that the proposed development would not result in the loss of open space that is important to the historic form and layout of the village. The site abuts the boundary with neighbouring development on one side and is opposite residential development on another. There is a tall hedge to the roadside the restricts views into the site. The site is not within the conservation area The site does have a historical connection with the village by virtue of its medieval ridge and furrow field system. This is discussed in greater detail in issues (ix) below
- 5.11 Criterion e) requires that the proposal would not have a detrimental impact on the character and appearance of the village, surrounding area and countryside or result in the loss of countryside that makes a significant contribution to the character. The location of the site has an association with the surrounding built form and is screened by hedges. There would be some change to the character of the Back Lane by the creation of the vehicular and pedestrian access points and visibility splays. These are not considered to cause significant alteration to its enjoyment.
- 5.12 The location and layout of the site, and its relationship with adjacent built form is considered to result in an appropriate development without projecting unacceptably into the open countryside, and without significant harm to the character and appearance of the area. The proposal is considered to meet the requirements of Local Plan Policy HG5

ii) Highway issues

- 5.13 Local Plan policy IC2 seeks to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.14 The submitted Strategic Movement and Access Study states Back Lane is predominantly single lane within the vicinity of the site and subject to 30 mph speed limit. It considers the site access and details 25m visibility splays. The initial consultation response from the Highway Authority commented the submitted drawing has the splays shown incorrectly and the provision of the splays will require the removal of a tree in the centre of the site's frontage and more of the hedge than shown. Whilst the agent felt the tree could be retained a subsequent tree survey found the Ash tree to the site frontage to be in poor condition, and an amended plan was received showing the tree removed and the hedge relaying. The Highway Authority are satisfied with the revised details, and recommend conditions to be attached to any approval
- 5.15 The Strategic Movement and Access Study considers access by 'non-car modes' and finds the site to be within walking distance of a bus stop, pub, shop, community hall, church, GP and recreational facilities
- 5.16 Third party representations are concerned about highway safety and ask why the Highway Authority recommendation on the current application differs from earlier withdrawn application on the same site. In 2017 the Highway Authority commented on a proposal for 5 dwellings advising a 4.5m wide carriageway and 1.5m wide footway adjacent to the full length of the site and a footway extending from the existing footway between Yew Tree House and Meadow Croft would be required. The Highway Authority have responded advising the current application is for a smaller number of dwellings with a pedestrian link provided within the site, and are mindful of a comparable appeal decision on South Back Lane where the Inspector commented

"The widening of the lane itself to create a greater carriageway width along with the creation of footpaths ...would be harmful in itself" and "given the modest scale of the proposal and the limited quantum of vehicle movements attributable to the appeal proposal....I am not persuaded that South Back Lane or its junction with Newton Road is inherently unsuitable"

The Highway Authority comment further

"Back Lane is comparable to South Back Lane albeit with a generally wider carriageway in the vicinity of the proposed development. The section of Back Lane on the site's frontage where two vehicles could not pass is only short and given the Inspector's comments about the impact of widening of South Back Lane, I concluded that it would not be appropriate to pursue any widening of the carriageway for this application".

- 5.17 Third party representations have also commented the site plan that the Highway Authority find acceptable does not accurately reflect the required visibility splays, would require more hedge and tree removal than shown, and that the Highway Authority do not acknowledge the pinch point in the road the Local Highway Authority have responded stating

“The required visibility splays of 2 metres x 25 metres can be achieved and the tree to the north-west would not be affected nor would any section of hedge beyond the site boundaries.

I have recommended visibility splays measured to the channel lines of the road and whilst the submitted block plan shows the splays extending into the carriageway, there would be an additional 1 to 2 metres of hedge affected with the splays taken to the channels as per the wording of the recommended condition.

Manual for Streets does give some leeway in making a visibility assessment by suggesting measuring to the “nearside edge of the vehicle track”. I have assessed this to be a point 0.5 metres from the channel line of the road and I could amend my recommendation if required but in practice that will not make much difference to the measurements of affected hedge given above. I note that the hedge is to be relayed or replaced and the required splays can be provided within the site boundaries.

The section of Back Lane on the site’s frontage where two vehicles cannot pass is short and it acts to keep vehicle speeds low. A pedestrian link is to be provided within the site through the south-eastern corner and therefore I consider that it would not be appropriate or necessary to pursue any widening of the carriageway for this application.”

The agent has been requested to provide an accurate plan showing the visibility splays to the channel lines and extent of hedge removal. These are expected prior to the Committee meeting. Third parties were also concerned hedges would grow and obscure visibility splays, however one of the recommended conditions requires the visibility splays to be maintained clear of any obstruction and retained for their intended purpose at all times.

- 5.18 Paragraph 111 of the NPPF states development should, only be refused on highways grounds if there would be an unacceptable impact on highway safety, or if the cumulative impacts on the road network would be severe. The Highway Authority do not consider there to be an unacceptable impact on highway safety, and neither are the cumulative impacts considered to be severe. Highway safety, access and parking are considered to have been satisfactorily addressed. The proposal therefore fulfils Local Plan policy IC2.

### iii) Design

- 5.19 Policy E1 requires all development to be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. The proposal is of a modest scale (3 units) and reflects the linear character and scale of development along Back Lane.
- 5.20 The proposed bungalows are considered to be well designed. Each is proposed to be constructed in a material palette to match the local vernacular comprising brick walls, clay pantiles to plots 1 and 3, and flat grey slate tiles to plot 2. The character of Back Lane is varied, however is predominantly brick with an assortment of roof materials. The proposal is considered to assimilate into the varied character of the immediate area. The proposed development will be in accordance with Local Plan Policy E1.

#### iv) Amenity

- 5.21 Policy E2 states that all development proposals must protect amenity, particularly about privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. The proposed dwellings are an acceptable distance from the two storey dwellings on the opposite side of Back Lane. To the south-east side of plot 1 is the side elevation of a bungalow 'The Oaks' with several side windows. Proposed plot 1 has a blank side gable facing The Oaks, and is sited largely forward of The Oaks. There is a side-to-side separation distance of approximately 6.3m at the closest point. The gable of plot 1 would face towards one window of The Oaks, however this window would appear to be a secondary window serving a room with a main window to the front. Environmental Health recommend conditions in relation to the hours of construction work and compliance with current legislation on noise and dust.
- 5.22 A representation received from the occupier of The Oaks suggests the pedestrian access exits onto land in her ownership. The agent has advised the land registry documents suggest otherwise but for the avoidance of doubt have moved the link 900mm to the west. The agent comments the location was assessed as being the closest and safest point to cross to the footpath on the opposite side of Back Lane and consider the footpath is important to link to the village.
- 5.23 The submission shows the retention of the existing post and wire fence along the boundary between The Oaks and plot 1, with the agent advising this is to retain openness for The Oaks. This would however result in a loss of privacy to the side windows and rear garden of The Oaks, and the garden of plot 1, a condition is recommended requiring the construction of a 1.8m fence to this boundary. The fence would be within approximately 3.2m of side windows to The Oaks, however this is balanced against the fact a 2m high fence could be constructed as permitted development. Subject to conditions the proposal is not considered to have overlooking, overbearing or overshadowing impacts upon neighbours.
- 5.24 It is also necessary to consider amenity levels to be afforded to future occupants of the proposed dwellings. The internal space and layout of each dwelling complies with the National Described Space Standards. The rear and western boundaries are by marked the planting a new hedge with a 1.2m high post and rail fence. Rear gardens between the dwellings are divided by 1.8m high vertically boarded fencing. Each dwelling would be afforded an acceptable level of amenity.

#### v) Biodiversity, landscape and ecology

- 5.25 Policy E3 The Natural Environment requires all proposals to demonstrate a net gain for biodiversity. Policy E7: Hambleton's Landscapes seeks to protect and enhance the distinctive landscapes of the district. The proposal includes the removal of two lengths of hedge facing Back Lane, an approximately 1.5m section at the pedestrian link and 14.5m at the vehicular access point, 9m of which will be replanted to match behind the highway visibility line. The cumulative effect is that 7m of the existing hedgerow will be removed as a result of the proposed development. It is acknowledged the expected revised plan showing the visibility splays to the channel lines of the road will result in an additional 1-2m of hedge removal. In addition an Ash tree adjacent to Back Lane is proposed to be felled. The submitted block plan shows 125m of new hedgerow to be planted to demarcate the north-east and north-

west boundaries from the remaining field. All hedges are to be staggered double rows comprising Field Maple, Spindleberry, Blackthorn and Dogrose. The hedges to the field boundaries are to be interspersed with 13 heavy standard trees comprising 6 Field Maple and 7 Rowan trees.

- 5.26 The Natural England Small Sites Biodiversity Metric test has been used to calculate the baseline value of the site (before development) and the post-development value in order to calculate the Total Net Unit Change. The metric shows a net gain in habitat and hedgerow units in accordance with Local Plan policy E3.
- 5.27 The application is submitted with an Ecological Appraisal. The appraisal finds the proposals will have no impacts on statutory or non-statutory nature conservation designations. The appraisal recommends new hedgerow planting to the northern and western edges of the site. This will provide a habitat corridor feature around the edge of the site, enhance nesting opportunities and improve foraging and commuting opportunities for bat species. The appraisal also recommends an artificial bird nesting bricks and bat bricks are included within each proposed dwelling. These are shown on the submitted drawings
- 5.28 During the consideration of the application a tree survey has been carried in respect of the Ash tree to the site frontage. The survey finds the Ash tree to be  
“a mature tree in poor physiological condition with a life expectancy of less than 10 years, a classification of 'U, and states "Poor shape & form. Declining. Unable to inspect stem due to ivy. Fungal brackets (Inonotus hispidus) visible on stem. Epicormics on stem. Broken branches in crown. Moderate deadwood. Unbalanced crown shape. Low branches over road/footpath. Possible evidence of ash dieback on ground debris. Concrete in base of stem at root collar".

Whilst the Local Planning Authority would normally seek to resist the loss of a tree, in this instance given the poor health of the tree, the very limited life expectancy and high-risk location there is no objection to its removal.

- 5.29 The Tree survey also comments on the existing hedge to the road frontage, finding it be to be in poor condition with many gaps, overrun with ivy, and thickened hawthorn stems no longer producing lower sprouts. The survey recommends relaying the hedge, removing ivy and infilling gaps
- 5.30 The submitted landscaping details relate largely to the perimeter of the site. A condition is recommended to also require landscaping within the site. Overall, it is considered the loss of the Ash tree and sections of hedge is mitigated by the new tree and hedge planting, and the proposal accords with the provisions of policies E3 And E7

vi) Flood risk and drainage

- 5.31 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. Foul water will discharge to public foul sewer network. Yorkshire Water have not raised any objections to. foul water only draining to public foul sewer in Back Lane and surface water to plot soakaways.

- 5.32 The purpose of Policy RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development are not put at unnecessary risk in relation to flooding. The site lies within Flood Zone 1 so is considered to be at low risk of flooding.
- 5.33 Policy RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner. Surface water is proposed to discharge to soakaway Percolation testing has not yet been carried out. Conditions are recommended to require separate systems of drainage for foul and surface water on and off site and the submission a scheme detailing the surface water drainage strategy including the maintenance and management.
- 5.34 Subject to conditions the proposed development satisfactorily deals with flood risk and drainage and therefore the provisions of policies RM1, RM2 and RM3 are satisfied.

vii) Contaminated land.

- 5.35 Local Plan policy RM5 requires that communities are kept healthy and safe from proposed developments. A Preliminary Assessment of Land Contamination' form has been submitted along with a Phase I Desk Top Study. The Assessment produced by Arc Environmental indicates the site should be considered as being low risk in respect to contamination, and recommends further intrusive investigation to address geotechnical issues, including ground contamination testing on selected samples of soil taken from selected points across the site. Environmental Health (contaminated land) have been consulted. Conditions are recommended to require the applicant to submit a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment.

ix) Impact on heritage assets

- 5.36 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in exercising an Authority's planning function special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The National Planning Policy Framework requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset and requires that harm should be weighed against the public benefits of the proposal. In addition, the NPPF requires the effect of an application on the significance of a non-designated heritage asset to be taken into account, requiring a balanced judgement having regard to the scale of any harm or loss and the significance of the asset. Local Plan policy E5 relates to development affecting heritage assets and policy S7 relates to the historic environment requiring conservation of Hambleton's heritage assets appropriate to their significance.
- 5.37 The site is located outside of the Conservation Area boundary which runs along the edge of the road immediately adjacent to the site. The development area contains part of a medieval ridge and furrow field system. The application is submitted with a Heritage Statement which sets out the value of the non-designated medieval ridge and furrow field system, which runs in a continuous block from Back Lane to the railway line to the north-east. The ridge and furrow field system is a non-designated heritage asset and is of local significance in that it relates directly to the



Conservation Area at Tollerton which is also medieval in character. The medieval ridge and furrow field system is assessed as a low value heritage asset. The proposal will have a localised impact on part of the medieval field system but will not destroy it in its entirety. The Heritage Statement finds the proposed development will have a moderate adverse impact on the medieval field system and recommends mitigation. The mitigation is to undertake a single trench excavation across the ridge and furrows within the proposed development area to record the extent and profile of the agricultural features, thereby preserving them in record by being set out in a report. The applicant's Heritage Statement advises the loss of the openness of the field following the development would not give rise to significant harm to the elements that contribute to the significance of the Conservation Area and considers that any impact to the Conservation Area would be slight adverse and outweighed by the clear public benefits of providing additional housing that meets the needs of the local community. The Statement advises further the proposals would have a neutral impact on the setting of the Grade II listed buildings within the vicinity.

5.38 A consultation response has been received from NYCC Heritage Services who comment the Heritage Statement makes a fair assessment of the value of the ridge and furrow, agreeing the ridge and furrow is of local interest and would not normally preclude development in its own right but would be a factor to be balanced alongside all other planning considerations in accordance with the NPPF. NYCC Heritage Services recommend a condition requiring a Written Scheme of Investigation of site investigation and recording.

5.39 The Local Planning Authority accepts the findings of the Heritage Statement, and considers the proposal overall would result in less than substantial harm to the significance of the non-designated heritage asset. This harm is considered to be outweighed by the benefits of the provision of three bungalows, the condition requiring the recording of the non-designated heritage asset, and that a larger proportion of the ridge and furrow system remains. The proposal is not considered to result in harm to the setting of the adjacent designated conservation area and listed buildings on Alne Road that are physically and visually unrelated to the site.

#### Planning Balance

5.40 The principle of residential development is considered acceptable in this location. Subject to conditions the proposal is considered acceptable in terms of its impacts on highway safety, design, amenity, biodiversity, landscape ecology, flood risk and drainage, contaminated land and heritage assets. The proposed development accords with the policies contained within the Local Plan.

## 6.0 Recommendation:

6.1 That subject to any outstanding consultations the application be **APPROVED** subject for the following conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with drawing numbers 124-03H (due to superseded) Block Plan received by Hambleton District Council on XX 2022; 124-04 A Plot 1 received by

Hambleton District Council on 1 February 2022, 126-06 A Plot 3 received by Hambleton District Council on 31 January 2022; 124-05 Plot 2, 124-07 Garages and 124-01 A Location Plan received by Hambleton District Council on 15 November 2021, unless otherwise approved in writing by the Local Planning Authority.

3. No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval and samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site) and the materials have been approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.
4. The development must not be brought into use until the access to the site has been set out and constructed in accordance with the following requirements:
  - i) The crossing of the highway verge must be constructed in accordance with Standard Detail number E50.
  - ii) Any gates or barriers must not be able to swing over the existing highway.
  - iii) Provision to prevent surface water from the site discharging onto the existing highway must be constructed in accordance with the approved details shown on drawing 124-03 Rev? and maintained thereafter to prevent such discharges.
  - iv) The final surfacing of any private access must not contain any loose material that is capable of being drawn on to the existing public highway.

Informative Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in this condition

5. There must be no access or egress by any vehicles between the highway and the application site until splays are provided giving clear visibility of 25 metres measured along both channel lines of the major road from a point measured 2.0 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.
6. No part of the development must be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with the approved details shown on drawing 124-03 Rev?. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.
7. No development must commence until wheel washing facilities, an area for storage of plant/materials and a parking area for contractors' vehicles have been provided in accordance with the details shown on drawing 124-03 Rev?. Once provided, these must be retained for their intended purpose at all times during the construction of the development.

8. The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed.
9. Prior to the commencement of the development a scheme detailing the surface water drainage strategy including the maintenance and management shall be submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to: i) evidence that other means of surface water drainage have been properly considered and why they have been discounted; and ii) the means of discharging to the public sewer network at a rate to be agreed by the Local Planning Authority following consultation with the statutory sewerage undertaker. The development shall commence in accordance with approved scheme and thereafter retained and maintained in accordance with the agreed details. There shall be no piped discharge of surface water from the development prior to the completion of the approved scheme.
10. All existing hedges shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site, by the erection of protective fencing in accordance with BS 5837:1991. Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years following completion of the approved development, shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as specified by the Authority.
11. No part of the development shall be used after the end of the first planting and seeding seasons following the first occupation or completion of the building(s) whichever is the sooner, of that dwelling unless those elements of the landscaping scheme which are shown on drawing number 124-03 ? received by the Hambleton District Council on XX 2022 been planted or seeded in those positions. In addition a section of new hedge shall be planted to extend the existing hedge from the south east corner of the site to abut the screen fence between plot 1 and the boundary with The Oaks. Any trees or plants which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species.
12. Notwithstanding the terms of condition 13 above, a detailed landscaping scheme showing landscaping within the curtilage of each dwelling indicating the type, height, species and location of all new trees and shrubs, shall be submitted and approved by the Local Planning Authority before the beginning of the first planting season following the issue of this decision. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.
13. Notwithstanding the terms of condition 2 above the dwellings hereby approved shall not be occupied until a 1.8m high close boarded fence has been erected along the

south east boundary of the site from the point marked SF1 to the south east of plot 1 on drawing number 124-03 ? extending to the north east corner of the site.

14. No development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority. Where contamination is suspected, no development shall be commenced until a Phase 2 assessment of the risks posed by contamination, carried out in line with the Environment Agency's Procedures for Land Contamination Risk Management (LCRM), has been submitted to and approved by the local planning authority.
15. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
16. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.
17. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.
18. Development shall be carried out in accordance with the recommendations at Section 4 of the Ecological Appraisal prepared by Quants Environmental Ltd dated October 2021
19. A) No demolition/development shall commence until a Written Scheme of Archaeological 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 of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Archaeological Investigation approved under condition (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 Archaeological Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of the visual amenity of the area in accordance with Local Plan policy E1.
3. In the interests of the visual amenity of the area in accordance with Local Plan policy E1.
4. To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users, in accordance with Local Plan policy IC2.
5. In the interests of highway safety in accordance with Local Plan policy IC2
6. To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development, in accordance with Local Plan policy IC2
7. In the interest of public safety and amenity in accordance with Local Plan policy IC2.
8. In the interest of satisfactory and sustainable drainage in accordance with Local Plan policy RM3.
9. To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with Local Plan policy RM3.
10. To ensure the continuity of amenity afforded by existing hedges in accordance with Policies E1 and E7
11. In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan policies E1, E3 and E7
12. In order to soften the visual appearance of the development and in the interests of enhancing the biodiversity of the site in accordance with Local Plan policies E1, E3 and E7

13. In the interests of privacy and residential amenity, in accordance with Hambleton Local Plan policy E2
14. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with local plan policy RM5
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with local plan policy RM5
16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, in accordance with local plan policy RM5
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with local plan policy RM5
18. In the interests of enhancing the biodiversity of the site in accordance with Local Plan policy E3
19. In accordance with Section 16 of the NPPF (paragraph 205) as the site is of archaeological significance, and local plan policies S7 and E5

**Parish: Sandhutton**

Ward: Thirsk

**7**

Committee Date: 4 August 2022

Officer dealing: Mr Connor Harrison

Target Date: 8 July 2022

Date of extension of time (if agreed): -

**22/01061/REM**

**Application for approval of reserved matters considering appearance, landscaping, layout and scale (in addition the size, type and mix) following outline approval 21/01762/OUT (allowed on appeal) for Application for Outline Planning Permission with some matters reserved (considering access) for a development of 5no dwellings**

**At: Part OS Field 0038, Foss Syke Lane, Sandhutton**

**For: Mr Wheatley**

**The proposal is presented to the planning committee as it is considered contrary to the Development Plan**

## **1.0 Site, context and proposal**

- 1.1 The site is located adjacent to a defined settlement (Sandhutton). Sandhutton is defined as a Service Village within the Local Plan.
- 1.2 The location of the proposed development is upon agricultural land on the northern perimeter of Sandhutton. The site consists of the southern part of a field which lies between the main form of the settlement and the village hall to the north. The site is located on the western side of the A167 and is to the immediate north of a Public Right of Way (PROW).
- 1.3 The proposal seeks reserved matters permission, following on from the grant of outline planning permission for five dwellings with the access approved which was allowed at appeal in January 2022. The matters to be considered as part of this application are; appearance, scale, layout and landscaping.
- 1.4 The proposed dwellings would consist of one five-bedroom property (232m<sup>2</sup>), one four-bedroom property (192m<sup>2</sup>), two three-bedroom properties (179m<sup>2</sup> and 126m<sup>2</sup>) and a two-bedroom property (106m<sup>2</sup>). The proposal does not include any provision for affordable housing or contributions.
- 1.5 Amended plans were submitted on the 19 July 2022 which altered the proposed layout, the design and sizes of the dwellings as well as the landscaping associated with the scheme.

## **2.0 Relevant planning history**

- 2.1 21/01762/OUT - Application for Outline Planning Permission with some matters reserved (considering access and landscaping) for a development of 5no dwellings – allowed at appeal on 31 January 2022.

### **3.0 Relevant planning policies**

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set out at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Local Plan Policy S1 - Sustainable Development Principles  
Local Plan Policy S3 - Spatial Distribution  
Local Plan Policy S7: The Historic Environment  
Local Plan Policy HG2 - Delivering the Right Type of Homes  
Local Plan Policy E1 - Design  
Local Plan Policy E2 - Amenity  
Local Plan Policy E4 – Green Infrastructure  
Local Plan Policy E5 - Development Affecting Heritage Assets  
Local Plan Policy E7 - Hambleton's Landscapes  
Local Plan Policy IC2 - Transport and Accessibility  
Local Plan Policy RM1 - Water Quality and Supply  
Local Plan Policy RM5 - Ground Contamination and Groundwater Pollution  
Size, type and tenure of new homes SPD 2015 and 2022

### **4.0 Consultations**

#### **4.1 Parish Council – Object to the proposal (summarised below):**

- The properties are outside the property line.
- Views will be compromised by being built upon.
- [The images on Page 20 of the Design Statement] do not relate to Sandhutton.
- How are the proposed wildflower meadows to be maintained?
- From Northallerton into the village the super-imposed image is a misrepresentation of the proposed views into the village, as there will not be the expanse of green field as indicated.
- [The waymarker] is historical and must remain in place.
- [The proposed six-foot wall] could be particularly hazardous for large agricultural vehicles and deliveries. As there are large vehicles regularly using the adjoining lane and has been highlighted by other residents too.
- Sandhutton Village is known to flood, the existing pumping station cannot cope – Sandhutton Parish Council recommend consideration is given to upgrading or installing additional infrastructure or install treatment plants.
- The West elevation of the village is predominantly Bungalows. Previous builds of two storey dwellings have been refused for this specific reason. Sandhutton Parish Council have received many comments from persons regarding this development, who have had planning refused for this reason.
- Would like a condition that permission is given to only allowing the build of Bungalows for this application.

#### **4.2 Neighbours and Site Notice – Four objections received (summarised below):**

- The Design and Access Statement Ref 2098140 page14 shows the boundary for the back gardens of Craddock Row. The proposed development extends northward beyond this point and the Appeal Decision (7) states "Nonetheless, to



my mind, the existing properties on Craddock Row to the east of the A167 represent the northern most limits of the village".

- The site boundary is shown in red; this means the northern boundary of the proposed development is beyond the boundary of Craddock Row (this includes the farmers ROW/Turning head) and exceeds the northernmost limits of the village. There are also two Landscape Buffer/Wildflower meadows shown on the plans, the west meadow having double gate access to it from unit 5 (is this for the exclusive use of unit 5?)
- The farmers Row/Turning head also has double gates giving access to land north of the boundary. Access to this land has always been from Foss Syke Lane. What is the purpose of the gates?
- Road safety needs to be addressed as it may not be possible to see approaching traffic when looking south from the driveway at Lone House due to proposed hedge/trees and further on a brick wall.
- If the 2.4 x 43m visibility splay shown on Design and Access Statement page 19 is applied to this exit onto the A167 I don't think you will see past the brick wall...Eye height of 1.05m and clear of obstructions greater than 600mm, the stated height of the brick wall is 1200mm with the piers being 1600mm both of which are above the limit.
- The brick wall in mention appears to be about 28-30m long...it will not enhance the character of the village and to my mind will look unsightly. According to the plans the reason for trees, hedges and meadows is to soften the look, I don't think a brick wall will achieve this.
- Considering the design of the properties I believe they will look out of place and perhaps they should be bungalows in keeping with the relatively new bungalow at the start of Craddock Row which is directly opposite the proposed development and does not look out of place.
- The application is for dwellings for the benefit of the community of Sandhutton, yet it is for large detached executive houses, which are not required in the village, and the position seems inconsistent. If properties are to be built on the site surely they should be of a different nature, such as low level bungalows in keeping with village aesthetics, which are meant to be protected. Or for lower cost starter homes for first time buyers, such as the younger population in the village.
- My other concern is with the proposed 1.8m wall which will severely restrict the view of people accessing the busy A167 from Foss Syke Lane.
- How and where [does] this application takes into account the line from the 3 properties to the Village Hall, as I can only see it has been ignored leaving 2 dwellings, Briardene and Sunnybank almost completely in front of the line.
- On the edge of Foss Syke Lane there is a waymarker. We would not wish to see this ancient artefact removed or damaged.
- The properties on the main road adjacent to the proposed development are all single-storey.
- The proposed 2 ½ storey dwellings are not in keeping with the neighbouring properties. Single story dwellings would be more beneficial to the aging population of the area, allowing them to remain independent and living in a rural environment.
- The proposed development is located on prime agricultural land which has grown crops for human consumption for at least the past 64 years. In the current economic climate, it does not sit comfortably that this will be lost to yet another executive housing development not benefiting local residents.

- The land adjacent to Foss Syke Lane floods all year round. There are constant problems with surface water drainage along the very busy public footpath. This often makes walking along the footpath impossible, thereby causing restrictive areas to walk within the village. Yorkshire Water have been in attendance yet again within the past few weeks as the water was spilling onto the A167 and causing further hazards to motorists.
- As the village of Sandhutton has very few affordable/smaller number of bedroom properties as requested in the Village Local plan I feel that the reserved matters application Units 3, 4 and 5 look huge in plan terms against the size of the houses proposed on the original outline application and should therefore not be approved.

- 4.3 NYCC Highways Authority – No objections. Conditions and Informative advised.
- 4.4 Contaminated Land Officer– No contamination found in information supplied as part of outline permission, the condition included in the approval remains extant. No objections.
- 4.5 Yorkshire Water – No comments. Foul and Surface Water Drainage can be dealt with via a future discharge of conditions relating to the outline permission.
- 4.6 RAF Linton-on-Ouse – No response.
- 4.7 NYCC Public Rights of Way - Our response remains the same as that submitted on 18th August 2021 with regard to the application for outline planning permission (21/01762/OUT) advising there is a Public Right of Way within or adjoining the application site boundary and providing further comments.”
- 4.8 The Ramblers Association – No response.
- 4.9 Yorkshire Wildlife Trust – No response.
- 4.10 Waste and Streetscene – Only concern is around size of bin collection compound. Doubling [the capacity] would help, it would reduce the likelihood of residents leaving receptacles on footpath areas etc. I would suggest making the compound such that access is available to all receptacles without receptacles having to be moved.
- 4.11 Rural Housing Officer – “There is a need for smaller properties across the Thirsk area. In response to the application 22/01061/REM the size and mix of the properties on the application does not reflect the need.

In addition, whilst I understand there is no affordable housing allocation required on this site (due to the application being processed prior to the adoption of the new local plan), it should be noted that any subsequent applications on adjoining land would likely trigger an affordable housing requirement.

The last time we had a property advertised in Sandhutton was March 2022, this received 15 bids and was let to 1st applicant on shortlist (Gold band).”

- 4.12 Environmental Health – No objection.

## 5.0 Analysis

- 5.1 The main issues to be considered are; i) whether the proposed housing mix is appropriate; ii) design and landscape impact; iii) impact on the character of the countryside; iv) impact upon the amenity of neighbouring residents and the occupiers of the proposed site and v) other matters.

### Housing mix

- 5.2 Condition 5 of the Inspectors appeal decision required that the reserved matters application for this site provide for a mix in line with that of the Size, Type and Tenure of New Homes SPD, which was adopted in September 2015. Officers have taken the view that, as this decision was made prior to the adoption of the Local Plan, using the relevant policy in addition to the Housing SPD adopted in July 2022 would be appropriate and would accord with the principle behind the condition.
- 5.3 The Size, Type and Tenure of New Homes SPD allowed for housing schemes under 25 dwellings to claim a degree of exemption from adhering to the mix identified within the SHMA. This SPD is due to be replaced by the Housing SPD in July 2022. A successor document (the Housing SPD) has not yet been formally adopted but has been taken to the council's cabinet and as such is afforded significant weight.
- 5.4 The Housing SPD does not allow for such an exemption, instead taking a broader approach where the determination of a scheme's requirement to meet the desired mix is more dependent on the individual circumstances of the site. It is acknowledged that there is some demand for larger houses and that a number of factors can be appropriate and relevant when determining the acceptability of a mix (e.g. the current housing market conditions, etc.). Despite this, however, there still remains within the document an approach which emphasises the need for smaller, more modest dwellings.
- 5.5 Policy HG2(f) requires that, within a development, a range of house types be provided that reflect and respond to the existing and future needs of the district. These needs are outlined within the updated Strategic Housing Market Assessment (SHMA), which indicates that one-bedroom dwellings form 15-20% of the identified need, two-bedroom dwellings 40%, three-bedroom dwellings 35% and four-plus-bedroom dwellings 5-10%.
- 5.6 The mix achieved by the scheme, as outlined above, is broadly appropriate in terms of the number of bedrooms provided as part of the development, with more than half of the dwellings being either 2- or 3- bedrooms. Each dwelling is also NDSS compliant.
- 5.7 The range of dwellings provided - whilst NDSS compliant - are considered to be excessively large. This would run contrary to HG2(f), where house types and sizes are to be dictated by local housing need, market conditions and the ability of the site to accommodate a mix of housing. There is a district-wide aim to increase the amount of smaller dwellings and whilst this can refer to the amount of bedrooms within a given property, it is also considered that it can refer to the floorspace of a property.

- 5.8 In this regard, the mix is not considered to be appropriate and does not accord with the requirements of HG2(f) or the relevant SPDs, all of which place emphasis on the provision of smaller (and therefore more affordable) homes. There is a need for smaller properties across the Thirsk area. The Rural Housing Officer considers that the size and mix of the properties on the does not reflect the need. All of the units within the scheme are significantly (between 30-80%) larger than the values given within the NDSS for the dwelling type. Whilst extending floorspace beyond the NDSS measurements is not in itself to be discouraged (as they represent the minimum acceptable standard), there is clearly a judgement to be considered in assessing whether development is considered as more “executive”-style dwellings as opposed to smaller, more affordable units of which extent of floorspace is considered to be a reasonable judgement.
- 5.9 It is considered that the scheme therefore does not accord with Local Plan Policies S2, HG2(f) or the Size, Type and Tenure of New Homes or the Housing SPDs. It is also considered that the proposal conflicts with Condition 5 of the outline permission in that the proposal conflicts with the requirements of the Size, Type and Tenure of New Homes SPD or the successor documents.

#### Design and landscape impact

- 5.10 The NPPF at Paragraph 130(c) requires that developments are sympathetic to local character, including the surrounding built environment and landscape setting. This is reflected within Policies E1 and E7 of the Local Plan.
- 5.11 Policies E1(a) and E1(b) requires that developments respond positively to their context and draw inspiration from their surroundings and that they respect and contribute positively to local character, identity and distinctiveness. Whilst the proposal makes use of appropriate materials (brick and pantile) and incorporates various elements associated with the vernacular form of Sandhutton it is considered that the overall scheme does not appear to respect or reflect the form, scale, layout and design of Sandhutton in this prominent visible location at the entrance to the village adjacent the main throughfare. Rather, the combination of features from disparate parts of the settlement has resulted in a form, scale and layout that is not representative of the local character nor reflective of dwellings on the other side of the throughfare at the entrance to the village as one approaches Sandhutton.
- 5.12 The character of Sandhutton is typically conventional, and is largely typified by relatively modest terraces, with few large, detached dwellings present in the village. Whilst there are some large dwellings within the settlement, they are an exception and are not sited within the vicinity of the site. The size of the units, their form; comprising each of a number of built components/extensions in combination with a number of features which would be visually incongruous (such as the north-facing window on Unit 3 or the blank elevation facing the road on Unit 1) mean that, ultimately, the visual relationship between the development and its surroundings would not be easily understood nor reflected and it is considered that the proposal would not positively contribute to nor reflect the local character. Though the submitted amended layout of the site pays closer attention to the linear form which appears to be characteristic of development along the A167, the bulk of the development would take place to the west of the road.

- 5.13 The proposed dwellings are large in scale and mass. Though there have been clear efforts to ensure that the proposed dwellings do not overbear vertically, the desire of the scheme to provide for a sizeable floorspace for each dwelling has led to the units being rather “long” in appearance, and comprise of numerous parts and components with the units ranging between approximately 11-23m in width.
- 5.14 This maximisation of floorspace has resulted in the proposal appearing out of scale within its content. When viewed from the north-east (from the A167) the development from Unit 2 to Unit 5 would appear as an almost unbroken mass stretching westwards for approximately 54m. Whilst the amended plans have incorporated more visual gaps into the scheme, visual permeability would remain low, particularly at the western end of the development and the units would appear as a single mass. This is regarded as being contrary to its setting at the edge of Sandhutton, where the expectation would be of a more visually diffuse development to soften the impact of the built form and to give the sense of a transition between the settlement and the open countryside.
- 5.15 The proposal would be very visually prominent, particularly from the A167 and due to this prominence, would determine to a large degree how Sandhutton is experienced by individuals passing through the settlement. Policy E7 seeks to ensure that a development will “protect and enhance the distinctive character of settlement...by ensuring that the development is appropriate to, and integrates with, the character and townscape of the surrounding area”. It has already been considered above that there would be harm to the character of Sandhutton as a result of the development and the proposed landscaping plan, whilst making good use of additional planting, would not adequately mitigate this visual impact.
- 5.16 Despite this inability to mitigate the wider visual impact of the development, the landscaping scheme incorporates a reasonable buffer in order to maintain the building line of the settlement and the additional planting within the scheme, including new hedgerow and trees is considered to be appropriate to the location. The use of planting would help to soften the visual impact of the development somewhat and the sporadic siting of trees, rather than the planting of a bank, ensures that the planting does not intrude on the open quality of the surrounding landscape.
- 5.17 Despite the positive qualities of the landscaping scheme, it is considered that the visual impact on the local area and impact on wider views of the countryside would be considerable. The scale, form and massing of the proposed site would appear prominent in this edge-of-village location and the presence of a PROW to the south and south-west ensures that views from the countryside are relatively extensive. The western site boundary does not benefit from additional planting and so the visual impact would not be softened from this aspect.
- 5.18 The proposed development does not pay sufficient regard to the character, layout, form, scale and appearance of Sandhutton and is considered to be contrary to Policies S1, S5, E1, E7.

#### Amenity

- 5.19 The site is not within proximity of any building which is considered to be a potential source of noise, odour, light or pollution. Additionally, the proposed units are not

considered to be so close to each other as to cause overbearance or issues of privacy and each unit has adequate private amenity space. The site is sufficiently distant from neighbouring properties as to not result in any neighbour amenity concerns.

5.20 Neither Environmental Health nor the Council's Scientific Officer have any concerns regarding the site and have no objections to the scheme.

5.21 The proposal is therefore considered to accord with Policy E2.

#### Highway safety and PROW

5.22 There is provision of parking on site. The number of spaces that have been allocated to each dwelling are sufficient to accord with NYCC Highway's parking standards for properties in a rural area and NYCC Highways Authority did not offer any objections to the proposal when consulted. NYCC'S PROW team similarly did not register any objections to the scheme.

5.23 There has been concern expressed over the impact of the boundary treatments at the junction of Foss Syke Lane and the A167, with the presence of a wall causing concern. This wall has been removed from the updated site plan in favour of a hedge. NYCC Highways Authority have not objected to the proposal.

5.24 It is considered that the application meets the requirements of Policy IC2.

#### Drainage

5.25 The submission of a drainage scheme was imposed by condition as part of the outline planning permission granted by the Inspector at appeal and so this is expected to be able to be dealt with as part of any future discharge of conditions application. As such, it has not been identified as a matter of concern within this reserved matters submission. The proposal would not be considered to have an adverse impact on the quality of the water resources or surface/groundwater in the area and is therefore can be considered to be consistent with Policies RM1 and RM5.

#### Green infrastructure

5.26 The site is within the Swale Green Corridor. The proposal will have a mild positive impact on the green infrastructure – the field is currently in agricultural use and so its ecological value is relatively limited whereas the proposed landscape buffer and planting would provide a small increase in biodiversity and viable habitats. As such, the proposal is consistent with Policy E4.

5.27 It should be noted that one half of the proposed landscape buffer has an access that is solely linked to Unit 5. As such, this could be regarded as forming part of the garden area associated with this property and so any grant of planning permission should seek to maintain its landscape value.

## Heritage matters

- 5.28 On the south-west corner of the site there is an old milestone, adjacent to the highway. Whilst Historic England do not wish to list the structure (as it has moved from its original position approximately 600m north of Sandhutton) it still retains some heritage value and is considered to be a Non-Designated Heritage Asset.
- 5.29 The proposal does not include the removal of the milepost and it can be seen on the amended proposed site plan. The importance of the heritage asset's setting relates more to its proximity to the settlements named on its structure and its position next to the highway. As it is not proposed to be moved from its current position, the historic context and setting is considered to be largely unaffected. Policy E5 is therefore considered to have been met by the proposal.

## Planning balance

- 5.30 It is considered that the proposal does not comply with S1, S3, S5, HG2, E1 and E7 or the relevant sections of the NPPF. Additionally, it does not meet the requirements of Size, Type and Tenure or Housing SPDs.
- 5.31 It is held that the proposal would not reflect the character and appearance of the settlement by virtue of the proposed design, form, scale and massing of the development. Furthermore, it would not deliver dwellings of an appropriate size and type as required by the Local Plan and the supplementary planning documents.
- 5.32 However, the proposal is considered to accord with the requirements of Policies S7, E2, IC2, RM1, RM5, E4 and E5 as well as the relevant sections of the NPPF. There is considered to be no negative amenity impact to either proposed occupiers or neighbouring properties, adequate parking provision would be provided. There would be no impact on water quality and a mild improvement on the current green infrastructure.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):-
1. The proposal does not meet the requirements of Policies S1, S3, S5, HG2, E1 and E7 or the relevant sections of the NPPF in that it does not accord with the established character and appearance of the village by virtue of its form, design, scale and layout. Development should relate to its context and setting and should not result in a detrimental impact to its surroundings. It is considered that the large scale and massing of the proposed development constitutes inappropriate development in the visually prominent location adjacent the countryside and main throughfare at the entrance to the village.
  2. The proposal does not meet the requirements of Policy HG2(f) or of the Size, Type and Tenure or Housing SPDs as the proposed units do not represent a sufficiently appropriate mix of floorspaces and the scheme does not sufficiently provide for smaller homes within the District and the Thirsk area, the need for which is identified in the Size, Type and Tenure of New Homes SPD and in the Council's own assessments (the SHMA).

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**Parish: Stillington**  
Ward: Huby  
**8**

Committee date: 4th August 2022  
Officer dealing: Marc Pearson  
Target date: 9th August 2022

**22/00004/TPO2**

**Hambleton District Council (Stillington Parish Council) Tree Preservation Order  
2022 No 4**

**At: Weddells Cottage, Main Street, Stillington**

**The report is brought to Planning Committee as there has been an objection made  
to the Order**

**1.0 Site, Context and Proposal**

- 1.1 This report considers the confirmation of Tree Preservation Order (TPO) 2022 No 4 relating to three trees at Weddells Cottage situated on the south side of Main Street in Stillington. In February 2022 a tree notification (ref no. 22/00096/CAT) was submitted to the Local Planning Authority for the removal of three Silver Birch trees. Officers considered it was appropriate to make a Tree Preservation Order on the trees. Since the making of the order the applicant has employed an arboriculturist to provide advice and it has subsequently been identified that one of the Silver Birch trees (T1) is in fact a weeping variety.
- 1.2 On the basis of the Arboricultural Survey the applicant has submitted a TPO application for works to T1 (now identified as a Weeping Silver Birch) and removal of T2 and T3 Silver Birch. This application has been approved and therefore the order needs to be amended to only include T1 and to change the species of this tree.

**2.0 Relevant Planning History**

- 2.1 16/01823/CAT - Proposed work to remove a tree in a conservation area. Approved.
- 2.2 22/00096/CAT - Works to fell trees in a Conservation Area. TPO served.
- 2.3 22/01488/CAT - Works to fell tree in a Conservation Area. Approved.
- 2.4 22/01439/TPO - Works to fell T2 and T3 and works to tree T4 of Tree Preservation Order 22/00004/TPO2 Approved 25 July 2022 subject to replanting condition.

**3.0 Relevant Planning Policies**

- 3.1 The relevant policies are:
- E3LP – The Natural Environment
  - E4LP - Green Infrastructure
  - E7LP - Hambleton's Landscapes
  - National Planning Policy Framework

## 4.0 Consultations

- 4.1 Three objections received from the owners of the trees and two neighbours as summarised below:
- Concerns about leaf and branch fall into garden and property gutters together with impact on cars parked on the driveway
  - Concerns about damage telephone wires that pass through the tree canopy
  - The trees are not appropriate for their location.
  - Concern about stability of the trees and damage to neighbouring property
  - The trees are not visible from the public domain, are not on display and therefore do not satisfy the relevant criteria for preservation

## 5.0 Analysis

- 5.1 The purpose of a tree preservation order is to protect trees which are deemed to be of significant amenity value to the local surroundings especially where they are in immediate risk of felling.
- 5.2 A notification to remove the three trees in the rear garden (22/00096/CAT) had been submitted showing the trees were clearly at risk of felling. Since the making of the Order the applicant has submitted a TPO application (ref no.22/01439/TPO) to remove T2 and T3 and this has been approved. On this basis the analysis below only considers the making of the Order for T1 (noted as T4 in the applicant's agent's report, which is identified as Weeping Silver Birch).
- 5.3 The submitted objections to the Order in part relate to issues associated with T2 and T3 which now have consent to be felled. It is also noted that one observation from one of the objectors to the Order, fully supported the approved TPO application (ref no. 22/01439/TPO). This in effect removes this particular objection to the Order. Nevertheless, it is noted that other objections to the remain.
- 5.4 The Planning Practice Guidance states it may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned, or damaged in ways which would have a significant impact on the amenity of the area. Furthermore, it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases, the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.
- 5.5 The TPO has been assessed against the criteria within the Planning Practice Guidance.

### Visibility

The extent to which the trees or woodlands can be seen by the public will inform the authority's assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public.

### Individual, collective and wider impact

Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

#### Other factors

Where relevant to an assessment of the amenity value of trees or woodlands, authorities may consider taking into account other factors, such as importance to nature conservation or response to climate change. These factors alone would not warrant making an Order.

- 5.6 The assessment of the amenity of the trees is therefore to be considered against these criteria.

#### Criterion 1: Visibility

- 5.7 T1 contributes to the visual amenity of the area in views from Main Street and South Back Lane. Therefore, it is considered that the tree is sufficiently visible to the general public to warrant their protection through the TPO.

#### Criterion 2: Individual, collective and wider impact

- 5.8 The tree sits in the rear garden of the property and this is in common with other gardens in the vicinity and is part of the character of the Stillington Conservation. On this basis the tree contributes to the character of this part of the village.

#### Criterion 3: Other factors

- 5.9 The trees are not considered to be of particular significance to nature conservation other than to have a general contribution to nature conservation and climate change implications as any tree would do.
- 5.10 The trees contribute significantly to the amenity of the area when considered against the relevant planning criteria and result in a reasonable degree of public benefit. There are no material considerations that are considered to outweigh this conclusion.
- 5.11 It is therefore recommended that Tree Preservation Order 2022 No 4 is confirmed subject to change of species of T1 to a Weeping Silver Birch and that T2 and T3 are omitted from the Order

### **6.0 Recommendation**

- 6.1 That Tree Preservation Order 2022 No 4 is confirmed subject to the amendment noted above that removes T2 and T3 from the Order.

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