

Committee Administrator: Democratic Services Officer (01609 767015)

Wednesday, 16 November 2022

Dear Councillor

### Notice of Meeting

Meeting            **Planning Committee**

Date                **Thursday, 24 November 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: 872 433 740# For further information please contact Democratic Services on telephone 01609 767015 or email [committeeservices@hambledon.gov.uk](mailto:committeeservices@hambledon.gov.uk)

## Agenda

### Page No

1. Minutes

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To confirm the minutes of the meeting held on 27 October 2022 (P.15 - P.16), 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, 27th October, 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	B Phillips
	D B Elders		A Robinson
	Mrs B S Fortune		M G Taylor
	B Griffiths		A Wake
	K G Hardisty		D A Webster
	J Noone		

Also in Attendance

Councillor	P A James	Councillor	Mrs I Sanderson
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An apology for absence was received from Councillor B Phillips (morning session)

## P.15 Minutes

### The Decision:

That the minutes of the meeting of the Committee held on 29 September 2022 (P.13 - P.14), previously circulated, be signed as a correct record.

## P.16 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) 22/00032/FUL - Conversion of former agricultural buildings to one farm workers dwelling for Mr and Mrs David Hugill at Dromonby Grange Farm, Kirkby in Cleveland

Permission Granted

- (2) 21/00730/FUL - Change of use and extension of existing agricultural building and land to mixed agricultural and commercial use for Mrs R Stephenson at Skate Beck Farm, Great Busby, TS9 5LB

Permission Granted subject to the conditions proposed by Environmental Health in relation to amenity and a condition for additional landscaping. The Committee was satisfied that, subject to the landscaping condition, the proposal would not have a harmful impact to character of the area. The Committee also found that there was an exceptional justification to grant the application having considered information regarding the lack of suitable alternative sites for this proposal due to the constraints on the applicant's existing business and the necessity for close proximity to its existing client base.

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

(The applicant's agent, Jonathan Saddington, spoke in support of the application.)

- (3) 21/02643/FUL - Construction of 6 no. poultry buildings, associated infrastructure, attenuation pond, new access track and hardstanding for Mr Henry Dent at Land north of Hag Lane, Raskelf

Defer to request the presence of a Local Highways Authority Officer at a Planning Committee meeting in order to answer questions on specific highways concerns and to obtain further information on the economic and amenity impact of the proposal.

(The applicant's agent, Ian Pick, spoke in support of the application.)

(Keith Ibbotson spoke on behalf of Tholthorpe Parish Meeting objecting to the application.)

Note: The meeting adjourned at 11.37am and reconvened at 1.30pm.

Note: Councillor Mrs I Sanderson arrived at the meeting at 1.30pm.

- (4) 22/00739/FUL - Application for change of use of land for an additional 6no Gypsy/Traveller pitches comprising 6 no. static caravans, 6no day rooms, 6no touring caravans, and associated works for Ms C Bird at Land to the rear of The Workshop, Stokesley Road, Brompton

Permission Refused subject to an additional reason for refusal on the basis that the applicant failed to provide a non-mains foul drainage assessment in accordance with Policy RM1.

- (5) 22/00011/TPO2 - TPO three trees, objection received on behalf of the owner of Thirsk Furniture Products Ltd at Eastern Boundary, Unit B Johnson Way, Thirsk Industrial Park, Thirsk

That Tree Preservation Order 2022 No. 11 is not confirmed. The Committee was not satisfied that the trees had significant amenity value given their location and species and furthermore the Committee found that the trees were not under immediate threat of removal.

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

(The landowner, Chris Blair, spoke objecting to the confirmation of the Order.)

- (6) 22/00139/FUL - Revised application for construction of 2 No. free range egg units with associated hardstandings, feed bins, access roads, attenuation ponds and landscaping (amended scheme of 21/00794/FUL) for Mr Steven Tweddle at Land east of Pillrigg Lane track and south-east of Moor Lane, Thornton Le Beans

Permission Refused subject to an amendment to the first reason for refusal to include harm to the openness of the landscape; and additional

reasons for refusal in relation to the detrimental impact on amenity, light pollution, detrimental impact to amenity and highways safety for users (particularly pedestrians and cyclists) of Allerton Wath Road, potential pollution of the watercourse occurring from waste of roaming livestock and potential air pollution as a result of an inadequate ventilation system.

(The applicant, Mr Steven Tweddle, spoke in support of the application.)

(Helen Hamilton spoke on behalf of Thornton le Beans Parish Council objecting to the application.)

(Fred Wachsberger spoke on behalf of Borrowby Parish Council objecting to the application.)

(David Brown and Norman Boden spoke objecting to the application.)

### **Disclosure of Interest**

Councillor A Robinson disclosed a personal interest as a resident of Borrowby.

Note: Councillor Mrs I Sanderson left the meeting at 3.41pm

Note: The meeting was adjourned at 3.41pm and reconvened at 3.53pm

- (7) 22/00010/TPO2 - Hambleton District Council (Knayton With Brawith Parish Council) Tree Preservation Order 2022 No 10 at North of Stone House, Knayton Thirsk

That Tree Preservation Order 2022 No. 10 is confirmed

(The neighbour, Sarah Lane, spoke objecting to the confirmation of the Order.)

- (8) 18/00097/OUT - Outline Application (with all matters reserved) for the conversion of agricultural buildings to provide up to 3 residential dwellings for Newburgh Priory Estate at High Lions Farm, Yearsley, North Yorkshire, YO61 4SN

Permission Granted

(The applicant's agent, Lucy Stephenson, spoke in support of the application.)

- (9) 18/00144/OUT - Outline application for the redevelopment of the site for up to 9 residential dwellings (Class C) for Mr Stephen Wombwell at Oulston Hall, Oulston, North Yorkshire YO61 3RA

Permission Granted subject to the reserved matters application being brought back for determination by Planning Committee.

(The applicant's agent, Lucy Stephenson, spoke in support of the application).

(Nick Eleanor spoke on behalf of Oulston Parish Meeting objecting to the application.)

Note: Councillor P James left the meeting at 4.52pm

- (10) Item 10 - 22/01474/OUT - Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively) for Mr R Bannister (PG Lime Dalton Limited) at Eldmire Farm, Eldmire Lane, Dalton, YO7 3HE

Defer to allow for further consultation.

(The applicant's agent, Hamish Robertshaw, spoke in support of the application.)

(Jamie Moores spoke on behalf of Topcliffe Parish Council objecting to the application.)

- (11) 22/02301/TPO - Works of reduction and maintenance work to trees subject of TPO 1959/07 and removal of two trees for Sowerby Parish Council at The Village Green, Front Street, Sowerby

Permission Granted

#### **Disclosure of Interest**

Councillor P Bardon disclosed a personal interest as Vice-Chairman of Sowerby Parish Council and left the meeting prior to discussion and voting on this item.

Councillor J Noone in the Chair.

Note: Councillor A Robinson left the meeting at 5.16pm

Councillor P Bardon returned to the meeting prior to any discussion and voting on Item 12 on the agenda (Councillor P Bardon in the Chair).

- (12) 21/02619/FUL - Demolition of all existing buildings and the construction of 10 no. dwellings for Mulgrave Developments Ltd at Shipton Service Station Main Street, Shipton by Beningborough

Permission Granted

(The applicant's agent, Chris Megson, spoke in support of the application.)

The meeting closed at 5.30 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 24 November 2022. The meeting will commence at 10am.**

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 24<sup>th</sup> November 2022

Item No	Application Ref / Officer / Parish	Proposal / Site Description
	<b>Morning Session 10am start</b>	
<b>1</b>	22/02265/FUL Angela Sunley Borrowby  Page No. 13	Extension to the rear of the property  For: Mrs Tracy Price At: Valentine Cottage, Back Lane, Borrowby, Thirsk, North Yorkshire, YO7 4QQ  <b>RECOMMENDATION: APPROVAL</b>
<b>2</b>	21/00966/REM Aisling O'Driscoll Brafferton and Helperby  Page No. 17	Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings - Amended Plans Received 28.10.2022  For: Brafferton Manor Farmers At: OS Field 0046, Brafferton to West Moor, Brafferton  <b>RECOMMENDATION: APPROVAL</b>
<b>3</b>	22/01835/MRC Nathan Puckering Brompton  Page No. 33	Application for the modification of condition 2, for previously approved application 20/00898/REM -Remove drawing RFM-XX-00-DR-L-001 - New Drawings received 0780-RFM-02-00-DR-L-0001-S3-P02 - Northern Area Detailed General Arrangement Plan 1 of 2, 0780-RFM-02-00-DR-L-0002-S3-P02 - Northern Area Detailed General Arrangement Plan 2 of 2, 0780-RFM-01-00-DR-L-0001-S3-P02 - Southern Area General Arrangement Plan 1 of 2, 0780-RFM-01-00-DR-L-0002-S3-P02 - Southern Area General Arrangement Plan 2 of 2  For: Mr Steven Lister At: Taylor Wimpey Thurstan Park Development, North Northallerton Phase 1A Land at Stokesley Road Northallerton  <b>RECOMMENDATION: APPROVAL</b>

Item No	Application Ref / Officer / Parish	Proposal / Site Description
4	22/02223/FUL Angela Sunley Great Ayton  Page No.41	Two storey extension to rear of house, Single storey extension to side and rear of house, Porch to front elevation, Loft conversion, Render full building and new gravel drive area.  For: Mr Graham Castle-Ward At: 1A Bridge Street, Great Ayton, Middlesbrough, North Yorkshire, TS9 6NP  <b>RECOMMENDATION: APPROVAL</b>
5	22/02194/FUL Helen Ledger Nether Silton  Page No. 45	Proposed attic conversion, 2no. dormers window to the front elevation, and 3no. Velux rooflights to the rear elevation  For: Mr K Ashbridge At: Silton House, Lead Lane, Nether Silton Thirsk, YO7 2JZ  <b>RECOMMENDATION: REFUSAL</b>
	<b>Afternoon Session 13:30pm</b>	
6	22/01668/MRC Craig Allison Seamer  Page No. 51	Variation of conditions attached to Planning Application Reference Number: 76/0609/FUL (2/128/36/PA)- Construction of an Agricultural general purpose storage building  For: Mr M Nichols At: Land and Buildings at Tanton Road, Seamer  <b>RECOMMENDATION: REFUSAL</b>
7	21/02612/FUL Craig Allison Skipton-on-Swale  Page No. 61	Retrospective application for the siting of external apparatus and soil bund and proposed application for siting of dust storage building  For: Mr D Sanderson At: Sandholme Farm, Skipton on Swale  <b>RECOMMENDATION: APPROVAL</b>
8	22/00166/FUL Andrew Cotton Thirsk  Page No. 73	Demolition of existing structures and construction of 9 dwellings and associated parking and landscaping  For: Frontline Estates Ltd At: Land to the south of Station Road, Thirsk  <b>RECOMMENDATION: APPROVAL</b>

Item No	Application Ref / Officer / Parish	Proposal / Site Description
9	21/02959/FUL Ian Nesbit Thirsk  Page No. 87	Construction of 43no dwellings, garages, access roads and ancillary services (As Amended - Revised Site Layout and Enclosures Layout Plans received 27.09.2022; Ecological Impact and BNG Assessments received 07.10.2022)  For: Ms Samantha Barker At: Rybeck House, Stoneybrough Lane, Thirsk  <b>RECOMMENDATION: REFUSAL</b>
10	22/01474/OUT Ian Nesbit Topcliffe  Page No. 113	Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively)  For: Mr R Bannister At: Eldmire Farm, Eldmire Lane, Dalton, Thirsk  <b>RECOMMENDATION: APPROVAL</b>

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**Parish Borrowby**  
Ward: Bagby & Thorntons

**1**

**22/02265/FUL**

Committee Date: 24 November 2022  
Officer dealing: Mrs Angela Sunley  
Target Date: 29 November 2022  
Date of extension of time (if agreed):

### **Extension to the rear of the property**

**At: Valentine Cottage, Back Lane, Borrowby, Thirsk, North Yorkshire, YO7 4QQ**  
**For: Mrs Tracy Price**

**The application is brought to Planning Committee as the applicant is an employee of Hambleton District Council**

#### **1.0 Site, Context and Proposals**

- 1.1 The site occupies a double fronted, two storey, stone dwelling. The property sits in the middle of a group of terraced dwellings with substantial rear gardens. The property is located to the north-east fringe of Borrowby, within the Conservation Area
- 1.2 The dwelling has a small garden area to the front, at a higher level to that of the highway. Access to the rear of the dwelling is from Back Lane which lies to the east of the site.
- 1.3 The application is for an extension to the rear of the property.
- 1.4 The proposal is to extend an existing rear, single storey extension by 1.2 metres and create a first floor extension, to accommodate a bedroom with an en-suite.

#### **2.0 Relevant Planning History**

- 2.1 81/0507/FUL: Alterations and extensions to existing dwellinghouse to include car port with store – Permitted

#### **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 E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy S7: The Historic Environment

Local Plan Policy E5: Development Affecting Heritage Assets

Domestic Extensions SPD Dec 2009

National Planning Policy Framework

## **4.0 Consultations**

4.1 Borrowby Parish Council – No response, expiry date 25 October 2022

4.2 Neighbours - No response, expiry date 25 October 2022

4.3 Site notice - No response, expiry date 25 October 2022

## **5.0 Analysis**

5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on 1) the residential amenities of nearby properties and 2) whether the design and form of the proposed development would have a detrimental impact on the character and appearance of the dwelling and 3) the impact if any upon the surrounding area and the Conservation Area.

### **Impact on the Historic Environment**

5.2 S66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is had to the desirability of preserving the asset or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework paragraph 199 to 202 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.

5.3 S7 and E5 state. Development which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk, will be encouraged. Particular attention will be paid to the conservation of those elements which contribute most to Hambleton's distinctive character and sense of place. All development must ensure it has a sustainable future for the district's historic environment. Development proposals must protect and conserve the district's heritage assets and their settings, and where possible enhance them. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification.

5.4 Valentine Cottage is a terraced property and as a result the development to the rear of the property would not be publicly visible from the Conservation Area. However, there is potential for the development to be seen from Back Lane, a small lane to the east of the site, therefore considerations of the character of the dwelling and its setting must be considered, as well as the quality of design. Given the long rear gardens, existing outbuildings, existing screening, along with the scale and design of the proposed development, it is considered that the proposed extension would enhance and not compromise the spatial setting of the property and surrounding area. It is concluded that the proposed development results in no harm to the significance of the designated heritage asset.

### **Impact on residential amenity**

5.5 Policies S1, E2 and Hambleton District Council's guide on Domestic Extensions states; all development must make a positive contribution towards the sustainability of communities, enhances the environment, and adapts to and mitigates the impact



of climate change. Development must make effective and efficient use of land, whilst having a healthy, safe, and attractive living and working environment. Development must adequately protect amenity, particularly regarding privacy, noise and disturbance, pollution (including light pollution), odours and daylight.

- 5.6 The proposed development would be to the rear elevation of the dwelling, adjacent to a neighbouring property's existing extension, thus making effective and efficient use of land within the domestic curtilage. Taking the scale of the development into consideration along with separation distances to neighbouring properties, it is considered that the proposed extension on this rear elevation would have no significant impact on the amenities of neighbouring residents in terms of their outlook, overlooking, loss of privacy and impact on light.

#### Supporting a high-quality environment

- 5.7 Policy E1 states; 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, all development is supported by design work that is proportionate to the scale and complexity of the site and surroundings.
- 5.8 The proposed development would be in proportion to the scale of the original dwelling; the proposed extension would be of an acceptable scale and sympathetically designed. The proposed development is considered to have no significant, detrimental impact on the character of the host building or its setting. The Development is considered to accord with the requirements of Development Policy E1.
- 5.9 Taking all the above into account it is considered that the development would preserve and enhance the character and appearance of the dwelling and the vicinity and would not cause harm to the significance, appearance or character of the Conservation Area and accords with the requirements of all relevant Local Plan policies.

#### Planning Balance

- 5.10 It is considered that the proposal is in accordance with the policies within the Local Plan in that the development proposal will lead to no harm to the significance of the designated heritage asset and there will be no demonstrable adverse impact on adjacent residential amenity.

### 6.0 Recommendation

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

#### 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 drawings received by Hambleton District Council on 3 October 2022; unless otherwise approved in writing by the Local Planning Authority.
3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 3 October 2022; unless otherwise agreed in writing by the Local Planning Authority.

#### 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. 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, E1, E2, E5, S7, DOMEX Domestic Extensions SPD Dec 2009 and NPPF - National Planning Policy Framework.
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 the Local Plan Policies S1 and E1.

**Parish: Brafferton and Helperby**  
**Ward: Raskelf and White Horse**

Committee Date : 24 November 2022  
Officer dealing : Aisling O'Driscoll  
Target Date: 5 August 2021  
Date of extension of time (if agreed):

## 2

**21/00966/REM**

**Amended plans Received- Reserved matters application pursuant to outline permission 16/01142/OUT for landscape, appearance, layout and scale for the construction of 28 dwellings. - Amended Plans Received 28.10.2022**

**At: OS Field 0046 Brafferton to West Moor Brafferton North Yorkshire**  
**For: Brafferton Manor Farmers.**

### 1.0 Update

- 1.1 The application was previously presented at September 1<sup>st</sup> Planning Committee Meeting. It was resolved on that date that the application be deferred pending further consideration of the application in response to concerns raised regarding the housing mix, design and layout of the site. In relation to design and layout of the site, concerns raised related to cramped development/space about buildings, boundary treatment for the area of public open space, views into the site being predominantly of parking, shading to the garden of plot 27.
- 1.2 An updated site layout was provided. This shows the number of dwellings remains at 28 however, reconfiguration of the site and alterations to the housing mix had allowed for a more spacious layout. The access road now follows an L shaped pattern which had freed up space around the site. Similarly Plots 5-6 now feature an apartment building comprising 4 one bedroom units.
- 1.3 Fencing is now shown around the public open space and parking near the entrance to the site has been reduce and broken up with planting. The plot adjacent to the existing tree has been altered so that a larger garden is only partially impacted by the tree with the majority unaffected.
- 1.4 With regard to the housing mix the tables below show the current offer and the previous offer. The Affordable housing mix falls within the defined targets and is therefore acceptable. The Housing Manager has confirmed that the Affordable mix is good and the quantum of provision at 50% is very welcome.

The market housing mix leans more on the 3 bedroom units than 2 bedroom units. Overall the market mix is good. The percentages show a very slight under provision of 1 bedroom dwellings and over provision of 4 bedroom dwellings, however the actual numbers show that only two 4 bedroom units are proposed across the whole development. In this case it is considered that the benefits of the provision of 50% affordable housing (14 units) with an excellent mix outweighs the slight deviation in the market mix.

**Current Offer:**

House Size	No of Market Units	Market Housing Proposed	Market Housing Target	No of Affordable Units	Affordable Housing Proposed	Affordable Housing Target
1 bedroom	0	0%	5-10%	4	28.5%	20-25%
2 bedrooms	3	21.4%	40-45%	8	57.1%	50-60%
3 bedrooms	9	64.2%	40-45%	2	14.2%	10-20%
4+ bedrooms	2	14.2%	0-10%	0	0%	0-5%

**Previous Offer:**

House Size	No of Market Units	Market Housing Proposed	Market Housing Target	No of Affordable Units	Affordable Housing Proposed	Affordable Housing Target
1 bedroom	0	0%	5-10%	0	0%	20-25%
2 bedrooms	3	21.4%	40-45%	12	85.7%	50-60%
3 bedrooms	9	64.2%	40-45%	2	14.2%	10-20%
4+ bedrooms	2	14.2%	0-10%	0	0%	0-5%

**1.5 In support of the mix the applicant's agent writes that:**

The Brafferton scheme was approved under the previous local Plan policies, including a requirement for 50% affordable housing, therefore the mix on site when applied results in a disproportionate level of 1 and 2 bedroom homes, i.e 40% of the overall homes are 1 and 2 bedroom affordable homes, rather than the 25% envisaged by policy. Given that is the largest area of demand this increase is however a positive and should be given considerable weight in considering compliance with Policy HG2.

With regards the open market mix, this currently has a slightly higher level of four bedroom properties, however this is necessary in order to make the site viable, given the level of affordable housing and the increased number of smaller properties across the whole site. With regards viability, the provision of 50% affordable homes has been proven by the Councils own evidence to not be viable, hence the reduction in policy to 30%. Notwithstanding this, on this site, the landowner and developer have worked together in order to ensure a deliverable scheme at the higher level of 50%. However in order to do this it has meant the inclusion of one extra four bedroom property over the target mix.

When considered as a whole the slight increase on the target mix of four bedroom properties enables the provision of 50% affordable properties, almost double the level of 1 and 2 bedroom affordable homes required by current policy and the inclusion of 2 bedroom bungalows on the site. Given the SPD confirms that not all sites have to meet the target and should be considered on their merits it is considered there are clear benefits when the mix is considered as a whole ensuring compliance with Policy HG2.

## **2.0 Site, Context and Proposal**

- 2.1 The application site is located outside the former settlement boundary of Brafferton. Along with Helperby it is identified as being a service village. The site itself consists of a roughly rectangular plot on the northern side of the village of Brafferton and is currently used as grazing land. The site is accessed from Boroughbridge Road. The site is bounded to the north by The Old Parsonage and to the south by Brafferton Manor. A modern development of approximately 8 dwellings is located on the west side of Boroughbridge Road. The area of land subject to this Reserved Matters application is circa 1.31 hectares in size. The eastern boundary of the site opens onto the remainder of the agricultural field.
- 2.2 Outline permission was granted at appeal, for the construction of up to 28 dwellings and means of vehicular access. This is the reserved matters application for scale, appearance, landscape and layout. The applicant submitted a signed Planning Agreement dated 1 November 2018 under Section 106 of the Town and Country Planning Act 1990. This agreement ensures 50% of the total housing units on site are affordable housing.
- 2.3 During the life of the application a number of amendments were made to the layout. The final iteration shows a main access road to adoptable standard off Boroughbridge road heading north into the site. The access road splits within the site to provide access to the southern boundary, also to adoptable standard. Dwellings are accessed either directly off the main access or via private shared access roads. An area of green space, including the roadside trees, has been left to provide considerable setback from Boroughbridge Road with four dwellings creating a linear frontage.

## **3.0 Relevant Planning History**

- 3.1 An outline planning application was submitted to Hambleton District Council in May 2016 under reference number 16/01142/OUT and was refused in October 2017. The applicant lodged an appeal against the Council's decision and this was allowed by the Inspector in November 2018 under reference no. APP/G2713/W/18/3198941.
- 3.2 The Outline approval includes a number of approved plans, which are secured by Condition, and are relevant to the Proposed Development. These are:
  - Site Location Plan (scale 1:1250);
  - Illustrative Plan of Development Site (scale 1:500);
  - MFB 01 - Proposed Access Drawing;
  - Topographical Survey by Ryedale Land Survey

### 3.3 20/00643/REM – Refused 09/2020

1. The proposed housing mix fails to comply with the requirements of the Local Development Framework policies CP8 and DP13, and the adopted Size, Type and Tenure of new homes Supplementary Planning Document (September 2015). The proposal does not provide 60-65% two and three bedroom homes. The scheme significantly overprovides on the number of four plus bedroom homes, and does not provide any two bedroom open market bungalows. In addition, the proposed scheme does not achieve the aim of achieve a housing mix across all types of housing development, as the small units are the affordable homes and the large units are the open market units.
2. The proposal is considered to result in a poor level of privacy and residential amenity for future occupants of the dwellings. In addition, some have insufficient or no garden, insufficient separation distances and have overlooking windows, are too close to site boundaries such that the limited aspect of those dwellings is not safeguarded for the future. Occupants of the proposed dwellings are likely to experience poor levels of residential. Some of the proposed dwellings fail to meet the space standard requirements of the Nationally Described Space Standards and overall the proposal fails to respond to the challenge for high quality design in the Local Development Framework policies CP17 and DP32 and the National Design Guide.

### 4.0 Relevant Planning Policies

- 4.1 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 S2: Strategic Priorities and Requirements

Local Plan Policy S7: The Historic Environment

Local Plan Policy HG1: Housing Delivery

Local Plan Policy HG2: Delivering the Right Type of Homes

Local Plan Policy HG3: Affordable Housing Requirements

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E3: The Natural Environment

Local Plan Policy E4: Green Infrastructure

Local Plan Policy E5: Development Affecting Heritage Assets

Local Plan Policy IC2: Transport and Accessibility

Local Plan Policy RM1: Water Quality, Supply and Foul Drainage

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

## 5.0 Consultations

### 5.2 Parish (Brafferton and Helperby) – object:

- Layout: The Council objects to the 2 roads through the development being drawn to imply further developments to come east and south of the Site. These roads would suggest that this is a plan for the future which would fly in the face of the District Council's recently issued Local Plan which shows no major development planned in Brafferton & Helperby Parish in the period to at least 2036.
- The Council remains convinced that the location of the site entrance is badly chosen as it is close to a double bend with poor sight lines. In the same area consideration is needed to provide safe crossing into St Peter's Close where pedestrians with young children will wish to route between the site and St Peter's primary school. Furthermore, despite OS Field 0046 being within the 30 mph limit local residents report a proportion of traffic decelerating late as they enter and accelerating early (before passing St Peter's Close) as they leave the village. There is consequently a growing need for a chicane at or before the 30 mph sign.
- Appearance: Brafferton & Helperby sits within a Conservation Area which recognises its slow development over hundreds of years into a distinctive and charming village. At a recent parish council meeting attended by a number of parishioners this development was described as 'dull', with buildings being variations on one single architectural vision and each built from a limited palette of materials. While acknowledging that planning decisions of this nature are beyond its powers this Council sincerely hopes that this development is not the precursor of more similar large scale developments to come.

### 5.3 NYCC Highways – The highway conditions recommended for planning application reference 16/01142/OUT mostly remain applicable and have been updated and included here. A SuDS system for highway drainage will need to conform to this authority's current guidance. The Local Highway Authority recommends that the following conditions are attached to any permission granted.

### 5.4 NYCC have provided a response to concerns raised about the access:

The planning history for the development of 28 dwellings on land to the east of Boroughbridge Road, Brafferton commenced in May 2016 with the submission of an outline planning application reference 16/01142/OUT which sought approval in detail for access to the land. Visibility splays in accordance with national guidance are available from the proposed site access and the existing road, a classified road known as the C87, is suitable for the proposed development. The Local Highway Authority assessed the application at the time and recommended planning conditions be included if the application were approved. This outline application was considered by the Planning Committee of Hambleton District Council in October 2017 and planning permission was refused on non-highways related grounds.

The applicant appealed the decision and a planning hearing reference APP/G2713/W/18/3198941 took place in October 2018. The Appeal Inspector allowed the appeal and thereby the suitability of access to the site was approved. Highway safety was considered by the Inspector and the following statement is included in the decision notice- "In reaching my decision I have also had regard to the concerns raised by local residents relating to highway safety concerns, but I am satisfied that the proposal would not have an unacceptable impact on highway safety or that the residual cumulative impacts on the existing road network would be severe."

The current planning application, reference 21/00966/REM, is for the approval of the matters reserved from that outline application, ie. landscape, appearance, layout and scale only. This application will utilise the approved access and therefore there are no highway related grounds for objection to this application nor reason to request its relocation.

The C87 road in the vicinity ranges in width from 6.5metres to 5.5metres which is sufficient for two large vehicles to pass and it would not be appropriate to introduce a priority traffic system as suggested.

- 5.5 NYCC Lead Local Flood Authority - The applicants drainage consultant sent some additional percolation testing information across earlier this week that is ambiguous and is showing discrepancies in the supplied information so far. The LLFA are going to have to insist on a return to the site to carry out testing with a representative from ourselves in attendance to confirm that infiltration is possible on the site. As mentioned before, although the LLFA do not object to this reserved matters application, we cannot recommend approval based on the current layout and the position of the soakaways based on the test results supplied.

Officer Note: An update on this will be provided to Members at the meeting.

- 5.6 Yorkshire Water - Yorkshire Water has no objection to the approval of this Reserved Matters application.
- 5.7 HDC Housing - In consultation with Broadacres the identified Local need for affordable housing is:  
4 x 1 bed quarter houses  
4 x 2 bed houses  
4 x 2 bed bungalows  
1 x 3 bed house  
1 x 4 bed house
- 5.8 Hambleton District Council Waste and Street Scene – Bin collections points are identified, all ok with layout
- 5.9 Public Notice – 12 letters of representation were received from 8 members of the public raising the following issues:
- Development out of keeping with Brafferton Conservation Area
  - Mature trees should be retained to preserve the rural/green approach
  - Abruptly ending road at site boundary suggests further development



- Loss of views of the hills and white horse
- Loss of mature trees
- Overlooking
- Headlights from cars exiting will impact on properties opposite
- Increased traffic and therefore air pollution
- Impact on local infrastructure, service and utilities
- Impact on the Conservation Area
- No need for houses in the area
- Scale and density of development
- Loss of agricultural land
- The village has no bus and only a butchers shop
- Wrong site for housing
- Impact on bats
- Inappropriate boundary treatment
- Maintenance of landscaping
- Loss of habitat and hedgerow
- Flood impact
- Noise from traffic entering or leaving the site

Following amendments the application was republicized and the following additional issues were raised:

- Not energy efficient, brick homes that belong in towns and cities
- Parking facilities
- Road safety
- The access should be moved
- Design of the properties is unattractive and out of keeping with the character of the village
- Site looks cramped with small gardens
- Unneighbourly/hostile layout
- Impact on the electricity supply
- People on an average salary cant afford these homes
- Bat and bird boxes should be conditioned
- The affordable housing does not meet the requirements of HG3

## **6.0 Analysis**

The principle of the development of the site has been set by the appeal decision. As such the matters now for consideration are:

- Affordable Housing and Housing Mix
- Design
- Heritage
- Landscape and Ecology
- Amenity
- Transport Issues
- Flood Risk and Drainage

### Affordable Housing and Housing Mix

- 6.1 The affordable housing offer was secured at outline stage via S106 legal agreement. The agreement requires 50% affordable provision which represents 14 dwellings. The tenure was agreed so that 70% would be provided for Social Rent and 30% as Intermediate Rent or sold as Intermediate units. The agreement includes details of provision, timings and criteria for occupation.
- 6.2 The layout shows the location of the 14 affordable units. The distribution of these around the site is considered acceptable. Although the quantum of affordable housing was agreed at outline stage the mix of dwellings was not and this should now be based on up-to-date evidence.
- 6.3 HG2 identifies that 'all new residential development' should seek to deliver 'a range of house types and sizes' that 'reflect and responds to' needs identified within the latest Strategic Housing Market Assessment (SMHA). The Housing SPD was adopted on 26 July 2022. The SPD supports the Hambleton Local Plan and seeks the provision of affordable housing; a change in the types and sizes of homes built in the district; and more choice in tenure so that all residents can access a decent home that they can afford and which suits their needs.
- 6.4 The SPD states that although there will be some demand for large homes, the main need is for a supply of housing that is affordable to those on modest incomes. The SPD sets out the following target mix separately for market and affordable homes:

House Size	Mix	
	Market Housing	Affordable Housing
1 bedroom	5-10%	20-25%
2 bedrooms	40-45%	50-60%
3 bedrooms	40-45%	10-20%
4+ bedrooms	0-10%	0-5%

- 6.5 The proposed mix for Market and Affordable housing is detailed in the following table:

House Size	Market Housing Proposed	Market Housing Target	Affordable Housing Proposed	Affordable Housing Target
1 bedroom	0%	5-10%	0%	20-25%
2 bedrooms	21.4%	40-45%	85.7%	50-60%
3 bedrooms	64.2%	40-45%	14.2%	10-20%
4+ bedrooms	14.2%	0-10%	0%	0-5%

- 6.6 As can be seen above the affordable housing leans heavily towards 2 bedroom homes while the market housing leans more towards 3 bedroom homes. The Council's Housing Officer has indicated that the following mix for the affordable housing units would be preferred:

- 4 x 1 bed (quarter house)
- 4 x 2 bed houses
- 4 x 2 bed bungalows
- 1 x 3 bed house
- 1 x 4 bed house

6.7 Whilst this has been acknowledged by the applicant, amendments to the offer have not been forthcoming. This mix is based on specifically identified need coming from the housing waiting list. The most onerous element of this is for single bedroom accommodation which is not being provided within the proposed mix.

6.8 All of the house types exceed the requirements of the NDSS. The table below shows the internal areas of the dwellings which are a reasonable size for the house types. The affordable house types are D, E and H.

House Type	Size type	NDSS	GIA	No of Units
A	3B6P	102 m2	135 m2	3
B	2B3P	70 m2	96.78 m2	3
C	3B6P	102 m2	125.4 m2	6
D	2B3P	70 m2	73.32 m2	10
E	3B4P	84 m2	92.52 m2	2
F	4B7P	115 m2	155.32 m2	2
H	2B3PSS	61 m2	64.54 m2	2
				28

#### Design

6.9 The reserved matters of appearance, layout and scale are considered against Local Plan policy E1 which 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.

#### Appearance

6.10 The scheme includes a large variety of house types, providing a range of open market and affordable homes, in a variety of size, scale and appearance. The properties have been designed specifically for the site and seek to use appropriate design features in the area. The properties are a mixture of one and two storey, brick properties, with individual detailing on house types to add variety to the streetscene. A number of properties also benefit from garages, either detached or adjoined the dwelling.

6.11 All properties also benefit from private garden space to the front and rear of properties with beech hedging proposed to the front of a number of properties and native hedge planting to the rear.

- 6.12 The majority of the proposed dwellings will be constructed from brick in order to match the local vernacular and reflect the closely related Conservation Area. There will be a combination of roofing materials in the form of interlocking tiles, which are common within the village. All windows will benefit from UPVC doors and windows. The design of the proposed dwellings is considered to be acceptable.

#### Layout

- 6.13 The proposed layout is not reflective of Brafferton and Helperby. However, consideration is given to the Inspectors decision notice which states:
- 6.14 As an undeveloped site, the land makes a positive contribution to the open countryside and there is no doubt that the transformation to built development would change that character. However, located between The Old Parsonage and Brafferton Manor, the site represents a gap site in what becomes a relatively built up frontage on the approach into the village. As depicted on the indicative plan, it is noted that a number the proposed dwellings would be set back from Boroughbridge Road, with a relatively small number of units running in a linear formation adjacent to the roadside.

Accordingly, there would be awareness of the proposal when passing both The Old Parsonage and Brafferton Manor; however, this would be limited to those dwellings adjacent to the roadside. Furthermore, views of the proposed development would also be limited from the north of site. Whilst an issue for reserved matters, the appellant contends that the proposed materials would be reflective of the surrounding character of red brick and pantile roof slates.

Accordingly, the proposal would be broadly in keeping with the general grain and form of development in the immediate street scene. Moreover, it would, appear as infilling between The Old Parsonage and Brafferton Manor in a logical form.

- 6.15 Whilst concern is raised in third party observations about the character of the layout and its relationship to the character of the village, the layout of the development would still largely reflect the above assessment and is therefore considered to be in line with the Inspectors decision and is considered acceptable.

#### Scale

- 6.16 The proposed scale of the development, in terms of numbers is in line with the maximum development allowed by the outline permission. However, officers consider that given the location the density is relatively high and the scheme would benefit from a reduction of between 2 to 4 dwellings. Whilst this has been put to the applicant who has not sought to amend the scheme, it is recognised that the proposals otherwise comply with the requirements of the outline planning permission.
- 6.17 The proposed dwellings will generally be two storeys, with a small number of single storey bungalows. The existing properties within Brafferton and Helperby are two storeys in height and as such it is considered that the scale is generally appropriate.

- 6.18 The proposed development's layout and scale is not considered to wholly fulfil the requirements of Local Plan Policy E1. However, the proposed development would make a significant contribution to affordable housing which would outweigh the concerns which primarily affect the internal layout of the site.
- Heritage
- 6.19 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
- 6.20 Paragraph 195 of the National Planning Policy Framework states that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
- 6.21 Paragraph 197 of the National Planning Policy Framework states that in determining applications, local planning authorities should take account of: a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.22 Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.23 The application site is located outside of, but partially adjacent to the Brafferton and Helperby Conservation Area and there is a requirement to ensure that the development does not adversely impact the setting of the Conservation Area. The outline planning permission has established the principle of constructing new dwellings in this location, and the appeal decision notes that the significance of the Conservation Area is "derived from the wide cobbled streets which meet the church and the existence of relatively strong building frontages with clusters of dwellings to the rear". The Inspector also notes that there is a change in character of the Conservation Area to the north of Raskelf Road, which is in proximity to the application site. The Inspector noted "the Conservation Area lacks strong building frontages and more modern style development is evident".
- 6.24 The proposed development will be set back from the public road and will be somewhat screened by existing mature trees and a new hedgerow. This set-back will soften the impact of the development on the surrounding area. The individual property designs are of traditional character.

- 6.25 The materials are a mix of red and buff brick with modern interlocking tiles as well as concrete double pantiles. The proposed red brick is appears acceptable subject to samples, however, the buff brick does not relate well to the character of the area which is predominantly red brick. Buff detailing is visible on the Manor House and a small number of buildings on Helperby Main St. There are no other examples of buff brick in the area. It is considered that the construction of entire dwellings in buff brick would therefore be incongruous in the setting of the conservation area. It is recommended that a condition be imposed relating to the submission of alternative materials. It is considered that the proposed development will have a harmful impact on the significance of the Conservation Area. This harm is considered to constitute less than substantial harm and given significant weight in the consideration of the application. Development can only be approved if the identified harm is sufficiently off-set by public benefits.

#### Landscape and Ecology

- 6.26 The indicative layout plan that was approved at outline indicated broad landscape principles such as the provision of a landscaped boundary to the east of the site, which is currently open and backs onto open countryside. In addition, the existing landscaping around the north, west and southern boundaries were to be enhanced. The current layout shows a hedgerow to the eastern boundary.
- 6.27 A condition for a revised ecological assessment was conditioned at outline stage. The development will need to be able to provide for the recommendations of that survey prior to the commencement of development.

#### Amenity

- 6.28 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.
- 6.29 As mentioned above, the scheme would benefit from a reduction in units. Alternatively, some of the dwellings which are above the NDSS figures could be reduced to create more space about buildings. Some of the dwellings do not have a good relationship with their neighbours in terms of separation distances and overbearing relationships. For example plots 16 and 19 are 11m apart albeit rear elevation to rear corner. There is 7m between the rear corner of plot 2 and the side elevation of plot 28. Plot 28 is a single storey dwelling and therefore the overlooking between windows should be limited, however there may still be some overbearing impact on outdoor amenity space. The separation distance between properties on the main access road is approximately 18.5m. Some of the gardens are slightly limited or awkward in shape.
- 6.30 The overall impact is that the development is somewhat cramped. Some of the plots will be quite enclosed and there is some concern that the layout is more urban than the surrounding rural settlement character. Nonetheless the outline approval is for 28 dwellings and a number of amended plans have been submitted in an attempt to

ease these concerns. It is considered that the proposed layout is now acceptable in amenity terms and would not warrant refusal on these grounds.

#### Transport Issues

- 6.31 The location of the vehicular access to the site remains fixed as this was approved at outline stage, and the main estate road remains as indicated on the indicative layout plan, albeit the extent and positioning of the primary road has been amended as shown in the submitted site layout plan.
- 6.32 The proposal would not have an unacceptable impact on highway safety or the residual cumulative impacts on the existing road network would be severe. Therefore, the proposed development would fulfil Local Plan policy IC2.
- 6.33 Conditions have already been attached to the outline application for engineering drawings, carriageway and footway construction, visibility splays, off site highway works.

#### Flood Risk and Drainage

- 6.34 There are concerns from the Lead Local Flood Authority, however a condition was attached to the outline to provide a foul and surface water scheme.

#### Planning Balance and Conclusion

- 6.35 The principle of the development of 28 houses, including 50% affordable housing was established through the outline approval. There remains some concern that the proposals result is a slightly cramped layout, given the relatively rural location and proximity to the Conservation Area. However, the building designs are considered appropriate and any identified harm is considered to be adequately offset by the public benefits, particularly through the provision of affordable housing.
- 6.36 It is considered that the development is reasonably in line with the outline approval and the requirements of Local Plan policy in other respects.

## 7.0 Recommendation

- 7.1 That subject to any outstanding consultations the application be **GRANTED**

1. The development hereby permitted shall be begun within two years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the following drawing(s):

Proposed Roof plans siteplan 1250, TAH-BRAF SCH2-03 - ROOFS  
1250 Received 28.10.2022

Proposed Roof plans siteplan 500, TAH-BRAF SCH2-04 - ROOFS  
500 Received 28.10.2022

Proposed Footprints siteplan 500, TAH-BRAF SCH2-05 -  
FOOTPRINT 500 Received 28.10.2022

Proposed Footprints siteplan 250, TAH-BRAF SCH2-06 -  
FOOTPRINT 250 Received 28.10.2022

HOUSE - A-LH, TYPE-A-LH rev-B Received 13.06.2022  
 TYPE-B-LH, TYPE-B-LH rev-D Received 21.06.2022  
 HOUSE - C-RH, TYPE-CRH rev-B Received 13.06.2022  
 HOUSE TYPE D, TYPE-D - rev-D Received 13.06.2022  
 HOUSE - E - ELEVS, TYPE- E - ELEVS rev- D Received 26.08.2022  
 HOUSE - E - PLANS, TYPE- E - PLANS rev-D Received 26.08.2022  
 HOUSE - F-RH, TYPE-F-RH ELEVS rev-B Received 13.06.2022  
 HOUSE - F-RH, TYPE-F-RH PLANS rev-B Received 13.06.2022  
 HOUSE – G, TYPE-G ELEVS rev A Received 28.10.2022  
 HOUSE – G, TYPE-G PLANS rev A Received 28.10.2022  
 BUNGALOW - H -RH, TYPE-H -RH rev-C Received 26.08.2022

3. No above ground construction work shall be undertaken until samples of the materials to be used in the construction of the external surfaces of the development 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. 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 dwellings hereby approved without express permission on an application made under Part III of the Town and Country Planning Act 1990.
5. The garages hereby approved shall be used solely for the housing and parking of motor vehicles and storage of cycles and notwithstanding the provisions of Schedule 2, Part 1 of the Town and Country Planning General Permitted Development Order 1995, or subsequent amending Order, no subsequent alteration shall be undertaken.
6. Notwithstanding the approved plans details of the southern boundary treatment of Plot 4 shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The details shall include but not be limited to arrangements for the protection of the tree to the south of the plot during installation and details of how the choice of boundary treatment will minimise impact on the roots and therefore the health of the tree.
7. No above ground construction shall commence until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented prior to occupation of any dwelling and maintained thereafter in accordance with the approved details.



8. Prior to construction of any building or regrading of land 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 and the relationship to adjacent 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.

These details are required prior to construction or regrading because they could otherwise be compromised and in order to minimise the risk of abortive work being undertaken.

The reasons for the above conditions are:-

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
2. For the avoidance of doubt and in the interest of proper planning.
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 the Local Plan Policies S1, S5, E1, E5 and E7.
4. 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, E2 and E5.
5. 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, E2 and E5.
6. In the interest of protection of the tree
7. In the interest of visual amenity.
8. To ensure that the dwellings are built to an approved level in the interests of good design and amenity in accordance with the Hambleton Local Plan policies E1 and E2.

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**Parish: Brompton**  
Ward: Northallerton North & Brompton

Committee Date: 24 November 2022  
Officer dealing: Mr Nathan Puckering  
Target Date: 3 October 2022  
Date of extension of time (if agreed): 25 November 2022

**3**

**22/01835/MRC**

**Application for the modification of condition 2, for previously approved application 20/00898/REM. Remove drawing RFM-XX-00-DR-L-001 - New Drawings received 0780-RFM-02-00-DR-L-0001-S3-P02 - Northern Area Detailed General Arrangement Plan 1 of 2, 0780-RFM-02-00-DR-L-0002-S3-P02 - Northern Area Detailed General Arrangement Plan 2 of 2, 0780-RFM-01-00-DR-L-0001-S3-P02 - Southern Area General Arrangement Plan 1 of 2, 0780-RFM-01-00-DR-L-0002-S3-P02 - Southern Area General Arrangement Plan 2 of 2**

**At: Taylor Wimpey Thurstan Park Development North Northallerton Phase 1A  
Land at Stokesley Road Northallerton  
For: Hambleton District Council**

**The application is brought to Planning Committee as the District Council is the applicant.**

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

- 1.1 This application concerns the 'sports village' part of the wider hybrid north Northallerton development. It is to be situated in part on an area of green public space surrounding the north of the Civic Centre on the northern edge of Northallerton along with existing farmland, between the Civic Centre and the new North Northallerton Bridge.
- 1.2 In February 2021 permission was granted for this development, which effectively comprises a new access from Northallerton Road, a car park which will ultimately serve the sports village, an area of allotments adjacent to this car park and finally an extension to the public footpath which runs around the southern part of the site to also include the north section.
- 1.3 This section 73 application is seeking to alter the approved plans. The changes can be summarised as follows:
  - Relocation of the access further south on Northallerton Road so that it is now immediately to the north of a tree belt that splits the wider site into two parts.
  - Relocation of the car parking area so it is now next to the new access and is slightly reconfigured.
  - Removal of previously proposed 'skills village' which was adjacent to the car park.
  - Amendments to the walkway around the site to include a two-way macadam surface to create a delineation between walking route and running route.
- 1.4 There is an application running concurrently with this application that is looking to discharge a number of conditions from the original application that includes details such as landscaping and planting details, ecology surveys and construction details

of a maintenance track adjacent to the new bridge (which was a separate proposal).

## **2.0 Relevant Planning History**

- 2.1 15/01083/HYB - Hybrid planning application for:
1. Full planning application for Phase 1 residential comprising 150 dwellings to the east of Darlington Road and 148 dwellings to the west of Stokesley Road, including earth works across the site, engineering works for drainage associated with Phase 1 residential, associated infrastructure, construction of strategic link road from Darlington Road to the west and Stokesley Road to the east including roundabouts and road bridge crossing railway line and village green; and
  2. Outline planning application for a mixed use development of 900 dwellings (C3) which includes the residential development comprising Phase 1 referred to above, employment (B1, B2, B8), neighbourhood centre comprising shops (A1), restaurants (A3) and drinking establishments (A4), extra care facilities (C2), medical facilities (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access) - Granted December 2016
- 2.2 20/00898/REM - Application for reserved matters for previously approved application 15/01038/HYB. Condition 2- Appearance, Landscaping, Layout, Scale and Access for the Environmental Space elements of North Northallerton Sports Village. Condition 8 - Landscape Masterplan, implementation and management programme. Condition 14 - Sections showing proposed and existing ground levels. Condition 20 - Ecological Enhancement Management Plan. Condition 32 - Propose Scheme for pre-construction surveys for mitigation impacts for breeding birds - Granted February 2021
- 2.3 20/00898/DCN - Discharge of conditions 3 (Landscape and Planting Scheme), 4 (Hard surfacing details), 5 (Additional ecology & biodiversity info) and 6 (Maintenance track) from previously approved application 20/00898/REM - Pending Consideration

## **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 E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy IC3: Open Space, Sport and Recreation  
Local Plan Policy IC4: Community Facilities  
National Planning Policy Framework

## **4.0 Consultations**

- 4.1 Parish Council - No comments received.
- 4.2 NYCC Highways - The change in proposed access point off Northallerton Road is acceptable as the visibility requirements set out in the manual for streets are available. However, the proposed access does require some alterations to the existing public highway and as such the applicant will be required to enter into a Section 278 Agreement with the local highway authority. The existing grasscrete service track that has been provided as part of the bridge works to the north of North Moor Road is likely to be used by pedestrians following the proposed development, but it should be noted this service track has not been designed for such use and it unlikely to provide a suitable and safe surface for walking.
- 4.3 Environmental Health - No objection.
- 4.4 Swale & Ure Drainage Board - As previously stipulated the surface water will require restricting to 1.4ls/ha, the IDB is the consenting authority. It's noted that the discharge point will be EA main river. It should be observed that stone cross stell (culvert section) lies within the proposed development & discharges from East to West.
- 4.5 Lead Local Flood Authority - As this development sits within the Swale and Ure drainage board district, the LLFA refer to any recommendations and surface water restrictions set by the IBD.
- 4.6 Natural England - Natural England is not able to fully assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes or, provide detailed advice on the application.
- 4.7 NY Police Designing Out Crime Officer - No comments to make.
- 4.8 RAF Linton On Ouse, Network Rail and Yorkshire Water were consulted but submitted no comments.
- 4.9 Site Notice & Neighbour Notification - 2 formal letters of objections with the following comments:
- The proposal is materially different to the North Northallerton Masterplan that was published and sold to the community.
  - The new layout offers a significantly diluted scheme that offers little of what was initially proposed and approved and as such negatively impacted the overall environment enhancement for residents that should benefit the most from this investment.
  - Works have already commenced and neighbours had no notification of what is happening.
  - The letters state the site address is Stokesley Road when it is in fact Northallerton Road which is misleading and underhand.
  - The entrance originally was further down in the centre of the development which at least was facing hedges instead of housing, there would have been a buffer and the houses were set further back. They have now moved the entrance to opposite housing set closer to the road and no buffer between.

- Will the car park be closed on an evening with a barrier? I know other new car parks in town have had to do that in the past to stop it becoming a gathering place on an evening, especially on a quiet residential road.
- As we know with the Rugby Club in Brompton on match days cars are parked all along the road as they don't all fit in the Rugby Club, the same would happen along here and again there is no buffer between us, seems like no thought or consideration has gone into the revisions.

## **5.0 Analysis**

- 5.1 The principle of this development was assessed under the original hybrid application and the subsequent reserved matters application and as such the principle of development is not for debate through this application. The purpose of the application is to allow an assessment of the amended elements of the scheme.

The main issues for consideration in this instance are i) the impact of the relocation of the access on highway safety, ii) the impact of the various aspects of the alterations to the layout on the character and appearance of the surrounding area and iii) the amenity of surrounding residents.

### **Highway Safety**

- 5.2 Policy IC2 of the Local Plan concerns transport and accessibility of development. It sets out that development will only be supported subject to it meeting a list of requirements. Relevant in this instance are ensuring highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks and also appropriate provision for parking is incorporated, equating to 55 spaces.
- 5.3 The Local Highway Authority was consulted on the application to ensure that the new position of the access has adequate visibility and will not compromise highway safety. They subsequently confirmed this to be the case. The number of car parking spaces will increase, and the layout will change slightly. This remains adequate to serve the development and the layout is otherwise considered to be suitable.
- 5.4 Concern has been expressed about whether or not the car park will be sufficient for future development of the site should 3G pitches be formed. Based on the current proposals for the development of the Sport Village, the car parking provision is considered to be acceptable.
- 5.5 It is considered that the proposal complies with policy IC2.

### **Impact on the Surrounding Area**

- 5.6 Policy E1 of the Local Plan relates to design of development and 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 help to create a strong sense of place. It lists a number of principles that help to achieve this overarching aim. Relevant in this case are as follows:
- promotes accessibility and permeability for all by creating safe and welcoming places that connect with each other and are easy to move through, putting people before traffic and integrating land uses and transport;

- 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.

- 5.7 The relocation of the car park, access and allotment area are considered to have little additional impact to the wider character and appearance of the locality over and above the existing approved development. The car park and built form will be on the same footprint as approved and due to the hedgerow that lines the western side of Northallerton Road it will still be screened as per the previous approved scheme.
- 5.8 The layout of the walking/running track that leads around the site and adjoins the existing footway to the south and west of the Civic Centre remains roughly the same. It will be slightly more 'winding' as it runs down the western edge of the site adjacent to Brompton Beck but not to the point that changes the nature of the impact on the character and appearance of the surrounding area. It will also cut through the tree line that runs west-east through the site at a more central location. Again, this is considered to have little additional impact on the character and appearance of the surrounding area.
- 5.9 The introduction of a second material on the track will clearly have an impact on its appearance but it is not uncommon for these types of running/walking tracks to have an appearance such as that proposed to delineate between the areas for walkers and runners/cyclists.
- 5.10 Overall, the changes to the development do not compromise the overall quality of the development or cause harm to the character and appearance of the surrounding area. On that basis, the proposed development is considered to comply with policy E1.
- Amenity
- 5.11 Policy E2 of the Local Plan seeks to ensure that all development 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.
- 5.12 The original access point was located opposite a hedge, fronting the new housing development in a location where a service road provides access to three dwellings set back from the road frontage. Concern has been expressed that the proposed amendment brings the access directly in line with dwellings fronting the road, resulting in the potential for a loss of amenity resulting from vehicles coming and going from the site, potentially in the dark, with resultant impact from car lights and noise and disturbance from groups of people. The general form of the development is little changed from the originally approved scheme, the relocation of the access is a significant change. However, in the context of the urban environment in which the development is located the layout and position of the access is not considered to result in a level of harm to amenity such as to justify a recommendation of refusal.
- 5.13 Matters pertaining to the formation of all-weather pitches and their impacts in terms of use are not for consideration at this time as they do not form part of this application.

- 5.14 It is considered that the proposed amendments to the scheme are not likely to result in a significant loss of residential amenity and are otherwise in compliance with Policy E2 of the Local plan.

#### Other Issues

- 5.15 Both letters of objection refer to the overall masterplan for the north Northallerton sports village. It is understood this has been made visible on the Council's website, albeit separately to the planning public access page. Nevertheless, anything within this masterplan that is over and above what is on the submitted plans is not for consideration at this stage and will require an additional application, through which the impact of these additions will be assessed.

#### Planning Balance

- 5.16 The amended plans are considered to remain acceptable in terms of the impact on the locality, amenity and highway safety and are otherwise considered to be in compliance with the outline approval and the requirements of the Local Plan. Approval is recommended on that basis.

### 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 begin no later than 2 years from the date of the original permission - i.e. 15.02.2021.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered 0780-RFM-02-00-DR-L: -0001 P05, -0002 P05, Southern Phase General Arrangement 1 of 2 & 2 of 2, Impermeable Areas Plan, Proposed Externals Plan, Proposed Drainage Plan, External Works Details and S278 Plan; received by Hambleton District Council on 17.10.2022 and 08.08.2022; unless otherwise approved in writing by the Local Planning Authority.
3. Prior to landscaping works commencing a full landscape and planting scheme shall be submitted to and approved by the Local Planning Authority. The landscaping shall be implemented in accordance with the approved details, by the end of the first planting scheme following the opening of the development hereby approved. Any plants that fail or die, within the first 5 years following implementation of the planting scheme, shall be replaced.
4. The surfacing shall be installed in line with drawings Typical Surface & Edge Details, Northern Phase General Arrangement Plan 1 of 2 and 2 of 2 & Southern Phase General Arrangement Plan 1 of 2 and 2 of 2.
5. The additional surveys recommended in the Ecological Enhancement Plan by MAB Environment and Ecology Ltd received by Hambleton District Council on 05.05.2020 shall be carried out prior to any works that may impact on habitats identified within the Enhancement Plan. The results of these surveys shall be incorporated into an updated and detailed enhancement plan including a 10 year management plan which shall be



submitted to and approved in writing by the Local planning Authority prior to any enhancement work commencing.

6. Prior to the installation of the Link Bridge maintenance access track full details of the track to be installed shall be submitted to and approved in writing by the Local Planning Authority. The track must be capable of accommodating large vehicles, including turning ability, and must not be obstructed by any landscaping or public furniture. Once approved the development shall be carried out in accordance with the approved details.

7. The following schemes of off-site highway mitigation measures must be completed as indicated below: - Provision of site access onto Northallerton Road and removal of existing bus layby to be provided prior to first occupation. For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site. Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme

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. 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 order that the proposed landscaping is appropriately established and to accord with E1 and E3.
4. In the interest of public amenity.
5. In the interest of biodiversity as per policy E3 of the Local Plan.
6. In the interest of highway safety.
7. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.

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**Parish: Great Ayton**  
Ward: Great Ayton

Committee Date: 24 November 2022  
Officer dealing: Mrs Angela Sunley

**4**

Target Date: 21 November 2022  
Date of extension of time (if agreed):  
28 November 2022

**22/02223/FUL**

**Two storey extension to rear of house, single storey extension to side and rear of house, porch to front elevation, loft conversion, render full building and new gravel drive area.**

**At: 1A Bridge Street, Great Ayton, Middlesbrough, North Yorkshire, TS9 6NP**  
**For: Mr Graham Castle-Ward**

**The application is brought to Planning Committee as the applicant is the partner an employee of Hambleton District Council.**

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

- 1.1 The site is occupied by a modest sized bungalow with detached garage. The property sits well back within its plot with views across the high street and the river Leven within the Conservation Area of Great Ayton.
- 1.2 The property has good sized amenity areas to the front and rear and sufficient space within the curtilage to accommodate vehicles for off street parking. Access to the property is via a private drive off Bridge Street.
- 1.3 The proposed development is for a two-storey extension to the rear of the house, a single storey extension to the side and rear of the house, a porch to the front elevation and conversion of the loft to living accommodation along with the rendering of the full building and formation of a new gravel drive.

### **2.0 Relevant planning history**

- 2.1 81/0721/FUL: Bridge Street, Great Ayton. Construction of a detached bungalow with domestic garage – Permitted

### **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 E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy S7: The Historic Environment

Local Plan Policy E5: Development Affecting Heritage Assets

Domestic Extensions SPD Dec 2009

#### **4.0 Consultations**

- 4.1 Great Ayton Parish Council – Response date 10 October 2022; Objection to south side single storey extension due to the proximity to the boundary line and the neighbours. Height of the roof would block vista and have a negative impact to housing on Holly Garth.
- 4.2 Neighbours - No response, expiry date 18 October 2022
- 4.3 Site notice - No response, expiry date 26 October 2022

#### **5.0 Analysis**

- 5.1 The main planning issues raised by this application are whether the proposed development would have a detrimental impact on 1) the historic environment; 2) the residential amenities of nearby properties; 3) whether the design and form of the proposed development would have a detrimental impact on the character and appearance of the dwelling and 4) the impact upon the character of the surrounding area.

##### **Impact on the Historic Environment**

- 5.2 S66 of the Planning (Listed Buildings and Conservation Areas) Act requires special regard be given to the desirability of preserving the asset or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework paragraph 199 to 202 requires an assessment of the potential harm a proposed development would have upon the significance of a designated heritage asset.
- 5.3 Policy S7 and E5 of the Local Plan state; Development will be encouraged which will help in the management, conservation, understanding and enjoyment of the historic environment, especially for those assets which are at risk. Particular attention will be paid to the conservation of those elements which contribute most to Hambleton's distinctive character and sense of place. All development must ensure it has a sustainable future for the district's historic environment. Development proposals must protect and conserve the district's heritage assets and their settings, and where possible enhance them. Any harm to, or loss of, the significance of a designated heritage asset will require clear and convincing justification.
- 5.4 1A Bridge Street is a detached property which is set well back within its plot and is partially visible from public spaces within the Conservation Area of Great Ayton, therefore considerations of the character of the dwelling and its setting must be considered, as well as the quality of the design of the proposal in more general terms. Given the existing screening, along with the scale and design of the development, it is considered that the proposed development would generally enhance and not compromise the spatial setting of the property and surrounding area. The proposed alterations and extensions are considered to follow the existing form of development in the locality and is considered to result in no harm to the

significance of the designated heritage asset. The development is considered to be in compliance with the requirements of policy E5 and the requirements of the NPPF.

#### Residential amenity

- 5.5 Policies S1, E2 and Hambleton District Council's guide on Domestic Extensions states; all development must make a positive contribution towards the sustainability of communities, enhances the environment, and adapts to and mitigates the impact of climate change. Development must make effective and efficient use of land, whilst producing a healthy, safe, and attractive living and working environment. Development must adequately protect amenity, particularly regarding privacy, noise and disturbance, pollution (including light pollution), odours and daylight.
- 5.6 The proposal includes the rendering of the property, construction of a single storey wraparound extension, a two-storey structure and a porch extension to the existing dwelling. The proposed development would be making effective and efficient use of existing land within the domestic curtilage. Taking the scale of the development into consideration along with separation distances to neighbouring properties, it is considered that the proposed development would result in no significant impact on the amenities of neighbouring residents in terms of their outlook, overlooking, loss of privacy and impact on daylight.
- 5.7 Hambleton District Council's guide on Domestic Extensions states; where possible, dormer windows should be positioned to the rear of the dwelling to preserve the character of the street scene, unless front dormers are already a common feature in the locality. Dormer windows to a roof slope visible from a public space should ensure that their scale and design is appropriate.
- 5.8 There are several properties within the surrounding area that have dormer windows to their front roof slope, therefore the proposal to introduce dormer windows and rooflights into the roof form of 1A Bridge Street, is considered not to result in a harmful impact and is considered acceptable. The dormer windows are of an appropriate scale and are of a design to compliment the host dwelling without creating detriment to the distinctiveness, character and appearance of the dwelling and the surrounding area.

#### Supporting High Quality Environment

- 5.9 Policy E1 states; All development should 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, all development is supported by design work that is proportionate to the scale and complexity of the site and surroundings.
- 5.10 The dwellings in the area are diverse in scale, form, and materials. It is considered that the proposals are sympathetically designed and have no significant detrimental impact on the character of the host building or its setting. The proposal would enhance and not compromise the spatial setting of the property and surrounding area, therefore creating no harm to the character and appearance of the area. The Development is considered to accord with the requirements of Development Policy E1.

- 5.11 The Parish Council observations with regard to the potential impact of the extension on the south elevation have been noted but given the scale of the single storey extension along with existing screening, it is considered that the proposed development on this elevation would not be sufficient to warrant a refusal of planning permission in this case.

#### Planning Balance

- 5.12 Taking all the above into account it is considered that the development would preserve and enhance the character and appearance of the dwelling and would not cause harm or adverse impact on the appearance, character or setting of the Conservation Area and accords with the requirements of all relevant Local Plan policies.
- 5.13 It is considered that the proposal is in accordance with the Policies within the Local Plan in that the development proposal will lead to no harm to the significance of the designated heritage asset and there will be no demonstrable adverse impact on adjacent residential amenity or on the value of the Conservation Area

### 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 drawings numbered: 22032-004, 006 and 008; received by Hambleton District Council on 26 September 2022; unless otherwise approved in writing by the Local Planning Authority.
3. The development hereby approved shall not be formed of materials other than those detailed within the application form received by Hambleton District Council on 26 September 2022; unless otherwise agreed in writing by the Local Planning Authority.

#### 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. 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, E1, E2, E5, S7, DOMEX Domestic Extensions SPD Dec 2009 and NPPF - National Planning Policy Framework.
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 the Local Plan Policies S1 and E1.

**Parish: Nether Silton**  
**Ward: Bagby & Thorntons**

Committee Date : 24 November 2022  
Officer dealing : Ms Helen Ledger  
Target Date: 18 November 2022  
Date of extension of time (if agreed):  
28 November 2022

## **5**

**22/02194/FUL**

**Proposed attic conversion, 2 Dormer windows to the front elevation, and 3 Velux rooflights to the rear elevation.**

**At: Silton House, Lead Lane, Nether Silton Thirsk**  
**For: Mr K Ashbridge.**

**The application is brought to Committee at the request of a Member of the Council.**

### **1.0 Site, Description and Proposal**

- 1.1 Silton House is a traditional property within Nether Silton's Conservation Area. It is constructed of local coursed stone with a slate roof and features white timber windows. It sits prominently, side-on to the roadside, facing the church and is attached to two smaller terraced cottages on its southern elevation. Several Grade II listed buildings surround the house to the east, south and west. The site falls within an article 4 designation shared with the North York Moors National Park, limiting permitted development rights.
- 1.2 This application seeks planning consent for the addition of two dormer windows to the front elevation, and three rooflights to the rear elevation.

### **2.0 Relevant Planning History**

- 2.1 22/01606/FUL - Attic conversion and alterations to include new windows and new door canopy to the rear elevation - Refused, 24.08.2022

Reason 1: It is considered that the proposed development has a harmful impact on the character and appearance of the host building and the Nether Silton Conservation Area. This harm is considered to amount to less than substantial harm to the significance of the Conservation Area which is not outweighed by public benefit, contrary to Local Plan Policies E1 and E5, as well as guidance within the NPPF.

- 2.2 22/02209/FUL - Proposed widening of existing vehicular verge crossing - pending

### **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 S7: The Historic Environment

Local Plan Policy E1: Design

Local Plan Policy E2: Amenity

Local Plan Policy E5: Development Affecting Heritage Assets

National Planning Policy Framework

#### **4.0 Consultations**

- 4.1 The Siltons and Kepwick, Landmoth-cum-Catto Parish Council - object to the application for dormer windows in the front roof elevation as they would be out of character within the Article 4 conservation area. The roof slope is visible to everyone entering Nether Silton. This would have a significant negative impact on the street scene as well as this semi-detached property. Assumed that the roof will be replaced with like-for-like natural slates but if solar slate installation was considered the Parish Council would like more information.
- 4.2 Policy and Conservation officer - Noted that this property sits between two listed buildings and therefore how the proposal affects the setting of these buildings should also be taken into consideration, All Saints Church (Grade II) opposite the principle elevation and School Farm (Grade II) to the rear. Due to the location of the host dwelling its setting is considered to be of significance on numerous points, as it sits between two Grade II listed buildings, a central position within the Nether Silton Conservation Area, and bounds the North York Moors National Park. The Conservation Area is designed to ensure the retention of buildings and features which make a significant contribution to the character of the area and to ensure any new development enhances the area's character by virtue of high standards of design and use of traditional materials. Effort in the submissions presents other detail on dormer windows set within other villages on separate properties throughout the Hambleton District and the North York Moors National Park. Each planning application should be dealt with upon its own merits however.

The conservation area is designed to ensure the retention of buildings and features which make a significant contribution to the character of the area and to ensure any new development enhances the area's character by virtue of high standards of design and use of traditional materials. 197 of the NPPF states in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. In doing so this includes ensuring the desirability of new development makes a positive contribution to local character and distinctiveness. Although permitted development rights allow some works to the rear of the property which may have been contrary to planning policies. It is considered the introduction to dormer windows to the front elevation would result in harm to the character of area.

- 4.3 North York Moors National Park Authority - Objects to the application as it is considered that the proposed dormer windows would have a detrimental impact on the character of the joint Conservation Area and on the character and setting of the National Park. Dormer windows are not a feature of this village and would be out of keeping with the character of the area and detract from the character and appearance of the host dwelling.



- 4.4 Site notice posted, neighbours notified. Three public comments received, all objecting. The issues raised are summarised below;
- Supporting statements photo/artist impression misleading and smaller than they are, as the ridge of the dormers is the same height as the ridge line on the main roof.
  - Examples of other article 4 villages with dormers, were these installed before or after article 4 designation?
  - Overlooking of West view will indeed increase due to increase in height
  - No bat survey
  - No reason for planning dept to change their views, HDC should continue to resist this proposal
  - Not in keeping with any other property in the village. They would dominate the view as people arrive from the west of the village.
  - Seriously detrimental to the character of the village.

## **5.0 Analysis**

- 5.1 The main considerations are; i) impact on heritage assets, ii) design and character of the local area and iii) residential amenity

### Impact on Heritage assets

- 5.2 Paragraph 197 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 5.3 The Local Plan echoes national policy and requires the protection and enhancement of the high-quality 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, (policy S1 part e). Policy S7 maintains assets are conserved in a manner appropriate to their significance. Development which will help in the management, conservation, understanding and enjoyment of the historic environment is supported. Policy E5 - Development Affecting Heritage Assets requires; a proposal will only be supported where it ensures those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.
- 5.4 The host dwelling is a large, two storey property which sits between two Grade II listed buildings and is set within a prominent central position in the village and the Conservation Area. The juxtaposition of the host dwelling means the front elevation faces All Saints Church, a 19thC stone-built church noted for its unusual, chamfered bellcote along with its church yard. The side elevation faces onto Lead Lane and the rear elevation faces onto School House, the other Grade II listed building. It is noted that part of the village is within the North York Moors National Park, although

this is the case the village as a whole has its own identity with uniform materials and building techniques with a uniformed character.

- 5.5 The planning statement sets out photographs from other villages with buildings that include dormer windows. It is accepted that there may be villages within the National Park and Hambleton District where dormer windows have been introduced over the years and even form the predominant character; but importantly each application should be dealt with on its own merits and indeed this is echoed within the paragraphs of the NPPF. The character of the area should be preserved, and this should also be coupled with the setting of listed buildings. The introduction of dormer windows to the front elevation would result in diverting away from the simplistic form of the roofscapes in the village, which is one of the principles of conservation designation.
- 5.6 With this in mind as set out in paragraph 199 of the NPPF, the proposed introduction of dormer windows to the roof of the front elevation would amount to less than substantial harm to the significance of the Conservation Area. This is further contrary to paragraph 206 of the NPPF which states Local Planning Authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets, to enhance or better reveal their significance. It is considered that the dormer windows do not preserve those elements of the setting that make a positive contribution to the area nor the surrounding listed buildings.
- 5.7 Having identified less than substantial harm to the significance of the Conservation Area the development can only be approved if sufficient public benefit can be identified. In this case, the dwelling is of substantial size and it is not considered necessary to form dormers in order to continue the use as a dwelling. The benefits arising from the scheme are considered to be purely private. As such it is concluded that the development results in less than substantial harm to the significance of the Conservation Area which is not off-set by public benefit.
- Design and local character
- 5.8 Policy E1 requires all development to be of a high quality and for it to achieve a satisfactory relationship with adjacent development. Proposals should respect and contribute positively to local character. All development should be of a high quality, integrating successfully with its surroundings in terms of form and function, including respecting and contributing positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance, visual relationships, views and vistas.
- 5.9 This property sits in a prominent position along the main Nether Silton thoroughfare 'Lead Lane'. The introduction of dormers in this instance are considered to fail to meet the requirements of policy E1 design. None of the roof slopes in this area feature dormers or any significant alterations, the local vernacular is traditional in Nether Silton and the principle roof slopes across the village remain uncluttered. Elevation plans show the ridge of the dormers would be as high as the current roof ridge, giving a cumbersome massing, looking bulky and out of character. It is considered that dormers to the front elevation would amount to harm to the character of the dwelling and less than substantial harm to the significance of the surrounding conservation area, which is not outweighed by any public benefit. The glazed cheeks to the sides of the dormer are a relatively modern approach to a

dormer in this very traditional setting, further impacting design and setting of the host dwelling. The proposal is therefore contrary to the requirements of paragraph 202 of the NPPF, as well as Local Plan policies E1 and E5.

#### Amenity

- 5.10 Policy E2 requires all proposals to provide and maintain a high standard of amenity for all users and occupiers of the development, as well as users of neighbouring land and buildings.
- 5.11 The planning statement describes the dormers having glazed cheeks, meaning views will be possible to the front and side from inside the attic conversion. This means it will be possible to look down from the elevation into the gardens on the attached cottages of west view to the south. The height is likely to feel oppressive and some loss of amenity is noted. However, the proposed dormers are not considered to result in significantly more overlooking than the first-floor windows and on balance the proposals are considered to comply with Policy E2.

#### Protected species

- 5.12 The planning officer has asked the applicant and agent for further information about the potential risk to bats. Further information will be provided in the update sheet if received from the applicant. Should this not be received prior to determination, it would form an additional reason for refusal.

#### Planning balance

- 5.13 It is found that the proposed development would result in less than substantial harm to the significance of the Conservation Area. The NPPF paragraph 202, states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The site would remain a private dwelling and no public benefits are found. The design does not contribute positively to local character, views or vistas and does not integrate successfully with its surroundings. The application is recommended for refusal.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason(s)

1. It is considered that the proposed development has a harmful impact on the character and appearance of the host building and the Nether Siltan Conservation Area. This harm is considered to amount to less than substantial harm to the significance of the Conservation Area which is not outweighed by public benefit, contrary to Local Plan Policies E1 and E5, as well as the requirements of the NPPF.

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## 6

**22/01668/MRC**

**Variation of conditions attached to Planning Application Reference Number:  
76/0609/FUL (2/128/36/PA)- construction of an agricultural general purpose  
storage building to allow use for the housing of livestock**

**At: Land and buildings at Tanton Road, Seamer**  
**For: Mr M Nichols**

**The proposal is presented to Planning Committee due to significant public interest**

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

- 1.1 The application site sits to the east of the village of Seamer and is located outside the edge of the village. The existing building on the site is set back from Tanton Road. The building benefits from an existing vehicular access with turning and manoeuvring provision. The site is separated from the village and residential properties with agricultural land wrapping around the existing building.
- 1.2 The site is bounded by an existing mature hedgerow to the north which screens it from the highway along Tanton Road. Open agricultural land wraps around the site and sites along the western and southern boundaries of the site. The eastern portion of the site has an existing access and turning area with open agricultural fields located beyond the eastern boundary of the site. The site is generally of flat topography.
- 1.3 The applicant is seeking permission to remove condition 3 of planning reference 76/0609/FUL which states the following:  
  
*"The building hereby approved shall be used only for the bulk of storage of feedstuffs and fertilisers in connection with a farm haulage business and for no other use within Class X of the Town and Country Planning (Use Classes) Order 1972 without prior consent of the Local Planning Authority."*
- 1.4 The purpose of removing the condition is in order for the applicant to use the building to house livestock, in particular pigs.

### **2.0 Relevant planning history**

- 2.1 76/0609/FUL - Construction of an agricultural general purpose storage building - Approved 28 October 1976
- 2.2 21/00965/APN - Application to determine if prior approval is required for the construction of a general purpose agricultural building to store farmyard manure undercover - Prior Approval not required 8 May 2021.

- 2.3 21/01847/MRC - Variation of conditions attached to Application Reference Number: 76/0609/FUL-O.S. Field 0005 (PT), Tanton Road, Seamer - construction of an agricultural general purpose Storage Building – Refused on the 14 January 2022 for the following reasons:

“The existing agricultural building is located approximately 100 metres away from existing residential properties. It is considered that due to the close proximity of the site to nearby residential properties the proposal would be harmful to the residential amenity of occupiers of these properties by virtue of noise, odour and flies that would result from the proposed housing of livestock. It is therefore considered that the proposed development is contrary to Policy DP1 of the Development Management Policies DPD.

It is considered that the proposed use of the building to house livestock would require the access into the site to be used on a more frequent basis with wagons entering the site to load and unload animals. However, no details have been provided for consideration to demonstrate that vehicles could leave the site in a forward direction. Therefore the Local Planning Authority cannot be satisfied that the proposal meets the requirements of Policies DP3 and DP4 of the Development Management Policies DPD and therefore the proposal is considered to be contrary to these Local Plan Policies.”

### **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 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 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Local Plan Policy S1 – Sustainable Development Principles  
Local Plan Policy S5 – Development in the Countryside  
Local Plan Policy EG7 – Businesses in Rural Areas  
Local Plan Policy E1 – Design  
Local Plan Policy E2 – Amenity  
Local Plan Policy E7 – Hambleton’s Landscapes

### **4.0 Consultations**

- 4.1 Seamer Parish Council have commented on the application and have expressed mixed views on the proposal. The Parish Council note that support is given to the local farmer who is trying to develop an existing business using an existing building. However, on the other hand the building is only a hundred metres or so from nearest residential properties and does cause odour concerns to local residents. Therefore, the Parish Council are neither objecting or supporting the application and have left the Local Planning Authority to consider all the facts to determine if the application is acceptable or not.

- 4.2 North Yorkshire County Council (Highways) have stated that given the content in the planning statement in relation to traffic movements a highway objection would be difficult to sustain and as such there are no objections to this application. The details provided show that the existing access will be improved and suitable conditions are therefore proposed.
- 4.3 Environmental Health have considered the potential impact on amenity and the likelihood of the development to cause a nuisance on existing residential properties. This application is a further request of planning application ref. 21/01847/ MRC which was previously consulted on by the Environmental Health Service with a recommendation of refusal. Previous comments are relevant for this application, though it is acknowledged that additional documentation has been provided, including an odour assessment. Through the assessment and when considering the current environment which surrounds Seamer village, it is essential to prevent any further deterioration to the amenity from accumulative farming impact. The Environmental Health Service is not able to support the application and refusal is recommended.
- 4.4 Natural England have not provided any additional comments in regard to the application, specifically in regard to Nutrient Neutrality.
- 4.5 No comments have been received from Northumbrian Water.
- 4.6 A site notice was posted and neighbours have been consulted on the application. Six letters of objection have been received in regard to this application with their comments summarised below:
- The applicant previously applied for consent to house livestock in the building and this was refused by the Council. Following the refusal the applicant proceeded to house livestock in the building regardless and subsequently have endured noise, odour, the extended amount of flies, the extra traffic and the obstruction of vehicles on the highway.
  - The Odour report provided states there is only 11% wind blowing towards residential properties, however this has not taken into consideration the heatwave and warm winds which result in an unpleasant experience
  - The existing road network may not be able to support heavy goods vehicles coming and going from the site with livestock
  - The proposal will produce very large quantities of slurry, thus emitting ammonia and subsequent nitrous oxide odours significantly impacting upon health within the village
  - Neighbouring residential properties are unable to open their windows or enjoy their outdoor space in the summer due to the smell from the livestock in the buildings.
- 4.7 Four letters, neither objecting nor supporting the application have been received in regard to this application with their comments summarised below:
- The applicant is moving the piglets from a building within the village of Seamer to a building on the outskirts and therefore will allay some of the concerns raised in terms of odour.
- 4.8 Nine letters of support have been received in regard to this application with their comments summarised below:

- The applicant has undertaken a number of improvements such as tidying up the yard and planting wild flowers on the public footpath.
- The current smell of pig farming is not intrusive to their lives and is only evident on infrequent occasions.
- It is clear that the applicant is trying to future proof his business in the most environmentally friendly way.
- The UK Farming contributes £120 billion to the Country's economy and almost 64% of our food is produced by British Farmers, therefore support should be given to the farming community to enable it to develop further and ensure the UK Farming Industry survives.
- Food security is a real worry in the UK and the support of young farmers who are striving to make their businesses successful is vital. The applicant intends to farm in an economical and environmentally friendly way and importantly the applicant intends to use natural manure by which, reduces chemical and artificial nitrogen use.

## **5.0 Analysis**

- 5.1 The main issues to consider are; the principle of development, the impact of the development on the character and appearance of the area; the impact of the development on neighbouring residential amenity; the impact of the development on highway safety; and the impact of the development in nutrient neutrality.

### Principle of development

- 5.2 In determining application's, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.
- 5.3 The site is located outside of any defined settlement and therefore Policy S5 is applicable. The Policy 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.
- 5.4 Policy EG7 of the Council's Local Plan is to promote a vibrant rural economy within the district's extensive countryside to support businesses with a genuine need to be located in the countryside to assist agricultural businesses to maintain their viability and to assist in other forms of development including farm diversification along with the Council's approach to proposals for other businesses in the countryside." The Policy goes further and states employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:

e. It is demonstrated that it is reasonably necessary for the purposes of agriculture within that unit and cannot be met by existing buildings within that unit or in the vicinity and the scale of the building is commensurate with its proposed use;



- f. the building is sited so that it is physically and functionally related with existing buildings associated with the farm unit unless there is a demonstrable need for a more isolated location;
- g. the building would be well integrated with its surroundings, being of appropriate location, scale, design and materials and with appropriate landscaping so as not to harm the character, appearance and amenity of the area; and
- h. the approach roads and access to the site have the capacity to cater for the type and levels of traffic likely to be generated by the development

Promotion of sustainable forms of agriculture which includes environmentally sensitive organic and locally distinctive food production together with its processing, marketing and retailing will be encouraged as part of a thriving and diverse rural economy.

- 5.5 The proposed use of an agricultural building to be used for the housing of livestock is considered to be in accordance with the Council's policies as it would result in the diversification of an agricultural business and will help support a sustainable rural economy. Furthermore, it would re-use an existing building without any substantial alteration. However, the other material planning considerations in regard to character of the area, impact on amenity and highway safety is considered in further detail within the report. It is therefore considered in principle the removal of condition three is acceptable subject to other material planning considerations.

#### The impact on the character of the surrounding area

- 5.6 Policy E1 of the Local Plan states that all developments should 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. All development should have a regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future.
- 5.7 The National Planning Policy Framework Planning supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.8 Policy E7 of the Local Plan states that the Council will 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; and takes account of areas that have been identified as being particularly sensitive to/or sensitive for certain forms of development.
- 5.9 The building is an existing building and no proposed alterations are sought to the building. In turn there would be no impact on the character and appearance of the area and thus the proposal is in accordance with the Council's Local Plan Policies.

#### Impact on residential amenity

- 5.10 Policy E2 of the Council's Local Plan 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 user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution. This is further re-iterated within Policy EG7 where it states that such proposals should seek to reuse existing buildings wherever possible and have regard to the amenity and impacts on neighbouring uses.

- 5.11 As part of the application the Council sought further information from the applicant in regards to the amount of livestock on the land. The applicant has stated that the building would be used to house pigs from four weeks old to 12/13 weeks with approximately 800 pigs per batch. All pigs would be housed in the building and there would be a full washout and disinfect after each batch. There would be no slurry on site and the animals would be bedded on straw. All feed would be stored in the building in bulk feeders so no need for feed bins outside. All livestock would be unloaded and loaded within the shed and all fallen stock would be locked in a sealed unit and suitably collected. As part of the application an odour assessment has been submitted which has been reviewed by the Council's Environmental Health team.
- 5.12 The Environmental Health Service has advised that every year they investigate nuisance complaints about odour, flies, and noise from residents living in properties next to farming environments. The impact from noise, odour and flies is subjective and occupants will 'put up' with a lower level of amenity until conditions get to a point where they are unable to tolerate it any further and they they will make a complaint. As such, the complaints the Council investigate are often just the tip of an iceberg. There is currently a lack of regulation governing farming practices and good farming practice is subjective. This coupled with an inability to control a farming environment, for example weather conditions, can produce situations in which the amenity can be fine one day but poor the next. As such the impact from agriculture can be sporadic, short lived or seasonal. Old MAFF (Ministry of Agriculture, Fisheries and Food) suggested that smells from housed livestock and manure are usually strong up to 100 meters away. They further suggest that a distance of 400 meters (buffer zone) between the site and the nearest dwelling house would be advisable to prevent odour problems.
- 5.13 A farmer who applies poor management practices and struggles with changing environmental conditions, at a distance of 400 meters would have minimal impact on residential amenity. A similar distance is also referred to in Environment Agency (EA) Guidance for intensive pig & poultry farms through the Environmental Permitting Regulations 2010. In such cases, relevant sites must meet specific permit conditions based on Best Available Techniques (BATs) for avoiding or minimising all types of emissions. Where an intensive farm is proposed within 400m of an existing or future sensitive receptor, further considering would be given to mitigation measures to control emissions to water, air and land. This could include a detailed scheme for extract ventilation; abatement technology for odour and noise control or a slurry spreading and manure management plan. If problems occur and complaints are received these will fall under regulatory controls within the permitting system and improvements or sanctions can be applied to secure improvements. These regulatory controls can only be applied to sites which house 2,000 production pigs. This would not be applicable to the applicant's proposed site and therefore this additional regulatory control is unavailable.

- 5.14 It is considered that this application cannot be viewed in isolation and should be considered within the wider environment and level of nuisance that already prevails in the village of Seamer. Over the last 4 / 5 years, the village of Seamer has suffered from regular fly infestations. Although Environmental Health has investigated complaints to try to identify the source of the problem, due to the high number of agricultural farms / intensive rearing sites that surround the village, part of the problem is created from an accumulative effect of having these operational sites so close together which has a detrimental impact on amenity.
- 5.15 Over the last few years, the Environmental health team have also received complaints of odour coming from an existing pig production farm within the village. Even in the colder months of November / December, complaints of odour continued to be received. Concerns are raised that if the application is approved it will add to the cumulative impact on the village.
- 5.16 With regards to the specifics of this application, sensitive properties are approximately 100 meters away from the application site. It is considered that the site will be harmful to the amenity of occupiers by virtue of odour, noise, and flies. This has been raised in a number of local objections to the application. Noise complaints are particularly associated with the fattening of pigs and once pigs start reaching levels of sexual maturity and noise from screeching can be heard during the day or night without the correct controls in place. Impact during the night will be greater due to reduced background noise levels which can get as low as 20/25dB L90 within rural areas. It is considered that insufficient information has been provided within the application to show how this potential impact will be controlled or mitigated.
- 5.17 The building structure itself is original to the planning permission obtained in 1976 and will be used in its current form to house pigs from 4 weeks old to 12/13 weeks old on a 9-week cycle (based on the applicant's existing activities). The building is not fully enclosed to contain odours and relies on natural ventilation of opening large parts of the facades. This application would be outside the scope of Environmental Agency permit regulations and there are no guaranteed regulatory controls that can be applied to the working practices of the farm. As such, the buffer zone of 400 meters becomes more important because it provides the necessary space between farm practices and sensitive receptors.
- 5.18 Whilst the applicant has sought an odour assessment for this application, this has identified that for 11% of the time the wind direction will be in the direction of the residential properties to the South and West of the site and these properties could be affected by odours from the site. There is always scope for meteorological conditions to change which are beyond the control of the applicant.
- 5.19 In terms of the noise and the presence of flies no further information or detail has been provided by the applicant in order to provide a form of mitigation associated with the development.
- 5.20 When considering the current environment which surrounds Seamer village, it is essential to prevent any further deterioration to the amenity from accumulative farming impact. Therefore, it is considered that the development is contrary to

Policy EG7 and E2 of the Council's Local Plan by virtue of its impact on local residential amenity.

#### Impact on highway safety

- 5.21 Policy IC2 of the Hambleton Local Plan states 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 highway safety would not be compromised, and safe physical access can be provided to the proposed development from the footpath and highway networks.
- 5.22 The intended use would require one lorry to deliver the piglets and a further two lorries to collect the pigs nine weeks later. As the current use of the building has no restrictions over the amount of traffic entering and leaving the site, the proposed use would generate no more traffic or size of vehicles than is currently allowed by the existing lawful use. Furthermore, as part of the application a traffic swept analysis has been provided which shows that vehicles can leave the site in a forward direction. North Yorkshire County Council (Highways) have commented on the application and raised no objection subject to a suitable condition being imposed to ensure that the access layout is implemented as per the approved plans.

#### Nutrient neutrality

- 5.23 The site falls within the Tees River catchment and is caught by the issues of nutrient pollution resulting from the impact of nitrogen on the River Tees and Cleveland Coast Special Protection Area. The identified cause of the eutrophication of the River Tees is excess nitrogen that is finding its way into the River Tees catchment from agriculture, surface water run-off and sewage works. At this time new development must not result in any additional nitrogen being emitted into the catchment.
- 5.24 In order to be able to approve the development, it must be satisfied that the development is neutral in its nitrogen impact and the development assessed against the Habitat's Regulations.
- 5.25 In this case the protected site is the Tees Ramsar and SPA site and Natural England has specifically cited the issue of nitrogen impacting of the site and causing growth of blanket weed across the mudflats, which is impacting on plant and wildlife as a result.
- 5.26 The proposed development could impact by way of introducing additional nitrogen to the catchment and as such is considered to fall within scope. On this basis it must be demonstrated that either the proposal results in a net 0 nitrogen impact or that sufficient mitigation can be put in place to offset the net additional nitrogen from the site.
- 5.27 The applicant is a fully certified fertiliser adviser and has advised that there would be no increase in Nitrogen leaching from housing the extra pigs at Manor Farm. The number of pigs housed is 400 more than what the farm has traditionally housed due to the applicant reducing the numbers kept in the current building at Manor Farm yard by a third since mid 2021.

- 5.28 The applicant advises that the muck sample shows that the type of pig muck being used is heavily straw based which means that the readily available N (The leachable N) is less than 1% of the total N which is 7.91kg/T. Less than 1% of 7.91 is very low and it is all in an organic form that will be slow release over the following growing season as soil bacteria, plants roots and biology break it down so the crops can use it. This will also increase soil organic carbon levels which is critical in the long run to help climate change.
- 5.29 the applicant has also advised that the winter wheat crop grown in manor farm field received an application of manure the previous year whilst growing cover crop. This was suggested to received 290kg/Ha of artificial N fertiliser. The applicants have applied 169kg of Nitrogen fertiliser and achieved adequate yields, again down to the benefits of the organic manure supplying stable organic N and soil conditioning properties.
- 5.30 This saving in use of artificial fertiliser assists with climate change due the reduction in fertiliser produced in the initial instance, reduced haulage fuel use, and a reduction in readily available leachable nitrogen that may only be 60-80% utilised. The applicants are reducing the Nitrogen pollution risk rather than increasing it.
- 5.31 The muck produced is stored in a covered building that was part of a government funded scheme to reduce nutrient leaching and soil finding its way into road drains when fields are wet. Given that the muck is stored within the building until used on the fields there is no risk of nutrients getting into water courses and increasing eutrophication.
- 5.32 The phosphate and potassium within the muck is needed to replace the offtake of straw and grain across the farm over a number of years. The muck is used in rotation and is generally applied to where the straw came from the previous year. Phosphate is very immobile within the soil and will not leach. Phosphate pollution is caused by soil finding its way in solid form directly into rivers. This is usually by soil erosion or machines dragging soil onto the road or yards. The use of pig muck on the soil would not increase this risk as Manor Farm is not directly next to any open water courses and the use of the muck over a period of years would also make the soil more stable with organic matter and less likely to leave the fields on machinery when wet. It is therefore considered that there is a net 0 nitrogen impact of the development on the surrounding area. Furthermore Natural England have been consulted on the application and the information provided and have provided no additional comments. Therefore, it is considered nutrient neutrality is achieved in this instance.

#### Planning balance

- 5.33 The applicant has sought planning permission for the removal of condition three from planning reference 76/00609/FUL to enable livestock to be housed within a previously approved agricultural storage building. It is considered that the proposed use of the building for the housing of livestock would diversify the agricultural business and would help support an existing agricultural enterprise. However, it is considered that the housing of livestock in the building within 100 metres of residential properties, in particular in the absence of a management plan setting out the control of odour and noise, causes significant harm to nearby residential

amenity. It is therefore considered that the development is contrary to the Council's Local Plan and the overarching principles of the National Planning Policy Framework.

## **6.0 Recommendation**

That subject to any outstanding consultations the application be **REFUSED** for the following reason(s):

1. The existing agricultural building is located approximately 100 metres away from existing residential properties. It is considered that due to the close proximity of the site to nearby residential properties that the proposal would be harmful to the residential amenity of occupiers of these properties by virtue of noise, odour and flies that would result from the proposed housing of livestock. It is therefore considered that the proposed development is contrary to Policies EG7 and E2 of the Council's Local Plan.

**Parish: Skipton-on-Swale**

Ward: Thirsk

**7**

Committee Date :

24 November 2022

Officer dealing :

Mr Craig Allison

Target Date:

27 December 2021

Date of extension of time (if agreed): 8 August 2022

**21/02612/FUL**

**Retrospective application for the siting of external apparatus and soil bund and proposed application for siting of dust storage building**

**At: Sandholme Farm, Skipton on Swale, North Yorkshire, YO7 4SB**

**For: Mr D Sanderson**

**The proposal is presented to Planning Committee due to the development being contrary to the Development Plan**

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

- 1.1 The applicant seeks part retrospective and part proposed permission to seek to regularise the siting of all of the external apparatus which is in situ to the southern and eastern elevations of the main buildings at Sandholme Farm which was approved in 2008 as part of planning permission 08/02552/FUL. This application also seeks retrospective consent for the formation of a soil bund on the eastern side of the complex and proposes a new metal framed structure to cover the current dust collection trailers which are positioned to the south western corner of the main building.
- 1.2 The existing apparatus has been installed incrementally since 2012, however the application seeks to regularise the siting of all of the external apparatus currently in situ. The applicant has submitted an appropriate noise survey which has recommended various mitigations and recommendations to ensure that the noise produced by the units does not result in unacceptable impact on neighbouring amenity.
- 1.3 The soil bund was created in June 2021 with the sole aim of reducing the low level noise emanating for the external apparatus. It is proposed to landscape the bund to seek to enable it to assimilate into the rising landscape to the east.
- 1.4 The portal framed structure is proposed to provide coverage of the existing dust collection trailers and is proposed to be installed with the sole aim of limiting the instances of dust emissions. The structure would measure 9.4 metres by 20.9 metres and would extend to a total mono-pitch height of 7.5 metres. The building would be constructed of juniper green box profile clad roof and walls.
- 1.5 Planning permission was granted in 2008 (Reference: 08/02552/FUL) for "Construction of building for a mixed use agricultural storage and processing of straw for use as a bedding materials for the equestrian industry". No restrictive hours of operation were imposed. The complex is partly a working farm and partly a light industrial production facility.

- 1.6 When planning permission was granted in 2008 for a mixed use of the business for the processing of straw to be used for bedding materials for the equestrian industry, the business has diversified and developed into a successful business which needs the external apparatus equipment in order to successfully produce the straw. There is two types of bedding that is produced at the site; the first one being Equinola Horse bedding which is made from high quality precision chopped, screened and dust extracted oil seed rape straw. The oil seed rape straw is an ideal bedding materials as it is highly absorbent. The bedding is then treated with a lemon tea tree oil to give it an aroma. The second type of bedding produced at the site is two different types of poultry bedding; the first one is called Bedwell Ceres Soft which is screened and dust extracted wheat straw, and the second one called Bedwell Chickola which is screened and dust extracted oilseed rape straw. Therefore, the equipment installed is required in order to chop the straw up finely, process it, screen the straw and to remove all dust extract. This in turn will create a product that is suitable for the equestrian and poultry industries. The applicant has invested funding into sourcing the appropriate apparatus and following the noise survey has undertaken a number of mitigation measures to seek to reduce the noise as per the recommendations of the noise survey.
- 1.7 The application site is located to the northern periphery of Skipton on Swale. The site sits to the north of the Old Coach House, The Old Vicarage and the Church of St John the Evangelist. The agricultural and commercial premises are surrounding by agricultural land to the north, east and west.
- 1.8 The application site is accessed from the south from the public highway of the A61 which passes east-west through Skipton on Swale. The access serves the applicant's extensive agricultural land holding, businesses located on the former Skipton Airfield, the applicant's own dwelling and Sandlands House which is associated with Sandholme Farm. The access track is also a public bridleway providing a loop back to the A61 via Skipton Grange.
- 1.9 The application site is not located within a Conservation Area. The nearest Listed structure to the application site is located at the Church of St John the Evangelist which is Grade II Listed. The landscape is gently undulating with the land formation gently rising to the north, east and west from the position of the application site.

## **2.0 Relevant planning history**

- 2.1 08/02552/FUL - Construction of building for a mixed use agricultural storage and processing of straw for use as a bedding materials for the equestrian industry – Approved 4 December 2008.

## **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 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 Relevant policies of the Development Plan and any supplementary planning policy advice are as follows;

Local Plan Policy S1 – Sustainable Development Principles  
Local Plan Policy S5 – Development in the Countryside  
Local Plan Policy EG7 – Businesses in Rural Areas  
Local Plan Policy E1 – Design  
Local Plan Policy E2 – Amenity  
Local Plan Policy E5 – Heritage Assets  
Local Plan Policy E7 – Hambleton's Landscapes

#### **4.0 Consultations**

- 4.1 The Ramblers Association have no objection to the principal of the development but requires the public bridleway to be kept free of passage.
- 4.2 Swale and Ure Drainage Board have raised no comment in regard to the application.
- 4.3 Environmental Health have no objection to the development subject to appropriate conditions being imposed. The application seeks retrospective permission for a number of items of external equipment, which have been subject of noise complaints to Environmental Health. Submitted noise assessments demonstrate that uncontrolled the items of plant subject of this application are likely to have an adverse impact on residential amenity. Since, the initial application was submitted, works have been carried out to reduce the noise emitted from these items of plant and it is acknowledged that the impact from the site is much reduced. It is clear that the items of plant require(d) mitigation and therefore it is necessary to ensure that the controls put in place to reduce the impact of the plant remain in place. Unless appropriate mitigation is conditioned the application should be refused.
- 4.4 No comments have been received from:
- Skipton on Swale Parish Council
  - RAF Linton on Ouse
  - North Yorkshire County Council (Footpaths)
  - The British Horse Society
  - Environment Agency
  - Yorkshire Wildlife Trust
  - Yorkshire Water
- 4.5 A site notice was posted and neighbours were consulted on the application. One letter of objection has been received in regard to this application with their comments summarised below:
- Noise is still an issue after all the mitigation and object to the external apparatus (fans, extractors, generator). The soil bund has worked to some degree and support the retention of this. If planning is granted further mitigation should be undertaken and future monitoring of the overall factory noise levels.

## 5.0 Analysis

- 5.1 The main issues to consider are; the principle of development, the impact of the development on the character and appearance of the area; and the impact of the development on neighbouring residential amenity.

### Principle of development

- 5.2 In determining application's, the decisions should be taken in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan for Hambleton is the Hambleton Local Plan (Adopted February 2022), of which Policy S1 of the Local Plan states the Council will seek to ensure that development makes a positive contribution towards sustainability of communities, enhances the environment and adapts to and mitigates the impact of climate change.
- 5.3 The site is located outside of any defined settlement and therefore Policy S5 is applicable. The Policy 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.
- 5.4 Policy EG7 of the Council's Local Plan is to promote a vibrant rural economy within the district's extensive countryside to support businesses with a genuine need to be located in the countryside and too, assist agricultural businesses to maintain their viability and to assist in other forms of development including farm diversification along with the Council's approach to proposals for other businesses in the countryside." The Policy goes further and states employment generating development will only be supported in locations outside the main built form of a defined settlement in the settlement hierarchy where it involves:
- a. the expansion of an existing business where it is demonstrated that there is an operational need for the proposal that cannot physically or reasonably be accommodated within the curtilage of the existing site; or
  - b. the re-use of an existing building of permanent, structurally sound construction that is capable of conversion without the need for substantial extension, alteration or reconstruction and can accommodate the functional needs of the proposed use including appropriate parking provision; or
  - c. a new building provided that it is well-related to an existing rural settlement and where it is demonstrated that the proposal cannot be located within the built form of a settlement or an identified employment location; or
  - d. other proposals specifically requiring a countryside location.
- 5.5 The principle of the use of the main building for a mixed use of agricultural storage and processing of straw for use as a bedding material for the equestrian industry was established by planning permission 08/02552/FUL. Part of the application seeks retrospective consent for the external apparatus which is directly attached to the building. Therefore as the principle of the use has already been established the development is for an extension to an existing business with the construction of external apparatus, soil bund and dust extraction building. This therefore complies with criteria c of Policy EG7 in that it is a new building/equipment which is well

associated with the existing building and cannot be located within an existing built form. Therefore the development complies with Policy EG7 criteria c. Furthermore the applicant has stated that without the equipment the business would not be able to operate. The cessation of the operation of the business would result in a number of other local businesses being affected. The business supplies bedding materials to the equestrian and poultry industry and also receives straw from local farmers. Therefore, the business ceasing to operate would affect a number of equestrian businesses and local farmers in the area.

- 5.6 The soil bund that has been constructed is directly linked to the business and the external equipment that has been installed. The purpose of the soil bund is to seek to improve the compatibility of the acoustic output from Sandholme Farm with sensitive receptors in the locality. The acoustic reports that have been provided demonstrate that the bund is having a positive benefit on low level noise output and is considered in principle to be acceptable subject to other material planning considerations.
- 5.7 The non-retrospective part of the application refers to the erection of dust storage building which would provide coverage to the dust trailers which collect dust output from the production facility. The dust collection trailers are already in situ and have been since the permission was first granted in 2008, however the proposal of covering these trailers to limit the rare occurrence of dust spillage is a development which is clearly functionally linked to the existing business and in principle is justified subject to other material planning considerations.

#### Impact on the heritage assets

- 5.8 The development is not located within or adjacent to a Conservation Area, however is 135 metres away from a Grade II Listed Building known as the Church of St John the Evangelist and therefore the development could have the potential to impact the setting of the Grade II Listed Building.
- 5.9 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 states that in determining a planning application for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest it possesses.
- 5.10 The National Planning Policy Framework at paragraphs 189, 190 and 192 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, including securing the optimum viable use of the building. In this case the development does not have any visual impact on the setting of the Listed Building due to existing buildings in front of where the development is located, however the noise generated from the units could impact the setting of the Listed Building.

- 5.11 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether the potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 of the Framework requires that any harm to significance including harm from development within the assets setting should require clear and convincing justification.
- 5.12 Policy E5 of the plan states that support will only be given to development which ensures those features that contribute to the special architectural or historic interest of a listed building, or its setting are preserved and where appropriate enhanced. It requires that any harm to the significance of a designated heritage asset has a clear and convincing justification and less than substantial harm to significance will only be supported where the harm is outweighed by the public benefits of the proposal.
- 5.13 It is considered that noise within the setting of the Listed Building has potential to be harmful to the ambience experienced within the setting of the Listed Building. However, as part of the application and during the lifetime of the application various mitigation measures such as silencers to the external equipment and soil bund have been implemented. Subsequently it is considered that these changes have enabled this harm to be mitigated and thus it is considered that no harm is being caused to the setting of the Listed Building. It is therefore considered that the development is in accordance with the overarching principles of the NPPF and the Council's Local Plan Policies.

#### Impact on the character of the surrounding area

- 5.14 Policy E1 of the Local Plan states that all developments should 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. All development should have regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area or describes how the area should develop in the future.
- 5.15 The National Planning Policy Framework Planning supports this approach and, at paragraph 134, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.16 Policy E7 of the Local Plan states that the Council will 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; and takes account of areas that have been identified as being particularly sensitive to or sensitive for certain forms of development.
- 5.17 The site is within Character Area 20 known as the Swale Floodplain, some of the key characteristics of this landscape area is a pattern of large irregular arable fields within the floodplain. There is a clear sense of being in a flat and low-lying landscape with openness of views dictated by vertical features such as a woodland, buildings, and berms.

- 5.18 The equipment that has been installed to the side of the existing building is of a stainless-steel finish currently. There is a public bridleway running alongside the building and thus the equipment is visible in the public domain. The equipment is stark in nature and detracts from the overall countryside setting. The equipment that has been installed is more akin to be located within an urban environment rather than in a rural setting. It is considered that the equipment is harmful to the character and appearance of the countryside and is contrary to the Council's Local Plan Policies. It is noted that there is the ability to seek to reduce the harm caused by the equipment through the use of conditions to limit the visual impact of these by housing of painting the equipment.
- 5.19 The soil bund that has been erected has been engineered with the sole purpose to provide a barrier acoustically from the external apparatus that has been installed. The bund is highly visible in its current form and is visible from the public footpaths in the locality. As defined within the Character Assessment the locality of this area is a flat and low-lying landscape with openness of views across the landscape. The soil bund represents an anomaly feature within this landscape area and fails to respect or reflect the local characteristics of the area. Currently the bund that has been constructed is not in a complete state and it is considered that the imposition of a suitably worded condition can improve its visual appearance. However, it is considered that the construction of the bund creates an anomaly within the landscape of the area which is considered to cause harm on the character and appearance of the area and is contrary to the Council's Local Plan Policies.
- 5.20 It is considered that the dust storage building proposed to be located within the centre of the complex of Sandholme Farm (an extension to the existing building) would cause no harm on the character and appearance of the area and would not be visible from any public vantage points given its siting. It is therefore considered that this aspect of the proposal is in accordance with the Council's Local Plan Policies.

#### Impact on residential amenity

- 5.21 Policy E2 of the Council's Local Plan 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 user of neighbouring land and buildings. A proposal must ensure that there are no significant adverse impacts in terms of noise, odour and obtrusive light pollution.
- 5.22 It is important to note that the acoustic output and activity associated with Sandholme Farm in general is consented as part of the previous permissions and is not for consideration as part of this application. Consideration is to be had to the impact that the external apparatus, soil bund, and proposed dust storage building is having and would have on neighbouring amenity.

- 5.23 As part of the application two noise assessments have been submitted. The first being submitted on 9 November 2021. This report was reviewed by the Council's Environmental Health Team who were not satisfied with the report and required further details to be provided in regard to the type of equipment installed and the proposed mitigation to be undertaken.
- 5.24 The applicant then commissioned a further Noise Survey and this was provided on the 2 February 2022. This report has been considered by the Environmental Health Team.
- 5.25 The Noise Report demonstrates that the predicted sound rating levels would be above the background noise level at Skipton Grange Farm and Sandland House (the owner of Bedwell Bedding's house). The assessment has shown that prediction sound rating levels are above the measured background noise levels at Sandland House (+6Db) indicating that mitigation measures are required to reduce the sound rating level to as near to the background noise level as possible.
- 5.26 During the life of the planning application further mitigation has already taken place. The applicant employed Beechfield Acoustics to install noise control equipment, specifically silencers to the air hammer (air pulse system) on the 'red' plant and to the fan and air hammers on the 'white' plant. The silencers give a reduction of approximately 25dB and 20dB to the source levels produced by the plant respectively.
- 5.27 It is also understood that a silencer is to fitted to the large generator which will give an overall reduction of at approximately 4dB to the noise level produced by the generator. However, it should be noted that plans are progressing, with deposits paid, for mains power to be installed within the main production building leading to the removal of the generators from the site following commissioning of the mains power supply which will remove the sources completely. Therefore, it is appropriate to impose a suitable condition should planning permission be granted to ensure that the generators are removed from site within the next six months to ensure this noise aspect is removed from site.
- 5.28 However, even with this proposed and implemented mitigation (with the retention of the generator) the level of noise from the equipment would remain above background noise level by 4dB and therefore further mitigation is required and proposed.
- 5.29 It was suggested therefore that a proposed barrier be installed such as a soil bund which would provide a screen to the noise. This was initially suggested by the noise engineer but the applicant undertook these works without the benefit of planning permission and therefore the soil bund is now subsequently included within this application for consideration. The installation of the soil bund ensures that the noise levels would be level with the background noise of 44dB.
- 5.30 It is considered that in totality; the proposed future mitigation of removing the generators from the site and the mitigation measures as recommended by the noise consultant (i.e. the soil bund and equipment silencers) would result in the level of the noise being 4dB below background noise level. Therefore subsequently it is

considered that the development could operate without adverse impact at the nearest residential receptors.

- 5.31 The Environmental Health team have been consulted on the application and have considered the noise reports submitted. The submitted noise assessments demonstrate that uncontrolled the items of plant subject of this application are likely to have an adverse impact on residential amenity. Since the initial application was submitted, works have been carried out to reduce the noise emitted from these items of plant and it is acknowledged that the impact from the site is much reduced. It is clear that the items of plant require mitigation and therefore it is necessary to ensure that the controls put in place to reduce the impact of the plant remain in place. Therefore subject to appropriate conditions and control over the equipment it is considered that the development is in accordance with the Council's Local Plan Policies.

#### Planning balance

- 5.32 The application is part retrospective i.e. the soil bund and the external apparatus that has been installed. The non-retrospective element of the proposal being the dust storage building. It is considered that the soil bund and the visual appearance of the external apparatus is in conflict with the Council's Local Plan due to them having an adverse impact on the character and appearance of the area. However the bund that has been constructed is part of the mitigation measures required to reduce the noise levels from the external apparatus that has been installed.
- 5.33 Planning permission was granted in 2008 for the use of the barn for the processing of straw to supply the equestrian and poultry industries. The external apparatus that has been installed is an integral part of the business and this equipment is required for the business to operate. However various mitigation measures are required to ensure that noise levels from the equipment is below background noise levels. The noise engineer and the Council's Environmental Health team have stated that the soil bund does contribute to reducing the noise levels below background noise levels. It is acknowledged that there is an adverse impact caused to the character and appearance of the area by the equipment and bund. However, it is considered that support to local business in the interest of the local economy, the ability to minimise the noise impact and the ability to reduce the visual harm caused by the equipment and bund through the use of landscaping and painting/hosing of equipment can, on balance, outweigh the visual harm being caused on the surrounding countryside. It is therefore considered that the development is acceptable on balance subject to the imposition of conditions.

## 6.0 Recommendation

That subject to any outstanding consultations the application be **GRANTED** for the following reason(s):

1. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered Location Plan received by Hambleton District Council on the 14 December 2021; and Photos of the Elevation of the building; received by Hambleton District Council on 20

January 2022; unless otherwise approved in writing by the Local Planning Authority.

2. No fixed plant other than those shown in drawing HDC/1330/05 Revision A shall be installed on the site.
3. The fixed plant identified in drawing HDC/1330/05 Revision A shall not be operated outside the hours of 06:30 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturday and at no time on a Sunday or Bank Holidays.
4. The fixed plant identified in drawing HDC/1330/05 Revision A shall not be operated unless a soil bund of no less than 3 metres in height is located as shown in plan HDC/1330/04A.
5. The Cream Reverse Jet Filter model number SO56630RD0G3 as identified within an Elevation Plan submitted to the Local Planning Authority on the 2 August 2022 shall not be operated unless fitted with a splitter attenuator on the filter discharge as described within the Noise Survey submitted on the 2 February 2022.
6. The Red Reverse Jet Filter model number 90692101 as identified within an Elevation Plan submitted to the Local Planning Authority on the 2 August 2022 shall not be operated unless fitted with a pad attenuator, installed on the solenoid exhausts, as described within the Noise Survey submitted on the 2 February 2022 and the wooden encasement shown in photograph submitted to the Local Planning Authority on the 5 October 2022.
7. The Green reverse jet filter model number SA000099 as identified within an Elevation Plan submitted to the Local Planning Authority on the 2 August 2022 shall not be operated unless fitted with a silencer as described within the Noise Survey submitted on the 2 February 2022.
8. The two external generators shall be removed from the site within six months of the date of this permission.
9. There shall be no modifications to the plant shown in HDC/1330/05 Revision A without approval from the Local Planning Authority.
10. Within two months of the date of this decision a scheme for the painting and maintenance thereafter of the external apparatus shown in drawing HDC/1330/05 Revision A shall be submitted in writing to the Local Planning Authority. Once approved the external apparatus shall be painted in accordance with the approved details within one month of the decision and maintained in accordance with the approved maintenance schedule thereafter.
11. Within two months of the date of this decision 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 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.

Reasons:

1. 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(ies) S51 and S5
2. In order to control the external apparatus of the site to ensure that the development does not cause any impact on neighbouring residential amenity in accordance with Policy E2 and EG7.
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9. In order to control the external apparatus of the site to ensure that the development does not cause any impact on neighbouring residential amenity in accordance with Policy E2 and EG7.
10. In order to ensure that the external apparatus has an acceptable finish so it does not impact on the character and appearance of the area in accordance with Policy E1.
11. In order to ensure that a suitable landscape scheme is provided to ensure that the development does not become a further anomaly on the landscape in accordance with Policy E7.

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**Parish: Thirsk**  
**Ward: Thirsk**

**Committee date:** 24 November 2022  
**Officer dealing:** Mr A Cotton  
**Target date:** 22 March 2022  
**Date of extension of time (if agreed):**

**8**

**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**

The application was previously considered by the planning committee in August 2022. It was considered that plots 8 & 9 should be amended to reduce potential amenity impacts upon neighbouring residential properties. The planning committee recommended that the applicant either remove plot 8 or reduce plots 8 & 9 to bungalow dwellings. Amended plans have been received since the application was presented to planning committee and consultations have been carried out. The officer report set out below has been updated accordingly to consider the proposed amended scheme.

## **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 Authority -No objections subject to conditions.
- 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 and submitted prior to determination and a condition should be included to secure a construction management plan. Reconsulted but no additional comments received.
- 4.9 Public Rights of Way – no objections subject to standard informative.
- 4.10 Environmental Health (contaminated 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.

A third consultation was carried out on amended plans received following the planning committee's deferment. Two letters of objection were received which raise the following summarised points:

- Support statement refers to no.36 instead of no.45 Olivette Crescent;
- Happy with change to proposed dormer bungalows which is much more neighbourly and sensible;
- New plans do reduce the height but move properties closer to no.45 and 46 Olivette Crescent;
- No gain in sunlight on southerly aspect and due to proximity of westerly aspect overshadowing remains the same;
- Proximity issue could easily be addressed by removing pedestrian access and moving both plot 8 & 9 to the west of the site;
- Proposed bungalows have a larger footprint than plots 8 & 9 previously proposed and as such are closer to no.45 Olivette Crescent;
- Object to planting of trees along boundary of existing gardens due to water loss and future overshadowing;
- Plans state 'subject to an accurate measured survey' which could mean bungalows are not where they are shown on the plans; and
- Committee meeting minutes are not accurate and omit the crucial points raised – remove plot 8 altogether or remove plot 8 & 9 and replace with smaller semi-detached bungalows.

## **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 submitted 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 15.1m (previously 15.5m to the formerly proposed two storey detached property) and plot 9 would be 24.5m (previously 24.6m to the formerly proposed two storey detached property) 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 8.2m (previously 8.4m to the formerly proposed two storey detached property) and 5.6m (previously 5.4m to the formerly proposed two storey detached property) 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 no windows or doors. The site sections provided (ref 3210-1-009 G) show that due to the land level changes between the application site and the properties on Olivette Crescent, the proposed reduced height properties at Plots 8 & 9 would



be comparable in height than the bungalows on Olivette Crescent and significantly lower than the two storey properties on Olivette Crescent.

- 5.17 Whilst it is acknowledged that the introduction of the reduced height semi-detached 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.
- 5.18 In terms of height the bungalow property at no.45 Olivette Crescent is approximately 4.6m to the ridge, the proposed properties at plot 8 & 9 would measure approximately 5.8m to the ridge however as stated above due to the difference in land levels between the properties on Olivette Crescent and the application site the ridge height of plots 8 & 9 would be approximately the same. A condition has been imposed, should planning permission be granted, to secure the provision of detailed site land levels and cross sections on site to ensure that the comparable ridge heights are secured, implemented and enforceable.
- 5.19 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

- 5.20 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.
- 5.21 It is not considered that the vehicle trips generated from a development of 9 units would represent an increase 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. North Yorkshire County Council have reviewed the proposal and raised no objection subject to the imposition of conditions.
- 5.22 There is a Public Right of Way (PROW) which runs to the west and south of the site. The PROW 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

- 5.23 The site is located in Flood Risk Zone 1 and as such is at the lowest risk of flooding.
- 5.24 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.
- 5.25 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.
- 5.26 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

- 5.27 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

- 5.28 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.

### Other Matters

- 5.29 Concern has been raised by residents of Olivette Crescent with the presence of indicative tree planting on the site boundary (within plot 8) and future maintenance of these trees. Residents are concerned the trees will not be maintained and would cause overshadowing of their rear amenity spaces as well as depleting ground water in rear gardens.

- 5.30 The landscaping proposed on the plans at this stage is indicative and a conditions requiring a detailed landscaping scheme to be submitted and approved is recommended. The indicative trees are within the curtilage of plot 8 and so their future maintenance would likely be the responsibility of the future occupier of plot 8.

#### Conclusion

- 5.31 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. 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.
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 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.
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. 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.
11. The following scheme of off-site highway mitigation measures must be completed as indicated below:
- Provision of a footway on the site's frontage to link the development to the existing footway to the east of the site
- For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority. A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.
- Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.
12. 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.
13. 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.
14. 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.
15. Foul and surface water shall be drained on separate systems.
16. 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.

17. 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.
18. 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.
19. 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.
20. 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.
21. 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 extensions shall be erected to the side or rear of the approved properties and no fences, gates or walls shall be erected within the curtilage of any dwellinghouse between any wall of that dwellinghouse and a road.
22. Prior to any above ground works 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.

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 ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of all prospective highway users.
11. To ensure that the design is appropriate in the interests of the safety and convenience of highway users.
12. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
13. To enhance the ecological value of the site and demonstrate net gain in accordance with Policy E3 of the Hambleton Local Plan.
14. To ensure adequate and suitable drainage of the site in accordance with Policy RM1 of the Hambleton Local Plan.
15. To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network.
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, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

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. 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.
19. 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.
20. In order to ensure a suitable level of amenity for future occupiers.
21. In order to maintain the appearance of the development and secure the proper implementation of the landscaping scheme and ensure appropriate residential amenity is provide to existing and future occupiers in accordance with the Hambleton Local Plan.
22. To protect the amenity of the neighbouring residents and to ensure accordance with Policies E1 of the Hambleton Local Plan.



## **9**

**21/02959/FUL**

**Construction of 43no dwellings, garages, access roads and ancillary services (As Amended - Revised Site Layout and Enclosures Layout Plans received 27.09.2022; Ecological Impact and BNG Assessments received 07.10.2022)**

**At: Rybeck House, Stoneybrough Lane, Thirsk**  
**For: Ms Samantha Barker**

**It is appropriate for the proposal to be considered by the planning committee as it is of significant local interest**

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

- 1.1 The 2.31ha site is a redundant farm located to the north of Thirsk, on the eastern side of Stockton Road (A61) The southern part of the site includes several agricultural buildings, whilst the rest of the site comprises of a pasture field. The site is relatively flat and level and the area surrounding the site is similar. The northern boundary of the site is bounded by the watercourse of Whitelass Beck, the banks of which are lined by trees. The western site boundary also contains lines of trees and a hedgerow that help to partially screen the site from vantage points from Stockton Road. The southern site boundary is adjacent to Stoneybrough Lane which provides access to the farm buildings within the southern part of the site as well as Stoneybrough Farm further to the west.
- 1.2 The site adjoins the northern and eastern boundaries of the Rybeck House and to the southern, western and eastern boundaries of Brookdene which is a residential property within the land-edged-blue. Whitelass House (also in the land-edged-blue) is sited to the north of the site on the opposite side of the beck which is an uninhabited property in a very poor state of repair with access close to the Stoneybrough Lane/A61 junction. A new access across the beck to Whitelass House is also proposed.
- 1.3 The northern part of the site (located adjacent to the southern bank of the beck) is located within Flood Zones 2 and 3 of the EA's flood maps. The site is also within the MOD's airfield safeguarding zone for the RAF airfields of Topcliffe and Leeming, and within the SSSI Impact Risk Zone. Although not located within the application site, a sycamore tree located adjacent to the junction of Stoneybrough Lane and Stockton Road is subject to a Tree Preservation Order (TPO ref. 2001/13) A public footpath runs along the northern bank of Whitelass Beck north of the application site, while Stoneybrough Lane running parallel with the southern site boundary is a public bridleway. There is a 225mm sewer running south-north through the site, with a 6m easement shown on the proposed site layout.

- 1.4 The application seeks full planning permission for 43 dwellings with garages, access roads and ancillary services. A new access is proposed to serve the development onto the A61. The proposals include a mixture of different house types (detached, semi-detached and terrace) and scales (single storey, 2 storey and 2.5 storey) The residential bungalow of Brookdene is included within the north-west of the application site and is proposed to be demolished and replaced as part of the proposals.
- 1.5 A diversion of the public right of way is proposed with a route running from the western boundary with Stockton Road, through the site, joining up with the existing route of the public footpath on the opposite side of the beck (to the north of the site). Part of the route of the diverted PROW would run parallel with the southern boundary of the beck in the northern part of the site through an area designated as a green wildlife corridor. A cyclelink between the proposed development and Stoneybridge Lane is proposed.
- 1.6 The proposed site layout plan shows the creation of a 'green frontage' landscape buffer along the western site boundary adjoining Stockton Road. Buffer planting is also proposed along the southern part of the western site boundary, while the northern part of the western boundary would have new native species hedgerow and tree planting. The main estate road within the site would be tree lined and would incorporate a 3m shared footway/cycleway. Two areas of public open space would be created: one 660m<sup>2</sup> area within the west of the site and another 1550m<sup>2</sup> site (with LAP) within the north-eastern part of the site.
- 1.7 The site is not an allocated site within the Local Plan, although it was a housing allocation (TH3) within the previous LDF.
- 1.8 The submitted application included the following assessments/surveys:
- Tree Survey (dated March 2020)
  - Archaeology & Heritage Assessment
  - Archaeological Geophysical Survey (dated March 2020)
  - Note on Access and Transport Issues (dated November 2021)
  - Phase I Geo-Environmental Appraisal (dated May 2020)
  - Preliminary Assessment of Land Contamination (PALC)
- 1.9 The following amended and additional plans, assessments and statements have subsequently been submitted since the validation of the application:
- Ecological Impact Assessment (dated October 2022)
  - BNG Assessment
  - Amended Site Layout Plan - Rev.I
  - Amended Enclosures Plan - Rev.F
  - House Mix, Housing Types and Tenures Details
  - Response to the Case Officer's email 31.05.2022.
  - Revised Flood Risk and Drainage Assessment (Rev.B) and Appendices (dated April 2022)

## **2.0 Relevant planning history**

- 2.1 None relevant to the consideration of this application.

### **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 S2: Strategic Development Needs  
Local Plan Policy S3: Spatial Distribution  
Local Plan Policy S5: Development in the Countryside  
Local Plan Policy HG2: Delivering the Right Types of Homes  
Local Plan Policy HG3: Affordable Housing Requirements  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy E4: Green Infrastructure  
Local Plan Policy 56: Nationally Protected Landscapes  
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 RM 1: Water Quality and Supply  
Local Plan Policy RM 2: Flood Risk  
Local Plan Policy RM 3: Surface Water and Drainage Management  
Local Plan Policy RM 5: Ground Contamination and Groundwater Pollution  
Housing SPD  
National Planning Policy Framework  
National Planning Practice Guidance

### **4.0 Observations**

A 10 day reconsultation has been undertaken on the additional and amended plans and documents listed in paragraph 1.8 above. Members will be informed of all additional responses (and any additional Officer comments/recommendations) in the Update List.

- 4.1 Thirsk Town Council – Have confirmed that the Town Council do not support the application and recommend that it is refused as the site is not included (as an allocation) within the Local Plan.
- 4.2 RAF Safeguarding – No response received.
- 4.3 British Horse Society (BHS) – No response received.
- 4.4 Environment Agency (EA) – No objection, providing the proposed development is all built within Flood Zone 1 in accordance with the submitted FRA, and subject to a condition preventing the raising of ground levels within Flood Zone 3, in order to ensue that there is no loss of flood storage and no displacement of flood waters.

4.5 Swale and Ure Internal Drainage Board (IDB) - Having been consulted on the application (as submitted), the IDB made the following comments/observations (as summarised):

- The IDB confirmed that the proposed development lies within the Swale and Ure drainage board district, and any proposed structure/asset within 9m of the watercourse requires IDB consent. Have asked how far the proposed footpath would be from the watercourse and have confirmed that their consent would be required for any water headwall structure and associated pipework.
- Any discharge to the watercourse requires the IDB's consent, and there is a requirement to restrict the discharge flowrate to 1.4 l/s/ha (to mimic the greenfield scenario)
- Have requested confirmation on how ground and surface water will be managed on site during construction.

Having been consulted on the revised drainage details and having been specifically asked (on behalf of the applicant) whether the IDB would accept a higher discharge rate of 10.1 l/s, they have confirmed that whilst they would accept the 3.5 l/s discharge rate into the Board's catchment area (as per the submitted drainage details), they would not be willing to accept the 10.1 l/s discharge rate. They have also clarified that the Board would be opposed to any development within 9m of the watercourse, and that the Board's consent would not normally be given for proposed development that interferes with or inhibits the Board's ability to carry out its statutory functions.

4.6 Lead Local Flood Authority (LLFA) – Having been consulted on the application (as submitted), the LLFA made the following comments/observations having particular regard to the Design and Access Statement and Flood Risk and Drainage Assessment (as summarised):

- Identify that although the majority of the site is in Flood Zone 1, an area of the site on the northern boundary is in Flood Zone 2. A sequential approach should be undertaken, however development on sites in Flood Zones 2 and 3 should include appropriate mitigation measures...it should also be demonstrated that the development does not increase on and off-site flood risk.
- The LLFA consider the site to be greenfield land for the purposes of run-off rates.
- Note that infiltration (for the disposal of surface water) has been discounted due to the shallow water table and ground conditions, and that discharge to Whitelass Beck is proposed, with a pumped solution being considered in the preliminary design. Consent is required from the Swale and Ure IDB to discharge of the beck....it should be ensured that the capacity and condition of the receiving watercourse is suitable for the disposal of the surface water.
- Note that a discharge rate of 3.5 l/s is proposed. Recommend that the IDB approval is sought for the proposed discharge rate.
- The proposed SuDS attenuation features should be able to provide the 1 in 100 year design flood event plus with an allowance for climate change (30%) and for urban creep (10%) and this should be incorporated within the detailed drainage design. The calculations submitted are based in pipe diameters of 1350mm laid within the adoptable highway. This would not be acceptable to NYCC (who don't accept pipes greater than 900mm diameter), while the drainage system is shown to pass underneath an existing sewer.

- LLFA have noted that it has proven difficult to identify the proposed system and associated calculations in the hydraulic model and the drainage design drawings, stating that the drainage system should be clearly marked on the drawings to enable cross referencing in the hydraulic calculations.
- Pollution from surface water runoff from the development from parking areas and hardstanding areas should be mitigated against by the use of oil interceptors, road side gullies, reedbeds or alternative treatment systems.
- An updated exceedance plan is required to show overland flow during an extreme flood event, exceeding the capacity of the proposed drainage system.
- Temporary flood risk measures during the construction phase should be submitted to the Local Planning Authority to mitigate the impact of flooding during the construction of the site.
- Arrangements for the maintenance of the proposed SuDS surface water runoff attenuation features should be submitted to the LPA for approval.
- Based on the above comments, the LLFA recommended that additional information is submitted including an exceedance flow plan; an updated hydraulic model (with references to a schematic layout plan) and details/plan making it clear where any oversized pipes are to be located within/under the adopted highway.

Having considered the revised Flood Risk and Drainage Assessment and Drainage Report Appendices submitted by the agent in May, 2022, the LLFA made the following additional comments/observations:

- The proposed (surface water) discharge rate of 3.5 l/s as stated within the drainage documents is considered by the LLFA as being acceptable.
- The micro drainage calculations still don't appear to have applied the aforementioned 10 per cent urban creep allowance.
- The strategic drainage layout drawing shows oversized pipes within the adoptable highway. The LLFA reiterate that NYCC will not accept such pipes within the adopted highway.
- The exceedance flood routing plan submitted gives no indication of proposed ground levels or finished floor levels of properties.
- Based on these additional comments, the LLFA recommend that further information is submitted including an updated exceedance flow plan; the application of a 10 per cent allowance for urban creep; and an updated and clear hydraulic model with reference to a schematic layout plan.
- If oversized pipes are to be used within the development, any oversized pipes which are located within/under the adopted highway should be made clear to the relevant statutory undertaker and the Local Highway Authority. This is to ensure that both parties are happy to accept them.

4.7 Yorkshire Wildlife Trust (YWT) – Having considered the application as submitted, with particular reference to the submitted Ecological Impact Assessment (EIA), the YWT have made the following comments (as summarised):

- The Ec.I.A identifies the further protected species surveys which must be undertaken prior to determination. As the LPA has a statutory duty to consider impacts on protected species prior to the determination of the application, these surveys should be provided upfront.

- The proposal should minimise the impacts on biodiversity and show biodiversity net gain (BNG) in accordance with the NPPF and the Environment Act. The YWT would wish to therefore see the use of a biodiversity metric to demonstrate the achievement of BNG.
- They note that the Landscape Masterplan proposes tree planting of non-native or ornamental varieties which to the benefit of biodiversity and future specimen resilience/maintenance they recommend are replaced with native alternatives.
- They have also noted that proposals would involve the lighting of the watercourse corridor has been identified as a potential impact. A sensitive lighting scheme must be provided that indicates how dark corridors are to be retained around the site.
- Details/evidence should be provided showing how the recommendations within the EIA would be incorporated within the proposed scheme.
- The YWT support the provision of a buffer zone along the watercourse, however they don't consider it appropriate for a surfaced PROW to form part of this buffer which would bisect the habitat. Ideally, this buffer zone should be free from disturbance. The width of the buffer zone should be increased if a PROW is to be accommodated.
- The YWT consider it essential that the mitigation hierarchy is followed and evidenced with regard to impacts on protected species and habitats.
- Based on the above comments, the YWT recommend that there has been insufficient ecological information submitted with the application (as originally submitted) to be able to determine the ecological impacts and any biodiversity gains of the proposed development.

4.8 NYCC Local Highway Authority (LHA) – The LHA have provided an initial response (although not a formal recommendation as yet) to the application as submitted, raising the following issues/concerns:

- The landscaping plan details trees abutting the carriageway which are likely to obscure visibility at internal junctions and some private accesses. NYCC design guide details that any tree shall be planted a minimum of 2.5m away from the carriageway edge and 1.50m away from the edge of a footway. Our bridges team have also raised concerns with the planting shown in close proximity to the Bridge on the A61 Stockton Road, please can this be removed.
- The Footway on Stockton road is shown behind a grass verge, currently the footway abuts the carriageway, can you confirm whether it is the applicants intention to alter the layout of this footway or whether this is a drawing error?
- Please could you provide swept path analysis the turning head and road serving plots 4-27 demonstrating a refuse vehicle can manoeuvre comfortably.
- NYCC design guide states that a shared surface shall only be used serving up to 25 dwellings as a cul-de-sac. Please could the applicant's agent alter the design to include the provision of footways, this would also secure visibility issues on many of the private accesses and also improve forward visibility on bends serving plots 4 – 27.
- It appears it is the intention to provide a shared surface on the northern cul-de-sac of the site, whilst this concept is accepted, the design will need to conform with NYCC specification and therefore a minimum carriageway width of 4.80m is required with 2.0m service strips on either side of the carriageway.

- 25 and 26 plots – accesses look awkward and would be better for the plots to adjoin perpendicular to the highway.
- Suitable visibility plays to be provided on every private access hence the reason for 2m footways/service margins.
- Please can you confirm the applicant's intention of the truncated section of road to the eastern boundary of the site which details 'views through development' is required. There is currently a 50 dwelling limit off a single access and therefore, if there is a further plan to develop the site to the east of this proposal, a second access point may be necessary considered or an emergency link provided. Alternatively a 6.50m spine road would be required to ensure a 3.25m running lane can be maintained should the road become blocked or affected by future utility works etc.

4.9 NYCC PROW Team – Confirm that there are Public Rights of Way either within or adjoining the application site boundary. Have recommended an informative (should planning permission be granted) detailing how the PROW should be kept clear of obstruction and the processes required to be followed to divert or temporarily close the PROW as a result of the development.

4.10 Environmental Health - The service has considered the potential impact on amenity and likelihood of the development to cause a nuisance, and have recommended the following conditions should planning permission be approved:

The submission and approval of a construction Management Environmental Plan (CEMP) to mitigate the effects of noise, vibration, dust, emissions and site lighting to include: construction site procedures and the following operation hours (for operations that are audible at the site boundaries):

- 08:00 hours to 18:00 hours, Monday-Friday
- 08:00 to 13:00 hours, Saturdays
- No operations/activities on Sunday or Bank Holidays
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

4.11 Environmental Health (Contaminated Land) - Having considered the application, particularly the submitted Preliminary Assessment of Land Contamination (PALC), the applicant should submit a report detailing the findings and recommendations of an intrusive Phase 2 site investigation and risk assessment. Ideally, this should be submitted prior to the determination of the application, however if Officers/Members are minded to approve the application before such a submission, then the following conditions (as summarised) have been recommended:

- No development shall be commenced until a Phase 2 assessment has been submitted and approved by the LPA.
- Prior to the commencement of the development, a detailed remediation scheme must be prepared and approved in writing by the LPA.
- Prior to first occupation, 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 LPA.
- Any unexpected contamination found during carrying out the development, must be reported immediately to the LPA, and an investigation and risk assessment and remediation scheme (where necessary) prepared and agreed in writing by

the LPA. Once the measures within the agreed remediation scheme has been compelled, a verification report should be prepared and approved in writing by the LPA.

4.12 Designing Out Crime Officer (DOCO) – A Designing Out Crime Report has been submitted by the DOCO. While the reports concludes overall that the design and layout of the proposed scheme is considered to be acceptable, it nevertheless makes the following observations/recommendations (as summarised below) in order to provide residents with a safe and secure environment by reducing the opportunities for crime and anti-social behaviour:

- Recommends that that a 1.8m high lockable gate be placed at the entrance to the footpath for plot 38 to mitigate burglary risk to the rear of the terrace properties.
- Recommends that Secured by Design (SBD) accreditation be considered, or at least utilising doors and windows to relevant SBD standards
- An external lighting scheme is recommended that complies with British Standard 5489-1:2020 and looks to light all roads, footpaths and any elevations of dwellings with exterior door(s)
- It is noted that the boundary protection for the rear gardens is proposed to be 1.8m high fencing, walls and gates, which is considered to be appropriate, although it is recommended that the rear garden boundaries for plots 4 to 11 that abut to Stoneybrough Lane are reinforced with thorny hedging to prevent intruders from getting into these rear gardens from the lane.
- A proposed privacy buffer zone is noted behind plots 11-18, although unmanaged gaps (used as privacy buffers) should be avoided by providing for interlocking back gardens.
- Securing the site (during construction) with CCTV, on site security, obscured perimeter fencing and vetting of staff should be considered.
- The development should be designed and laid out to be 'tenure blind', i.e. tenure should not be identifiable by house type or location within the site
- The design and layout has active frontages, the provision of back-to-back gardens (where possible) and corner plot buildings that 'turn the corner; thus providing natural surveillance of the public realm and strengthening resilience in respect to crime and disorder.
- The proposed vehicular access onto the site and movement within it are suitable as it would keep permeability at an appropriate level.
- The proposed PROW diversion is to be provided with good levels of natural surveillance.
- The proposed parking provision would comply with best practice by either providing a garage, in curtilage parking, or on street parking in front of the dwelling it serves, whilst avoiding the use of rear parking courts.
- The POS would be provided with good levels of natural surveillance from nearby dwellings.
- The proposals provide for a clear demarcation of private, semi-private and public space that creates defensible space.

4.13 Natural England – Natural England have confirmed that they have no comments to make on the application.

4.14 Campaign for the Protection of Rural England (CPRENEY) – CPRENEY's comments are summarised as follows:



- The site is not an allocation within the new Local Plan..To defer away from the settlement hierarchy at such an early stage in the plan period would cause a dangerous precedent. Furthermore, the residential development of this site is not supported by either the rural exceptions (HG4) or windfall (HG5) housing policies of the Local Plan.
- The applicant has not demonstrated an appropriate Biodiversity Net Gain as required by the Environment Act.

4.15 Yorkshire Water Services (YWS) – YWS confirm that the Statutory Sewer Map shows that there is a 225mm diameter public sewer recorded as crossing through the application site, and clarify that no buildings, or other obstructions should be erected within 3m of the public sewer, nor any trees planted within 5m. As the proposed landscape masterplan (rev.B) multiple new tree and shrub planting directly over, or within 5 metres of the aforementioned public sewer, YWS are objecting to the proposals as submitted as the proposals could seriously jeopardise YWS's ability to maintain the public sewerage network.

They advise the proposed layout is amended to allow for adequate protection of the public sewerage system.

4.16 Street Name and Numbering – An application would be required.

4.17 HDC Housing Services Team – Housing Services have provided the following comments relevant to the consideration of the proposed development in respect of the housing policies of the Local Plan:

- The proposed housing provides a good mix of property types to meet evidenced needs.
- The proposed affordable homes tenure mix of nine rented and four shared ownership homes is appropriate.
- The proposed affordable homes are suitably pepper-potted throughout the scheme.
- All the proposed homes meet the Nationally Described Space Standards.

4.18 NYCC Archaeological Services – Although the site is identified as being within an area of archaeological interest, the submitted archaeological desk-based assessment and geophysical survey have demonstrated a low potential (for impact on archaeological remains) and therefore NYCC's Principal Archaeologist has identified no archaeological constraint relating to the proposed development.

4.19 NYCC Education Services – Have confirmed that no developer contributions are required towards schools and school places.

4.20 Public Comments – Representations (12 in total) have been received objecting to the application as summarised below:

- Scale and siting - no objection to the site on which at present there are derelict farm buildings being used for residential development, but strong objections to the land adjoining the Whitelass Beck being used...the scheme as a whole is too ambitious, and attempts to crowd far too many dwellings on the site....at a time of climate and ecological emergencies, building on greenfield site should not be permitted...there are too many houses for the roads, schools and other

local infrastructure to accommodate anymore....the high number of houses means Thirsk is losing its small community spirit...

- Biodiversity – the development will have a detrimental impact upon the local fauna and flora...there is a significant amount of wildlife dependent on the site...as the site is in an area bordering the own centre, the loss will be more seriously felt...the recommendations for mitigation (within the Ec.I.A.) are not fit for purpose...Whitelass Beck is recognised as offering most ecological value within the site and the importance of not disrupting or altering the ecological systems made clear, however the application includes proposals to cut back vegetation and re-route the PROW thus damaging the most important ecological feature within the site, and the presence of human activity (including the re-routed PROW) will disturb wildlife in this area.... The riparian buffer along the watercourse should be protected, and opportunities to enhance it taken. the area/site attract wildlife which will be lost and affected forever of the development were to proceed the Ecological Impact Assessment makes many detailed comments which need particular attention.
- Landscape/townscape character - the loss of the site for residential development would rob Thirsk of its rural identity...approving the development will set a precedent for the development of further greenfield land.
- Flooding - although the application is not part of a recognised flood plain, the development of the site would reduce the about of area for any flood waters to advance into; this has been disregarded (in the submitted planning documents)
- Surface Water Drainage and Drainage Capacities – object to the proposal to direct surface water to Whitelass Beck due to potential pollution issues, lack of capacity within the beck during heavy rainfall and increasing the risk of flooding in lower-lying areas the development of the site would lead to greater run-off and the development as a whole, would place additional pressure on an already inadequate drainage infrastructure.
- Climate Change - consistent with reducing carbon emissions it should be expected that all proposed developments would incorporate architectural innovations and best practices with regard to building material choices, energy consumption and water use in keeping with Hambleton District Councils commitment to net zero by 2034....the application lacks detail in this regard and provides no details regarding climate change mitigation (e.g. materials; energy efficiency/consumption; water use; wildlife and traffic)
- Landscaping - hard landscaping should be limited, permeable surfaces considered and the enhancement of green infrastructure.
- Highway/traffic impacts – vehicles tend to exceed the 30mph speed limit along Stockton Road which can have the effect of increasing noise and disturbance for local residents. The proposals would exacerbate this issue. Traffic noise and air pollution from vehicle emissions has an impact on health. Traffic calming measures should be introduced on Stockton Road if the development proceeds...objection to the new access road/junction to join the A61 because it is too near the Stoneybrough Lane junction and at a point close to the beginning of the 30mile speed limit, which is widely ignored, thus making this proposal a traffic hazard... the new access/junction would also involve the felling of trees along the roadside.
- Connectivity, permeability and public transport - in practice, the only public transport close by is one bus stop, with buses to Northallerton every two hours. To reach the train station (2 miles away) you need to cycle, walk (42 minutes) or drive. The bus services are infrequent, and not at main commuting times. The first bus from Thirsk Market Place to Thirsk Station departs at 10:37. The very

likely scenario is that people would drive to either Thirsk station or Northallerton station.

- During construction: amenity and accessibility– no wish to live next door to a building site there will be problems gains access to Stoneybrough Farm during construction during the demolition phase there will be problems with vermin which may relocate to other nearby land and buildings.
- Amenity and existing land uses – the development would increase the amount of social activity in the locale as well as increases in noise and pollution which is not conducive to animal welfare and the rural way of life...the development of the site will restrict the access to farming activities, with health and safety being a major concern.
- Housing Supply and Housing Mix – housing development on unallocated sites on Market Town 'edge of settlement' locations is not supported by the Local Plan and would help to result in an oversupply of housing the proposed scale and housing mix is questionable

Representations (four in total) have been received in support of the application as summarised below. In addition on petition containing 14 signatories in support of the application has been submitted to the Council.

- Townscape and settlement character – the development will enhance the approach to Thirsk when travelling down Stockton Road...the development will to add to the impression that Thirsk is a vibrant town with good employment prospects and would help to balance up the recent developments at Sowerby Gateway and Station Road currently the site is an eyesore and the development will make the site and surrounding area look nice the existing buildings are not only an eyesore but attract anti-social behaviour and are likely to contain asbestos the site needs to be developed and would be a positive.
- Housing provision/affordable housing – the development will help first time buyers to secure a house in the area.

## **5.0 Analysis**

5.1 The main planning issues relevant to the consideration of this application are as follows:

- (a) Principle of housing development
- (b) Affordable housing and housing mix
- (c) Adaptability of dwellings
- (d) Design and impact on the character of the settlement and landscape
- (e) Designing out crime
- (f) Amenity
- (g) Public open space provision
- (h) Highway Safety
- (i) Permeability, connectivity and impact on the PROW network
- (j) Landscaping, impact on trees and green infrastructure
- (k) Impact on infrastructure
- (l) Impact on heritage assets and their setting(s), including archaeology
- (m) Flood risk and surface water drainage
- (n) Foul drainage
- (o) Land and water pollution/contamination (including Impacts on aquifers/source protection zones)
- (p) Ecology and biodiversity net gain

- (q) Climate change and carbon savings
- (r) Other issues

#### Principle of housing development

- 5.2 The Hambleton Local Plan includes a series of 'strategic policies' that sets strategic targets and directs the distribution of future development within the plan area to meet the identified housing and employment needs for the plan period (2014-2036) Policy S2: Strategic Development states that housing provision within the 22 year plan period (2014-2036) of the Local Plan will be at least 6,615 (net) new homes, made up of both market and affordable units. This equates to approximately 315 homes per year within the plan area, and a minimum of 55 affordable units as part of the overall housing target.
- 5.3 Policy S2 confirms that the housing strategy (including the aforementioned housing targets) will be achieved through development that has already happened, existing commitments (i.e. extant planning permissions) and a series of allocated sites. Sufficient allocated sites within the Local Plan will meet the aforementioned overall net housing requirement and to provide additional spatial distribution flexibility and to address other housing needs. Policy HG1: Housing Delivery sets out the specific site allocations.
- 5.4 Although the application site was previously a housing site allocation (TH3) within the Council's Local Development Framework (LDF), the site is not wholly or in part an allocated site within the Council's Local Plan which superseded the LDF when it was adopted in February 2022. The site was removed from the housing supply as it was considered at that time that there was no prospect of it coming forward. As such, the site's previous designation as an allocated housing site carries no material weight when determining the application in accordance with the policies of the current Development Plan (i.e. the Local Plan).
- 5.5 Policy HG5 (Windfall Housing Development) supports so-called 'windfall' housing development on unallocated sites within specific defined villages within the settlement hierarchy of Policy S3. However, as the application site is located on the edge of Thirsk (a defined Market Town within the aforementioned settlement hierarchy) it is not applicable to consider the application as a windfall site in relation to Policy HG5. While part of the proposals is to demolish and replace the existing bungalow of Brookdene located within the application site, policies HG5 and S5 are not considered to be applicable as they relate to development consisting of a 'one-for-one' replacement, whereas the proposed development would also consist of another 42 units above the proposed replacement dwelling.
- 5.6 While the agent has submitted a detailed statement detailing the history of the site, its previous LDF allocation status and the Local Plan examination process, ultimately the application site was not carried forward as a site allocation within the current Hambleton Local Plan and thus no material weight can be given to the circumstances and previous allocation status of the application site. As a non-allocated site on the edge of the main built form of the Market Town of Thirsk, there is no policy support within the strategic and housing policies of the Hambleton Local Plan for the residential development proposed on the application site.

- 5.7 Granting planning permission for a major residential development would substantially risk undermining the recently adopted Local Plan's strategic spatial approach for new housing across the District within the Plan Period as set out within the strategic policies of the Local Plan which has sought to support new residential development within allocated site and non allocated sites within the existing built form of designated Market Towns such as Thirsk, but, on the contrary, is not supportive of residential development outside or adjacent to the town's built form (unless for an agricultural worker or other rural housing supported by other policies of the Local Plan) as major additional major residential developments in such locations are unaccounted for within the policies and expectations of the Local Plan and would unsustainably and unexpectedly add significant additional burden on the services, facilities and infrastructure of the town and its surroundings.
- 5.8 Granting planning permission for major residential development on this site would therefore be unsustainable, contrary to the policies and expectations of the Hambleton Local Plan and the NPPF.

#### Affordable housing provision and housing mix

- 5.9 Policy HG3 (Affordable Housing Requirements) requires all developments involving new market housing to make provision for 30 per cent affordable housing (subject to viability) for proposals with 10 or more units. The scheme proposes the provision of 13 on-site affordable units, equating to 30.23% affordable housing provision for the scheme which would meet the requirements of Policy HG3 in relation to affordable housing provision. In accordance with Policy HG3, the affordable housing should provide a mixture of tenures: one third each of (i) affordable rented; (ii) social rented; and (iii) intermediate dwellings) This affordable mix, along with the 30 per cent affordable housing, should be secured via a Section 106 agreement should planning permission be granted.
- 5.10 Policy HG2 (Delivering the Right Type of Homes) requires proposals to achieve an appropriate mix of dwellings in terms of size, type and tenure. Housing development will be supported where it achieves a range of house types and sizes to reflect and responds to the existing and future needs of the district's households as identified within the SHMA, having regard to local housing need, market conditions and the ability of the site to accommodate a mix of housing. The Housing SPD provides further detail regarding the market and affordable housing mix expected. The proposed development would provide the following affordable and market housing mixes (in terms of numbers of bedrooms):

	Open Market (%)	Affordable (%)
1 Bed	7%	23%
2 Beds	40%	55%
3 Beds	40%	15%
4 Beds	13%	7%

- 5.11 The proposed housing mix is considered to be in general conformity with the expectations of Policy HG2 and the Housing SPD in terms of providing a substantial proportion of units of 1, 2 and 3 bedrooms as well as a proportion of bungalows (7 units in total) The proposals are therefore considered to comply with the requirements and expectations of Policy HG2 and the Housing SPD in this regard.

## Adaptability of dwellings

- 5.12 In order to help achieve the Council's aim of creating sustainable and inclusive communities, Policy HG2 (Delivering the Right Types of Homes) states that the Council will (criterion a) seek the use of good quality adaptable housing designs that provide flexible internal layouts and allow for cost-effective alterations to meet changing needs over a lifetime and reduced fuel poverty. In addition, criterion f. of Policy HG2 (Delivering the Right Type of Homes) states that housing development will be supported where all homes meet the National Described Space Standards (NDSS). Having considered the proposed floorplans and layout plan, the proposed development is considered to comply with the relevant aforementioned requirements of Policy HG2 of the Local Plan.

## Design and Impact on the Character of the Settlement and Landscape

- 5.13 Policy E1 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.
- 5.14 The application site includes a building group of disused agricultural buildings and associated infrastructure. These buildings have not been used for several decades and the disused site and buildings have become unsightly and subject to anti-social behaviour. Therefore, although the agricultural character of the site is part of the 'rural transition' between the main built confines of north Thirsk and the countryside to the north and east, this is outweighed by the current unkempt and disused appearance, which as mentioned by a number of local residents, as become an 'eyesore' on the edge of the settlement. As such, redeveloping the site for residential use bringing it back into use.
- 5.15 The proposed layout shows an attractive mix of different house types interspersed within the development. The proposed dwellings would be of brick construction with a tile roof. In accordance with the NPPF, the main access road would be tree lined. If planning permission is approved, it is recommended that samples of the external materials are required by condition, however the form and materials of the proposed dwellings are broadly reflective of the character and appearance of properties within the north of Thirsk.
- 5.16 Overall it is considered that the design of the development and the impact on the character of the settlement is acceptable and in accordance with Policy E1 of the Hambleton Local Plan.

## Designing out crime

- 5.17 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.)

- 5.18 The Designing Out Crime Officer has provided a detailed report including a range of recommendations to prevent and reduce the risk of crime and the fear of crime. If planning permission is granted, then it is recommended that a condition is imposed required a designing out crime statement to be submitted that demonstrates how the DOCO's recommendations have been considered, and where feasible, will be implemented within the development.

#### Amenity

- 5.19 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.
- 5.20 The proposed dwellings are reasonably well-spaced within the site with each dwelling having a reasonable amount of private outside amenity. Separation distances between the proposed dwellings and in relation to off-site dwellings are considered to be appropriate. Due to the layout of the scheme and the location of the existing dwellings adjoining the application site (i.e. Brookdene and Rybeck House), there would be no significant and unacceptable overbearing, loss of light/overshadowing issues with regards to properties within and outside of the development.
- 5.21 Overall, it is considered that the development will provide a good level of amenity for future occupiers with minimal impact on the amenity of the existing neighbouring properties in accordance with Policy E2 of the Hambleton Local Plan.

#### Public open space provision

- 5.22 Appendix E of the Local Plan sets out the Council's requirements for public open space provision. Developments of 10 or more dwellings are required to provide an onsite local area of play (not equipped). The proposed layout plan shows an area of designated public open space (POS) of 1,550 square metres (including a LAP) within the north-eastern corner of the proposed development as well as a smaller, separate 608 square metres area of POS between the access road and Brookdene. Although the precise details of the play equipment, layout and planting for the POS would need to be agreed (via planning condition if planning permission is approved), the amount and locations of the POS is considered to be acceptable and in accordance with relevant Local Plan policy. The provision (including timetable) of the POS and its management and maintenance would need to be secured via a Section 106 agreement should planning permission be granted.

#### Highway safety

- 5.23 Local Plan policies IC1 and IC2 seek to ensure that all aspects of transport and accessibility are satisfactorily dealt with in all developments.
- 5.24 The proposed development would create a new access/junction onto the A61 approximately 60m to the north of the existing Stoneybrough Lane/A61 junction. The junction would have visibility splays of 2.4 metres by 43.0 metres (in accordance with Manual for Streets/Manual for Streets 2 advice for roads subject to a 30mph speed limit) The access arrangements also include the provision of a new

access off the main access road set back 12m from the junction with the A61 and would serve the residential properties of Whitelass House and Brookdene, allowing the existing Whitelass House/Brookdene access onto Stoneybrough Lane/A61 junction. The new position this access is considered to result in an improvement in highway safety given its new distance back from the Stoneybrough Lane/A61 junction.

5.25 A 'Note on Access and Transport Issues' document (dated November 2021) has been submitted with the application. The note concludes the proposed would typically generate 27 vehicle movements during the morning and evening peak hours. This equates on average to one vehicle movement every two to three minutes, which it is concluded would not have a significant impact on the local and national road networks. The amended site layout plan shows the provision of 104 parking spaces (including garaging and three visitor spaces) This level of provision would be in accordance with the Highway Authority's minimum parking standards and considered to be acceptable.

5.26 The LHA responded to the application as submitted raising several design and landscaping issues (see para.4.8 above) The agent has sought to address the stated concerns through the submission of additional and amended information, i.e. amended site layout and enclosures plans. The LHA have been reconsulted on the application but their formal recommendation is awaited. However, given the nature of the highway concerns/queries expressed and taking into consideration that the amended layout plan would appear to have addressed some of the concerns, it is considered that a positive LHA recommendation is likely and that the impact on the highway network and highway safety is unlikely to be considered to be severe, although if the subsequent Local Highway Authority recommendation is for refusal, then this is likely to form a reason for refusal of the as amended planning application. Members will however be informed of any subsequent LHA recommendation and any updated Officer recommendation within the update list.

Permeability, connectivity and impact on the PROW network

5.27 A diversion of the public right of way is proposed. This would involve a diverted route running from the western boundary with the A61, through the site (including the proposed Green Wildlife Corridor in the north of the site) , eventually re-joining to the existing route of the public footpath on the opposite side of Whitelass Beck (to the north of the site) This would provide for a shorter/closer connectivity between the PROW routes on the west and east sides of the A61 than currently exists, and would involve a proposed crossing point (involving a new dropped kerb crossing facility) to the north of the new road junction onto the A61. In addition, a cyclelink between the proposed development and Stoneybrough Lane (a public bridleway) is proposed. There are also footpaths shown within the proposed development as shown on the amended site layout plan which would link to the public footway along the eastern side of the A61 via Stoneybrough Lane. This would allow safe pedestrian connectivity with both Thirsk to the south and South Kilvington to the north, and their respective services, facilities and bus stops. A Footpath Diversion Order would be required to be submitted in order to formally alter the route of the PROW which would be subject to separate consultation and approval. The British Horse Society have been consulted on the application, but have not provided a response, while the Ramblers and Local Access Forum (LAF) have been subsequently consulted on the application and their response is awaited. Members



will however be informed of any subsequent Ramblers, LAF and LHA recommendations and any updated Officer recommendation (based on the representations) within the update list, although the proposals would provide for reasonably good connectivity and permeability with non-car modes of access to existing services, facilities and/or bus stops within South Kilvington and Thirsk.

#### Landscaping, impact on trees and green infrastructure

- 5.28 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the district, supporting proposals where (amongst other things) they: (a) take into consideration the degree of openness and the special characteristics of Hambleton's landscapes; (b) conserves, and where possible, enhances any natural or historic landscape features that contribute to the character of the local area; (d) takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; and (e) protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity. In terms of townscape, Policy E7 also states that the distinctive character and townscapes of the district's settlements will be protected and enhanced by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area. Policy E4 (Green Infrastructure) states that the Council will seek to protect existing green infrastructure, secure improvements to its safety and accessibility and secure net gains to green infrastructure.
- 5.29 The application is within and adjacent to an area designated within the Local Plan as a Green Infrastructure Corridor. The application site includes a relatively large number of trees adjacent, or close to, the western, northern and eastern site boundaries. The trees along the northern site boundary are sited along the southern bank of the watercourse. A Tree Survey (dated March 2020) has been submitted with the application that has assessed the quality of the trees within and adjacent to the site. It has assessed the trees within five groupings (labelled G1-G6 on the accompanying plan) The five of the six tree groupings were classified as C2 (low quality trees without any significant landscape value or landscape benefits) and one group (G4) has been classified as 'U' (in a condition that cannot realistically be retained) Therefore, none of the tree groupings were assessed as being moderate or high quality.
- 5.30 The survey assessed the western boundary hawthorn hedgerow as 'gappy but reclaimable'. Retained hedgerows are recommended to be layered and gaps filled with replacement planting. The survey also recommends that for the trees proposed to be retained, remedial pruning works should be undertaken to 'maximise potential' including cutting of ivy. G1 is a linear group of ash trees along the western boundary of the site adjacent to the A61 (Stockton Road), while G3 is a small line of Lawson Cypress also along the western boundary close to the Stoneybrough Lane junction with the A61. While it is accepted that the assessed quality of the trees within these two groups is low and that the ash trees may become susceptible to ash dieback in time, they nevertheless are part of a larger avenue of trees and hedgerows along the eastern side of the A61 which, along with trees and hedgerows on the western side of the road, provides an attractive and larger unbroken treeline along the A61 between the northern settlement edge of Thirsk and South Kilvington to the north. The survey suggests that the removal of the boundary trees and replanting would not be 'unreasonable' in the circumstances but would result in some loss of amenity

value, meaning that replanting with an 'attractive mix' of species should be implemented if removal of the existing roadside specimens is undertaken. The application includes a landscape masterplan, although this has not been updated to reflect the revised site layout plan. It does however provide a good indication of the proposed approach to landscaping for the site. General areas of open space and tree planting are however shown on the revised site layout plan and are considered to be acceptable. However, should planning permission be approved, it is recommended that planning conditions are imposed which require precise details of the landscaping scheme to be provided (including details of all new planting) and a timetable for its implementation, as well as the submission of a tree retention plan and details of how retained trees (on and adjacent to the site) will be adequately protected during construction. A condition is also recommended to require a scheme to be submitted to demonstrate how the green infrastructure features within the site would, where feasible link to the green infrastructure features within the adjoining/surrounding green infrastructure network.

#### Impact on infrastructure

- 5.31 Yorkshire Water Services (YWS) have confirmed that their Statutory Sewer Map shows a 225mm diameter public sewer recorded as crossing through the application site. They have objected to the application as originally submitted, as the proposed layout of buildings and landscaping could seriously jeopardise YWS's ability to maintain the public sewerage network with buildings shown to be within 5m of the centre line of the public sewer and potentially new landscape planting within 3m. Although the amended site layout plan has sought to address YWS's objection to the proposal in terms of the proximity of buildings to the public sewer, it has yet to show/demonstrate that the landscaping scheme for the site would avoid any new tree planting within 5m of the public sewer. Failure to adequately demonstrate that the layout and landscaping of the scheme can be achieved without jeopardising YWS's ability to maintain the public sewerage network would be contrary to the requirements of Policy e2 (Amenity) of the Hambleton Local Plan and would constitute a reason for refusal. YWS have been reconsulted on the amended layout and their representations are still awaited. Members will however be informed of any subsequent YWS response/recommendation and any updated Officer recommendation within the update list.

#### Impact on heritage assets and their setting(s), including archaeology

- 5.32 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds

on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.

- 5.33 An Archaeology & Heritage Assessment has been submitted with the application to evaluate the historical and archaeological background to the site and its surroundings, and to assess the impact of the proposed development on the historic environment, including designated and non-designated heritage assets. The assessment confirms that there are no designated heritage assets within or bordering the application site, although the assessment identified the following heritage assets within 1 km of the site: 1 Conservation Area (Thirsk and Sowerby); 2 Scheduled Monuments; 54 listed buildings (including 1 Grade 1 and 1 Grade II\*); There are also 98 non designated heritage assets (including 69 archaeological events) identified within 1km of the site, although none within the site itself.
- 5.34 In respect to archaeology, the Archaeology & Heritage Assessment confirms that the proposed development is located within a rich archaeological landscape which has heritage assets dating from the prehistoric, Roman, Anglo-Saxon, Medieval to modern periods, and therefore archaeological deposits relating to earlier land uses may be present on the site, albeit likely to be compromised by agricultural practice and buildings already built on the site. The assessment also concludes that it is unlikely that there are no known (or likely) nationally important archaeological remains within the site that would prevent the development of the site. However, appropriate survey work was considered necessary to allow the archaeological potential of the site to be fully assessed.
- 5.35 An Archaeological Geophysical Survey (dated March 2020) has been submitted with the application. The survey includes the results and assessment of a magnetic gradient survey undertaken to help establish the presence (or otherwise) of any potential archaeological features within the application site. The survey was restricted to the areas of the site not covered by buildings, hardstandings and other obstructions. Although the survey identified a number of anomalies, the survey concludes that the majority of these relate to modern materials/objects, agricultural activity (including ridge and furrow) and geological/pedological variations. Other findings that were of more uncertain origin were not considered to form any obvious patterns/relationships that would indicate that they are of archaeological origin.
- 5.36 The County Council's Archaeological Services have been consulted on the application, with the Principal Archaeologist confirming that although the site is within an area of archaeological interest, the submitted archaeological assessment and results of the survey have demonstrated a low potential (for impact on archaeological remains) and therefore NYCC's Principal Archaeologist has identified no archaeological constraint relating to the proposed development.
- 5.37 Overall, the proposed development would not have a harmful impact on any Designated Heritage Assets and their settings, or on any Non- Designated Heritage Assets including archaeological remains and thus would comply with the relevant statutory requirements and the requirements and expectations of the NPPF as well as policies S7 and E5 of the Hambleton Local Plan.



## Flood risk and surface water drainage

- 5.38 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.
- 5.39 Whitelass Beck is located adjacent to the northern boundary of the site, with water flowing to the west. Cod Beck is located approximately 250m to the west of the site and flows in a southerly direction. The northern part of the site (located adjacent to the southern bank of the beck) is located within Flood Zones 2 and 3 (medium and high risk of flooding) of the EA's flood maps for river and coastal flooding, although the vast majority of the site is in Flood Zone 1 (at low risk of flooding)
- 5.40 A revised Flood Risk and Drainage Assessment (Rev.B) (dated April 2022) has subsequently been submitted which has assessed the proposed development's risk from flooding and the suitable options for drainage.
- 5.41 The above assessment confirms that trial pits/soakaway testing has been undertaken within the site to assess the suitability of using soakaway/infiltration methods of surface water drainage for the proposed scheme. Although the western part of the site showed some potential for soakaway/infiltration use, groundwater was nevertheless found to be relatively shallow, whilst testing undertaken within the eastern part of the site revealed a shallow ground water level that is considered to be unsuitable for soakaway/infiltration use. The assessment therefore discounts the use of soakaways/infiltration methods as a viable and sustainable form of surface water drainage for all of the development.
- 5.42 Controlled discharge (through use of appropriate attenuation) to Whitelass Beck is therefore considered by the assessment to be the most sustainable and viable surface water solution in accordance with the drainage hierarchy of H3 of the Building Regulations. The assessment proposes surface water scheme with a discharge rate to the watercourse of 3.5 l/s which the assessment considers to be the lowest achievable discharge rate without resulting in blockages and maintenance issues. A gravity connection to the watercourse is unlikely to be feasible, so a pumping system may need to be incorporated (and adopted by YWS through a Section 104 Agreement) as part of the approval of any detailed surface water scheme for the site. Attenuation is likely to be in the form of oversized pipes or storage tank(s) The assessment also states that whilst the greenfield rate for the site would be exceeded at peak flow times, this would not be sufficient to create any exceedance issues, although an exceedance plan is included within the appendices of the FRDA which, when considered in combination with a proposed finished floor level of dwellings within the scheme, is proposed to mitigate the impact of any exceedance flows resulting from any failure of the surface water drainage scheme.
- 5.43 The FRDA has considered flood risk from other (non-fluvial) sources of flooding. A small area of 'medium' extent surface water flooding is shown on the EA's surface water flood maps, although given its size and likely location within the landscape buffer zone/rear gardens of properties, the risk is considered to be low and acceptable as are the risks from all other flood risk sources.

- 5.44 It should be noted that the plans contained within the FRDA show a land- edged- red that differs from the one shown on the site location plan, meaning that the northern part of the application site adjacent to the southern bank of Whitelass Beck and within Flood zones 2 and 3 doesn't appear to have been included in the FRDA assessment with regard to drainage and flood risk considerations. However, the area of the application site that appears to have been omitted from consideration within the assessment appears largely to comprise of the green buffer zone to be created adjacent to the beck and does not contain the footprints of any dwellings as shown on the revised layout plan. As such, the conclusions and recommendations within the assessment regarding drainage and flood risk remain valid, although no ground should be built up within Flood Zones 2 and 3. This can be required by condition if planning permission is granted.
- 5.45 Following their initial comments and their subsequent reconsultation based on the revised FRDS, the LLFA have submitted additional comments requesting further clarification on several matters, including finished floor levels of dwellings, urban creep allowance in the volume control calculations and the location and adoption/future maintenance of any surface water attenuation features. These matters can be clarified/agreed through the approval of any detailed surface water drainage scheme (via condition(s)) should planning permission be granted. The IDB remain concerned about the potential obstruction of their access to the watercourse as a result of the development, however the provision of the green buffer adjacent to the southern bank of Whitelass Beck should prevent any significant issues in this regard, although the precise route of the diverted PROW should take this matter into consideration.

#### Foul drainage

- 5.46 Policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments.
- 5.47 The revised Flood Risk and Drainage Assessment (Rev.B) confirms that foul sewage from the development is proposed to be discharged to the public sewer network, connecting to the public foul sewer in the A61 at a point south-west of the site (this connection point is based on pre-application advice provided by YWS) The assessment assumes that a gravity connection can be achieved, although if further detailed investigations show that a gravity fed connection is not possible, then a pumped discharged solution (e.g. foul water pumping station and rising main) would be required. If planning permission is approved, precise details of the foul drainage scheme, including any pumping infrastructure, and mains connection point, shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the development. Subject to this conditional requirement, the proposed foul drainage solution is considered to be sustainable and in compliance with Policy RM1 of the Hambleton Local Plan.

#### Land and water pollution/contamination (including impacts on aquifers/source protection zones)

- 5.48 Both a Preliminary Assessment of Land Contamination (PALC) and a Phase 1 Geo-Environmental Appraisal (dated May 2020) has been submitted with the application. The assessment includes details/findings of a review of the available geological, hydrogeological and environmental records as well as a site walk-over and provides

geotechnical and environmental information in relation to the proposed residential end-use of the proposals. The appraisal includes potential sources of historical ground contamination, likely impacts on sensitive receptors and, where necessary, the identification of any remediation and/or subsequent investigative works that may be required.

- 5.49 In terms of hydrogeology, the Phase I Appraisal has confirmed the existence of Secondary A and B Aquifers within the superficial deposits and the bedrock respectively, although it is also confirmed that there are no source protection zones within 500m of the site and there are no groundwater, surface water or potable water abstractions located within 1km of the site.
- 5.50 The Phase I Appraisal has identified three potential sources of contamination: (i) contaminated made ground soils, underlying natural strata/perched groundwater (ii) localised pesticide contamination associated with agricultural activities; asbestos fibres due to the age of the existing and now demolished buildings on site. Given the site history, the anticipated contaminant load within the on-site soils, its underlying geology, gassing potential and the nature of controlled waters receptors, the sensitivity of the site is considered to be low to moderate. Although the nature and concentration of any contamination will need to be confirmed through further investigation and testing (i.e. the undertaking of a Phase II Assessment), potential remediation is recommended within the appraisal in the form of a soil capping layer in gardens and soft landscaped areas given the potential for elevated concentrations of inorganic and organic contaminants within any made ground soils (and/or the underlying near surface natural strata) although specific mitigation/remediation would form part of the recommendations within a Phase II Assessment.
- 5.51 The Council's Environmental Health (Contaminated Land) Team have commented on the application and have supported the recommendation of the Phase I assessment that a Phase II Assessment should be submitted. If planning permission is granted, it is recommended that the Environmental Health's recommended conditions (detailed in para. 4.11 of this report) are imposed, including the submission and approval of a Phase II Assessment. In addition, several pollution control measures are recommended within section 6 of the FRDA in relation to pollution prevention/control in relation to surface water drainage/run-off from the site. If planning permission is granted, it is also recommended that the permission is conditions to require these pollution control recommendations to be implemented as part of the approved development.
- Ecology and biodiversity net gain (BNG)
- 5.52 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in 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. Furthermore, direct or indirect adverse/negative impacts on SINCS, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where: 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.); and where proportionate long-term maintenance

arrangements for BNG are demonstrated (criterion b.); and where a 'overriding public need' has been demonstrated that outweighs the need to safeguard biodiversity (criterion c.), or where the principle objective of the proposals is to 'protect, restore, conserve or enhance' biodiversity or geodiversity (criterion d.).

- 5.53 An updated Ecological Impact Assessment (dated October 2022) and BNG Assessment have subsequently been submitted following the expiry of the consultation period and to seek to address the concerns of Officers and consultees regarding the impact on ecology and the lack of information within the application to demonstrate BNG.
- 5.54 In order to achieve a BNG for the proposed development, the BNG Assessment proposes the use of a 0.5ha parcel of arable land located approximately 330m to the east of the applicant in order to provide off-site BNG. The location of this area of land is shown within Figure 5 of the BNG Assessment. The land in question is physically separated from the application site, but along with the intervening land is within the land-edged-blue of the location plan and therefore assumed to be within the ownership of the applicant. The BNG Assessment proposes that off-site mitigation in the aforementioned area of land would consist of several new small ponds, neutral grassland and scattered trees. The BNG Assessment includes the results of the BNG Metric which shows that the proposed development and proposed off-site mitigation would result in a 2.85% gain in habitat units and a 265.72% gain in hedgerow units. The assessment recommends that specific details regarding habitat creation and management plans should be provided within a Biodiversity Environmental Management Plan (BEMP) detailing the details regarding grassland, tree planting, pond creation and how the habitat will be managed into the future to achieve and retain the stated BNG. Should planning permission be granted, it is recommended that a BEMP is submitted to include require the aforementioned on site and off site mitigation to be appropriately created and retained in accordance with a BEMP and based on the recommendations within the BNG Assessment.
- 5.55 It is confirmed within the Ec.I.A. that there are no statutory designated sites within 2km of the application site and Natural England have not raised any concerns having been consulted on the application. The Ec.I.A. has also considered the impact of the proposed in terms of ecology/biodiversity within and adjacent to the site itself, concluding that the loss of the neutral grassland, scattered scrub, a section of native hedgerow and the farm complex/buildings would have a negative ('not significant') impact. A 'green wildlife corridor' (varying in width between 4-18m) would be created adjacent to the beck along the northern edge of the site in order to both protect and potentially enhance the ecological value of the watercourse and its fauna and flora (including trees) Although there are some concerns expressed regarding the provision of the diverted PROW through this area, the proposed diverted route of the footpath would be to its southern extent and therefore lesson any impact on the watercourse corridor. The precise route of the RPOW would need to be agreed as part of any Footpath Diversion Order. If planning permission is granted, a Biodiversity Environmental Management (BEMP) is recommended (via condition) so that the details of the green wildlife corridor and other ecological features/enhancements and their future management are agreed. There are also other mitigation measures recommended within section 7 of the Ec.I.A. to ensure that impacts are reduced to neutral or positive effects. If planning permission is granted, it is recommended that the mitigation, procedural/timings and



enhancement recommendations within the Ec.I.A. are required to be carried out/adhered to by planning condition.

#### Climate change and carbon savings

- 5.56 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (part g.) This is taken further by part k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations. Little detail regarding the carbon savings and renewable energy provision within the scheme have been provided with the application. However, if planning permission is granted, it is recommended that a condition is imposed requiring details of all feasible carbon savings and renewable measures to be implemented to be submitted for approval by the Local Planning Authority.

#### Other Issues

- 5.57 The application site is within the MOD safeguarding zone and as such the MOD (DIO) have been consulted on the application. No response has been received from the MOD, however given the nature and scale (including heights of buildings) it is not considered that the proposed development poses any unacceptable risk to aircraft or the safe operation of the airfield and its infrastructure/communications. That said, should planning permission be granted, it is important that any specific landscaping and above ground SUDS attenuation (to be agreed through condition) takes into condition the recommendations of the MOD in terms of reducing/mitigating the risk of bird strike.
- 5.58 The application would involve the loss of agricultural land, with the maps within the Phase 1 assessment showing that the Agricultural Land Classification (ALC) being predominantly grade 2. Policy S5 of the Local Plan expects the loss of the best and most versatile agricultural land to be avoided, wherever possible, where significant development in the countryside is demonstrated to be necessary. Although grade 2 agricultural land would be classified (along with Grade 1 and Grade 3a land) as BMV land, it is not considered that the size of the site (when the existing building group and associated infrastructure is omitted) is 'significant development', although not definition of what constitutes significant development is provided within the glossary of the Local Plan.

#### Planning balance

- 5.59 The application site is on the edge of the designated Market Town of Thirsk and considered to be outside, but adjacent to, the main built form of the settlement. Although the application site was part of a housing allocation within the now superseded LDF, the site is not one of the designated housing allocations within the current Hambleton Local Plan, adopted in February 2022. While the applicant's reasons (as stated within the subsequently submitted supporting statement) for not

submitting an application earlier in order to be determined under the policies of the LDF are noted and acknowledged, however it is not considered that this can be given material weight in the planning balance.

- 5.60 The details of the proposed development including its design, impact on amenity, landscaping, BNG and impact on ecology, provision of affordable housing and housing mix, highway and drainage impacts are considered to be in accordance with relevant Local Plan policy and therefore acceptable (subject to conditions), or in the case of flood risk/drainage, highway safety and impact on airfields, likely to be acceptable subject to the submission of additional details and/or the subsequent receipt of positive recommendations from the relevant technical consultees. It is also the case that alongside the economic and social benefits of providing new affordable and market housing with an appropriate mix, there are clear visual and landscape/townscape character benefits to re-developing a former agricultural site that has long fallen into disrepair. However, these benefits would not outweigh the harm resulting from the granting planning permission for a unsustainable major housing development on a large non-allocated site located within a countryside location contrary to the housing policies of the Hambleton Local Plan, which would undermine the Local Plan's strategic spatial approach for new housing across the District within the Plan Period and place an unsustainable and unplanned for strain on local services, facilities and infrastructure.

## **6.0 Recommendation**

- 6.1 That subject to any outstanding consultations the application be **REFUSED** for the following reason:

The reason is: -

1. Although the application site was previously a housing site allocation (TH3) within the Council's Local Development Framework (LDF), the site is not wholly or in part an allocated site within the Council's Local Plan which superseded the LDF when it was adopted in February 2022. The site was removed from the housing supply as it was considered at that time that there was no prospect of it coming forward. As such, the site's previous designation as an allocated housing site carries no material weight when determining the application in accordance with the policies of the current Development Plan (i.e. the Local Plan). As a non-allocated site on the edge of the main built form of the Market Town of Thirsk, there is no policy support within the strategic and housing policies of the Hambleton Local Plan for residential development. Granting planning permission would therefore be contrary to the policies and expectations of the Hambleton Local Plan.

**Parish: Topcliffe**  
Ward: Sowerby and Topcliffe

Committee Date : 24 November 2022  
Officer dealing : Ian Nesbit  
Target Date: 21 September 2022  
Date of extension of time (if agreed): 31 October 2022

# 10

**22/01474/OUT**

**Outline application with all matters reserved except access for employment development comprising industrial uses (class B2/E(g)(iii)) and/or storage & distribution uses (class B8), including ancillary office space, with associated infrastructure and landscaping, and demolition of existing structures (additional Highways Technical Note and amended FRA and Drainage Assessment received on the 24.08.2022 and 25.08.2022 respectively)**

**At: Eldmire Farm Eldmire Lane Dalton**  
**For: Mr R Bannister**

**This application is being considered by the Planning Committee as it is contrary to the policies of the Hambleton Development Plan**

## **1.0 Update**

- 1.1 Members will recall that the application was originally deferred at the October 2022 Planning Committee as it had come to light after the publication of the agenda that Topcliffe and Dalton Parish Councils had not received correspondence from the Local Planning Authority notifying them of the application and inviting their representations. It was also not clear whether local residents/neighbours had received the notification letters sent out by the Local Planning Authority upon validation of the application.
- 1.2 The majority of this report remains as previously reported to Members for the October 2022 meeting, although does include items originally reported on the update list along with the comments from the Parish Councils (as received) and from local residents following the aforementioned consultations. Minor additions and corrections of any small errors within the previous report have also been made.

## **2.0 Site context and proposal**

- 2.1 The 5.13ha (approximate) application site is located between the villages of Topcliffe and Dalton, in close proximity to the junction between the A168 and the A167. The application site consists of disused agricultural (poultry) buildings, parts of the runways of the former RAF Dalton airfield and areas of grassland/scrubland between structures and hardstanding areas. Although the poultry agricultural use has not operated from the site for a significant amount of time, an authorised use of the hardstanding areas within the site is currently used for a wood chipping operation which would be discontinued in due course. Access to the site is via Eldmire Lane to the west of the site (a gated access set off the road adjacent to the residential property of The Bungalow), with transit required across a track over the intervening fields. The site is situated to the south of Dalton Lane. Remaining

hardstanding areas of the disused RAF Dalton Airfield are to the south-east, with Dalton Airfield Industrial Estate further to the south and south-east. This existing employment site contains a range of industrial buildings with predominantly B2 and B8 uses.

- 2.2 Allocation DAL1 of the Hambleton Local Plan wraps around the buildings and associated land of the application site with only a small part of the south-eastern boundary of the site not adjoining the allocation. The proposed access and access road (included within the land-edged-red of the application site) is on land included within allocation DAL1, although the former poultry buildings and surrounding/associated land does not form part of the allocation.
- 2.3 The application is seeking outline planning permission (all matters reserved, except for access) for the employment use of the agricultural site, specifically Class B2; Class E(g)(iii) and Class B8, and ancillary office space and associated infrastructure and landscaping. The proposals also seek the demolition of the existing buildings/structures on site.
- 2.4 It is worth noting that Class B2 is a general industrial use, while Class E(g)(iii) is in relation to industrial processes which can be carried out in a residential area without detriment to its amenity. Class B8 is storage and distribution.
- 2.5 An indicative site plan has been submitted with the application. This shows a single larger building (Unit A) with a footprint that occupies the majority of the site. It is indicated on a Parameters Plan that the building's height would be up to 18 metres, although the precise height would be agreed as part of a subsequent reserved matters submission should outline permission be granted. No floorplans have been provided, although an area of the unit's footprint is shown as being allocated for the creation of mezzanine offices, while amenity space (including a canteen) is also proposed to be created. On site car parking is however proposed to the west of the unit, and service yard area to the north. Ponds are shown to the east of the unit and north of the service yard, while access would be taken from the north. A Demolition Plan submitted shows that the range of poultry houses on site would be demolished as part of the proposed scheme.
- 2.6 In terms of proposed floorspace to be created, whilst the Supporting Statement confirms that the exact quantum of employment floorspace to be developed on the site is subject to detailed design at the reserved matters stage when the requirements of occupier or investor businesses are confirmed, the development has been assessed on the basis of 16,750 sqm floorspace.
- 2.7 The Parameters Plan indicates that a new access road to be created linking the site with Eldmire Lane within an area identified on the plan as an Access Zone within which the access and new road would be created, although no precise layout of the access or road is shown on the submitted plans (only an indicative road layout is shown). The access junction onto Eldmire Road (as indicated by the Access Area) is at the same point as the approved access junction approved (but not yet constructed) as part of the hybrid planning permission 21/00331/HYB (as per approved plan AMA/20573/SK006.6). It is clarified within the application documents that no development is proposed within the 'access area' other than a roadway to link the 'employment development site' and the public highway at Eldmire Lane.

This Access Zone is intended to provide flexibility in the precise alignment of the roadway to be constructed.

- 2.8 As mentioned within the Supporting Statement, it is anticipated that the development will be brought forward as a phase (or part of a phase) of the wider development on the adjacent land to the west. The phasing of development shall be compatible with the delivery of necessary infrastructure. In particular the road link between the development site and Eldmire Lane shall be completed prior to the occupation of any development approved pursuant to this planning application.
- 2.9 It is proposed that the development will operate 24 hours/7 days per week.
- 2.10 The following plans have been submitted with the application for which outline planning permission is sought:
- Site Context Plan (2019-062-065 Rev.A)
  - Wider Indicative Site Plan (2019-062-064 Rev.D)
  - Parameters Plan (2019-062-062 Rev.D)
  - Proposed Access Layout Plan (AMA/20573/SK006.6)
  - Demolition Plan (2019-062-006 Rev.A)
  - Site Location Plan (2019-062-060 Rev.B)
- 2.11 The following drawings have been provided with the application for indicative and illustrative purposes only:
- Indicative Site Plan (2019-062-061 Rev.A)
  - Wider Site Plan (2019-062-064 Rev.D)
- 2.12 The following information was submitted with this application:
- Covering Letter
  - Planning Statement
  - Design and Access Statement
  - Transport Assessment
  - Framework Travel Plan
  - Ecological Impact Assessment
  - Flood Risk Assessment and Drainage Strategy (superceded)
  - Noise Assessment
  - Air Quality Assessment
  - Phase 1 Desktop Study Report
- 2.13 The following additional/amended documents have been submitted since the validation of the application:
- Highways Technical Note (dated 24.08.2022)
  - (amended) Flood Risk Assessment and Drainage Strategy (V.3 – August 2022)

### 3.0 Relevant planning history

Relating to the application site:

- 3.1 19/02634/FUL - Retrospective application for the change of use of the land for the storage of logs for wood chipping, operation of mobile wood chipper and storage of wood chip, Approved, 21.05.2020.

The land-edged-red for this planning permission only included a strip of land to the east/north-east of the poultry buildings, and not the whole of the land that forms the current application site.

Predominantly relating to land to the north and west of the application site:

- 3.2 21/00331/HYB - Hybrid planning application seeking a.) Outline planning permission for employment development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping; and b.) Full planning permission for creation of new main access and road spur with associated infrastructure. Approved, 22.12.2021. This employment development is known as Dalton 49 Thirsk'.

The 'outline' element of the above hybrid permission is in respect to the adjoining land to the north and south/southwest of the application site. A small part of the 'outline' application site is also included within the land-edged-red of the current application, i.e. the area shown on the indicative site plans that as the 'Access Zone'.

To clarify, the application site for this hybrid permission includes the western half of the DAL1 allocation, i.e. the parts of the allocation to the west and north of the current application site. The hybrid permission also includes an elongated strip of land outside of, and to the south of the DAL1 allocation. The land subject to permission 21/00331/HYB is within the land-edged-blue of the current site location plan indicating that the applicant owns both sites.

The permission allows the removal of vegetation (including the tree belts in part) and development of buildings up to 18m in height. Details of the site layout, building design, landscaping and infrastructure are to be approved via reserved matters applications, although no reserved matters or discharge of conditions applications have yet been submitted in relation to application 21/00331/HYB at the time of writing.

The area of the site access granted 'full' planning permission by the hybrid permission (shown as a hatched area on the site location plan of the hybrid permission) is included within the land-edged-red of the current application.

Relating to land to the east of the application site:

- 3.3 19/01626/FUL - Construction of agricultural feed mill, warehouse, access and parking arrangements and associated works at OS Field 6717 Eldmire Lane Dalton, approved, 04.02.2020. (subsequent discharge of applications 'DCN' and 'DCN01' were approved in June and July 2020 in relation to discharge of conditions 7, 12, 15

and 16, and a non material amendment application for amendments to the drainage scheme 22/01949/NMC is currently under consideration).

Two successive 'variation of conditions(s)' applications (20/02650/MRC and 21/02987/MRC) were approved in February 2021 and March 2022 for amendments to the approved scheme. The first variation related to changes to the siting of the buildings and relatively minor changes to the elevations of the proposed mill building. The later 'variation' approved changes to the design and layout of the approved mill building. *(a discharge of condition application for conditions 10 and 11 of 21/02987/MRC is currently under consideration)* Planning permission was approved in June 2021 of the erection of a new electric substation to serve the development (2101078/FUL).

3.4 In site in question is located to the east of the application site, and although it does not directly adjoin it (due to an intervening strip of land), the sites have a close visual relationship. The application site for this mill development is located, in part, within the 'DAL1' allocation of the Local Plan. In summary, the approved scheme involves the following:

- 1) A production (mill) building 1335m<sup>2</sup> in plan area and with a maximum of height approximately 34m.
- 2) A warehouse building with a plan area of approximately 1050m<sup>2</sup> and a maximum height approximately 12.5 metres.
- 3) An external service yard.
- 4) A new vehicular access onto Dalton Lane (this has since been constructed).

#### **4.0 Relevant planning policies**

4.1 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 S2: Strategic Development Needs  
Local Plan Policy S3: Spatial Distribution  
Local Plan Policy S5: Development in the Countryside  
Local Plan Policy EG1: Meeting Hambleton's Employment Need  
Local Plan Policy EG2: Protection of Employment Land  
Local Plan Policy EG7: Businesses in Rural Areas  
Local Plan Policy E1: Design  
Local Plan Policy E2: Amenity  
Local Plan Policy E3: The Natural Environment  
Local Plan Policy E4: Green Infrastructure  
Local Plan Policy E6: Nationally Protected Landscapes  
Local Plan Policy E7: Hambleton's Landscapes  
Local Plan Policy IC1: Infrastructure Delivery  
Local Plan Policy IC2: Transport and Accessibility  
Local Plan Policy RM 1: Water Quality and Supply  
Local Plan Policy RM 2: Flood Risk

Local Plan Policy RM 3: Surface Water and Drainage Management  
Local Plan Policy RM4: Air Quality  
Local Plan Policy RM 5: Ground Contamination and Groundwater Pollution  
National Planning Policy Framework  
National Planning Practice Guidance

## **5.0 Observations**

### **5.1 Parish Councils (Topcliffe and Dalton) –**

Topcliffe Parish Council have made the following comments/observations/concerns (as summarised) since the publication of the previous (October 2022) Planning Committee report -

- Although the Parish Council has been broadly supportive of development on the Dalton former airfield industrial estate and still believe that developing the Industrial Estate is the right thing to do, they note that unauthorised HGV traffic through the villages of Topcliffe, Asenby and Dalton has noticeably increased and they have also received complaints about odour. The amount of HGV traffic is only going to get worse with approved and proposed development in this location and without enforcement action being taken. The various application documents completely fail to recognise or attempt to address any of the known and well publicised HGV issues. The existing HGV issues are also not recognised by the Local Highway Authority [in their response] despite of nearly 2 years of discussions.
- The application was unexpected (and was not included as an allocation on the Hambleton Local Plan, although it probably should have been) The Parish Council and residents are only just becoming aware of the proposal and its implications.
- From previous and practical experience, they are concerned planning conditions are often difficult to enforce and therefore do not achieve their desired outcome(s). Therefore, in order for the Parish Council to continue supporting development at the industrial estate, it is essential that enforceable conditions are imposed to protect local residents.
- They therefore recommend that the following planning conditions are imposed (as summarised) if outline planning permission is granted:
  - The installation of a smart camera system to record HGV vehicles entering and leaving the Weight Restriction Area to facilitate any enforcement action.
  - Local and national traffic signage to be erected and that the development is not to commencement until all signage is in place.
  - Ensure that any breaches of the approved traffic management requirements are strongly enforced, and any costs met by the developer and businesses.

Dalton Parish Council – Dalton Parish Council have yet to respond to the consultation. Any response received will be reported to Members via the Update List or during the Meeting, as appropriate.

### **5.2 Defence Infrastructure Organisation (DIO) Safeguarding Team – The DIO have provided a detailed representation, making/raising the following observations/concerns:**



(a) The DIO have confirmed that the application site is within the statutory safeguarding zones (i.e. the aerodrome height and bird strike safeguarding zones) surrounding RAF Topcliffe, approximately 3.15km from the centre of the airfield. There is a requirement for Safeguarding consultation where development within the Aerodrome Height Safeguarding Zone is, or exceeds in height, 15.2m above ground level. In terms of the Birdstrike Safeguarding Zone, there is a Safeguarding consultation requirement for development that might result in the creation of environments/features that might attract large and/or flocking bird species that are hazardous to aviation safety, the principal concern of the MoD being the creation of new habitats that may attract and support populations of large and/or flocking gulls close to the aerodrome. Having reviewed the application documents, the DIO acknowledge that as an outline application (with all matters reserved except access) the details of the roof designs of buildings, drainage/SuDS and landscaping are not provided in sufficient detail in order to perform the appropriate assessments.

(b) Nevertheless, the block plan shows a single industrial unit with car parking and a SuDS basin/pond, no details are available of the proposed landscaping. The large industrial unit has the potential to attract breeding, loafing or roosting large gulls if the roof is flat or gently sloped. If this is the case then a Bird Hazard Management Plan may be required to prevent successful breeding by large gulls.

(c) The SuDS for the site is likely to include an open basin or pond. This has the potential to attract and support hazardous waterfowl. Therefore, this feature should be designed to be generally dry, holding water only during and immediately after an extreme rainfall event, with a quick drain down time. No additional open water should be present on the site.

(d) In principle, MOD has no objection to the proposed development, however the final form and massing of any buildings that might be erected, and the landscaping and SuDS systems proposed may necessitate MOD requirements for planning conditions.

- 5.3 HDC Economic Development – Have commented that this seems to be a suitable application for this site, despite it not being an allocated employment site for the reasons in the planning statement and Design and Access Statement, and assuming that it is suitable from a Highways and traffic perspective.
- 5.4 Environment Agency (EA) – The EA have confirmed that they have no objection to the proposed development, advising that they are satisfied that the submitted Ecological Impact Assessment has considered all the relevant protected species and habitats and that BNG for the site will meet and adhere to current government legislation. Furthermore, the EA have confirmed in their response that the flood risk information submitted is appropriate to the scale and nature of the development and that they have no flood risk concerns.
- 5.5 Swale and Ure Internal Drainage Board (IDB) - “Any surface water entering the Boards catchment requires restricting to an existing evidenced greenfield rate. Board consent under the Land Drainage Act 1991 (amended) will be required...”

- 5.6 Lead Local Flood Authority (LLFA) – The LLFA provided an initial response that recommended that the applicant provide further information before any planning permission is granted, comprising of: (a) the recalculation of surface water discharge rates to greenfield run off rate and the resubmission of preliminary calculation with correct Climate Change allowance applied; (b) a catchment plan which clearly defines the impermeable areas, pre and post development, and (c) a preliminary landscape proposal with indicative exceedance routes identified to ensure safe egress from the site should flooding occur.

Following the submission of an updated FRA and Drainage Strategy and supporting email in August, 2022, the LLFA were able to confirm that they had no objections to the recalculated surface water discharge rate at the greenfield rate (i.e. 9.5l/s), clarifying that the application was able to demonstrate a reasonable approach to the management of on-site surface water and that the LLFA had no objections to the approval of the application, subject to the following recommended conditions:

- (a) The approval of a scheme detailing foul and surface water drainage, with the SuDS designed in accordance with NYCC SuDS Design Guidance. The approved drainage works should be completed prior to the development being brought into use.
- (b) The development shall not commence until a scheme restricting the development flow runoff from the site is approved. The maximum flowrate from the site shall be no more than 9.5 l/s (for up to the 1-in-100 year storm event), with additional allowances for climate change as well as for urban creep (10%) for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. 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.
- (c) 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, ensuring that site design is such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site.

- 5.7 Yorkshire Wildlife Trust (YWT) –The YWT have no comments to make on the application. The YWT have confirmed in their response that the lack of comment does not imply that there will be no impacts on the natural environment, only that there are no specific constraints on this site which warrant comment from the YWT, due to our limited resources.

- 5.8 NYCC Local Highway Authority – This proposal is reliant on the provision of the access approved under application reference 21/00331/HYB. The Local Highway Authority recommends that the relevant conditions from that application are attached to any permission granted:

- New and altered private access or verge crossing at Eldmire Lane
- Visibility splays at Eldmire Lane
- Details of Access, Turning and Parking
- Construction Management Plan

- 5.9 National Highways – The application site is in the vicinity of the A168 at Topcliffe that forms part of the Strategic Road Network. They initially issued a holding objection until the 03.02.2023, or until further clarification was received.

Following National Highways' consideration of the Highways Technical Note submitted by the agent in August 2022, National Highways have been able to amend their recommendation, confirming that they have no objections to the proposals.

National Highways would agree with AMA that the A167/Dalton Lane T-junction is predicted to operate within capacity during the both the AM and PM peaks in 2027, however, not that this junction is approaching the maximum preferred ratio of flow to capacity, hence it is important that a 2032 assessment is also provided for review, and have requested that the applicant provide a 2032 junction capacity assessment for both the Class B2 and B8 development scenarios. However, they are clear in their response that the 2032 assessment would be for information purposes to advise National Highways of potential future issues, with no expectation that the develop mitigate the impact. The agent has acknowledged National Highways' request and has stated that he will seek to provide the 2032 as requested.

- 5.10 Local Access Forum - No representation received.

- 5.11 Environmental Health – Having considered the potential impact of the proposed development on amenity and the likelihood of it to cause a nuisance, EH have confirmed that there is a potential that the development would have an adverse impact on nearby residents at Dalton Bridge Park where noise creep could be an issue. EH note that the application is seeking no operating time restrictions, meaning that there is the potential for operations 24 hours per day, seven days per week.

No assessment(s) of the impact from noise has been provided (with the application) in relation to either noise from the proposed unit or vehicle movements on the shared access road. In order to address these outstanding concerns, EH have recommended that the following conditions are imposed:

- (a) Prior to the commencement of the development, an assessment of noise impact on the nearest sensitive receptors using appropriate methodology should be carried out and the results submitted to the LPA for approval (in writing)
- (b) Prior to work commencing the applicant should submit a demolition and construction plan, to be agreed in writing by the planning officer. The scheme shall detail what steps shall be taken to mitigate emission of noise, lighting, dust and vibration from the site during the construction phase which may impact on existing noise sensitive premises.
- (c) No HGV / Refrigerated vehicles shall be parked overnight on the highway within the development area, or on the access road.

An additional response (as summarised) was received from Environmental Health (dated 21.10.2022) based specifically on consideration of the Noise Assessment Report (N.A.R.) submitted as part of the application –

- Overall, the N.A.R. has been undertaken to a standard that provides enough information about future anticipated noise levels at the nearest noise sensitive receptors.

- However, as the N.A.R. has been undertaken in the context of an outline application (where certain details are not yet known), it has made an initial assessment (based on number of assumptions) that has identified that there could be an adverse impact at the nearest noise sensitive receptors during night-time hours. However, the N.A.R. recommends mitigation measures to ensure that the noise impact is 'low'.
- Based on the assessment, conclusions and recommendations within the N.A.R., E.H. have recommended the following conditions: in order to protect the amenity of the nearest noise sensitive receptors:
  - (i) The building(s) shall be designed to provide suitable screening from any noise from any external plant and/or any externally terminating plant. Any fixed plant shall not exceed a specific sound level of 69dB L<sub>w</sub>.
  - (ii) Facades of buildings shall be constructed from a suitable material that provides a minimum sound insulation performance of R<sub>w</sub> 38dB when tested in accordance with EN ISO 10140-2 and rated to BS EN ISO 717-1. Building design should avoid or minimise openings on the façade facing the nearest noise sensitive receptors.
  - (iii) Traffic calming speed humps shall not be installed on the access road.
  - (iv) A 3m acoustic screen shall be installed along the northern boundary of the development and a 2.4m high acoustic screen shall be installed along the western boundary of the development.

5.12 Environmental Health (Land Contamination) - EH have assessed the submitted Phase 1 Desk Study Assessment, which they have noted identifies low but potential risk from contamination and thus recommends further investigation resulting in the submission of a report detailing the findings and recommendations of a Phase 2 site investigation and risk assessment. EH state that this report should ideally be submitted prior to the determination of the application, however the following conditions (as summarised) are recommended if not:

- Prior to commencement of the development, the submission and approval by the LPA of a Phase 2 assessment of the risks posed by contamination.
- Prior to commencement of the development, the submission and approval by the LPA of a detailed remediation scheme.
- 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 LPA.
- 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 LPA. 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 LPA. 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 LPA.

5.13 NYP Designing Out Crime Officer (DOCO) – The DOCO has submitted a Designing Out Crime Report, commenting (as summarised below) on the following crime/design-related matters that they recommend are reflected in the detailed design and layout of the scheme in order to provide a safe and secure environment by reducing the opportunities for crime and anti-social behaviour in accordance with Local Plan and national planning policy:

- Access and Movement – The proposed access onto the site and movement within it are suitable as it keeps permeability at an appropriate level. Internal routes have the potential to be well overlooked, which will give users a sense of safety and security.
- Ambiguous Space – Ambiguous space should be avoided.
- Defensible Space and Boundaries - It appears that the development will have a clearly defined perimeter with appropriate boundary treatments, that will provide a sense of territoriality, although any physical boundaries associated with buildings should not create climbing aids.
- Car Parking – car parking arrangement and positioning relative to buildings should ensure it is secure and overlooked (with good natural surveillance)
- Cycle Storage – Cycle parking for staff should ideally be within a secure structure, however, if external cycle racks are to be provided, they should be undercover, appropriately illuminated and should be located close to the building (i.e. for natural surveillance)
- Refuse and Recycling Storage – to prevent arson or being used as climbing aids, refuse and recycling bins should be stored within a secure compound.
- External Fire Escapes – All external elevations, where there are doors or windows at ground floor level, should be appropriately fitted with vandal resistant security lighting,
- Lighting – It is recommended that all internal roads and parking areas be illuminated with appropriately designed lighting.
- CCTV – For deterrent and evidence-collecting purposes, consideration should be given to the installation of CCTV systems to each unit to cover any vulnerable external areas where there is no natural surveillance.
- Landscaping – Any planting should not obstruct windows, lighting, or CCTV cameras (if installed). Planting in car parking areas should have a maximum growth height of 1 metre or should be maintained to this height. The lowest branch of any tree should be at least 2.5m from ground level and should not be positioned to enable them to be used as a climbing aid to overcome secure perimeter protection, gain access to windows above ground floor level or roofs. There should be a management plan in place to provide details of how any landscaping will be maintained and who will be responsible for this. Areas that are not maintained can quickly become unsightly, which can raise the fear of crime amongst employees and visitors, and this can have a negative impact on the sustainability of a scheme.
- Construction Phase – It is strongly recommended that site security be given serious consideration.

The DOCO recommends that should the Council be minded to approve outline permission, that a planning condition is imposed requiring full details of what crime prevention measures are to be incorporated into the site and requiring the applicant to show how the above issues raised by the Police Designing Out Crime Officer are

to be addressed and/or the reasoning for not incorporating the DOCOs recommendations/suggestions within the detailed scheme.

- 5.14 Campaign for the Protection of Rural England (CPRENEy) – CPRENEy have confirmed that they are entirely supportive of the proposed change of use of the agricultural site to employment use. Should outline planning permission be approved, CPRENEy would expect to see details of the use of sustainable building materials and energy efficient technologies to ensure a net-zero development; the delivery of a minimum 10 per cent biodiversity net gain; and the incorporation of Electric Vehicle Charging (EVC); and the provision of an appropriate Travel Plan.
- 5.15 Yorkshire Water (YW) – If outline planning permission is granted, YW have recommended that the following (as summarised) planning conditions:
- Construction works in the relevant areas of the site shall not commence until measures to protect the public water supply and sewerage infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. Alternatively, if diversion or closure of the relevant infrastructure is proposed, the developer shall submit evidence to the LPA 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.
  - The development shall be carried out in accordance with the details indicated within the FRA and Drainage Strategy, unless otherwise agreed in writing with the LPA.
  - 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 agreed point(s) of discharge.
- 5.16 NYCC Archaeological Services – Have confirmed that as the current use of the site is as a turkey farm (with three large sheds and areas of external hardstanding) this will have reduced the archaeological potential of the site. It is therefore unlikely that the proposal will have a significant impact on archaeological remains. The County Council's Principal Archaeologist has no objection to the proposal on this basis.
- 5.17 Natural England – No representation received.
- 5.18 Historic England – Have confirmed that they are not offering any advice/comment on the application.
- 5.19 Public Comments – Following the undertaking of a new 21 day consultation exercise to neighbours/local residents a total of 36 representations have been received: 34 objecting; 2 neither supporting or objecting and 1 supporting (although includes a range of concerns), the contents of which are summarised below (any additional representations received prior to the Meeting will be reported to Members via the Update List or during the Meeting, as appropriate):
- Current and Increased issues associated with Traffic Movements (particularly HGVs movements) – current issues with HGV traffic travelling through the villages of Topcliffe, Asenby and Dalton will only get significantly worse by the proposed development with potential for 24/7 operations, unless controls

are brought in and enforced...issues with HGV damage to Topcliffe Bridge, the Conservation Area and Listed Buildings (heritage assets) and to residents' level of amenity (including odours, light and air pollution, overshadowing, noise and vibrations) as well as to the safety of other highway users (including pedestrians, horse riders and cyclists), congestion and damage to private property...The LHA have not recognised that there is an issue...conditions should in theory give villagers some protection, although their effectiveness is doubted due to the level of traffic increase and the need for effective enforcement...mitigation in the form of 24 hour monitoring systems; the installation of weight restriction signage on and around the A168; and alternative HGV routes and restriction on hours for routes through the villages should be considered/implemented....reassurances sought that the noise and other amenity mitigation measures proposed in the application will be implemented.

- Issues with Consultation – Parish Councils and local residents are only just being informed of the application despite being received by the District Council in June this year...query about why the application has been advertised in the Easingwold Advertiser....the Council should defer making a decision on the application until residents have had time to consider and respond to the proposals.
- Economic Benefits – The new jobs that would be created are welcomed, but not at any price or to the detriment of the amenities and quality of life of local residents and the environment...will the jobs created be local jobs and for people from outside of the local area?

5.20 Site Notice and Advertisement – A site notice was posted adjacent to the access to the site. A newspaper advertisement was published within the Easingwold Advertiser. Both the site notice and advertisement have expired without resulting in any representations being made.

## **6.0 Analysis**

6.1 The main planning issues relevant to the consideration of this application are as follows:

- (a) Location and principle of economic development
- (b) Design, scale and impact on the character of the landscape and surroundings
- (c) Ecology, biodiversity net gain, trees/hedgerows and green infrastructure
- (d) Climate change and carbon savings
- (e) Amenity
- (f) Designing out crime
- (g) Highway safety and accessibility/permeability/connectivity
- (h) Impact on public rights of way
- (i) Flood risk and surface water drainage
- (j) Contamination, pollution, water quality and air quality
- (k) RAF aerodrome safeguarding
- (l) Impact on the settings of heritage assets (including conservation areas, listed buildings and scheduled monuments)
- (m) Economic impacts

## Location and principle of economic development

### Summary of the 'Sustainable Development Principles' of the Local Plan

- 6.2 Policy S1 (Sustainable Development Principles) sets out the ways in which the Council will seek to achieve sustainable development and sets out the Council's expectations for all development in the District. Development shall ensure that it makes a positive contribution towards the sustainability of communities, environmental enhancement and climate change adaptation/mitigation by achieving the seven objectives. Of particular relevance, is objective (d) which seeks to 'promote Hambleton as a recognised location for business by providing a range of employment opportunities that meet local aspirations, including high quality jobs, meeting the needs of new and expanding businesses and recognising the contribution of the rural economy. Increases in noise and pollution from increased vehicle/HV movements will damage the environment, wildlife, countryside and village life/tranquillity.
- 6.3 In order to meet this objective and the Council's aspiration for Hambleton to be 'a place to grow', Policy S2 (Strategic Development Needs ) states provision is made within the plan period (2014-2036) for approximately 77.8ha of employment land (approximately 220,000 sq.m. of floorspace) Policy S3 (Spatial Distribution ) sets out the spatial development strategy and identifies where (in terms of locations and settlements ) the focus for economic development within Hambleton will be:
- a. Northallerton and Thirsk, where development will benefit from and support the wide range of services and facilities and good transport connections of these two main towns;
  - b. Key employment locations within the central transport corridor, in order to provide opportunities for expansion and inward investment along the strategic (A1/A19) transport corridor;
  - c. The market towns of Bedale, Easingwold, and Stokesley and large villages, defined in the settlement hierarchy as Service and Secondary Villages, commensurate with their size, character and the concentration of services and facilities in these locations and their role in providing services to residents of other nearby communities; and
  - d. Identified rural communities, defined in the settlement hierarchy as Small Villages, where limited development will be supported to help address affordable housing requirements and where development can support social and economic sustainability.

Dalton Airfield Industrial Estate, the DAL1 allocation and surrounding developments is within an area of existing and proposed economic development located within the strategic A1/A19 transport corridor referred to in (b) of S3 as underlined above. Therefore, although the application site is not on an allocated economic site within the Local Plan, it is nevertheless in a location identified in the location plan for strategic economic development due to its location in close proximity to the national road network.



## Summary of the 'Supporting Economic Growth' (EG) Policies of the Local Plan

- 6.4 Sitting below the relevant Strategic Policies are the eight Supporting Economic Growth (EG) policies of the Hambleton Local Plan. Policy EG1 (Meeting Hambleton's Employment Need) confirms that in order to deliver sustainable economic growth within the district and meet the need for employment land identified in Policy S2, the Council will support development on sites on specific allocated employment sites 'Strategic Locations', 'Market Towns' and the former prison site in Northallerton. 'DAL1' (Extension to Dalton Industrial Estate, Dalton) is identified within the policy as one of three of the 'Strategic Locations' allocations within the Local Plan along with Leeming Bar ('LEB3') and Sowerby Gateway ('TIS3'). Therefore, as a non-allocated site, the application site is not supported by Policy EG1 of the Local Plan.
- 6.5 While the purpose of Policy EG1 is to identify new sustainable economic development sites and support appropriate new sustainable development in these locations through site allocations, Policy EG2 in contrast seeks to protect and improve areas of land and buildings currently in employment use. Policy EG2 therefore identifies several existing 'Key Employment Locations'. These are recognised as prime business locations, employing significant numbers of people and are characterised as areas where businesses are already located together. Along with allocated sites, 'Key Employment Locations' are to be the main focus for employment development in the district during the plan period. Proposals for R&D, products/processes development, industrial processes, general industrial and storage and distribution uses are supported within designated Key Employment Locations, while offices may also be acceptable.
- 6.6 In addition, Policy EG2 has identified 'General Employment Locations' which are also to be the focus of employment-generating development, along with site allocations and 'Key Employment Locations'.
- 6.7 Policy EG2 also supports development involving 'non-designated' existing employment sites through their expansion, intensification, upgrading or redevelopment. However, new employment-generating uses will only be supported by Policy EG2 within the built form of 'defined settlements' (i.e. within the settlement hierarchy of Policy S3), although Policy EG7 does provide some exceptions (see below).
- 6.8 The adjacent Dalton Old Airfield Industrial Estate (both existing and allocated) is identified within Policy EG2 as a 'Key Employment Location' and recognised within the Local Plan as an employment area that supports a range of employment uses, including some retail issues, and benefits from a good location closed to the strategic road network and Northallerton. However, as mentioned above, the application site is sited adjacent to but outside of Dalton Old Airfield Industrial Estate with only the access zone of the proposed development within the DAL1 allocation. Furthermore, the application site is not a site of an existing business or another designated employment site as identified within the Local Plan (e.g. a General Employment Location). As such, there is no material support within Policy EG2 for the proposed development in this location.

- 6.9 Lastly, Policy EG7 (Businesses in Rural Areas) states that employment generating development will only be supported outside of the main built form of a 'defined settlement' in four scenarios as summarised below:
- (a) The expansion of an existing businesses that cannot be accommodated within the existing site
  - (b) The re-use (conversion) of an existing building
  - (c) A new building that is well-related to an existing rural settlement where it cannot be located within the built form of a settlement or an identified employment location.
  - (d) Proposals requiring a countryside location.
- 6.10 In terms of Policy EG7, the application is outside of the main built form of a settlement. Dalton village is the nearest settlement, but due to the location and distance involved, it cannot be concluded (for the purposes of Policy EG7) that it is within the main built form of the village or well-related to it. In respect of the economic uses of the proposed development, the industrial and storage and distribution uses are not uses that require a countryside location. Furthermore, the proposals do not constitute the expansion of an existing business and does not propose the re-use of any existing buildings on site, with all the existing on-site buildings proposed to be demolished. As such, the proposal is not supported by Policy EG7.

#### Location of the application and material considerations

- 6.11 As explained above, although the application site is located within the A19/A1 corridor, which is an area recognised within the strategic policies of the Local Plan as being an area of strategic economic growth for the district, there is no site-specific support for the new development proposed within the outline application with regards to the 'EG' policies of the Local Plan (i.e. EG1, EG2, and EG7). Therefore, approving outline planning permission would not be supporting by the specific economic (EG) policies of the Hambleton Local Plan, it is important to consider whether the location of the site and the character and planning history of its immediate surroundings is a material planning consideration that should be given weight in the decision-making process.
- 6.12 The application site is located to the north, and close to, the Dalton Old Airfield Industrial Estate (identified/designated within the Local Plan as a 'Key Employment Locations') which contains a range of industrial and warehouse buildings of various sizes and designs, although the majority are large units of over 1,000 square metres. More recent additions include the Inspired Pet Nutrition (IPN) and National Tube Stockholders (NTS) buildings sited due south of the site. Furthermore, as detailed within sections 1 and 2 of this report, the 'DAL1' site allocation within the Local Plan wraps around the application site with only a small part of the south-eastern boundary of the site not adjoining the allocation with an extant outline planning permission for industrial and storage and distribution uses having already been granted on a site consisting of parts of the allocation immediately to the north and west of the application site (i.e. the 'Dalton 49' development). In addition, there is an extant 'full' planning permission on part of the DAL1 allocation to the east of the site comprising of a mill and a warehouse building, with the approved mill building in particular being of a significant height (approximately 34m). Therefore,

although the application site currently contains agricultural building within the middle of what is currently largely greenfield land, it's evident that due to the DAL1 allocation and extant planning permissions, the existing greenfield land surrounding the application will, in the near future, contain large industrial/commercial buildings, essentially increasing the extent of Dalton Old Airfield Industrial Estate further north and westwards to the boundaries with Dalton Lane and Eldmire Lane respectively.

- 6.13 The retention of the application site as a partial agricultural site would therefore be something of a local land use anomaly within this context, surrounded on all sides by established and proposed industrial development. While access to the agricultural site would remain, the continued use of the site for agriculture purposes becomes less sustainable in this location due to a lack of compatibility with the surrounding commercial land uses, particularly if, as would be likely given the site's last operational use and relatively small size, the agricultural use would involve the housing of livestock.
- 6.14 Furthermore, the approval of the site for industrial and/or storage and distribution uses would dovetail well with the same and similar commercial uses provided for by the DAL1 allocation and approved as part of the 'Dalton 49' and mill building schemes and would be complementary to the existing commercial uses within the Dalton Old Airfield Industrial Estate. It is understood that the application site has recently been purchased by the owners of the adjacent land that has the benefit of hybrid planning permission for the Eldmire Lane site access and B2, B8 and E(g)(iii) commercial uses, and while the application site and the 'Dalton 49' site would be subject to separate planning permissions, there would be a clear possibility (at the respective reserved matters stages) to design, layout and landscape development on both sites that would be complementary, rather than having to design a scheme based on having to (at least in part) mitigate potential visual and amenity impacts resulting from the relative incompatibility of the respective land uses.
- 6.15 It is important to clarify again that the Town and Country Planning Act (1990) and the Planning and Compulsory Purchase Act (2004) require planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In the case of this Council, the current Development Plan consists of the Hambleton Local Plan (and Proposals Maps) and any relevant adopted Neighbourhood Plans. As explained above, there is no support within the specific economic policies of the Local Plan for the approval of the proposed industrial and storage and distribution uses on this site as detailed within this planning application. As such, approving the application in this context would represent a departure from the requirements and expectations of the 'EG' policies of the Hambleton Local Plan, although it is recognised that there is general, non-site-specific support with the strategic policies of the Local Plan for economic development in this general area known as the 'A19/A1 corridor.
- 6.16 Despite the clear conflict with the specific 'supporting economic growth' ('EG') policies of the Local Plan, planning law requires a consideration of whether there are any relevant material considerations that means that the application should be determined other than in accordance with the requirements and expectations of the Development Plan (i.e. the Local Plan in this case). In this regard, paragraph 7.9 of the Supporting Statement concludes that,

“any degree of partial non-conformity given the unallocated and therefore countryside location of the site, is outweighed by the material consideration in this particular case of the site being surrounded entirely by existing industrial development and land allocated and approved (or under construction) for industrial development in this strategic employment location.”

- 6.17 The compatibility and potential ‘dove-tailing’ of the proposed development of the adjacent hybrid planning permission (in contrast to refusing planning permission and retaining the site for agricultural use) would facilitate a much more sustainable and effective use of the site, which would reflect the expectations within Section 2 (Achieving sustainable development) relating to the presumption in favour of sustainable development (para.10) and positively pursuing sustainable development through economic, social and environmental objectives. The economic and environmental objectives are of particular relevance to the current application:
- economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
  - environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 6.18 Paragraph 2 of the NPPF states that the NPPF is a material consideration in planning decisions. Therefore, because the proposals would represent a more sustainable form of development than the site’s current agricultural use (based on the economic and environmental objectives of Section 2 of the NPPF) the proposed use of the site for industrial and storage and distribution purposes is considered to be acceptable, despite having no support within the supporting economic growth’ (‘EG’) policies of the Local Plan.

Design, scale and impact on the character of the landscape and surroundings

- 6.19 Policy E1 (Design) states that all development should be high quality...integrating successfully with its surroundings in terms of form and function...reinforcing local distinctiveness and...a strong sense of place. As such, development will be supported where the design is in accordance with the following requirements of Policy E1 (amongst others): Responding positively to its context...drawing key characteristics from its surroundings...to help create distinctive, high quality and well-designed places (criterion a.); Respects and contributes positively to local character, identity and distinctiveness in terms of form, scale, layout, height, density, visual appearance/relationships, views/vistas, materials and native planting/landscaping (criterion b.); and makes efficient use of the site...consistent with high quality design and the protection of local character and amenity (criterion h.), echoing the requirement within S1 (criterion a.) to make effective and efficient use of land.

- 6.20 Policy E7 (Hambleton's Landscapes) states that the Council will protect and enhance the distinctive landscapes of the district, supporting proposals where (amongst other things) they: (a) take into consideration the degree of openness and the special characteristics of Hambleton's landscapes; (b) conserves, and where possible, enhances any natural or historic landscape features that contribute to the character of the local area; (d) takes account of areas that have been identified as being particularly sensitive to/or suitable for certain forms of development; and (e) protects the landscape setting of individual settlements, helping to maintain their distinct character and separate identity. In terms of townscape, Policy E7 also states that the distinctive character and townscapes of the district's settlements will be protected and enhanced by ensuring that development is appropriate to, and integrates with, the character and townscape of the surrounding area.
- 6.21 The appearance of the development is not a matter for approval as part of this outline planning application. This will be submitted for approval by a Reserved Matters application. The precise height of the buildings to be developed on this site is not known at this outline planning stage, although the submitted Parameters Plan' proposes a buildings of up to 18 metres in height. The matter of height will be subject to approval at reserved matters stage based on a 18m maximum. It is therefore anticipated that the buildings would be broadly of a similar scale as those already within the Dalton Old Airfield Industrial Estate (including the adjacent Wagg/IPN and NTS buildings) and considerably lower in height than the feed mill buildings to the east to be built by l'Anson which is understood to be approximately 34m in height. It should also be mentioned that the approved height parameter for buildings on the adjacent scheme within the DAL1 allocation (as granted by the aforementioned hybrid planning permission on land to the west of the site) is also 18 metres, and I therefore likely to be a similar scale, although it is noted that the Council would be encouraging the developers of that site to consider buildings lower in height than the maximum allowed by the approved parameter. Nevertheless, with large existing and approved (extant) commercial buildings of similar scale and character located to the south-west and east of the application site, it's evident that a building of the broad scale proposed would not be incongruous and visually dominating within this context, despite its out-of-settlement and rural locale.
- 6.22 In terms of building design and external materials, the precise external finishes of the building(s) would be agreed as part of any subsequent reserved matter application. However, in terms of the design concept, it is stated within paragraphs 6.30 and 6.31 of the submitted Supporting Statement that,
- "The development will constitute high quality design in its layout, appearance and landscaping. The design will respond to the existing (and emerging) character of development around the site, whilst being softened by landscape planting. The development will be delivered using appropriate sustainable materials and construction methods."
- "The design will seek to deliver an efficient and effective layout and premises that is attractive to modern business occupiers, accessible to all and that creates a safe and secure environment. It will incorporate energy efficiency and/or renewable generation measures as appropriate."

This is considered a reasonable and accept design approach to the design and appearance of the development which can be followed through as part of the reserved matters.

- 6.23 In terms of lighting, the Design and Access Statement confirms that extern lighting would be designed to not spill out from the site. It is recommended that an external lighting strategy is required by condition if outline planning permission is approved.

Ecology, biodiversity net gain, trees/hedgerows and green infrastructure

- 6.24 In accordance with the Environment Act (2021) and the NPPF, Policy E3 (The Natural Environment) is clear that all development is expected to demonstrate the delivery of a net gain in 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. Furthermore, direct or indirect adverse/negative impacts on SINCs, European sites (SACs and SPAs), and SSSIs should be avoided and will only be acceptable in specific circumstances in detailed in Policy E3. E3 also states that a proposal that may harm a non-designated site or feature(s) of biodiversity interest will only be supported where: 'significant harm' has been avoided (i.e. an alternative site), adequately mitigated or compensated for as a 'last resort' (criterion a.); and where proportionate long-term maintenance arrangements for BNG are demonstrated (criterion b.); and where a 'overriding public need' has been demonstrated that outweighs the need to safeguard biodiversity (criterion c.), or where the principle objective of the proposals is to 'protect, restore, conserve or enhance' biodiversity or geodiversity (criterion d.).
- 6.25 An Ecological Impact Assessment Report (Ec.I.A.) has been submitted with the application. It confirms that a BNG can be achieved for the site by providing areas of species rich grassland. The provision of any SuDS basin features would also be beneficial for ecology/biodiversity. A sensitive lighting scheme (to mitigate the impact on bats) is also recommended, as well as the provision of bat boxes. Barn owl mitigation is also recommended, as is mitigation for the loss of bird nesting and foraging habitat. These recommendations (included within the Ec.I.A.) can be conditioned if outline planning permission is granted, along with the provision a Construction Environmental Management Plan (CEMP). Biodiversity Net Gain should be secured through condition if outline planning permission is approved. The landscape proposals would help to ensure the development is an attractive place to visit, has a sense of place, and is well-integrated into the local context, as well as improving green infrastructure and promoting biodiversity, but the precise details would be agreed through reserved matters. The proposal would therefore comply with Policy E3, E4 and E7 of the Hambleton Local Plan.

Climate change and carbon savings

- 6.26 One of the seven 'sustainable development principles' of Policy S1 (Sustainable Development Principles) is to support development...that takes available opportunities to mitigate and adapt to climate change, including minimising greenhouse gas emissions, and making prudent and efficient use of natural resources (part g.) This is taken further by part k. of Policy E1 (Design) that supports proposals that achieve climate change mitigation measures through location, orientation and design, and takes account of land form, massing and landscaping to minimise energy consumption. In accordance with paragraph 112 of

the NPPF, proposals should also be designed to enable charging of electric and ultra-low emission vehicles in safe, accessible and convenient locations.

- 6.27 The proposals are for outline planning permission so the layout of the site and the design, materials, installations and orientation of buildings would need to be agreed at reserved matters. However, it is referred to within the application documents that electric vehicle charging points would be installed and a range of sustainability measures considered within the design and layout of the scheme. It is important that if outline planning permission is granted that the permission is conditioned to require specific requirements and details for energy efficiency and renewable energy generation to be met. On this basis, the proposals are considered to be capable of complying with the requirements of policies S1 and E1 in respect of adapting to and mitigating the effects of climate change.

#### Amenity

- 6.28 Policy E2 (Amenity) expects all proposals 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, ensuring that (inter alia):
- adequate availability of daylight and sunlight for the proposed use
  - the physical relationships arising from the design and separation of buildings are not oppressive or overbearing, and in particular will not result in overlooking causing loss of privacy;
  - there are no significant adverse impacts in terms of noise (particularly with regards to noise sensitive uses and noise designations, including internal and external levels, timing, duration and character;
  - that adverse impacts from air pollution, contamination, dust, obtrusive light, odour,
  - overheating and water pollution are made acceptable.
  - adequate and convenient provision is made for the storage and collection of waste and recycling.

Where mitigation is necessary to ensure that the above requirements are met their compatibility with all other relevant policy requirements will be considered when determining the acceptability of the proposal.

- 6.29 Likewise, criteria (c) of Policy E1 (Design) states that the design of new development shall achieve a satisfactory relationship with adjacent development and does not have an unacceptable impact on the amenities or safety of future occupiers, for users and occupiers of neighbouring land and buildings or the wider area or creating other environmental or safety concerns.
- 6.30 It is stated within the application that it is the intention of the proposed development to be capable of operating 24 hours a day 7 days a week. Although this can provide

flexibility in terms of the operation of future on site business(es) but creates a difficulty in securing a reasonable level of mitigation across the site and in relation to adjacent businesses/commercial uses.

- 6.31 The application within a semi-rural location, not within or immediately adjacent to any settlement, and there are limited properties within the immediate area of the development site. The proposed B2, E.g (iii), and B8 uses have the potential to generate noise, vibrations and odour and disturbance from general activity and traffic movements. However, any additional impacts have to be considered within the context of the site's immediate surroundings with a range of large-scale industrial and commercial operations taking place on the Dalton Old Airfield Industrial Estate to the south, the mill development to the west and similar industrial and storage and distribution uses approved on the land to the north as part of the 'Dalton 49' development. There is also background noise due to the site's close proximity to the strategic road network. The impact upon the on the area is not considered to be significantly different and the scale and nature of the proposed development would not, within the above context, be significantly or unacceptably harmful to the character or general amenity of the area.
- 6.32 A Noise Assessment (NA) (dated 6 May 2022) has been submitted with the application. The NA identifies the proposed development as 'Dalton New Bridge – Phase 2', differentiating it from the hybrid scheme which it identified as 'Phase 1'. The assessment considers the noise impact associated with the operational phase of the proposed development, together with cumulative impacts associated with Phase 1 approved development, on existing noise sensitive receptors in accordance with relevant planning policy and British Standards (BS). The results of a noise survey (December 2020) have been used to support the assessment, The NA also includes the findings of the assessment and recommended mitigation measures and has been based on predominantly B2 and B8 uses operating on a 24/7 basis.
- 6.33 The results of the assessment indicate an adverse noise impact, however, when considered in context of the surroundings, the impact (subject to appropriate mitigation and design, see below) may be considered to be 'Low'. Furthermore, it should be acknowledged that the development is likely contain Class E(g) use, or more B2 use than what has been assumed, and therefore actual impact is likely to be less than set out in the assessment. However, based on the noise that would be associated with the potential industrial operations on site, the assessment recommends a 3m acoustic screen along the northern boundary of the site and a 2.4 acoustic screen along the western boundary to mitigate noise from industrial/commercial processes, although this is a requirement (as conditioned) for the hybrid permission. Other recommendations relating to the design and layout of the proposed scheme are also recommended including minimum sound insulation for the facades of units and the specification and siting of any plant. These design and layout considerations should be taken into account at reserved matters stage.
- 6.34 The Environmental Health Officer has advised that there is potential for this development to have an adverse impact through noise on nearby residents at Dalton Bridge Park, especially so given the industrial nature and location of the development where noise creep could be an issue. The applicant has asked for no restriction on operating times with the potential for operations 24 hours a day, seven days a week. Therefore, EH have recommended that if planning permission is



approved, relevant conditions should be applied that requires the carrying out and submission to the LPA of a noise impact assessment prior to the commencement of the development in relation to the nearest noise sensitive receptors, and the submission and approval of a demolition and construction plan including measures to mitigate emission of noise, lighting, dust and vibration from the site during the construction phase of the development. It is recommended that the conditions recommended by EH (as summarised in para. 5.11 above) are imposed to the outline planning permission if Members resolve to approve the application.

- 6.35 Any Reserved Matter application(s) would need to provide greater detail on the resultant layout and design of the site, particularly with regards to noise mitigation. However, it is considered the overarching principle of development is acceptable and that providing appropriate conditions are attached to the outline permission, the proposals provide for a balanced approach which would help to achieve the delivery of this employment allocation, maintain flexibility in terms of operation and provide suitable and appropriate protections to ensure that there would be no significant or unacceptable impact on the amenities enjoyed by local residents.
- 6.36 As is clear from the representations submitted from Topcliffe Parish Council and local residents since the October Planning Committee Meeting, there is significant concern from local residents about the impacts on amenity in particular resulting from HGV movements through the villages of Topcliffe, Dalton and Asenby. While a significant proportion of the representations refer to existing issues experienced by local residents due to HGV movements, nevertheless a large number of responses have also raised concerns about the additional impact on amenity from any further HGV movements, including noise, odour, air pollution, safety and the general tranquillity of the settlements affected. It is therefore important to ensure that HGV routes and appropriate signage are agreed in consultation with the Local Highway Authority and secured as part of a Section 106 agreement to ensure that the impacts on local residents are avoided as much as possible. The agent has also confirmed that the applicant would be willing to fund a HGV camera monitoring system in order to help monitor and enforce any breaches of the agreed HGV routes, although their financial outlay would only be for the provision an installation of the system only and not for any ongoing operational an maintenance costs. The Local Highway Authority have been asked whether they would be able to fund any maintenance and operational costs, however are yet to respond. Providing an in principle agreement for future operation and maintenance costs can be agreed, the provision of a camera system can be secured as part of a Section 106 agreement, although given the Local Highway Authority's positive recommendation without the camera system, the camera system is not considered to be necessary to make the development acceptable in highway and amenity terms.. Members will be updated via the Update List or at the Meeting of any reply from the Local Highway Authority in this regard, and if future funding can be secured in principle, a camera monitoring system could be secured via a Section 106 agreement.
- 6.37 The proposed development would therefore be in accordance with Policies E1 E2 of the Hambleton Local Plan.

#### Designing out crime

- 6.38 Policy E1 (Design) of the Local Plan states that a proposal will be supported where it incorporates reasonable measures to promote a safe and secure environment by

designing out antisocial behaviour and crime, and the fear of crime, through the creation of environments that benefit from natural surveillance, defensible spaces and other security measures, having regard to the principles of Secured by Design (criterion d.)

- 6.39 The Police Liaison Officer has provided a detailed report including a range of recommendations to prevent and reduce the risk of crime and the fear of crime. If outline planning permission is granted, then the recommendations within the report should be taken into consideration at reserved matter stage. This can be a conditional requirement of this outline permission.

Highway safety and accessibility/permeability/connectivity

- 6.40 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 therefore only be supported where it is demonstrated that (*inter alia*):

- 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;
- Where transport improvements are necessary proportionate contributions are made commensurate with the impact from the proposed development;
- It seeks to minimise the need to travel and maximise walking, cycling, the use of public transport and other sustainable travel options
- Any potential impacts on the strategic road network have been addressed having regard to advice from early engagement with Highways England (now National Highways);
- Highway safety would not be compromised and safe physical access can be provided to the proposed development from the footpath and highway networks;
- Adequate provision for servicing and emergency access is incorporated; and
- appropriate provision for parking is incorporated,
- Account shall be taken of highway safety and access to, from and in the vicinity of the site; the accessibility of the development to services and facilities by walking, cycling and public transport; the needs of potential occupiers, users and visitors, now and in the future and the amenity of existing and future occupiers and users of the development and nearby property.
- 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.
- All routes within development will be provided to an adoptable standard.

- 6.41 The above policies are consistent with chapter 9 of the NPPF which also promotes sustainable travel. Paragraph 110 of the NPPF also sets out that safe and suitable access should be achieved and any significant impact any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree. The

NPPF further states at paragraph 111, that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 6.42 Included within the outline proposal is the new junction access onto Eldmire Lane that was approved 'full' planning permission as part of the approval of the hybrid planning application on the DAL1 allocation to the west. It was always the intention that this new access would serve both the 'Dalton 49' development and the application site, albeit as an agricultural site. The proposed industrial and storage and distribution use would however result in an intensification of use of this junction. Having been consulted on both the hybrid and current applications, the Local Highway Authority have raised no objections to the creation of the new access, subject to appropriate visibility splays (160m to the south and 90m to the north) being created and retained. This can be required by condition should outline planning permission be approved.
- 6.43 A Framework Travel Plan (FTP) (dated January 2021) has been submitted with the outline application which outlines a range of measures to encourage sustainable travel patterns and reduce traffic impact, as well as details of a monitoring strategy of the Travel Plan measures. It is stated that a 'full Travel Plan will be produced prior to the occupation of the site.
- 6.44 The site is located within the area identified as the strategic A1/A19 transport growth corridor, as well as the Dalton Old Airfield Industrial Estate. However, despite this, the site is located within a relatively rural location where (as acknowledged within the Transport Assessment and Framework Travel Plan) there is limited pedestrian and cycle infrastructure within the vicinity of the site or links to public transport services, although the internal layout can provide an appropriate provision of pedestrian infrastructure with potential links to the DAL1 allocation. In relation to the hybrid application, the Local Highway Authority advised that the provision of a suitable and illuminated route for pedestrians would require significant works and perhaps only have a very limited uptake. However, nearby residential areas likely to be accessible by cycle via road routes and the National Cycle network route 657. Secure cycle parking and facilities for cyclists should be incorporated within reserved matters applications, and it is recommended that any outline permission granted is conditioned to ensure that this is provided for in the design and layout of the scheme.
- 6.45 The FTP recommends the appointment of a designated Travel Plan Co-ordinator (TPC) with the responsibility for the development and implementation of the Travel Plan. Furthermore, the FTP includes a range of physical measures and measures to encourage sustainable travel, including the provision of a travel notice board, travel information pack, motorbike/cycling park, promotion of car share scheme and flexible working hours to reduce reliance on the car and/or reduce the volume of traffic during peak hours. Should outline planning permission be granted, a detailed Travel Plan (based on the FTP submitted with this application) would need to be required via planning condition.
- 6.46 As stated above, existing bus services are limited in this area, however it was acknowledged by Officers and the Local Highway Authority during the consideration of the hybrid application on the land to the west and north that there is scope within

to extend the existing bus service from Northallerton to that site, with provision made (in relation to that approved development) for funding for the diversion of the no.70 bus service to the site (from its current route at Topcliffe) and the introduction of a morning service from Northallerton.

- 6.47 As acknowledged by Officers within the report for the hybrid application, the provision of this bus service would be beneficial from the start of that development in order to encourage change in travel behaviour. However, this would need to be balanced against a reasonable amount of development having occurred to ensure that there are sufficient employees at the site. The Local Highway Authority also accepted (during the hybrid application) that use of this existing service may not be most successful way to achieve more sustainable forms of transport and specifically a reduction in private car usage. If a large number of employees have work times outside the typical work start and end times that cannot reasonably be covered by the existing bus service, diversion of 70 Service would have limited benefit.
- 6.48 Based on the recommendations and requirements of the Local Highway Authority, a Section 106 agreement was agreed and signed in relation to the hybrid application which required the following: a goods vehicle routing plan and Drivers Code of Conduct, an enhancement of accessibility by public transport or private shared transport; Travel Plan monitoring fee; a routing plan and driver code of conduct for future occupiers, and full payment for the costs of the proposed signage and its installation. Since the publication of the October 2022 Planning Committee agenda, the Local Highway Authority have confirmed that on reflection they consider that it would be appropriate to secure the cost of monitoring the Travel Plan and a proportion of the cost of enhancements to the bus service from the applicant (via Section 106 agreement, if outline planning permission is approved) This matter, including details of the financial contribution involved, is currently being clarified with the Local Highway Authority and Members will be updated on the outcome between Officers, Local Highway Authority and the agent in this regard in the Update List or at the Meeting, as appropriate.
- 6.49 However, given the rural nature of the site, car use and car parking for employees will be an inevitable requirement. The FTP and TA state that car parking provision alongside electric vehicle and cycle parking will meet the standards outlined in North Yorkshire County Council's (NYCC) document "NYCC Interim Parking Standards 2015" or subsequent adopted standards and those full details will be provided at the reserved matters stage. The indicative site plan does show the provision of areas of car parking, and a requirement on the application will be conditioned in relation to the provision of a scheme for electric vehicle charging.
- 6.50 The traffic movements generated from the site have been considered within the submitted Transport Assessment (TA) (dated May 2022) and the subsequently submitted Highways Technical Note (dated 24.08.2022) Although National Highways had initially issued a holding objection to the application, this has since been removed following the National Highway's consideration of the information within the Highways Technical Note, confirming that they were satisfied that the development could be accommodated within the existing network.

- 6.51 The precise parking provision and layout would be agreed at the reserved matters stage, although there is sufficient space within the application site to accommodate NYCC's the minimum parking standards for the proposed development.
- 6.52 Overall, the cumulative impacts on the highway network would not be severe and the proposed development satisfactorily provides additional mitigation and enhancements to accessibility (including appropriate types of non-car modes of transport) to comply with the requirements and expectations of Policy IC2 of the Local Plan and chapter 9 of the NPPF.

#### Impact on rights of way

- 6.53 Policy IC3 (Open Space, Sport and Recreation) states that a proposal will be supported where it is demonstrated that the routes of any PROW(s) and their amenity value will be protected., or if this is not possible, the affected routes diverted with no loss of recreational amenity value.
- 6.54 Having consulted with NYCC'S definitive map, there are no public rights of way routes that wither cross the site or are located adjacent to its boundaries, with the nearest PROWs being some distance to the east and west within the settlements of Dalton and Topcliffe respectively.

#### Flood risk and surface water drainage

- 6.55 Policy RM2 (Flood Risk) states that the Council will manage and mitigate flood risk by (amongst other less relevant considerations): avoiding development in flood risk areas, where possible, by applying the sequential test and where necessary applying the exception test in accordance with national policy...(criterion a.); requiring flood risk to be considered for all development commensurate with the scale and impact of the proposed development and mitigated where appropriate (criterion c.), and reducing the speed and volume of surface water run-off as part of new build developments (criterion d.) Policy RM2 further states that these aforementioned requirements will be achieved by supporting proposals only where it is demonstrated that, amongst other matter, sustainable drainage can be achieved.
- 6.56 The application site is located within Flood Zone 1 and therefore at the lowest risk of fluvial flooding. According to the EA's Surface Water maps, the site is not at risk of surface water flooding or from other sources of flooding. The application was submitted with a Flood Risk Assessment and Drainage Strategy (V.1). The Lead Local Flood Authority have been consulted on the application and having considered the application (including the FRADS) originally raised some matters to be addressed. The agent subsequently submitted a revised FRADS. Due to the unsuitable ground conditions for infiltration/soakaway use, the surface water drainage strategy detailed within the revised FRADS proposes to discharge surface water to Cod Beck via the existing surface water drain at a restricted rate (9.5l/s), with on-site attenuation (i.e. open basins and, if required, subterranean pipes/tanks) to be provided. Having considered this, they have subsequently confirmed that they have no objections, subject to the conditions mentioned above in para.5.6. The development proposes a satisfactory drainage strategy, with additional detail and information required able to be provided via the reserved matters application or conditions

- 6.57 The proposed development therefore conforms to the relevant parts of Policies RM1, RM2 and RM3, and the policies set out in Chapter 14 of the NPPF on meeting the challenge of climate change and flooding.

Contamination, groundwater and air quality

- 6.58 RM4 sets out the Council's approach in relation to how development proposals affect and are affected by air quality. RM5 identified the Council's approach in relation to ground contamination and groundwater pollution.
- 6.59 A Phase 1 Desktop Study Report has been submitted in support of the above development. Having considered the Phase 1 survey, Environmental Health have recommended further investigation. Conditions have been attached to secure a report detailing the findings and recommendations of a Phase 2 site investigation and Risk assessment and any remediation of any contamination on the site. The site is not located within an Air Quality Management Area (AQMA) although a Air Quality Assessment has been submitted with the application No concerns have been raised by statutory consultees in this respect. Therefore, the proposal would accord with the aims of RM4.
- 6.60 Foul drainage is proposed to be dealt with on-site, via a package treatment plant. Further clarification is being sought from the agent regarding why a non-mains means of foul drainage is proposed over and above the details provided within the submitted application documents. Members will be updated on this matter before the Committee meeting.

RAF aerodrome safeguarding

- 6.61 Policy E2 requires consideration to be given to the consideration of development on designated areas such as the MoD's aircraft safeguarding zones. In their response, the MoD have recommended measures with regards to the landscaping, SuDs and gull prevention. This can be ensured through conditions and the reserved matters application.

Impact on the settings of heritage assets (including conservation areas, listed buildings and scheduled monuments)

- 6.62 Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features or special architectural or historic interest which it possesses, whilst section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The requirement to preserve, and where possible, enhance heritage assets (which includes Conservation areas and listed buildings) is a requirement of the NPPF as well as Policy E5 (Development Affecting Heritage Assets) of the Local Plan, which specifically states that a proposal will only be supported where it ensures that, (amongst other considerations not relevant to the current proposals) 'those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.' (part i.) This builds on Policy S7 (the Historic Environment) which states that Hambleton's Heritage Assets will be conserved in a manner appropriate to their significance.

- 6.63 There are no recorded designated heritage assets that fall within the site boundary. The development will have potential to impact upon the setting to one designated heritage asset, this being the Scheduled Monument Maiden Bower and Cock Lodge, located approximately 350-400m southwest of the site
- 6.64 National policy guidance makes it clear that Scheduled Monuments are regarded as being in the category of designated heritage assets of the highest significance where substantial harm to their significance should be wholly exceptional. There are two sections of Maiden Bower and Cock Lodge: a motte and bailey castle, moated site, windmill mound and associated linear outwork within 700 metres of the western boundary of this site.
- 6.65 The significance within the setting to the scheduled monument principally relates to the interrelationship of the various elements comprising the monument, which evidence Norman and medieval settlement and agricultural activity, and to the relationship with the Swale and Cod Beck water courses. The elevated position of the monument commands extensive views across the wider landscape which will take in the site, although the site itself is distinct from the character of the retained landscape to the west of Eldmire Lane.
- 6.66 Similar to the adjacent 'Dalton 49' proposed development,. the site is viewed in the context of the wider industrial estate and the buildings constructed within it and given the distance of separation; it is considered that the development would have no material visual impact upon the setting to the monument, particularly given the approved surrounding and intervening industrial land and buildings. In this context, development is not considered to have a harmful impact on the visual openness of the setting to the Maiden Bower and Cock Lodge scheduled monument, particularly given the mitigating impact of associated landscaping.
- 6.67 Therefore there would be no impact from the proposed development on the setting of any heritage assets and the proposed development would be in accordance with policies S7 and E5.

#### Economic impacts

- 6.68 The NPPF makes clear that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 6.69 The NPPF also states that planning policies and decisions should recognise and address the specific locational requirements of different sectors, including making provision for storage and distribution operations at a variety of scales and in suitably accessible locations.
- 6.70 As the neither occupier businesses, nor the exact scale and nature of the development, are yet known, it is not possible to be precise about the number of jobs opportunities that may be created by the development. However, the based on the size of the site, over 100 jobs would likely be created on site. Furthermore, significant additional employment and local trade opportunities will be generated by the construction phase of the development. The development will also generate

wider economic benefits through supply chains and wage expenditure in the local market. The creation of employment opportunities constitutes a major socio-economic benefit as it contributes to reduced unemployment, enhanced skills and training, job progression, improved health and reduced deprivation. Major employment development also assists in supporting and safeguarding public services through increased tax revenues that may be retained locally. The proposed development would comply with the relevant strategic objectives of Policy S1 in helping to generate sustainable economic growth.

#### Planning balance and conclusion

- 6.71 The proposed development, although not supported by the specific economic policies of the Hambleton Local Plan, is within A19/A1, an area identified within the Hambleton Local Plan for strategic economic growth. The location of the site surrounded by existing, approved and allocated economic development is an important material consideration in considering the location of the proposed development, as is the economic and environmental objectives of the NPPF. The proposals would have important economic benefits and would be complementary to the existing economic land uses in this location. With the exception of the aforementioned 'EG' policies, the development is considered to meet the expectations of the relevant policies of the Local Plan and NPPF, subject to appropriate planning conditions. Based on this it is recommended that outline planning permission is granted, subject to the conditions in section 7 ('Recommendations') below.

#### 7.0 Recommendation:

- 7.1 It is recommended that outline planning permission is **Approved**, subject to (A) the completion of the s106 agreement and (B) the following condition(s):

##### (A.) Recommended Section 106 Matters:-

1. Travel Plan and Monitoring  
A fee payable to NYCC to monitor the introduction/implementation of the Travel Plan. The fee is to be agreed with the NYCC. The Section 106/Travel Plan shall include details of a Car Share Scheme.
2. Traffic Monitoring Camera System  
Providing the future operational and maintenance costs can be secured (with the Local Highway Authority), a financial contribution from the applicant for the installation of a traffic camera system within Topcliffe Parish to monitor HGV compliance with relevant road restrictions.  
Routing Plan/HGV Management Plan



3. The applicant and any successors to the land shall agree to a routing/HGV management plan for all Goods vehicles accessing the site. The routing/management plan shall include the following:
- Compliance with existing weight restrictions on the local road network, at the A167, Long Street and Dalton Lane with Goods vehicles arriving and leaving via the A168 and not travelling through Asenby, Topcliffe and Dalton villages, unless the origin or destination of the trip is from within the areas where the weight limits in place for these villages cover
  - A requirement to compel all end users (occupying the premises) of the site to sign up to the above routing arrangements for Goods vehicles.
  - A Drivers Code of Conduct allowing the land owner and/or site operators to enforce the agreed routing arrangements and to provide procedures relating to monitoring, recording breaches and sanctions.
  - A mechanism to inform off-site regular deliveries of the requirements.
  - The routing plan shall also include a map of routes/ restricted routes/ weight restrictions / TRO's etc. and shall include information in relation to recommended routes to petrol stations, rest stops, holding areas suitable for HGVs avoiding Asenby, Topcliffe and Dalton which shall be made available for all staff and regular visitors.

#### Signage

4. Unless all necessary signage has already been secured and/or implemented as part of the adjacent hybrid planning permission, a fee is to be provided to NYCC to facilitate the procurement, installation, and maintenance of the approved signage in accordance with an agreed timetable. Agreement of any required signage scheme including design/specification, programme/ timescale, safety audit etc for upgrade of highway direction and weight limit signage.

#### Bus Service Contribution

5. A financial contribution towards bus service provision shall be payable to the County Council. The requirements and fee to be agreed with the NYCC.

#### (B.) Recommended Planning Conditions:-

1. Application for the approval of all the reserved matters shall be made to the Local Planning Authority not later than seven 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. ten 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. No development shall take place in any Phase without the prior written approval of the Local Planning Authority of all details of the following reserved matters for that Phase:

- i. Appearance.
- ii. Landscaping.
- iii. Layout.
- iv. Scale.

Thereafter the development of that Phase shall not be carried out otherwise than in strict accordance with the approved details.

3. Prior to the commencement of the development hereby permitted a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority providing the development is to be undertaken in more than one phase. Thereafter each Reserved Matters application for a Phase shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved by this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission.

4. The Reserved Matters applications for each phase of the development shall be submitted in substantial accordance with the approved Parameters Plan Dwg No. 2019-062-062 Rev.D.

5. The access road and associated works shall be laid out and undertaken within the area identified as the Access Zone on the approved Parameters Plan Dwg No. 2019-062-062 Rev.D.

6. The development must not be brought into use until the access to the site from Eldmire Lane has been set out and constructed in accordance with the approved proposed Access Layout Plan Dwg No. AMA/20573/SK006.6; the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements: The access as shown on Dwg No AMA/20573/SK006.6 must be formed with 20 metres radius kerbs, to give a minimum carriageway width of 7.3 metres at the access. Kerbing should be provided 3 metres beyond the radius on each side of the access and for a corresponding length opposite the access to form a minimum carriageway width of 7.3m on Eldmire Lane. That part of the access roads extending 10 metres into the site must be constructed in accordance with Standard Detail number E60 and the following requirements.

(a) Any gates or barriers must be erected a minimum distance of 17 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.

(b) That part of the access extending 10 metres into the site from the carriageway of the existing highway must be at a gradient not exceeding 1 in 30.

(c) 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.

(d) The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

(e) Measures to enable vehicles to enter and leave the site in a forward gear.

All works must accord with the approved details.

7. There must be no access or egress by any vehicles (associated with the development hereby approved) between the highway and the application site at Eldmire Lane until the following splays are provided;

(a) Splays giving clear visibility of 160m to the south and 90m to the north measured along the channel lines of Eldmire Lane from a point measured 4.5m down the centre line of the access road.

In measuring each splay, 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. There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) until full details of the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) vehicular, cycle, and pedestrian accesses;
- (b) vehicular parking;
- (c) vehicular turning arrangements including measures to enable vehicles to enter and leave the site in a forward gear, and;
- (d) loading and unloading arrangements.

No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

9. 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. details of any temporary construction access to the site including measures for removal following completion of construction works;
2. wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
3. the parking of contractors' site operatives and visitor's vehicles;
4. areas for storage of plant and materials used in constructing the development clear of the highway;
5. measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
6. details of the routes to be used by HGV construction traffic
7. protection of carriageway and footway users at all times during demolition and construction;
8. protection of contractors working adjacent to the highway;
9. details of site working hours;
10. erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
11. means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
12. measures to control and monitor construction noise and vibration;
13. details of the measures to be taken for the protection of trees;
14. details of external lighting equipment;
15. details of ditches to be piped during the construction phases;
16. a detailed method statement and programme for the building works; and

17. contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

10. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a detailed design framework for site shall be submitted to and approved in writing by the local planning authority. The framework shall set out the overall vision and character for the development, and for each subsequent phase, and shall include how sustainability measures, including those contained within the submitted Design and Access Statement, Planning Statement Ecological Impact Assessment, will be incorporated into the development. The approved design framework shall be adhered to within the design, layout and landscaping details of any subsequent Reserved Matters application(s)

11. No development of any phase shall commence until a Construction Environmental Management Plan ("CEMP") for That phase has been submitted for the written approval of the local planning authority for each phase of the development. The CEMP must be available onsite for consultation by site operatives throughout the course of constructions works for each phase. The CEMP shall include best practice working methods for habitats and species and recommendations identified in the Ecological Impact Assessment. Once approved, development of each phase shall be undertaken in accordance with approved CEMP.

12. Prior to the completion of the relevant unit forming part of the development, details of Electric Vehicle Charging Points associated with that Phase or unit shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the specification of charging equipment. The Electric Vehicle Charging Points associated with each unit shall be installed prior to the occupation of that unit as approved and shall be maintained as such thereafter and no change shall take place without the prior written consent of the Local Planning Authority.

13. Any application for reserved matters in relation to any phase of the development shall be accompanied by a plan showing provision of cycle parking and facilities for cyclists to use. Thereafter such provision shall be installed and made permanently available for use, unless otherwise agreed in writing with the Local Planning Authority.

14. No individual plot shall be brought into use until the vehicle access, parking, manoeuvring, and turning areas approved above have constructed in accordance with the approved details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

15. The development must be carried out and operated in accordance with the approved Framework Travel Plan. Where the measures/action are identified as part of the site construction or to be agreed, further details shall be submitted for the written approval of the Local Planning Authority and once approved implemented in accordance with the agreed details. The Travel Plan shall also include the distribution of any Routing Plan and Driver Code of Conduct. Those parts of the approved Framework 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.

16. Upon submission of any subsequent Reserved Matters application(s) for any phase(s) of the development a Landscape and Ecological Management Plan shall be submitted to

and approved by the Local Planning Authority for that phase. The Landscape and Ecological Management plan shall include (but is not limited to):

- i. The species mixes and structure for each landscape
- ii. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.
- iii. Timing of planting and delivery.
- iv. The management requirements (establishments and long-term management).
- v. Green Infrastructure links to any previously approved phase and any adjoining land already developed or with an extant/commenced planning permission.

The details of the Landscape and Ecological Management Plan shall be accounted for within the appearance/design, scale, layout and landscaping details of any subsequent Reserved Matters application(s). The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

17. Prior to commencement of any phase(s) of the development hereby approved a biodiversity scheme/biodiversity environmental management plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme/plan shall detail proposals for how the development will achieve a measurable net gain for biodiversity including on site provision for habitats, using Natural England's biodiversity metric 3.1 or if superceded, any subsequent version of the Natural England metric. The development shall thereafter be carried out in accordance with the approved details. The scheme/plan shall also provide details of the biodiversity and ecological protection, mitigation and enhancement measures as recommended and included within the Ecological Impact Assessment Report. All additional survey work recommended within the Ecological Impact Assessment Report shall be undertaken prior to the commencement of the development and any recommendations implemented.

18. The details to be submitted in accordance with condition no. 2 above (i.e. design/appearance, landscaping, layout and scale) shall make provision for convenient and appropriately designed bin storage (including recycling) facilities for the approved dwelling. The details shall include scaled drawings and the external materials of any external bin storage facilities proposed.

19. No development of any phase shall be commenced until a Phase 2 assessment of the risks posed by contamination for that Phase, 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.

20. Prior to development of any phase, a detailed remediation scheme to bring the site of that phase 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) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall 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.

21. Prior to first occupation or use of any phase, 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.

22. Development of any phase of the development shall not commence (including the approved site access) until a scheme detailing surface water drainage in accordance with the as amended Flood Risk Assessment and Drainage Strategy (V.3 – August 2022) has been submitted to and approved in writing by the Local Planning Authority. The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

The design of any attenuation pond, basin, swale or similar 'open water' SuDS features shall be designed to reduce their attractiveness as a habitat used by water fowl and other bird species in order to reduce the risk of aircraft birdstrike.

23. Development of any phase of the development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 9.5 litres per second for up to the 1 in 100 year event. An appropriate 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. The scheme shall include a detailed maintenance and management regime for the storage facility. 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 risk in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

24. No part or phase of development shall take place until an appropriate Exceedance Flow Plan for the site incorporating that phase has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when drainage 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.

25. 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 approved point(s) of discharge.

26. Prior to the commencement of the development, measures to protect the public water supply and sewerage infrastructure that is laid within the site boundary shall be implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be

retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the water main or sewer , 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 .

27. Prior to the commencement of any phase of the development, full details of the proposed means of disposal of foul water drainage for that phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, no phase of development shall be occupied or brought into use prior to completion of the approved foul drainage works for that phase.

28. Prior to the provision of any water supply to any phase of the development hereby approved, written confirmation shall be provided to the Local Planning Authority that any new buildings shall meet Building Research Establishment Environmental Assessment Method (BREEAM) standards (or successor or equivalent standards) 'Good', with regards to water efficiency, as a minimum.

29. No phase of the development shall commence unless detailed cross sections showing the existing ground levels in relation to the proposed ground and finished floor levels for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. 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.

30. Prior to the phase of the development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development of that phase shall be submitted for the approval of the Local Planning Authority. The development of each phase shall be constructed in accordance with the approved materials for that phase.

31. Any subsequently submitted reserved matters application(s) shall be accompanied by details that show how 'Secured by Design' principles have been incorporated into the design of each plot having demonstrated how the recommendations and advice contained within the Designing Out Crime Report (dated 14 July 222) as submitted by North Yorkshire Police's Designing Out Crime Officer in relation to the outline application have been taken into account. The development shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

32. The development shall achieve energy efficiency measures to provide at least 10% of the energy requirements of the development from on-site renewable energy generation or otherwise demonstrate similar energy savings through design measures. Prior to the occupation of any unit details shall be submitted to the Local Planning Authority which identify how this will be achieved. Once agreed the development shall be implemented in accordance with the approved details, and thereafter retained.

33. No external lighting shall be installed during the operational stages of any phase of the development, other than in complete accordance with a lighting strategy that has been approved in writing by the Local Planning Authority for that phase of the development. The scheme will include the approach to the lighting strategy and how this will be applied to different areas of the development with different lighting needs, to maximise efficiency and

minimise light pollution. Unless otherwise approved in writing by the Local Planning Authority, all future replacement and additional external lighting shall comply with the approved lighting strategy.

34. No phase of the development shall commence until details relating to boundary walls, fences, and other means of enclosure for all parts of that Phase of the development have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the boundary walls, fences, and other means of enclosure for that phase have been constructed in accordance with approved details, which shall thereafter be retained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

35. No building or unit shall be occupied, where extraction equipment is required, until a scheme for the control of noise from ventilation, air extraction, heat pumps and heat exchanger units and other similar devices for that building or unit (where such devices are to be installed) has been submitted to and approved in writing by the Local Planning Authority. The measures in the approved scheme shall be always implemented and devices shall be maintained in accordance with the manufacturer's specification.

36. All emissions to atmosphere resulting from any processes, plant, or activity shall be treated and discharged at a height, position and in a manner to the satisfaction of the Local Planning Authority. Details of these emission(s), odour impact assessments and the method(s) of odour abatement, treatment of the discharge shall be submitted and agreed in writing with the Local Planning Authority prior to the commencement of emissions and the development shall only operate in compliance with the approved details unless otherwise approved in writing by the Local Planning Authority.

37. Prior to the occupation of any building within any phase a Management Operating Plan relating to that part(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

(A) An assessment of the potential for sources of noise and disturbance likely to affect residential amenity in the area, and shall identify the following:

- i. noise levels from plant, machinery or equipment working in isolation and together;
- ii. hours of operation for the unit, including delivery arrangements, and anticipated shift patterns;
- iii. a waste management plan setting out how waste associated with the unit(s) will be stored and removed;

iv. any outside maintenance and cleaning activities; and

v. overnight parking requirements including refrigerated vehicle parking.

(B) If the details submitted under Part A indicate that the nature of the business operation is likely to affect neighbouring residential amenity then a detailed noise assessment shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the unit(s). The detailed noise assessment shall include:

- i. an assessment of noise impacts in accordance with British Standard 4142 (BS4142);
- ii. a scheme specifying the provisions to be made for the control of noise, including any acoustic screening to plot boundary if required; and
- iii. it shall demonstrate that the rating level of the noise, corrected for acoustic features, measured at, or calculated to a position representing the nearest residential property does not exceed any respective background sound levels (L90) as set out and prior approved by the Local Planning Authority.



38. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), development comprising industrial uses (Class B2/E(g)(iii)) and/or storage or distribution uses (Class B8), including ancillary office space, with associated infrastructure and landscaping hereby approved shall not be used for any other purpose than those specified within the application description without the formal consent of the Local Planning Authority.

39. Prior to the submission of any subsequent Reserved Matters application(s) for any phase of the development a Bird Hazard Management Plan shall be submitted to and approved by the Local Planning Authority for that phase. The Bird Hazard Management Plan shall demonstrate, but not limited to, how the breeding of large gulls will be prevented within the site, including on any buildings. The details of the Bird Hazard Management Plan shall be accounted for within the appearance/design, scale, layout and landscaping details of any subsequent Reserved Matters application(s). The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

40. There must 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. The works shall be implemented in accordance with the approved details and programme.

The reasons for the conditions are:

1. To ensure compliance with Section 92 of the Town and Country Planning Act, 1990.
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. 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 Development Framework Policy CP14. 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 Development Framework Policy CP1.
4. In order that the development is undertaken in a form that is appropriately based on the parameters and indicative nature of the development as set out in the relevant submitted application plans.
5. To ensure that the approved layout is able to provide a safe and adequate means of vehicular access to and from the site for the development hereby permitted in accordance with Policy IC2 of the Local Plan.
6. 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 user in accordance with Policy IC2m of the Hambleton Local Plan.

7. In the interests of highway safety and in accordance with Policy IC2 of the Hambleton Local Plan.
8. To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development. in accordance with policies IC2 and E1 of the Hambleton Local Plan.
9. In the interest of public safety and amenity in accordance with Policies IC2 and E2 of the Hambleton Local Plan.
10. In order that the development is undertaken in a sustainable way, appropriate to the environment and the character and appearance of its surroundings, in accordance with policies S1 E1, E3, E4 and E7 of the Hambleton Local Plan.
11. In accordance with the objectives of sustainable construction and in the interests of ecology of the site, in accordance with Local Development Framework Policies S1, E1, and E3 of the Hambleton Local Plan.
12. In the interests of sustainable development and in accordance with Policies S1 and E1 of the Hambleton Local Plan.
13. In the interests of accessibility and sustainable development in accordance with Policies S1, E1 and IC2 of the Hambleton Local Plan.
14. To ensure safe and appropriate access and egress to the premises, in the interests of highway safety, the convenience of prospective users of the highway, in accordance with Local Development Framework Policies S1, E1 and IC2 of the Hambleton Local Plan.
15. In the interest of accessibility and sustainable development in accordance with Policies S1, E1 and IC2 of the Hambleton Local Plan.
16. To protect and enhance ecology within the site in accordance with Policy E3 of the Hambleton Local Plan.
17. In the interests of achieving an appropriate net gain in biodiversity within the site, in accordance with Policy E3 of the Hambleton Local Plan.
18. To ensure that the development is designed to provide for sufficient and convenient bin storage facilities that respects the appearance of the development and its surroundings, as well as the amenities of residents, in accordance with policies E1 and E2 of the Hambleton Local Plan.
19. 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 Policies E2, RM1 and RM5 of the Hambleton Local Plan.
20. 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 Policies E2, RM1 and RM5 of the Hambleton Local Plan.

21. 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 Policies E2, RM1 and RM5 of the Hambleton Local Plan.

22. To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

23. To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere, in accordance with policies RM2 and RM3 of the Hambleton Local Plan.

24. To prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site in accordance with Policies RM2 and RM3 of the Hambleton Local Plan.

25. To prevent capacity issues within the foul drainage network and to avoid pollution issues, in accordance with Policies RM1 and RM5 of the Hambleton Local Plan.

26. In the interest of public health and maintaining the public sewer network, in accordance with Policy E2 of the Hambleton Local Plan.

27. In order to ensure the site is satisfactorily drained and avoid the pollution of watercourses and land in accordance with Policies RM1 and RM5 of the Hambleton Local Plan.

28. To ensure that the proposed development achieves an appropriate level of water efficiency, in accordance with the relevant requirement of Policy RM1 of the Hambleton Local Plan.

29. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.

30. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.

31. In the interests of reducing and preventing crime and the fear of crime, in accordance with Policies E1 and E2 of the Hambleton Local Plan.

32. To ensure that the development incorporates appropriate measures and demonstrate that the development is appropriately energy efficient and incorporates on-site renewable energy technologies, where feasible to do so, in accordance with policies S1 and E1 of the Hambleton Local Plan.

33. In order that the Local Planning Authority can consider the impacts of the proposed lighting scheme and avoid environmental pollution and unacceptable amenity issues in accordance with policies S5, E1, E2 and E7 of the Hambleton Local Plan.

34. In the interests of the design and visual amenity of the area in accordance with policies S1, S5, E1 and E7 of the Hambleton Local Plan.
35. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
36. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
37. In order to protect the amenities of local residents within the locale, in accordance with Policy E2 of the Hambleton Local Plan.
38. To reserve the right of control of the Local Planning Authority and to protect amenity as alternative uses may not be acceptable in this location, in accordance with the relevant policies of the Hambleton Local Plan.
39. To ensure that all appropriate measures, including design and landscaping features are taken into account to prevent the risk of potential birdstrike within the MoD Birdstrike Safeguarding Zone, in accordance with Policy E2 of the Hambleton Local Plan.
40. In the interests of highway safety and in accordance with Policy IC2 of the Hambleton Local Plan.